

**EPPING FOREST DISTRICT COUNCIL  
EXAMINATION OF THE DISTRICT LOCAL PLAN, 2011-2033**

**MATTER 7: PLACE-SHAPING & GENERAL  
MASTERPLAN APPROACH**

**PRE-HEARING STATEMENT ON BEHALF OF  
EPPING FOREST DISTRICT COUNCIL**

**JANUARY 2019**

## **INTRODUCTION**

Epping Forest District Council ("the Council") submits this statement in response to the Inspector's Matters, Issues and Questions ("MIQs") (ED5). This statement addresses Matter 7: Place-Shaping & General Masterplan Approach and provides the Council's response to all of the Inspector's questions associated with Issues 1 to 2 (ED5, pp 15-16).

Where appropriate, the Council's responses in this statement refer to but do not repeat detailed responses within the hearing statements submitted by the Council concerning other Matters.

Key documents informing the preparation of this statement to which the Council may refer at the hearing sessions include:

- [EB133 Report to Cabinet: Governance Arrangements for Local Plan Implementation \(18 October 2018\)](#)

All documents referred to in this statement are listed in **Appendix A** of this statement together with links to the relevant document included within the Examination Library.

Examination Library document references are used throughout for consistency and convenience.

***Issue 1: Is the application of Policy SP3 to all allocated sites justified; and is it otherwise effective and consistent with national policy?***

**Inspector's Question 1**

1. This policy begins with Part H. Should it begin with Part A?

***Response to Question 1***

1. Yes, this is a typographical error which the Council proposes to correct. Policy SP 3 should begin at Part A (sub-paragraphs i to xiv) followed by Part B (sub-paragraphs i to iv).

**Inspector's Question 2**

2. Is this policy intended to apply to all allocated sites regardless of size? If so, should it be explained that not all will be expected, or able, to comply with all of the criteria? Should the policy also apply to windfall sites?

***Response to Question 2***

2. Policy SP 3 is intended to apply to all allocated sites regardless of size.
3. Paragraph 2.84 of the LPSV (EB114) advises that "allocations in the Local Plan (as identified in Policy SP 5 and Chapter 5) need to be planned carefully to ensure that they become successful places". Paragraph 2.85 of the LPSV elaborates on the proposed approach to place shaping advising that Policy SP 3 is intended to set out "the framework and key principles that will guide the future development of allocations in the Local Plan".
4. Paragraph 2.86 of the LPSV sets out that "given the importance and scale of the allocations, development proposals will be required to accord with a range of place shaping principles".
5. As Policy SP 3 is intended to provide a holistic approach to place shaping principles that can cut across a range of developments, rather than focus on site specific requirements (such as those policies in Chapter 4 – Development Management and Chapter 5 – Places), no further explanatory text is considered necessary in respect of the application of the policy criteria. It is considered that the wording of each policy criteria, when read in conjunction with the supporting

text, makes clear that a proportionate approach should be taken to their application. In any event some of the policy criteria would naturally be ruled out because of the type of proposals coming forward e.g. Criteria H (iv) relating to employment opportunities would not relate to purely residential developments.

6. Policy SP 3 does apply to windfall sites. Criteria H of Policy SP 3 advises that “strategic masterplans and development proposals must reflect and demonstrate that [...] place shaping principles have been adhered to”. As the Council draws no distinction between allocated sites and windfall sites as they are all part of the Council’s housing land supply over the plan period (as shown in Table 2.3 Housing land supply: 2011-2033 of the LPSV) and therefore all regarded as development proposals, Policy SP 3 applies.

**Inspector's Question 3**

- 3. Are the densities required by Part I(ii) and (iii) justified having regard to the likely effect upon the character of the relevant areas? Is it clear to which areas of the District Part I(iii) and (iv) relate? Are “areas outside town and large village centres” in Part I(iii) different to “other areas of the District” in Part I(iv)?**

***Response to Question 3***

7. The densities required by Part I(ii) and (iii) are justified having regard to the likely effect upon the character of the relevant areas. Paragraph 47, bullet point 5 of the NPPF (2012) advises that “to boost significantly the supply of housing, local planning authorities should: set out their own approach to housing density to reflect local circumstances”. Paragraph 59 goes on to clarify that “design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally”.
8. The Council’s overarching approach to the delivery of housing is set out in Paragraphs 1.72 and 1.73 of the Housing Background Paper October 2016 (EB1600). The paper advises that “land is a finite resource and it is therefore critical that land for development is used in an efficient and effective way. Consequently the Council will expect new development to maximise densities on housing sites, whilst recognising that different density levels will be appropriate for different sites in different locations”. This has led to the development of the guidelines set out in SP 3, Part I(ii) and (iii), including the proposed density ranges.
9. However, the Council’s emphasis is on high quality place making and Paragraph 2.88 of the LPSV makes clear that “*the appreciation of housing density is crucial* to realising the optimum potential of sites. It is not appropriate to apply density

ranges set out in Policy SP 3 mechanistically but to consider the density appropriate to the location taking account of relevant factors to optimise potential including the local context, design, transport and social infrastructure". It should also be reiterated that Policy SP 3 advises that the criteria are "place shaping principles", rather than fixed criteria.

