

Report to the Cabinet

Report reference: C-015-2018/19

Date of Meeting: 18 October 2018



**Epping Forest
District Council**

Portfolio: Planning and Governance

Subject: Governance arrangements for Local Plan Implementation

Responsible Officer: Alison Blom-Cooper (01992 564066)

Democratic Services: Adrian Hendry (01992 564246)

Recommendations/Decisions Required:

- (1) That the process and minimum requirements for the preparation of Strategic Masterplans and Concept Frameworks in the District set out in this report (and attached guidance notes – see Appendix 4) be noted;**
- (2) That the arrangements for the preparation, consultation, endorsement and approval process of the Strategic Masterplans and Concept Frameworks be agreed;**
- (3) That the Local Plan Cabinet Committee’s Terms of Reference be amended by the deletion of paragraph 3.5 of the current Terms of Reference and its replacement with “ 3.5 To approve draft strategic masterplans and concept frameworks for consultation and to recommend to Cabinet on the endorsement of final masterplans as a material planning consideration or Supplementary Planning Documents”;**
- (4) That the Service Director for Planning (or any another Service Director (in their absence) or an officer at level 2 or above or an officer duly authorised by the Service Director for Planning) be given delegated authority to enter into Planning Performance Agreements with developers on behalf of the Council;**
- (5) That the terms of reference and the approach for the Quality Review Panel and the Development Management Forum be noted (Appendix 5 and Appendix 6) and;**
- (6) That the proposed governance arrangements for documentation associated with the Harlow and Gilston Garden Town be noted and endorsed (Appendix 2 and Appendix 3).**

Executive Summary

Alongside the progression of the Local Plan, the Council needs to establish the governance arrangements to prepare for the implementation and delivery of the growth identified in the Local Plan. Cabinet agreed on 15 June 2017 (see C-001-2017/18) the overall approach to the production of Strategic Masterplans in the District, including the identification of sites/areas requiring their production. Cabinet also agreed the approach to the introduction of Planning Performance Agreements. This report therefore provides proposed amendments to existing governance processes and procedures to enable the masterplanning and PPA processes to be undertaken efficiently and effectively. Principally this requires consideration to be given to: the arrangements for the preparation, consultation, endorsement and approval of the Strategic Masterplans and Concept Frameworks in the District; the proposed governance arrangements for documentation associated with the Harlow and Gilston Garden Town; and appropriate delegated responsibility to nominated officers to act as a signatory on behalf of the Council for future Planning Performance Agreements.

Reasons for Proposed Decision:

- To ensure that the appropriate governance arrangements are in place to agree draft strategic masterplans and concept frameworks for consultation and following consultation to endorse the documents as material planning considerations for the use in determining planning applications
- To put in place appropriate arrangements for the signing of Planning Performance Agreements
- To note the proposed arrangements for documentation associated with the Harlow and Gilston Garden Town

Other Options for Action:

Not to put in place the appropriate governance arrangements would mean that masterplans could not be used as material planning considerations in determining applications. To adopt a less pro-active approach to managing and overseeing the development and infrastructure proposals emerging as part of the Local Plan would carry a risk of poorly coordinated development being delivered, potentially of lower quality.

In addition it may mean that the Local Plan is not seen as deliverable at examination and is therefore not found sound.

Background

1. In accordance with the National Planning Policy Framework, the Council is required through the Local Plan to plan to meet short and long term objectively assessed development needs in the District. This requires a step-change in the future levels and complexity of development which will need to be managed and overseen by the Council. During the Independent Examination of the Local Plan, the appointed Planning Inspector will require evidence to demonstrate that the Council is able to deliver the required levels of development set out in the Plan, and provide for a five year supply of deliverable housing land against objectively assessed housing need targets. Otherwise, there is a risk that the Local Plan will not be found to be 'sound'.

