

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Council Housebuilding Cabinet Committee **Date:** Tuesday, 8 September 2020

Place: Virtual Meeting on Zoom **Time:** 7.00 - 8.08 pm

Members Present: H Whitbread (Chairman), N Avey, N Bedford and J Philip

Other Councillors: S Murray, C C Pond and D Wixley

Apologies: A Patel

Officers Present: D Fenton (Service Director (Housing Revenue Account)), J Cosgrave (Interim Development Housing Manager), J Leither (Democratic Services Officer), R Moreton (Corporate Communications Officer) and G Woodhall (Democratic & Electoral Services Manager)

10. WEBCASTING INTRODUCTION

The Chairman made a short address to remind everyone present that the meeting would be broadcast live to the internet, and would be capable of repeated viewing, which could infringe their human and data protection rights.

11. SUBSTITUTE MEMBERS

The Cabinet Committee noted there were no substitute members.

12. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

13. MINUTES

Resolved:

That the minutes of the Council Housebuilding Cabinet Committee meeting held on 23 June 2020 be taken as read and would be signed by the Chairman as a correct record.

14. COUNCIL HOUSE BUILDING PROGRESS REPORT - PHASES 2-4

Deborah Fenton, Service Manager, Housing Management and Home Ownership, presented a report to the Cabinet Committee, she advised that the report set out the progress that has been made across phases 3 to 4 of the Council Housebuilding programme that had either been completed, were on-site or were currently being procured.

Phase 3**Queens Road, North Weald: HR116**

10 x 3 Bed Houses and 2 x 2 Bed Houses

Scheme	Contractor	Site Start	Contract Period	Original Comp. Date
Queens Road	Storm Bld.	07:01:19	83 Weeks	07:08:20
Ant. Comp.	Variation	Contract Sum	Ant. Final Acc.	Variation
30:09:20	6 Weeks	£2,470,493	£2,816,876	£346,383 (14%)

As at the last valuation the contractor was granted an extension of time of 5 weeks due to utility delays which did not as yet attract an extra cost claim. However, there was a further delay of 8 to 10 weeks due to Government Restrictions in place relating to Covid-19 and the consequential effect on the supply chain. There were no cost claim details submitted at this time.

The Current anticipated final account was anticipated to be c£2,850,000

Phase 4

Phase 4.1 - Contracted			Programmed SoS	Weeks	Handover
Chequers Road (A), Loughton	HR 124	3x3B units	31:07:20	56	27:08:21
Bushfields, Loughton	HR 122	2x2B units	13:07:20	56	13:08:21
Chester Road, Loughton	HR 130	3x2B units	07:09:20	53	13:09:21
Queensway, Ongar	HR 140	4x1B units	12:10:20	58	26:11:21
Millfield, Ongar	HR 138	2x1B units	12:10:20	58	26:11:21
Totalling		14 units			

The Programmed Start on Site activity had now occurred on Chequers Rd (A) and Bushfields with the other sites to follow shortly. Pre-commencement variations (including the additional works to further address recent rear garden water logging issues on earlier phases) were in the process of being agreed, boundary treatments and drainage outfalls were being reviewed. Non Material and Material Amendment Applications were due to be submitted shortly.

Some Asbestos had been found under the slab at Chequers Rd (A) and a small area of potential ground contamination had been found at Bushfields, the cost of which was anticipated to be within the allowed contingency. Pre-design work was continuing and once finalised, if any further None Material/Material Amendment Applications were required, they would be submitted by the Contractor who was continuing to make progress within the Government Guidelines and restrictions with the aim of minimising any further delays.

The figures below in bold were the latest and set out the movement compared with the figures previously reported. This was down to several issues but mainly the adjustment in contract value following the Contractor Design and Build exercise and

the associated drainage costs reported on previously. There remains a total contingency figure of £128,042.