10. On this basis, Policy SP 3 Part I(ii) is intended to set out the proposed minimum densities for new development (including any potential windfall sites) in the towns and larger villages within the District. Within small villages and those rural parts of the District (which by default are outside town and large village centres), it is envisaged that densities would be lower as indicated by Policy SP 3 Part I(iii).
11. The evidence base documents such as the Landscape Character Assessment 2010 (EB709) and the Settlement Edge Landscape Sensitivity Study 2010 (EB712) provide further detailed analysis of landscape character and sensitivity that would in turn contribute towards the consideration of density for new development, in tandem with the process of developing Strategic Masterplans, Concept Frameworks or pre-application proposals.
12. Notwithstanding the wording of Paragraph 2.88 of the LPSV, the evidence base documents and the prevailing character of some urban areas and villages, there may be circumstances where the density guidelines set out in Policy SP 3 Part I(ii) and (iii) may not be appropriate due to local sensitivities. Under such circumstances, Policy SP 3 Part I(iv) would be triggered. It is proposed that the wording is modified to make clearer the Council's intended interpretation of the criteria.

"(iv) notwithstanding Part B(ii) and (iii) above, lower density developments may be appropriate in other areas of the District some parts of the urban areas and some villages as they are particularly sensitive to the impact of intensification and redevelopment because of the prevailing character of the area and the sensitive nature of the surrounding countryside or built form. Where lower densities than those at Part B(ii) and (iii) above are proposed there would need to be suitable justification."

#### **Inspector's Question 4**

- 4. Should the criteria include specific reference to the need to conserve or enhance the historic environment?**

#### ***Response to Question 4***

13. The Council does not consider it necessary for the criteria in SP 3 to make specific reference to the need to conserve or enhance the historic environment.

14. Part H, sub-paragraphs (x) and (xi) of Policy SP 3 refer to the need for development proposals to integrate with existing communities and maintain/enhance the important features, character and assets of existing settlements which includes the historic environment.
15. Policy DM 7 (Heritage Assets) and DM 8 (Heritage at Risk) refer directly to the need for development proposals to conserve or enhance the historic environment. Policy SP 3 is to be read in conjunction with these policies where development proposals would need to have regard to the character, appearance and/or setting of heritage assets.

**Inspector's Question 5**

5. **Part H(v) requires development to promote healthy and active lifestyles. Does the Plan as a whole respond sufficiently to the requirements of Section 8 of the NPPF on “promoting healthy communities” by facilitating social interaction and creating healthy, inclusive communities? Is a specific overarching policy on health and well-being required? (Reps ECC).**

***Response to Question 5***

16. The Council considers that the Plan as a whole does respond sufficiently to the requirements of section 8 of the NPPF on “promoting healthy communities”.
17. One of the objectives of the Local Plan is “to improve public transport, walking and cycling opportunities with the aim of promoting healthy lifestyles, reducing the effects of traffic congestion and improving accessibility to services and the countryside without requiring the use of the car”. This is noted in Part D(ii) of the Local Plan Objectives on page 21 of the LPSV. This accords with the objectives of Section 8 of the NPPF 2012 “promoting healthy communities”.
18. This objective is then expanded upon within individual policies of the LPSV. Policy SP 4 Part C(xiii) and (xiv) refers to integrating sustainable transport modes at the heart of growth in the Harlow and Gilston Garden Town; Policy DM 5 Part A(iv) advises that proposals must “enhance connectivity and integration by providing pedestrian/cycle access to existing and proposed Green Infrastructure networks and established routes”; Policy DM 9 Part A(v) states that developments must “incorporate design measures to reduce social exclusion...”.

