

Report to the Cabinet

Report reference: C-028-2020/21

Date of Meeting: 19 October 2020



**Epping Forest
District Council**

Portfolio: Planning & Sustainability – Cllr N Bedford

Subject: Implementation of the Local Plan: Update on progress

Responsible Officer: Alison Blom-Cooper (01992 564066)

Democratic Services: Adrian Hendry (01992 564246)

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);**
- (2) That the Infrastructure Funding Statement 2019/2020 (see Appendix E) is agreed for online publication by 31 December 2020.**

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 provides members with an update on the progress of Strategic Masterplans, Concept Frameworks and Planning Performance Agreements within the District. Discussions are taking place with site promoters and developers with meetings still taking place virtually. Project programmes are being adjusted where necessary to account of the COVID-19 pandemic, in particular community engagement arrangements.

There have also been changes to the Community Infrastructure Regulations which introduced a new requirement for Councils to publish online an annual infrastructure funding statement by 31 December each year. This applies from the financial year 2019/2020 onwards and the first statement is required this year to cover the period from 1 April 2019 to 31 March 2020. The statement must set out the projects which the authority intends to be funded and details of how much has been collected, how much is spent, what it is spent on. This is to provide information to communities to enable a better understanding of how developer contributions have been used to deliver infrastructure.

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.
- 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 Councils 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:

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

4. Work on the masterplans for the Garden Town sites has continued with EFDC officers 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. The HGGT Partners are working with JLP to develop a PPA for the detailed masterplanning of the hospital site and wider masterplan area. JLP is seeking to align the milestones for the project plan in the PPA with the outline business case (OBC) and full business case (FBC) that Public Health England will need to make to the Treasury. Alongside this, the Garden Town Partners have held a series of meetings with the main site promoter, Miller Homes, and the other land owners/site promoters to prepare a Statement of Common Ground to be submitted as part of the Main Modifications to the Council's Local Plan that are to be agreed with the Local Plan Inspector.
5. The additional work commissioned by the Garden Town on the Latton Priory access arrangements was undertaken by Phil Jones Associates has been completed. This technical work was needed to address Action 15 identified by the Inspector in her advice note of 2 August 2019 (EB98) and her comments set out in paragraph 33 of that note to review the access proposed to service the site and either modify it or provide further justification for its route. Having considered a range of access arrangements into the site from a long list of 10 options, the report concludes that the preferred approach is a 'west to east' access. However, it is recommended that the alignment of the eastern access is amended (by moving further north) so as to reduce the impact on landscape character and the nearby Scheduled Ancient Monument. The outcome of the Latton Priory access work was reported to the Garden Town Member Board on 7 September 2020.
6. A series of meetings have been held between EFDC and the main site promoters at Water Lane to discuss key technical matters, including site access and the Sustainable Transport Corridor (STC), land assembly and provision of Suitable Alternative Natural Green Space (SANG). ECC has been involved in these meetings and EFDC continues to liaise closely with them on key matters.
7. 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. Regular meetings are being held with the site promoters/developers for the North Weald Bassett and Waltham Abbey North Masterplan areas to secure PPAs and discuss the development of their masterplans. 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. Officers are preparing a Planning Performance Agreement in relation to the masterplanning

programme. The site promoters for the Waltham Abbey North Masterplan area are preparing a community engagement strategy and have been working with EFDC officers to agree the details of a Planning Performance Agreement.

8. 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 is being used to inform the preparation of a position statement that has fed into the proposed Main Modifications for the emerging Local Plan.
9. Discussions on the two Concept Frameworks are still at an early stage in the process.

Other allocated sites

10. Alongside the Strategic Masterplan and Concept Framework sites, the Implementation and Development Management Teams have been progressing some of the smaller sites proposed for allocation within the LPSV. 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.
11. 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 are being held between Qualis and planning officers to discuss the development proposals coming forward across the town. Public engagement on the town centre strategy commenced on 7 September 2020 and Qualis have held an exhibition and series of online public meetings to discuss the broad strategy for the development of the sites in the town centre.
12. A revised planning application was submitted in October 2019 for the Next development proposals at land at Dowding Way. Although the new application represents an amendment to the previous scheme, it has been subject to detailed design discussion with EFDC officers and sent for review to the Quality Design Panel. The Council continues to work with the applicant and Highways England to resolve issues and those matters concerning the Epping Forest Special Area of Conservation (SAC). The applicant prepared additional technical evidence in support of the development proposals that were subject to a 21 day public consultation in September 2020. Officers anticipate reporting the application to District Development Management Committee when matters relating to the SAC and Highways England have been resolved.
13. Appendix A provides an update on the progress of the Masterplans and Concept Frameworks; Appendix B provides an update on the progress of each of the strategic and other allocated sites and Appendix C provides information on other proposals on

non allocated sites over 0.2 hectares in size or more than 6 dwellings. Appendix D provides information on the schemes reviewed by the Quality Review Panel.

