

Report to the Cabinet

Report reference: C-007-2021/22

Date of Meeting: 12 July 2021

Subject: **Implementation of the Local Plan: Update on progress**

Responsible Officer: **Nigel Richardson (01992 564110)**

Democratic Services: **Adrian Hendry (01992 564246)**



**Epping Forest
District Council**

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 – D) together with the positive progress being made on the Local Plan as its reaches the next stage of Main Modification Consultations;
- (2) To approve the Housing Action Plan and its publication (See Appendix E).

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. Consideration is being given to whether some workshops/meeting could take place in person later this year, subject to COVID restrictions. The majority of community engagement is still taking place virtually and this will be reviewed periodically.

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 Local Plan Inspector is close to finalising the Main Modifications Schedule which will be published for consultation on 8th July, 2021. Preparation includes a member briefing session, presentation of all consultation materials and guidance on the Council's website, communication via the consultee database, press releases, information at libraries and on social media. Following the consideration of the representations, the Inspector will determine if the Local Plan is 'sound' and if so, is likely to be adopted by the District Council

in later 2021.

Annually, MHCLG publishes a Housing Delivery Test (HDT) measurement which calculates the number of new homes built in the past 3 financial years and divides this by the number of new homes required. The latest Housing Delivery Test (HDT), published in January 2021, calculates the HDT measurement for Epping Forest between April 2017 to March 2020 as 49%. As the HDT is below 95%, the Council is required to prepare a Housing Action Plan. The Action Plan will set out reasons for under delivery in the District and actions to accelerate delivery in the future and will build upon the Council's Housing Implementation Strategy 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.

To comply with the Council's general obligations as a local planning authority and the requirements set out in national planning guidance.

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.

To not prepare or to delay the publication of the Housing Action Plan would be contrary to advice contained within NPPF and NPPG.

Report:

Strategic Masterplans, Concept Frameworks and other allocated sites

1. [The Local Plan Submission Version 2017](#) (LPSV) promotes a joined up, collaborative and proactive approach to the planning and implementation of key strategic sites across Epping Forest District. The production of Masterplans and Concept Frameworks will ensure that development proposals are brought forward in accordance with the Council's priorities and policies and facilitate the delivery of necessary infrastructure.
2. Strategic Masterplans and Concept Frameworks provide an overarching framework to ensure that development is brought forward in a coordinated and coherent way in accordance with high quality place making principles. The planning applications which follow must demonstrate general conformity with an endorsed Masterplan or Concept Framework. As set out in the [18 October 2018 Cabinet Report](#), the Council's Local Plan Cabinet Committee (LPCC) has the authority to approve Draft Strategic Masterplans and Concept Frameworks for consultation. Following the six-week consultation period, Strategic Masterplans will then be taken to Cabinet for formal endorsement as a material planning consideration. The process for Concept Frameworks is broadly similar, however owing to their smaller scale, these will only be taken to LPCC once for formal endorsement.

3. As set out in paragraph 15 of the report to Cabinet on 18 October 2018 a commitment was made to provide members with regular updates on the progress of masterplans and concept frameworks within Epping Forest District to ensure that members are kept fully informed of the progression of each plan.

Current progress on the masterplans

Garden Town masterplans

4. EFDC officers are liaising with key stakeholders across the 5 Garden Town authorities and relevant site promoters. EFDC and Harlow District Council (HDC) are meeting regularly with John Lawson Partnership (JLP) working on behalf of Princess Alexandra Hospital (PAH) to discuss the masterplanning proposals. As part of the project programme set out in the PPA, topic based workshop meetings have been held during June and July with PAH, the Garden Town authority partners and key stakeholders to discuss technical matters. The initial proposals for the hospital redevelopment were reviewed by the HGGT Quality Review Panel on 4 December 2020 and again on 25th June 2021. These discussions are to inform the preparation of a joint position statement between PAH and the Garden Town authority partners that is required to support the submission of the outline business case (OBC) that Public Health England will need to make to the Treasury in October 2021. The interim position statement was agreed by EFDC and Harlow Officers in January 2021 and is currently being refreshed.
5. The next phase of workshops in relation to the Latton Priory Masterplan Area are taking place between May and July 2021 to discuss the sustainable transport corridor (STC) and Suitable Alternative Natural Green Space (SANG) provision, in addition to masterplanning/design, landscape, sustainability etc. These workshops are seeking to assess the draft masterplan against the HGGT's most up to date guidance and strategies. Meetings have been held with the site promoters/agent for Water Lane in February to discuss SANG and STC matters as well as agree the proposed work programme for developing the masterplans. A further workshop to discuss the form and design of the STC through Water Lane was held in April 2021. Officers are liaising with Garden Town Partners on the potential for open space provision outside the masterplan area and the implications of STC routing on the masterplan framework and land assembly.
6. 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

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

North Weald Airfield and North Weald Bassett masterplans

8. Officers are discussing the project programme with site promoters for North Weald Bassett and topic based meetings and masterplanning discussions have commenced. The draft masterplan will be referred to the QRP for review in August 2021. The Implementation Team has also been engaged in discussions with the Council's consultants in respect of the North Weald Airfield masterplan as they prepare initial draft options. Soundings on behalf of the Council as landowner has undertaken consultation in November/December 2020 and early this year. Officers await the feedback from the consultation and will be working with the Council's consultants to develop the masterplan options.

South Epping masterplan

9. 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.
10. Discussions on the two Concept Frameworks are still at an early stage in the process.