**Issue 2: Are the Plan's requirements for master-planning (as explained in paragraphs 2.89-2.102 and set out in Policies SP4, SP5 and certain Place policies) justified; and will they be effective in securing the timely delivery of comprehensively planned schemes?**

**Inspector's Question 1**

- 1. Are the Plan's requirements for Strategic Masterplans, Concept Frameworks, Design Codes and Panel Review necessary and proportionate having regard to the resources available to developers and the Council alike? In particular:**

**Response to Question 1**

19. The Plan's requirements for Strategic Masterplans, Concept Frameworks, Design Codes and Panel Review are considered to be necessary and proportionate.
20. Paragraphs 2.89 to 2.97 and Figure 2.1 of the LPSV (pages 34 to 36, EB114) set out the proposed approach for the preparation of Strategic Masterplans. The process and governance arrangements relating to the preparation of Strategic Masterplans, Concept Masterplans and the use of the Quality Review Panel are set out in the Council's Cabinet Committee Report dated 18 October 2018 (EB133).

- a. Are the thresholds for requiring proposals to be informed by Panel Review of 50+ dwellings/5,000m commercial floorspace justified by the expected benefits?**

21. The Council considers that the thresholds are justified by the expected benefits. Paragraphs 61 to 63 of the NPPF 2012 promote the objectives of securing high quality design, in particular having "local design review arrangements in place to provide assessment and support to ensure high standards of design." (Paragraph 62). This type of approach is also supported as best practice by Design Council and professional bodies such as RTPI, Landscape Institute and RIBA as a tool to help ensure high quality design.
22. When establishing the Quality Review Panel, the Council evaluated existing best practice guidance in the form of CABI's 2013 guidance note on Design Review as well as a range of local authority based design review services to assess their governance arrangements (e.g. local authority led versus externally provided),

funding provision, and terms of reference, in particular benchmarking the type of schemes that could or should be considered by a design review panel. While recognising that some flexibility was required to enable smaller and more complex schemes to be considered by the Quality Review Panel where appropriate, it was concluded that the most benefit and the most cost-effective approach would be derived from assessing major and complex development proposals.

23. The proposed thresholds which trigger the use of the Quality Review Panel have been set to ensure that significant major development and other schemes which are complex or contentious can be reviewed by the Panel at an early stage in order to front-load the planning process and to reduce the risk of delay at the application stage by supporting the development of schemes of a high quality. Furthermore, it is used on projects whose significance, either at local or national level, warrants the investment needed to provide the design review service. This approach is intended to support the successful implementation of place shaping principles set out in Policy SP 3 and high quality design requirements set out in DM 9 of the LPSV and ensure the timely delivery of significant major developments in the District.

**b. Could the requirement for Strategic Masterplans to be adopted by the Council as Supplementary Planning Documents before planning applications can be determined delay the delivery of large sites (see paragraph 2.96)?**

24. Paragraph 2.96 of the LPSV indicates that Strategic Masterplans must be prepared in a form and manner which means they are capable of adoption as Supplementary Planning Documents (“SPDs”), should the Council choose to do so, not that they must be adopted as such. In addition, the LPSV does not state that planning applications cannot be determined until the Strategic Masterplans are adopted as SPDs, but the Council does require “planning applications...to be in general conformity with the Strategic Masterplans which have been formally endorsed by Epping Forest District Council [and where appropriate Harlow District Council]” (Policy SP 4).
25. The Council accepts that it will not be desirable or practical to require Strategic Masterplan SPDs to be adopted before planning applications can be determined, and also that it may not be necessary to adopt Strategic Masterplans as SPDs (particularly in cases where planning applications have already been fully determined).
26. 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 LPSV. Paragraph 2.96 of the LPSV sets out the Council’s expectations for the delivery of Strategic Masterplans. The Council

has prepared a Strategic Masterplanning Briefing Note that provides further guidance which was endorsed by the Council's Cabinet Committee on 18 October 2018 (EB133). This sets out the Council's requirements for the preparation of strategic masterplans and SPDs to ensure that a comprehensive approach is taken to the planning and delivery of masterplan areas, particularly where there are sites in multiple ownership/control.

27. The approach is intended to speed up delivery by providing a structure for developers and site promoters to ensure that a framework for development of large sites is created and can be endorsed as a material consideration by the Council. The Strategic Masterplans would then inform the submission of any applications and enable well planned, high quality places to be created within the District. By adopting a 'whole-site' approach to masterplanning this will ensure that infrastructure and other requirements can be secured as required for each site allocation and seek to counter speculative applications that may not otherwise deliver these requirements.
28. It is not anticipated that the preparation of Strategic Masterplans would represent a duplication in process, but rather would be the first stage prior to the submission of a planning application(s). The preparation and adoption of Strategic Masterplans encourages early consideration of the site context, opportunities and constraints which in any event would be required prior to the submission of a planning application(s). The Council has already commenced work on the preparation of masterplans with land owners, site promoters and agents.
29. The approach accords with the NPPF (2012) which advises that SPDs can be prepared to build upon and provide more detailed advice or guidance on the policies within the Local Plan. It states: "Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development" (paragraph 153).
30. The governance arrangements involve draft Strategic Masterplans being approved by the Council's Local Plan Cabinet Committee (LPCC) prior to public consultation. The Council's Cabinet Committee would then be responsible for formal endorsement of the document.