	Fees	Build Costs	Cont.	Sub Total	Pre-Demo.	Variation
Chequers Rd (A)	114,966 114,164	838,963 857,246	40,000 28,089	993,929 999,499	48,275	+5,570
Bushfields	93,839 91,739	526,518 544,936	30,000 20,003	650,357 656,678	39,050	+ 6,321
Chester Road	105,350 104,115	747,395 788,462	40,000 20,331	892,745 912,908	16,922	+20,163
Queensway	116,390 114,415	914,925 934,483	49,594 35,780	1,080,909 1,084,678	77,639	+3,769
Millfield	92,076 90,662	458,001 476,284	30,000 23,839	580,077 590,785	17,024	+10,708

Phase 4.1 - Comprising			Latest Anticipated Possession	SoS
Hornbeam Close (B) Buckhurst Hill	HR 136	3 x units	14:09:20	26:10:20
Hornbeam House, Buckhurst Hill	HR 137	2 x units	14:09:20	26:10:20
Bourne House, Buckhurst Hill	HR 135	2 x units	14:09:20	26:10:20
Etheridge Road, Debden	HR 127	3 x units	14:09:20	26:10:20
Denny Avenue, Waltham Abbey	HR 144	3 x units	14:09:20	26:10:20
Beechfield Walk, Waltham Abbey	HR 147	5 x units	14:09:20	26:10:20
Kirby Close, Loughton	HR 120	4 x units	14:09:20	26:10:20
Total		22 units		

During a recent pre-commencement meeting the anticipated possession dates and initial start on site dates were presented subject to a further period of c2 – 3 weeks to allow for a staggered start on site. These would be confirmed closer to the anticipated commencement date..

The Tender Report for the 4.2 group of sites was submitted and approved at the CHBCC meeting in June 2020 and the tender prices of £2,160,015 and £4,234,504 which totalled £6,394,519 was accepted with completion some c52 weeks following the Start on Site date.

The Contractor Indecom Limited, was currently engaged in carrying out their Design and Build responsibilities and the Contract was being finalised for signing.

Non Material and Material Applications were being prepared for submission to address any and all known changes that have occurred since the original consent was granted for the various sites.

With regard to the current Government restrictions good progress had been made in these difficult circumstances to continue to progress due diligence and work towards completing the designs so as to minimise any further potential delays.

Phase 4.3 – Comprising		
Pick Hill Waltham Abbey	HR 145	2 x units
Pentlow Way Buckhurst Hill	HR 139	7 x units
Bromefield Court Waltham Abbey	HR 143	1 x unit
Shingle Court Waltham Abbey	HR 147	1 x unit
Stoneyshotts Waltham Abbey	HR 148	1 x unit
Woollard Street Waltham Abbey	HR 149	8 x units
Wrangley Court Waltham Abbey	HR 161	1 x unit
Total		21 units

These above sites have been recently tendered and were now being analysed and would be reported upon in the form of a further Tender Report which will be presented at the next CHBCC meeting in December 2020. Initial indications were that tender price was likely to be just below the Cost Consultants latest forecast.

Due to significant design changes which were necessary to Pentlow Way and Woollard Street, these will be resubmitted for Planning consent.

Phase 4.4 – Comprising: -	
Chequers Road (B), Loughton:	8 x units
Ladyfields, Loughton:	16 x units
Lower Alderton Hall Lane, Loughton:	2 x units
Thatchers Close, Loughton:	1 x unit
Total	27 units

Due to significant design changes and scheme improvements reported previously Chequers Road (B) and Ladyfields will be resubmitted for Planning Consent. These will both be designed to 'Passivehaus' standard 'Fabric First' and Ladyfields will be designed and build to the full 'Passivehaus' Standard incorporating 'Air Source Heat Pump and Heat Recovery System' as a positive response to Councils Climate Emergency and will enable field tests and experience to be gained to better inform the Councils future decision making.

Lower Alderton Hall Drive and Thatchers Close

Both sites were awaiting consent and have been delayed by the Local Plan and the SAC issues which was hoped to be resolved soon.

It should be noted that a potentially significant change in Planning views had been raised which may considerably affect the CHBP for which further clarification was being sought. The programme was continuing albeit 'at risk'.

In summary to date the total of 84 properties for Phase 4, which now reflected a potential increase in affordable units of 12 extra properties (16.6%) over what had previously been forecasted and approved.

Councillor C C Pond referred to page 18 of the agenda, Phase 5+ and asked if the Officer could explain what the potentially significant change in planning views.