2. Cabinet has previously agreed that the most effective way for the strategic sites in the District to be taken forward is through Strategic Masterplans and Concept Frameworks for a number of identified large scale developments, as defined in the Local Plan Submission Version 2017 (LPSV). Further details on this process are contained within the report to Cabinet on 15 June 2017 (see C-001-2017/18). Cabinet also agreed to the establishment of a Strategic Sites Implementation Team to ensure the effective delivery of the required growth in housing and employment with supporting infrastructure proposed in the new Local Plan (see C-036-2017/18 on 7 December 2017). Funds from the District Development Fund were agreed and a new Team was established from 1 April 2018.
3. A guidance note on the processes and minimum requirements for Strategic Masterplans (and Concept Frameworks) has been prepared. This expands on the previous information that has been produced to provide clarity on the process to be followed and is appended to this Report (see Appendix 4). This supplements the requirements set out in the Local Plan Submission Version 2017 and guidance previously issued.
4. Paragraphs 2.89 to 2.97 and Figure 2.1 (page 35) of the LPSV 2017 set out the proposed approach and planning process for the preparation of strategic masterplans and the proposal that the Strategic Masterplans will be endorsed as material planning considerations for the determination of subsequent planning applications and potentially adopted as SPDs following adoption of the Local Plan. Any planning proposal brought forward in a Masterplan Area (or Concept Framework area) would need to demonstrate compliance with the Strategic Masterplan or Concept Framework.
5. It has always been intended that site promoters would produce the Masterplans in conjunction with the Council, and this process would be linked to the use of Planning Performance Agreements (PPAs). A PPA provides a project management framework and timetable for progressing and delivering development of sites, as well as a cost recovery mechanism whereby site promoters provide payments to cover officer time and resource. The PPAs will provide a mechanism to manage the delivery of the Strategic Masterplans and Concept Frameworks, pre-application engagement with the Local Planning Authority, Members and local residents as well as subsequent submission and determination of planning applications for the site.
6. As part of the work for the Garden Town, EFDC is working with both Harlow Council and East Herts Council. Appendix 2 sets out the proposed governance arrangements for agreement of the documents associated with the Garden Town. Given the fact that the Garden Town straddles three local authority boundaries, this is an important step towards ensuring consistency across the Garden Town as a whole and is an essential step towards securing the delivery of high quality design through a robust planning framework.

Strategic Masterplans and Concept Frameworks

7. The Local Plan Submission Version 2017 promotes a joined-up, collaborative, cohesive and proactive approach to the planning and implementation of key strategic sites across the District. The production of the Masterplans will ensure that development proposals are brought forward in accordance with the Council's priorities and policies and facilitate the delivery of the appropriate infrastructure. Such an approach is an important step towards boosting the timely delivery of high quality development and infrastructure within the district, a key requirement of Government Policy and therefore the Local Plan.
8. The LPSV has identified the following site allocations as being subject to the Strategic Masterplanning approach (see LPSV paragraph 2.90 and 2.91):
 - East of Harlow
 - Latton Priory
 - Water Lane Area
 - South Epping
 - Waltham Abbey North
 - North Weald Bassett; and

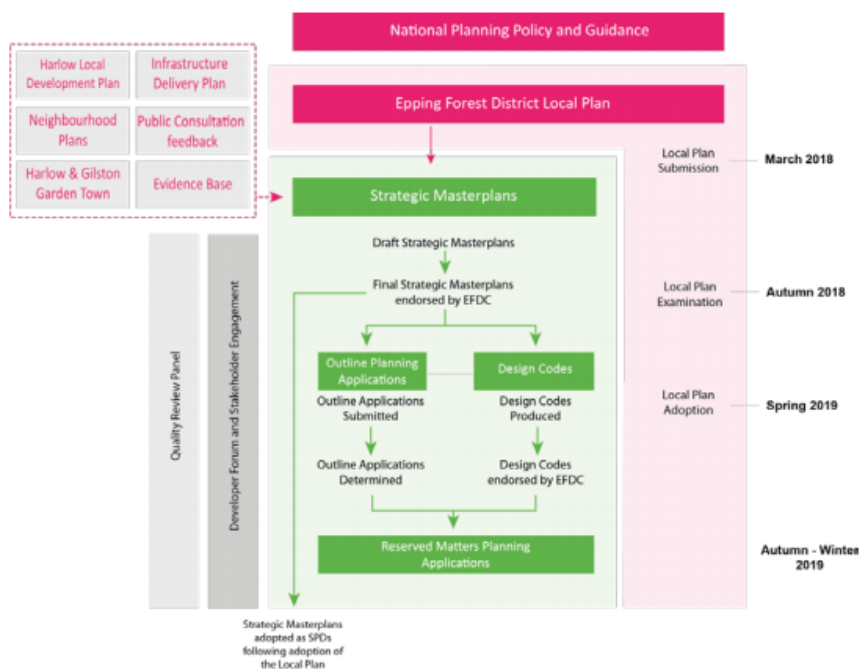
Concept Frameworks (see LPSV paragraphs 2.99 and 2.100) will be required for sites in West Ongar and South Nazeing. Work has started on the above masterplans and South Nazeing Concept Framework (see Appendix 1 which provides an update on progress).