**c. What is the intended status of the Concept Frameworks required by the Plan? How will they be "formally endorsed" by the council?**

31. It is intended that once endorsed in accordance with the Concept Framework Briefing Note approved by the Council's Cabinet Committee on 18 October 2018, Concept Framework documents would form a material planning consideration in the determination of proposals relating to relevant site allocations.

32. The Concept Framework Briefing Note requires Concept Frameworks to be approved for consultation by the Council's LPCC and then formally endorsed by the Council's Cabinet Committee following the consultation period and the consideration of any representations received.

**d. What would happen in cases where landowners within Strategic Masterplan and Concept Framework areas cannot agree? Does this present a risk to the timely delivery of development?**

33. The Council's Strategic Masterplans and Concept Framework Briefing Notes set out the expectation of collaboration between relevant land owners/site promoters.
34. If landowners/site promoters cannot agree, the Implementation Team would facilitate the production of high level Strategic Masterplans for endorsement by the Council to enable the key parameters that would inform the submission and determination of applications to be set. It is not considered that this presents a risk to the timely delivery of development.
35. The Council has already embarked on early discussions with land owners/site promoters in respect of the Strategic Masterplan and Concept Framework areas (see report to Cabinet on 18 October 2018 (EB133)). The Council will continue to monitor progress on the preparation of masterplans to ensure timely delivery can still be achieved either with collaborative engagement from land owners/site promoters or with the Council's planning team taking a lead on setting these key parameters.

**Inspector's Question 2**

- 2. Paragraph 2.94 explains that Strategic Masterplans will be produced by the landowners/promoters of the sites in partnership with the Council and relevant stakeholders. Is this process justified in cases where a Neighbourhood Plan is in preparation for the same area (see specifically Chigwell Parish Council and Site CHIG.R6, the Limes Farm Masterplan Area)? How will duplication and/or policy conflict be avoided?**

***Response to Question 2***

36. The Chigwell Neighbourhood Plan ('CNP') was submitted for examination on 7 March 2018. The appointed Independent Examiner issued initial comments on the CNP on 25 July 2018 and requested that an exploratory meeting be held to consider those issues. Following an exploratory meeting on 5 September 2018, the Independent Examiner issued a report on 5 November 2018 (EB136A). The Independent Examiner found that CNP should not be proceed to referendum

because it did not meet the basic conditions. A report to Cabinet Committee on 7 February 2019 will ask members to note and agree the conclusions of the Examiner. Given the current position and status of the CNP there can be no question of any duplication or policy conflict arising. A copy of the report to the Cabinet Committee can be added to the Examination Library upon its publication in due course if this would assist the Inspector.

37. In the case of other parishes currently progressing Neighbourhood Plans, the Council is working closely with all relevant stakeholders in order to seek to ensure conformity with the LPSV and to avoid any policy duplication or conflict. The Council is already taking a proactive approach to facilitate engagement and joined up working between site promoters / landowners and neighbourhood planning groups in relation to the emerging Masterplans at South Epping and North Weald Bassett. This is intended to be a continual process of collaboration with Neighbourhood Plan Steering Groups and Parish Councils should they express an interest in progressing Neighbourhood Plans in their area.
38. The production of Strategic Masterplans is intended to complement and supplement the production of Neighbourhood Plans (where they are being produced), subject to compliance with the Basic Conditions, and general conformity with the emerging LPSV.

**APPENDIX A: Examination documents referred to in this statement**

<b>Reference</b>	<b>Name</b>	<b>Author</b>	<b>Date</b>
EB114	<a href="#">Local Plan Submission Version 2017</a>	<i>Epping Forest District Council</i>	2017
EB123	<a href="#">Draft Local Plan</a>	<i>Epping Forest District Council</i>	2016
EB133	Report to Cabinet: <a href="#">Governance Arrangements for Local Plan Implementation (18 October 2018)</a>	<i>Epping Forest District Council</i>	2018
EB136A	<a href="#">Report on the Examination of the Chigwell Neighbourhood Plan</a>	<i>John Slater Planning</i>	2018
EB709	<a href="#">Epping Forest District Council Landscape Character Assessment</a>	<i>Chris Blandford Associates</i>	2010
EB712	<a href="#">Settlement Edge Landscape Sensitivity Study</a>	<i>Chris Blandford Associates</i>	2010
EB1600	<a href="#">Housing Background Paper October 2016</a>	<i>Epping Forest District Council</i>	2016