

## **Report to the Cabinet**

**Report reference:** C-001-2017/18

**Date of meeting:** 15 June 2017



**Epping Forest  
District Council**

**Portfolio:** Planning and Governance

**Subject:** Epping Forest District Local Plan - Implementation

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

**Democratic Services:** Gary Woodhall (01992 564470).

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### **Recommendations/Decisions Required:**

- (1) To note the corporate implications for delivery and implementation of the Local Plan, including the need to establish appropriate processes and arrangements and put in place the necessary resources;**
- (2) To agree the emerging approach to the production of Strategic Masterplans in the District, including the identification of sites/areas (subject to progression of the Local Plan) requiring the production of a Strategic Masterplan; and**
- (3) To agree the emerging approach to the introduction of Planning Performance Agreements associated with the progression of sites identified for allocation through the emerging Local Plan.**

### **Executive Summary:**

In accordance with the National Planning Policy Framework, the Council is required through the Local Plan to plan to meet the short and long term objectively assessed development needs of the District. This will require a significant step-change in future levels and complexity of development being brought forward in the District which will need to be managed and overseen by the Council. Alongside the progression of the Local Plan, the Council therefore needs to establish the necessary processes and arrangements to prepare for the delivery of the planned level of development and infrastructure. Taking such steps now will help the Council to demonstrate at local plan examination that the plan is deliverable and therefore sound. An action plan is being developed to progress this work. This includes the preparation of a framework for the production of Planning Performance Agreements appended to this report. A draft has been discussed with the Developer Forums, Members, the Local Plan Officer Working Group and with Management Board. In addition, these groups have considered where and how Strategic Masterplans should be produced and the proposed sites/areas requiring such an approach are appended to this report. Once the approach has been approved the Council will need to ensure that the necessary skills and resources are put in place in a timely fashion to enable Local Plan implementation to progress as proposed.

### **Reasons for Proposed Decision:**

To support the successful progression of the Local Plan and ensure that the Council takes a pro-active position in managing and delivering development and infrastructure requirements.

To ensure that the Council is in the strongest possible position to resist speculative and potentially inappropriate development proposals that do not form part of the emerging Local Plan.

#### **Other Options for Action:**

To delay the work associated with the implementation of the Local Plan, or to adopt a less pro-active approach to managing and overseeing the development and infrastructure proposals emerging as part of the Draft Local Plan which would carry a risk that the plan would not be seen as deliverable at examination and therefore not sound.

#### **Report:**

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. 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 Examination-in-Public 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. Alongside the progression of the Local Plan, the Council therefore needs to establish the necessary processes and arrangements to prepare for the delivery of the level and complexity of development and infrastructure proposed. It is important for the Council at the earliest opportunity to proactively and constructively work to ensure that the growth planned as part of the Local Plan will be delivered in a high quality and cohesive fashion, accompanied by the required infrastructure.

3. Through discussions with Members, the Developer Forums, the Local Plan Officer Working Group, and Local Plan Implementation Action Plan Group (a sub-group of the Local Plan Officer Working Group) the Council has begun the process of 'front-loading' and managing the strategic growth proposals emerging as part of the Draft Local Plan. 'Front-loading' the planning process enables the Council to ensure engagement with site promoters/developers in advance of the formal application processes in order to ensure that requirements of the local community are clearly articulated and understood at the earliest possible opportunity, whilst also enabling the timely delivery of much needed housing in accordance with challenging requirements. Undertaking this work will significantly increase the chances that the Local Plan will ultimately be found 'sound', enabling it to be adopted by the Council in due course, and will ensure that the Council can continue to successfully resist speculative and potentially inappropriate development proposals that do not form part of the emerging Local Plan.

4. The production of Strategic Masterplans will enable the Council to shape, manage and coordinate the future planning, design, character and layout of strategic development and infrastructure on key sites. In addition, the Council can require the production of Design Codes to guide and regulate the design of individual sites and / or areas in the future, and implement a Quality Review Panel to ensure the expert and impartial review of emerging development schemes prior to the submission of planning applications.

5. A framework for the production of Planning Performance Agreements has been prepared (provided as Appendix 1) following discussions with the Developer Forum, Members, the Local Plan Officer Working Group and with Management Board. The Council will seek to recover costs associated with establishing the additional resources and skills

required to undertake the above tasks through the establishment of Planning Performance Agreements and the potential uplift in planning application fees by 20% where the additional fee income is used to support the planning service.