The Council will look to progress the following Masterplans towards the end of the plan period:

- Jessel Green;
 - Limes Farm; and
 - North Weald Airfield.
9. Policy SP 3 of the Local Plan Submission Version 2017 sets out the place shaping principles against which the Strategic Masterplans and Concept Frameworks must conform.

10. Figure 2.1 of the Local Plan (reproduced below) shows the Strategic Masterplanning and Concept Framework process. As illustrated by the diagram, an integral part of the process will be consultation with the community and stakeholder engagement. Prior to any informal community and stakeholder engagement, it is proposed that Members are engaged. As a minimum, it is expected that Ward Members, Cabinet Members and relevant town and parish councils would be fully briefed (see Stage 6, Para 2.1, Appendix 4). The briefing would provide an overview of work undertaken to date by the site promoter(s) and outline the option that had been identified for the community and stakeholder engagement. A full programme of informal community and stakeholder engagement would be planned in accordance with the adopted Statement of Community Involvement. This engagement would be used to inform the development and production of the Draft Strategic Masterplan which would be reported to Cabinet/Local Plans Cabinet Committee to agree the formal consultation. This will ensure that the voice of the community is heard, and their comments will help shape the final masterplan. The consultation requirements are set out in more detail in Appendix 4. The proposed arrangements are designed to meet the regulations so that Masterplans and Concept Frameworks are capable of adoption as Supplementary Planning Documents (SPD) if the Council considers this to be appropriate. In order to align with the relevant legal requirements for SPDs, a formal six week consultation exercise will therefore be undertaken.

11. The Strategic Masterplanning Briefing Note and Concept Framework Note (see Appendix 4) provides guidance on the nature and extent of the community and



stakeholder engagement that the Council will expect each Masterplan and Concept Framework to undertake, whilst also setting out the key principles that should be followed. Members will be expected to play a key role throughout this process, and regular briefings will be held. It is not proposed to utilise the Council's Development Management Forum through the preparation of the Masterplan itself, though the

forum will have an important role once proposals are firmed up at pre-application stage