D Fenton advised that it related to an issue regarding what constituted starting on site. Previously with the Council Housebuilding Programme (CHBP) when garage doors were removed, that had been taken as commencement on site, however Planning have done some more research into this matter and have changed their view on what constituted a start on site. To currently continue with the CHBP, albeit at risk, we are awaiting an outcome from Planning for a conclusion and hopefully this will come to the next meeting.

Councillor Bedford stated that the Council need to be more mindful going forward as to when start on site dates were approaching the end of the planning permission some kind of warning mechanism process needs to be put in place to alert officers.

D Fenton advised that she was aware that this process needed to happen and going forward will be using an end of project planned approach so that this issue would not happen again.

Councillor C C Pond advised that he had been contacted by a number of constituents who were interested in the right to buy of new Council houses, despite the conditions relating to the length of tenancy and the amount of discount and I have been prompted by them to ask whether all future Council Housebuilding sites will be developed by EFDC itself and they worry that their right to buy could be abrogated by sites being transferred to third parties.

D Fenton advised that in terms of Council Housebuilding, the Council intend to build out all of the sites that were currently identified. There are a number of other sites that are transferring into Qualis. On these sites there will be a requirement for affordable housing I am not sure how this works as it will be for Qualis and Planning to agree the terms. Therefore to clarify your question all the properties that are or will be built by the Council Housebuilding Programme they will be let on secure tenancies and therefore residents would have the right to buy. Any sites transferred or acquired by Qualis residents of these would not have the right to buy as these will be let on a different tenancy between Qualis and the resident.

Councillor H Whitbread, Chairman clarified that all sites already identified under the Council Housebuilding Programme will be built and owned by the Council and let to residents who qualify for Council housing.

Councillor J Philip stated that any sites owned and built by Qualis would remain under the control of Qualis and these properties would not be liable for right to buy as Qualis would be renting these properties out and controlling who they would rent them out to. The Council may use Qualis as their development agent and they would develop the sites and hand them back to the Council and these properties would be Council housing and liable for right to buy.

Councillor D Wixley asked about Chester Road, as this was in his ward, and about the new approach. Could the officer explain what the difference was between the old approach and the new approach.

D Fenton stated in view of Chester Road officers need to do some work to understand when the planning conditions were discharged and some due diligence to make sure everything was in place to satisfy the planning regulations.

In terms of the new approach there was a report later on the agenda, but essentially what had happened in the past was officers had looked at garage sites, some of these sites have been subject to anti-social behaviour, therefore the Council have decided to build on them and put in for planning permission. Officers have not looked at the immediate area to do with parking stress, planting schemes and the area in general, there had been no work with Members in the early stages of the process and going forward we plan to have more community input, input from Members and look at the immediate area to make sure it was a community where people wanted to live and not just a garage site demolished with a block of flats built on it.

Councillor H Whitbread asked in relation to the impact of Covid, were there any measures ready to be put in place if there was a local lockdown and have officers considered how that would affect the CHBP.

J Cosgrove answered in terms of the Covid-19 the health and safety issues and the site management issues have been considered and fortunately to a large degree outdoor activities are more favourable from Covid-19 restrictions but until you see the type of restrictions they would be put in place it was difficult to predict. The CHBP had managed to maintain some form of construction progress throughout this pandemic although some of the consequences have seen some levels of delay, in particular from the supply chain.

Decision:

(1) That the contents of the Progress Report on Phases 3 to 4 of the Council House Building Programme be noted and presented to the Cabinet in line with the Terms of Reference of the Council Housebuilding Cabinet Committee.

Reasons for Decision:

Set out in its Terms of Reference, the Council House Building Cabinet Committee was to monitor and report to the Council on an annual basis progress and expenditure concerning the Council House Building Programme. This report sets out the progress made over the last 12 months.

Other Options Considered and Rejected:

This report was on the progress made over the last 12 months and was for noting purposes only. There were no other options for action.