Inspector's advice following examination hearings

14. Work continues to progress the Actions identified by the Inspector following the hearing sessions for the Independent Examination the Local Plan held between February and June 2019. The Inspector's Advice to the Council on 2 August 2019 ([ED98](#)) and her subsequent reply dated 25 November 2019 ([ED102](#)) sets out a number of changes to the Plan which are required to remedy issues of soundness in the form of Main Modifications.
15. The Actions identified within the advice are being progressed and the Council's latest response to the Inspector, dated 24 April 2020, sets out revisions to the high level programme as submitted in January 2020 ([ED106](#)). This recaps the way in which the Council is approaching matters relating to the Habitats Regulations Assessment (HRA) and updating and consolidating the Infrastructure Delivery Plan and viability documents supporting the Local Plan. Following discussions with the Council's consultants and dialogue with Natural England including the incorporation of their comments the Council has submitted the agreed methodology to the Inspector ([ED105](#)). In accordance with the high level programme agreed with the Inspector the Council submitted the third tranche of Main Modifications (MMs) during the week in early June 2020 and the final tranche in September 2020.
16. As previously reported the Council is continuing to work actively to resolve the current situation that has restricted housing and economic development coming forward in the District since 2018. The Council has consulted Natural England and the Conservators of Epping Forest on an updated Habitats Regulation Assessment and the Draft Air Pollution Mitigation Strategy agreed by Cabinet in July 2020. The Council will be taking account of any comments made and submitting these to the Inspector in September 2020. The position statement dated 30 April 2020 is available on the website at [ED108](#).

Infrastructure Funding Statement

17. 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.
18. The CIL Amendment Regulations have introduced a requirement for authorities to prepare Annual Infrastructure Funding Statements. Appendix A sets out the proposed Infrastructure Funding Statement for the District for 2019/2020. The Infrastructure Funding Statement (IFS) applies to financial year 2019/2020 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.

19. 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.
20. 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.
21. The Council has procured an online s106 tool known as Exacom that will enable 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.
22. The new system will achieve greater efficiencies through automation and also reduce the risk of error and potential non-compliance with legislation. The owners of Exacom are working with MHCLG so it will populate the Governments data format to produce future IFS using the data already input into the system.
23. In line with the Infrastructure Delivery Plan the Council will be seeking a broader range for developer contributions in order to deliver the growth identified in the emerging local plan.
24. 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.
25. 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.
26. In August 2020, MHCLG has published new research, [The Incidence, value and Delivery of Planning Obligations and Community Infrastructure Levy in England in 2018/19](#), where they collected data through secondary datasets, as well as

through primary research. The aggregate value and incidence of all developer contributions agreed in England during the financial year 2018/19 has been calculated through this survey distributed to all English LPAs.

27. The survey sets out a number of key findings and conclusions. S106 remains a core aspect of planning practice: 90% of surveyed LPAs attached a planning obligation to a planning permission in 2018/19. MHCLG estimated that £384 million was received in 2018/19 for direct payment non-affordable housing planning obligations and a further £42 million for in-kind contributions, giving a total of £426 million. This was an increase of £50 million from the estimated value delivered in 2016/17, attributed to an increase in direct contributions.

Green Infrastructure Strategy

28. The report to Cabinet on 20 July 2020 advised that to support the policies set out in the emerging Local Plan in relation to Green and Blue Infrastructure, the protection of ecological assets and high quality design a draft Green and Blue Infrastructure Strategy had been developed. The Strategy seeks to address the requirement to provide suitable avoidance or mitigation measures to manage any potential impacts of growth on protected sites, primarily the Epping Forest SAC and a number of SSSI's. This will ensure high quality Green and Blue Infrastructure, including the provision of Suitable Alternative Natural Green Spaces (SANG), is delivered alongside the proposed growth in the District.
29. The public consultation for the Green Infrastructure Strategy ran from 4 June for a period of 6 weeks until 16 July 2020. This included a series of workshop/forum events for Members, Youth Council and developers in the District. Following the consultation updates are being made the Strategy and it is being referred to the Quality Review Panel on 18 September 2020. The Final strategy will be brought back to Cabinet for endorsement as a material consideration in the determination of planning applications, masterplans/concept frameworks and guide design and implementation processes.

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 and Concept Frameworks has been developed in accordance with Government policy (NPPF) and Planning Law.

The IFS has been prepared in accordance with The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019) that came into force on 1 September 2019.

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.

Essex County Council as the local education authority were asked if they would be liaising with District Authorities in the production of our IFS but were not in a position to create anything additional beyond the IFS they must produce.

Background Papers:

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

C-034-2019/20: Implementation of the Local Plan: update on progress 15 April 2020

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

Epping Forest Special Area of Conservation Position Statement (ED108) April 2020

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.