12. Endorsement of the Strategic Masterplans and Concept Frameworks (and potential adoption as SPDs) is an essential stage if the documents are to be a material planning considerations against which future planning applications will be assessed. The Local Plan Submission Version makes it clear that sites identified as requiring a Strategic Masterplan must have the Masterplan completed and endorsed by the Council prior to the submission of a planning application. The Strategic Masterplans and Concept Frameworks therefore set the fundamental parameters that each subsequent planning application will need to adhere to.
13. At present, responsibility for approving Strategic Masterplans and Concept Frameworks lies with the Cabinet, which meets on a monthly basis.
14. As set out in paragraph 6, the Strategic Masterplans and Concept Frameworks are firmly linked to the timely delivery of high quality development and infrastructure, a key requirement of central government policy and the Local Plan. It will therefore be critical that the Council can move quickly and can commit to endorsing a finalised masterplan in a timely manner. This will be essential so as not to introduce an unnecessary delay to the submission of planning applications by ensuring that the Masterplans can be endorsed without having to wait until the next meeting of the Cabinet. It is therefore essential that the Council identifies a defined procedure for the endorsement (and potential adoption) of Strategic Masterplans and Concept Frameworks.
15. The Council's Local Plan Cabinet Committee (LPCC) could provide a suitable option that could be utilised to fulfil this role. It is proposed that this committee is given the necessary authority to approve Draft Strategic Masterplans and Concept Frameworks for consultation. It is intended that Cabinet would be responsible for final endorsement as a material planning consideration. As part of this process the Implementation Team will commit to providing regular updates to the committee on progress in the preparation of masterplans and concept frameworks to ensure that Members are kept fully up-to-date with the progression of each plan. Upon completion of the final draft document for consultation, it is proposed that this is taken to the LPCC to agree consultation on the draft Strategic Masterplan. Following a six week consultation period, and subsequent amendments made to address issues arising, it is proposed that the Masterplan will then be taken to Cabinet for formal endorsement as a material planning consideration. The Cabinet would also adopt the masterplan as a SPD should this be required after the adoption of the Local Plan. The process would be broadly similar for a Concept Framework, however owing to their smaller scale, it is envisaged that these will only be taken to LPCC once for final endorsement only. This would require an adjustment to the Terms of Reference for the Cabinet Committee. A suggested form of words is outlined within the recommendations.

Planning Performance Agreements (PPAs)

16. A key component of the PPA is the provision of a 'front-loaded', project managed approach to the delivery of development proposals with landowners/site promoters, together with the resources required to achieve this. Through the agreement of PPAs. The Council is seeking to ensure that planning proposals are developed as appropriate in coordination with other Council services, as well as with key stakeholders such as Essex County Council wherever possible. By putting in place PPAs at the earliest possible stage in the process, the Council is able to provide the services required to provide clarity to landowners/site promoters through the planning process, whilst also seeking to ensure that the production of proposals for sites identified for allocation within the Local Plan are high quality, reflecting both the policy requirements of the Council, and the requirements and aspirations of the local community.
17. Members will recall that a key tenet of PPAs is the associated cost recovery mechanism, through which the Council (and Harlow District Council and Essex County Council where they are party to the Agreement) can recoup reasonable costs for officer time. As stated within the 7 December 2017 report to Cabinet (C-036-2017/18), the revenue received from the signed Agreements in EFDC will be an important step in providing funding for the Implementation Team and input from the relevant disciplines across the Council.
18. The signing of a PPA and associated cost recovery formally commits the Council to the provision of an agreed level of resource. The Council therefore needs to be able to demonstrate that it is able to provide this level of resource; if it is not in a position to act quickly when it comes to the signing of an agreement, this represents a potential reputational risk and could jeopardise the willingness of promoters and developments to enter into an agreement. For each PPA, the Project Team (with officer and promoter leads) is identified within each Agreement, with specific specialisms identified on a site by site and call-off basis.
19. The Council's constitution and standing orders currently do not include explicit provision to delegate the signing of PPAs to Service Director level (or other officer duly authorised by a Service Director to do so). The only officer currently able to undertake this role is the Acting Chief Executive. Given that the Council has publicly stated its support for the PPA process for complex schemes, it is likely that site promoters will seek to utilise PPAs in the promotion and delivery of their sites with increased frequency. In order to service this anticipated increase in requests, it is therefore recommended that appropriate delegated decision making authority is granted to the Service Director Planning (or other Service Director or other officer duly authorised by the Service Director for Planning). This will ensure that Agreements can be signed quickly, thereby underlining the Council's commitment to the PPA process.
20. As part of this process it is envisaged that the Local Plans Cabinet Committee ('LPCC') will be kept fully briefed on the numbers of PPAs that the Council has

entered into, and the associated resourcing requirements that each agreement entails.

