

Report to the Cabinet

Report reference: C-023-2022/23

Date of Meeting: 07 November 2022

Portfolio: Place – Councillor N Bedford

Subject: Implementation of the Local Plan: Update on progress

Responsible Officer: Nigel Richardson (01992 564110)

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**Epping Forest
District Council**

Recommendations/Decisions Required:

- (1) To note the latest position in relation to the Examination of the Emerging Epping Forest District Local Plan.**
- (2) That the progress of Strategic 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);**
- (3) That the Infrastructure Funding Statement 2021/2022 (see Appendix E) is agreed for online publication by 31 December 2022.**

Executive Summary

Following the October 2018 Cabinet meeting which agreed the governance arrangements for the implementation of the Local Plan, the Policy and 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 and Implementation Team to provide members with an update on the progress of the Local Plan, Strategic Masterplans, Concept Framework Plans and Planning Performance Agreements (PPAs) within the District, including major projects and planning applications dealt with by the team.

The Council, in conjunction with the Local Plan Inspector, has finalised the proposed Further Main Modifications that it considers are required to the Local Plan in order to meet the tests of soundness. The Council is busy preparing for the Further Main Modifications consultation to commence at the end of October 2022.

Regarding Strategic Masterplans scheduled meetings and workshops continue to take place with site promoters and developers in accordance with project plans agreed within PPAs.

The majority of workshops/meetings continue to take place virtually but in-person meetings are being arranged for specific masterplan workshops.

The CIL Amendment Regulations introduced a requirement for authorities to prepare Annual Infrastructure Funding Statements. Appendix E sets out the proposed Infrastructure Funding Statement for the District for 2021/2022. The Infrastructure Funding Statement (IFS) applies to financial year 2021/2022 and sets out s106 agreements completed in that year, the types and values of contributions included in the agreements and the monies paid to the Council. The report then sets out the S106 projects deliverable within the next 5 and 10 years. The IFS also sets out how the s106 income will be spent and prioritised over the plan period.

Reasons for Proposed Decision

To ensure that members are kept fully up to date on the progress of Masterplans and Concept Frameworks and other major proposals being promoted within the District.

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

Every Local Authority is required to publish an Infrastructure Funding Statement ('IFS') by 31 December each year that sets out the amount of planning obligation expenditure where funds have been allocated.

Community Infrastructure Levy Guidance 2014 sets out that:

"Reporting on developer contributions helps local communities and developers see how contributions have been spent and understand what future funds will be spent on, ensuring a transparent and accountable system."
Paragraph: 172, Reference ID: 25-172-20190901

The Council's Infrastructure Delivery Plan has identified the infrastructure projects that are required to deliver development in the District to 2033.

Other Options for Action:

Not to update members on the progress on the above issues would be contrary to the commitment made by the Implementation Team as noted in the 18 October 2018 Cabinet Report.

Not to publish the Infrastructure Funding Statement within the deadline would result in a failure to comply with the Community Infrastructure Levy regulations.

Report:

Update on Examination of the Emerging Local Plan

1. The Council, in conjunction with the Plan Inspector, has finalised the proposed further Main Modifications that it considers are required to the Local Plan in order to meet the tests of soundness.

2. The majority of the further Main Modifications relate to the actions outlined in the Plan Inspector's update of 16 June 2022 (ED141). They include further Main Modifications required as a result of changes to the Use Classes Order and the updating of the Council's housing land supply position. Further Main Modifications are also proposed as a result of the Inspector's advice to ensure that the Plan appropriately references non-statutory documents (e.g., the Infrastructure Delivery Schedule and Strategic Masterplans) and to streamline Policies DM2 and DM22.
3. The Council published an updated position statement on the Plan Examination website (ED143) on 20 October 2022 which outlines progress and confirms that the Council is aiming for consultation on the further Main Modifications to commence at the end of October 2022. The Consultation is set to run for a six-week period from 28 October 2022 to 09 December 2022.
4. The Council is busy preparing for the further Main Modifications consultation. Specific elements will include the presentation of all consultation materials and guidance on the Plan Examination/Council website, ensuring the availability of hardcopy materials at locations across the District, communication with the consultee database, Council press releases and communication via social media.
5. It is essential that the scope of this further consultation is effectively communicated. Representations are invited only upon the further Main Modifications and supporting documents to the further Main Modifications. Respondents should not re-submit previous representations or make representations on Main Modifications that have not changed, and any such responses will not be considered by the Inspector.
6. Reflecting that the Council is keen to move towards the conclusion of the Examination and the final adoption of the Plan as soon as possible at the beginning of 2023, it will collate and share all representations with the Planning Inspector as swiftly as possible following the consultation. Once the Inspector has considered the responses, including the evidence presented throughout the duration of the Examination, he will determine whether the Local Plan is 'sound' and produce a written report outlining his final recommendations. Following receipt of the Inspector's report and providing he determines it 'sound', the Plan can be formally adopted by the Council if it makes all the Main Modifications.