15. PROGRAMME PHASE 5 - NEW APPROACH

Deborah Fenton, Service Manager, Housing Management and Home Ownership, presented a report to the Cabinet Committee, she advised that the Council House Building Programme (CHBP) had mostly been developed on former garage sites to date. A number of potential sites have been refused planning permission or been withdrawn, partly due to added limited neighbourhood improvement and adding to some degree to local existing parking stress problems.

Many of the previous garage sites that have been developed were of poor quality, unlit and attracted anti-social behaviour. Although the loss of the garage sites had been perceived by local residents as adding to parking stress in the local area, many

of the garages were no longer suitable for parking cars because they were too small and mostly used for storage.

A consultation and community planning process had been proposed to engage with local community representatives to openly discuss where potential development opportunities may exist and to better understand and potentially address local issues that may be required to possibly achieve positive support for further Council Housing development in an area.

Some CHBP developments provide more additional parking than was required and have been left unallocated. However, being mainly small enclosed developments, it was believed that they would be better managed through EFDC licences to local residents allowing improved security and improved community cohesion. This was proposed in a separate report and a new draft policy – Allocation of Surplus Car Parking Spaces Delivered through CHBP.

As a positive response to the Council's Climate Emergency resolution it was proposed to design all future developments adopting the 'Passivhaus' standard – 'Fabric First' as a minimum. This would further improve the thermal standard of the properties reducing the future heating requirements for residents. Given the external wall thickness significantly increases from c300mm to c500mm would establish the base approach and thereby simplify the design process and avoid the need for redesign and potentially resubmitting for planning consent and assist the subsequent contractor to deliver the Design and Build contracts. This was anticipated to add c.3-5% to the current specification build cost.

The adoption of a heat generation and recovery system i.e. an Air Source Heat Pump and Heat Recovery System (ASHP-HRS) would add a further c.6-8% to the current specification build cost. The technology to achieve this was available but there are varying views of its reliability and ease of user operation.

It was therefore beneficial to design all future properties going forward to accommodate 'Passivhaus' standard – 'Fabric First' and to also plan within the design for future retrospective installation of an ASHP-HRS as and when a suitable system was identified.

A new process was proposed for selecting and developing sites for Council Housebuilding based on a collaborative approach involving EFDC colleagues, Essex County Council and community representatives. The purpose was to assess and develop the potential sites using an incremental approach to ensure successful planning applications, developments that improve local neighbourhoods and limiting resource input into sites which are not feasible or supportable for development.

Councillor J Philip asked if the officers had any idea when a suitable heat system would be identified for the heat recovery approach.

J Cosgrave advised in terms of the Passivhaus and the heat recovery there were two separate issues to be addressed the first was improving the thermal efficiency of the building, therefore reducing the need for heat input and under the Passivhaus, Fabric First standard in order to increase and improve the thermal efficiency of the building the external wall thickness needed to increase by c300 millimetres to c500 millimetres. Therefore, over a block of flats, this could amount to approximately 4/56 millimetres to which there was a benefit in adopting the Fabric First standard in order to improve the thermal efficiency of the building and the heat demand going forward in the future. There was also a benefit in securing the planning consent on a size of building that was unlikely to change by therefore accommodating the potential future

sizing of the thermal mass of the building. The second element which was the heat recovery, on Ladyfields we were proposing to do a full Passivhaus project which would involve air source heat pumps and heat recovery, in terms of the carbon capture the heat generation and the heat recovery was the element that responds the greatest to the carbon reduction, for example a gas boiler might emit c70 tonnes of carbon over a c45 year period, by using an air source heat pump and a heat recovery system this could reduce to c5 tonnes of carbon.

There was a problem in that the Council signed up to a climate emergency policy to try and reduce the carbon footprint by 2030, today there was the technology available for heat generation and heat recovery but the performance isn't as effective as advertised and the air source heat pumps are harder to install and have a life expectancy less than that of a gas boiler system. Therefore the proposal was to test drive on Ladyfields so we can start to gain some practical experience in the delivery of this system. Also the heat generation and heat recovery needs to be looked at in the 6,500 Council house stock to make a meaningful reduction in carbon across the district. The technology was there but it was not a reliable source of technology that you could say was not going to be defect free over the next 20 or 30 years, and that was a key concern.