Other allocated sites

11. 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.
12. 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. Officers are liaising with the applicant regarding amendments to the proposals, the air pollution mitigation required in relation to the Epping Forest SAC and target committee date. Furthermore, the three residential applications at St John's, Hemnall Street and Civic Centre were submitted and registered at the beginning of April. Officers are liaising with the applicant regarding the design, air quality considerations and responses from statutory consultees that will need to be addressed.
13. The revised planning application for the Next development proposals on land at Dowding Way was referred to the District Development Management Committee on 21

December 2020. This was referred to Full Council for determination and was refused at the meeting on 28th June 2021. Ahead of the committee, a Member Briefing took place on 10th June to provide to present the proposals and provide the opportunity for questions. The Council had negotiated the removal of the Highways England holding objection and undertook an additional piece of transport modelling work to demonstrate that the proposed right-hand turn ban from Honey Lane East into Forest Side would not have a detrimental impact on air quality in the Epping Forest Special Area of Conservation. The proposed mitigation measures were endorsed by Highways England and Natural England.

Interim Air Pollution Mitigation Strategy

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

15. The Council will be proposing Main Modifications to Policies DM 2 and DM 22 to the Inspector to address the matter and will be submitting an updated HRA to take account of the latest evidence.
16. Officers will be reviewing all of the undetermined applications in terms of policy and other material planning considerations and the Council is proposing to release decisions on applications which have been held in abeyance in accordance with the following sequence:
 - Applications with a Committee resolution to grant permission;
 - Allocated or designated sites that comply with the ambitions of the emerging Local Plan;
 - All other applications in order of validation date

Update on Examination of the Emerging Local Plan

17. The Local Plan Inspector is close to finalising the Main Modifications Schedule. The Main Modifications are changes to the published Local Plan Submission Version (2017) which are required to remedy issues of soundness. The Inspector published an updated position statement on the Plan Examination website (ED119) on 08 June 2021 which outlines this progress and confirms that the Council is aiming for consultation on the Main Modifications to commence on or around 05 July 2021. The current working assumption is the consultation will commence on 8th July for a 10 week period.
18. The Council is busy preparing for the Main Modifications consultation. Specific elements will include a District Member briefing session, 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.
19. Following the consultation, the Council will share all representations to the Planning Inspector for her consideration. 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 can be formally adopted by the Council if it makes the Main Modifications she recommends.

Housing Action Plan

20. NPPF introduced the Housing Delivery Test (HDT) and sets out specific measures that an authority must take where housing delivery falls short of the housing requirement. The HDT should not be confused with the 5 year housing land supply test which is a separate national policy relating to the future supply of housing. The Ministry for Housing, Communities & Local Government (MHCLG) has calculated a HDT 'measurement' figure for every plan area in England. To calculate the HDT

measurement for the district, the number of new homes built in the past three financial years is divided by the number of new homes required in the same period. The HDT figure is expressed as a percentage.

21. Where the HDT measurement indicates that housing delivery is less than 95% the local authority housing requirement, it should prepare an Action Plan which assesses the cause of under delivery and identifies actions to increase delivery in the future years. Where the HDT measurement is less than 85% the district must add a 'buffer' equivalent to one year's supply (20%) when calculating the 5 year housing land supply calculation. Where the HDT measurement is less than 75% for applications involving the supply of housing, the Local Plan policies most important for determining the application will be considered out of date. In such circumstances, planning applications will be determined in accordance with the NPPF's 'presumption in favour of sustainable development'. The 'presumption' measure applies to the district currently due to the lack of a 5 year housing land supply.
22. The Housing Delivery Test Result for 2020 is detailed below.

Number of homes required			Total no. of homes required	Number of homes delivered			Total no. of homes delivered	HDT 2019 measurement
2017/18	2018/19	2019/2020		2017/18	2018/19	2019/20		
667	937	864	2,468	564	426	223	1,213	49%

23. The latest HDT publication in January 2021 calculates the HDT measurement for Epping Forest for the period April 2017 to March 2020 as 49% and therefore all three sanctions set out in paragraph 21 above will apply including the need to prepare an Action Plan.
24. The Action Plan (Appendix E) sets out reasons for under delivery in the District and actions to accelerate delivery in the future. The reasons for under delivery include the impact of the Natural England's advice which has resulted in planning applications being held in abeyance pending the identification of an acceptable air quality mitigation strategy. It also includes the delayed submission of the Local Plan (LPSV) and the consequential delay to the adoption of the Local Plan, which has impacted upon the delivery of Local Plan allocations and commitments.
25. This Housing Action Plan builds upon the Council's Housing Implementation Strategy (HIS) Update 2019 (EB410A) which details how the Council will maintain a 5-year supply of deliverable housing land against the Local Plan housing requirement.
26. To ensure that the Action Plan is as useful as possible the action plan should be published within 6 months of the publication of the Housing Delivery Test measurement. In this instance 19th July 2021. Members are asked to approve the Housing Action Plan included within the Appendix E and its publication.

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.

Background Papers:

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

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

Housing Implementation Strategy EB401A and B January 2019

Habitat Regulations Assessment (EB209) January 2019

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

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

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

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

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

Report to Full Council on 8 February 2021

Risk Management:

If the Council was not to take a pro-active stance on the delivery of Masterplans and major applications arising from the Local Plan, there is a real risk of or development occurring of a type that does not extract maximum value for the provision of social infrastructure and poor quality development may occur.