Strategic Masterplans, Concept Frameworks and other allocated sites

7. [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.
8. 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.

9. 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

Harlow and Gilston Garden Town

10. EFDC officers continue to liaise with key stakeholders across the five Harlow and Gilston Garden Town (HGGT) authorities and relevant site promoters. This is undertaken in the context of wider Garden Town activities. Key updates in terms of the Garden Town are:
 - The five Garden Town Council partners have now all, through their formal processes, agreed 'in principle' to explore the creation of a Harlow and Gilston Garden Town Joint Committee, consisting of representation by all five partner Councils. A Delegations Framework and further work on the Joint Committee is currently in progress in draft.
 - The Garden Town's Your Quality of Life consultation, funded as part of DLUHC PropTech programme and asking people about what they like, dislike, value and need, was open from 15th July to 14th October. Analysis and consultation data insights in terms of social value and quality of life across the Garden Town are currently being progressed. There were 6970 visits to the website, with 957 contributions and responses. Findings and insights from this social value data will be fed into masterplanning & design, stewardship approaches, policy & guidance and engagement practice across the Garden Town.
 - The Garden Town team is currently progressing a number of projects, including (bit not limited to) the draft HGGT Green Infrastructure Framework, draft HGGT Stewardship Guidance & Charter, updated HGGT Infrastructure Delivery Plan, undertaking HGGT Travel Diary for mode share monitoring, in-house East of Harlow Masterplanning Principles work, and the Homes England funded STC Connector Route Study and London Road EZ/ Newhall Mobility Hub Design.

Updates in relation to each of the HGGT masterplans:

Water Lane

11. The site promoters/agents for the whole strategic allocation of Water Lane area have been re-engaged, following a period of paused work. Draft PPAs setting out joint working across the strategic allocation and ownerships have been circulated to progress

next steps. The promoters are seeking clarity on the HGGT STC Connectors project and engagement on the route options and delivery of the STC.

Latton Priory

12. The main site promoters (Commercial Estates Projects Ltd and Hallam Land) have been progressing the draft Strategic Masterplanning Framework (SMF) document, with masterplanning workshops alongside HGGT partners taking place over the summer, and a third Quality Review Panel (QRP) taking place in July 2022. A draft SMF document has since been prepared for public consultation. A Member Briefing was held in October 2022, and the Latton Priory draft SMF is being taken to EFDC Cabinet on 7th November for approval to go out to a 6-week public consultation from mid-November through December. Subsequent endorsement of the masterplan is targeted for April 2023. The promoters are looking to bring forward an outline planning application to be submitted alongside the endorsement of the masterplan and the relevant pre-application engagement for this is also in the process of being established via a PPA. The authority-led Latton Priory Design Code project (funded by DLUHC Pathfinders programme) is to be progressed in parallel and is being co-ordinated with the wider workstream.

East of Harlow

13. In the absence of a master developer at present for the East of Harlow masterplan area, HGGT partners are reviewing design principles for the masterplan area in order to progress design and delivery thinking, with input from Urban Design, Landscape, SuDs, Transport, Education and Planning specialists from across the Garden Town partnership. This work is being led by the HGGT Urban Design Officer, with a core officer working group meeting fortnightly, and reports into the HGGT Placeshaping & Engagement Workstream. These masterplanning principles are being reviewed by the HGGT QRP in November 2022, with a forward look to engaging on the work with developers and the public in early 2023.
14. EFDC and HDC are meeting regularly with John Lawson Partnership (JLP) working on behalf of Princess Alexandra Hospital (PAH) to discuss the hospital relocation element in the East of Harlow strategic site. An Interim Planning Position Statement was agreed between the HGGT Partners and PAH in September 2021 and PAH continue to work on the submission of the outline business case (OBC) that Public Health England will need to make to the Treasury in due course.

North Weald Airfield masterplan

15. The Implementation Team have been engaged in ongoing discussions with the Council's consultants in respect of the North Weald Airfield masterplan. The Council as landowner undertook formal consultation on the draft masterplan between December 2021 and January 2022. The masterplan has subsequently been updated in response to formal consultation responses and officer comments. This is currently in the process of being finalised prior to the final masterplan being submitted to Cabinet for endorsement. The timing of endorsement is linked to the adoption of the emerging Local Plan as this provides the strategic framework within which this masterplan can come forward.

North Weald Bassett masterplan

16. A revised PPA has been signed by lead site promoter Countryside Properties in May 2022. The project programme set out in the PPA targets an endorsement of the Masterplan in August/September 2023. Topic based meetings and masterplanning discussions have commenced.