Development Management Forum

21. The Development Management Forum allows the local community to contribute to shaping development proposals and aims to ensure input from local residents on large or difficult proposals for development. Comments received through the Development Management Forum are made available to the Quality Review Panel ahead of their own review of the scheme.
22. Forum meetings occur mostly at the pre-application stage and occasionally once the application has been made but before the Committee meeting. They do not remove the opportunity for objectors, supporters and applicants to submit representations once an application is submitted or address the Committee when an application is to be determined.
23. A short briefing note setting out how the Development Management Forum will operate and what circumstances development proposals will be subject to discussions is included at Appendix 5.

Quality Review Panel

24. Quality Review Panels ('QRP') were established in April 2018 for both EFDC and the Harlow and Gilston Garden Town. The panels comprise 18 built environment professionals who provide independent advice to support the delivery of high quality developments. They are independent and managed by Frame Projects. The Terms of Reference for the EFDC Quality Review Panel are available as Appendix 6.
25. It is the Council's expectation that schemes comprising 50 or more residential units or 5,000 sqm of commercial/other floorspace to be considered by the QRP. Smaller schemes that are complex, contentious or locally significant may also be deemed appropriate for review. Reports from the Quality Review Panel will be appended to applications when reported to the relevant Committee and will be a material planning consideration.

Approach and proposed governance arrangements for documentation associated with the Harlow and Gilston Garden Town

26. Members should note that a review of governance arrangements is being undertaken by Harlow and East Herts Councils for their own administrative areas. This is seen as an essential step in supporting the delivery of the Garden Town and is currently being overseen by the Garden Town delivery workstream. The proposed approach for this authority for the endorsement of documents is appended to this report (Appendix 2).
27. Given the Garden Town's cross boundary nature, it will be important to ensure that endorsement and adoption processes both align and are streamlined as far as possible. There will be a number of policy documents produced for the Garden Town

which will need to be endorsed by the three Districts in order that they can be used as material planning considerations and thus have equal weight and standing across each local authority area. The first of these will be the Spatial Vision and Design Charter, which is due to go to the Garden Town Board on 12 November 2018.

28. At the site specific level, aligning a consistent approach across each local authority area is particularly important. From an EFDC perspective this is vital to shape the delivery of the East of Harlow site, where a single masterplan will straddle both Harlow and EFDC's administrative boundary. A report considering the approach to the determination of planning applications on the East of Harlow site was taken to the Garden Town Member Board on 18 June 2018 (see Appendix 3), and concluded that it would be preferable for two separate (but otherwise identical) planning applications to be submitted to each respective local authority. It is therefore important that the Strategic Masterplan is given equal status and weight in each authority area to enable planning decisions to be made that are consistent.
29. It should be noted that for applications within the EFDC administrative area, due to their size and scale they would be determined by the EFDC DDMC. However, whilst EFDC would only be considering applications within its own administrative area, it would still need to take account of the impact on adjoining districts.

Resource Implications:

The successful delivery of the Garden Town and several other Strategic sites within the EFDC district require a significant commitment of EFDC Officer time. It has previously been agreed that the Council will utilise PPAs to enable cost recovery for this resource commitment. The Council has already agreed that this will also provide funding towards the dedicated Implementation Team.

Whilst the approval of the recommendations contained within this report will not give rise to additional resource implications, it should be noted that failure to approve the report recommendations could deter promoters from entering into PPAs and thus jeopardise the Implementation Team's ability to recover its costs.

Legal and Governance Implications:

The Local Plan, together with the emerging Strategic Masterplans and Concept Frameworks, has been developed in accordance with Government Policy (NPPF) and Planning Law. Planning Performance Agreements will be required to be developed between the Council and promoters. These will be contractually binding.

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:

The Local Plan has been developed in partnership with other Local Authorities under the Duty to Co-operate, Local Stakeholders and in consultation with residents.

Background Papers:

- C-001-2017/18: Epping Forest District Local Plan – Implementation, 15 June 2017
- C-036-2017/18: Resourcing The Delivery of the Local Plan, 7 December 2017

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 being found unsound at Examination and/or development occurring of a type that does not extract maximum value for the provision of social infrastructure and poor quality development may occur.