6. The Council invited informal comments from the Developer Forum on the proposed Planning Performance Agreement frameworks and Strategic Masterplans in late May 2017 in relation to the principles and high level content of each document. It was acknowledged that in practice each Agreement and Masterplan would be bespoke and agreed separately. Comments received have been reviewed by Officers and in summary there is broad support amongst promoters with regard to EFDC's proposed approach. Some promoters raised concern at the lack of detail contained within the proposed framework templates at this stage (e.g. detailed payment milestones and timescales). However, this will be provided in due course once the Council, stakeholders and promoters are at a point where it is appropriate to enter into an agreement. Other promoters commented that EFDC will be required to work with other authorities and bodies (e.g. Harlow Council, East Herts Council and Essex County Council) and that this support should be included within the report. Officers acknowledge this issue and that buy-in from these bodies will be needed from the outset of each Agreement and Strategic Masterplan. Those bodies have been involved in the developer forum discussions and are aware of the Councils proposals. It is important that PPAs are flexible and tailored on an individual basis to meet specific site-by-site requirements.

7. In addition, the Council has considered where and how Strategic Masterplans should be produced (provided as Appendix 2). Subject to agreement of the recommended approach, the Council must ensure that the necessary skills and resources are put in place in a timely fashion to enable Local Plan implementation to progress. Current resources within the Planning Policy team are focused on undertaking the extensive work required to progress the Local Plan, and are also being utilised to progress work streams associated with the progression of the Harlow and Gilston Garden Town, together with overseeing Local Plan implementation. This is resulting in existing resources being stretched. Further work to successfully progress the Local Plan and its implementation, together with work required to support and progress the Garden Town will require a wide ranging corporate focus to be taken. It will be necessary to utilise resources from across the organisation, as well as attracting additional resources into the organisation.

8. Officers are preparing to commission a suitably qualified external consultant to undertake a skills audit which will identify where additional skills and resources are likely to be required, and establish options in relation to how the Council can seek to introduce the additional skills and resources. It is intended that Management Board and the Local Plan Implementation Group will meet to consider the findings and recommendations of the consultant before recommendations are made to Cabinet.

9. The work required to implement the Local Plan will have considerable implications for all Council services, and for Councillors, not just for the planning service of the Council. There will be a requirement for a range of services and specialisms to input on a regular basis into the production of Strategic Masterplans and planning proposals. The successful implementation of the Local Plan will also require further consideration to be given to the role that elected Members take in the progression of plans associated with sites proposed for allocation. The Council will need to 'front-load' engagement with site promoters/developers in advance of the formal application processes. It will be necessary to ensure that the constitution, both in terms of its articles and rules (including 'Planning Protocol') enables elected Members to engage appropriately (avoiding the potential risks or perception of pre-determination) in the production of Strategic Masterplans, engagement with the community and in pre-application discussions with applicants. In addition, it would be advisable to ensure that Members can be kept briefed in relation to emerging development schemes prior to determination of planning applications by the Council. The need to front-load the planning

process and engage in the additional processes associated with the implementation of the Local Plan is likely to result in an increase in the number of meetings that elected Members are required to attend. This in turn will require a review of relevant governance and committee arrangements accordingly. This would include the current structure, number of committees and delegation arrangements.

10. None of the work proposed above associated with Local Plan implementation binds the Council to the proposed development sites set out within the Draft Local Plan. The proposed processes and ongoing discussions taking place through the Developer Forums acknowledge that the Draft Local Plan may change prior to Pre Submission publication, Examination-in-Public and Adoption. It is also important to consider that the appropriate phasing of masterplans will play a key role in ensuring deliverability, and this needs to firmly tie into the development trajectory set out within the Local Plan. Whilst work to advance some strategic masterplans will commence in the shorter term, this will not be true for every masterplan, and some may be at a later point in time. As an example the Chigwell Strategic Masterplan will likely be brought forward towards the end of the plan period, whereas the North Weald Bassett Strategic Masterplan might be advanced sooner, subject to agreement by all parties.