South Epping masterplan

17. EFDC officers met with the site promoters for the South Epping masterplan area in October 2022 to discuss future engagement on masterplanning pending the adoption of the new Local Plan.

Waltham Abbey North masterplan

18. A PPA has been signed by the Waltham Abbey site promoters/developers, EFDC and Essex CC. Regular meetings are being held to discuss the masterplan. Informal public consultation was held with local residents and key stakeholders between mid-July and September 2021. Two virtual consultation events were also held to present the proposals and answer questions regarding the proposed draft Strategic Masterplan. The site promoters are currently reviewing the masterplan in light of feedback received.

Concept Framework Plans

19. Discussions on the two Concept Framework Plans are still at an early stage in the process.

Other allocated sites

20. Alongside the Strategic Masterplan and Concept Framework Plan 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.
21. The development proposals for the five Epping town centre sites (St John's Road, Cottis Lane, Bakers Lane, Civic Offices and Hemnall Street) were heard by the Development Management Committee on 27th October 2021. Subsequently the related s106 Agreements were completed and planning permission for all five schemes approved on 25 February 2022.
22. Status of other allocated sites is included at Appendix B
23. In addition, non-allocated sites are detailed at Appendix C.

Infrastructure Funding Statement

24. The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019) came into force on 1 September 2019:

<http://www.legislation.gov.uk/ukdsi/2019/9780111187449/contents> and Government has issued updated Planning Practice Guidance.

25. The CIL Amendment Regulations have introduced a requirement for authorities to prepare Annual Infrastructure Funding Statements. Appendix E sets out the proposed Infrastructure Funding Statement for the District for 2021/2022. The Infrastructure Funding Statement (IFS) applies to financial year 2021/2022 and sets out s106 agreements completed in that year, the types and values of contributions included in the agreements and the monies paid to the Council. The report then sets out the S106 projects deliverable within the next 5 and 10 years. The IFS also sets out how the s106 income will be spent and prioritised over the plan period.
26. Subject to meeting the 3 tests set out in CIL Reg 122 charging authorities can use funds from S106 planning obligations to pay for the same piece of infrastructure regardless of how many obligations have already contributed towards an item of infrastructure. The tests that must be satisfied for obligations to be required in respect of development proposals must be:
 - necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
27. In line with recommended practice the Council has been monitoring data on section 106 planning obligations in line with the Government's data format. This data includes details of the development and site, what infrastructure is to be provided including any information on affordable housing, and any trigger points or deadlines for contributions. Local authorities should also record when developer contributions are received and when contributions have been spent or transferred to other parties.
28. The Council procured an online s106 tool known as Exacom that enables the administration, monitoring of current, historic S106 contributions and future contributions that the Council will be required to secure to deliver the infrastructure for the growth included in the emerging Local Plan.
29. In line with the Infrastructure Delivery Plan the Council will be seeking a broader range of developer contributions in order to deliver the growth identified in the emerging local plan.
30. For larger developments the use of S106 agreements will extend to strategic infrastructure such as new schools; primary healthcare; and strategic highway and transportation improvements if they are needed as part of the development.
31. The Council has produced guidance, Delivery Infrastructure in the District: Developer Contributions Strategy on the approach to seeking developer contributions that provides a framework for the consideration of proposals to ensure that the appropriate infrastructure is realised in accordance with the policies in the emerging Local Plan. It also set out how s106 contributions will be managed and monitored and managed.

32. The Council will be putting in place a s106 funding grant scheme to allocate s106 monies for local community facility mitigation when it can be used for that purpose. This will be open to all community-based organisations that operate on a not-for-profit basis in Epping Forest District. The application process will be designed to capture all the information required to enable a fair and considered assessment. It is important to note that S106 monies may therefore only be spent on facilities where the new development has, at least in part, contributed to the need for the facilities. S106 funding is available for capital projects only. Revenue funding towards on-going running costs is not available.
33. The District Council is the accountable body for the spending of S106 monies and therefore must ensure that:
- The funding is spent on facilities that can be demonstrated to be required because of the new development taking place
 - The process is transparent and fair to all
 - Projects supported are necessary, viable, will deliver the required social and community benefits, and will be well managed.

Resource Implications:

As set out in the 18 October 2018 Cabinet Report, the successful delivery of the Garden Town and the other strategic sites within Epping Forest District will require considerable commitment of officer time from EFDC. The noting of the contents of this report do not give rise to additional resource implications.

Legal and Governance Implications:

The work on the Local Plan and Strategic Masterplans 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 Framework Plans 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 Council's Masterplan and Concept Framework Plan Briefing note, these sites will be subject to public and stakeholder 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 note to Epping Forest District Council (ED141) 16 June 2022

ED141 above and all updates in relation to the Local Plan Examination can be found at <https://www.efdclocalplan.org/>

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.