11. As explained within Appendices 1 and 2, if the Council carefully considers the approach to Local Plan implementation as proposed in order to front-load the planning process, and can successfully introduce Planning Performance Agreements with relevant landowners/developers, it should be possible to ensure that the activities and additional resources required will ultimately be cost neutral to the Council. However, this does require upfront investment by the Council in order to ensure that Planning Performance Agreements are taken forward collaboratively with key stakeholders, factoring in the appropriate and necessary costs in a fair and transparent manner. It is vitally important that entering into a Planning Performance Agreement is mutually beneficial, both to the Council and to the landowner/ developer who in turn will require assurance that they will receive a dedicated carefully considered service, representing value for money, and ultimately providing greater certainty in relation to the progression of their proposals. It should be noted that entering into a Planning Performance Agreement does not in any way guarantee that planning permission will ultimately be granted by the Council.

12. A further report will be provided to the Cabinet in July providing details of the analysis of the Local Plan consultation.

### **Resource Implications:**

As set out within the report and its appendices, the implementation of the Local Plan will have considerable resource implications for all service areas within the Council. Officers are preparing to commission a suitably qualified external consultant to undertake a skills audit which will identify where additional skills and resources are likely to be required, and establish options in relation to how the Council can seek to introduce the additional skills and resources. It is intended that Management Board and the Local Plan Implementation Group will meet to consider the findings and recommendations of the consultant before recommendations are made to Cabinet.

If the Council carefully considers the approach to Local Plan implementation as proposed in order to front-load the planning process and introduce Planning Performance Agreements with relevant landowners/developers, the Council can seek to recover costs related to the activities and additional resources required. However, this does require upfront investment by the Council in order to ensure that Planning Performance Agreements are taken forward collaboratively with key stakeholders, factoring in the appropriate and necessary costs in a fair and transparent manner.

Further work to successfully progress the Local Plan and its implementation, together with work required to support and progress the Garden Town, will require a wide ranging corporate focus to be taken. It will be necessary to utilise resources from across the organisation, as well as attracting additional resources into the organisation.

### **Legal and Governance Implications:**

As set out in paragraph 9 above the work required to implement the Local Plan will have considerable implications for all Council services, and for Councillors, not just for the planning service of the Council. It will be necessary to ensure that the Constitution enables elected Members to engage appropriately (avoiding the potential risks or perception of pre-determination) in the production of Strategic Masterplans, engagement with the community and in pre-application discussions with applicants. The need to front-load the planning process and engage in the additional processes associated with the implementation of the Local Plan is likely to result in an increase in the number of meetings that elected Members are required to attend. This in turn will require a review of relevant governance and committee arrangements accordingly.

Planning performance agreements are intended to be agreed in the spirit of a 'memorandum of understanding'. They are not intended to be a legally binding contract, and the Framework seeks to clarify this.

### **Safer, Cleaner and Greener Implications:**

Through discussions with members, the Developer Forums, Local Plan Officer Working Group, and Local Plan Implementation Action Plan Group (a sub-group of the Local Plan Officer Working Group) the Council has begun the process of 'front-loading' and managing the strategic growth proposals emerging as part of the Draft Local Plan.

The production of Strategic Masterplans will enable the Council to shape, manage and coordinate the future planning, design, character and layout of strategic development and infrastructure on key sites and ensure that safer, cleaner and greener implications are considered at an early stage and that appropriate green infrastructure is incorporated within development proposals.

### **Consultation Undertaken:**

This report, together with its appendices, has been prepared following discussions through the Developer Forum, with Members, the Local Plan Officer Working Group and with Management Board.

### **Background Papers:**

- National Planning Policy Framework (2012)
- Epping Forest District Draft Local Plan (2016)

### **Risk Management:**

The continued progression and implementation of the Local Plan is required in order to manage and mitigate the risks of potential speculative or uncoordinated development across the District. The recommendations of the report seek to ensure that the Council produces a Local Plan that will ultimately be considered 'sound' at Examination-in-Public, whilst also ensuring that the Council provides a sufficient supply of deliverable housing land to meet short and long term targets. The report seeks to bring forward the planning of development

in the District in order to ensure that a joined up, collaborative approach is taken to the planning and delivery of high quality development and infrastructure to meet the future needs of the District in the most appropriate and sustainable manner possible.