Councillor J Philip asked if the technology would be there in 1-2 years to be able to install or were the Council looking at 5+ years to where they would be in a position to where the market thinks that the heat recovery technology will be at a level that could be used successfully.

J Cosgrave replied that the market was quite dynamic at the present time and within the next 2 to 5 years you will see some leaders appear, this was not just a UK initiative this was a worldwide initiative and in the next 2 to 5 years you will start to see some stabilisation in the technology.

Councillor H Whitbread asked how cost effective this system was and how it compared to other options which we might have applied earlier.

J Cosgrave replied in terms of the Fabric First, it adds approximately 3 to 6% in terms of the build cost but long term the buildings will be more thermally efficient.

D Fenton stated that on the Ladyfields site, to make sure it was financially feasible, officers have done a cost feasibility study over 30 years. Usually when officers are looking at Council housing and what it would return to the Council we calculate over 30 years which was the standard business plan, so using the Passivhaus standard it would return a small profit which was really positive because there was an additional cost. Going forward with all schemes that go to the Council Housebuilding Cabinet Committee for approval a financial analysis would accompany the report so that Members would be able to see what the outcome was in terms of the internal rate of return for the Council over the 30 years of the business plan.

Councillor N Bedford advised in March 2019 it was confirmed by the Government that no new house builds from 2025 were allowed to have gas boilers installed, therefore we have to move forward and have to adopt the new technology. He stated that he had seen some of the technology in place where they were installing heat recovery systems and with this new technology they do not have to dig trenches across fields to lay the pipework they bore down into the ground to a certain depth and then the pipes are capped off. There was potential there for the Council to move forward and adopt the new technology which will be advantageous for the Council.

Councillor D Wixley asked if all the Council new build sites would have electric charging points for electric vehicles and were they going to have solar panels.

J Cosgrave replied that on sites where there was permitted parking PV's would be installed and also where permitted solar panels on the roofs. As you are aware EFDC were developing a green and blue sustainable policy which we are trying to embrace and going forward in terms of the efficiency of these properties.

Councillor C C Pond asked Members if they could give an assurance that flammable Installation systems will not be installed in any of the Councils new builds.

J Cosgrave replied in terms of flammable and due to recent events for example Grenfell Tower and a Car Park in Liverpool, next to the arena, it was strongly expected that there was going to be a rigorous change in the terms of building regulations. From the Councils point of view all materials used must be of a high standard of safety.

Councillor H Whitbread stated that she was happy to see the Council moving away from garage sites, as they had caused a lot of issues over the years and that EFDC were taking a fresh approach with their commitment to continue building council houses.

Decision:

- (1) That the Council adopts a new approach that involves early engagement with local community representatives;
- (2) That a new process for future CHBP site assessments based on a collaborative and incremental approach be agreed; and
- (3) That all future developments going forward be designed in line with the 'Passivhaus' standard – 'Fabric First' approach as a minimum and to accommodate future retrospective installations of Low Carbon Heat Generation and Heat Recovery Systems as and when suitable systems are identified.

Reasons for Decision:

To reduce time delay and cost to improve speed and effectiveness of bringing forward supportable development in CHBP.

To recognise and support the Council's Climate Emergency resolution by improving the thermal efficiency of the new properties and future proofing the design to accommodate evolving low carbon heat generation and recovery systems.

Other Options Considered and Rejected:

Not to set up a new process and continue with the current approach. This would not address the current issues that have been identified with identifying and developing new sites, leading to delays and increased costs and abortive costs.

Not to introduce the introducing the 'Passivhaus' standard – 'Fabric First' as a minimum on all developments and not to design the new properties to accommodate future retrospective installation of low carbon heat generation and heat recovery systems. This would not provide thermal efficiency improvements on the new

properties and make future retrofitting of technology to improve carbon emissions more problematic and costly.

16. POLICY FOR THE ALLOCATION OF SURPLUS CAR PARKING SPACES

Deborah Fenton, Service Manager, Housing Management and Home Ownership, presented a report and draft policy regarding the allocation of surplus car parking spaces provided by the Council Housebuilding Programme. She advised the Cabinet Committee that the policy aimed to bring clarity and consistency to how surplus car parking spaces from newly built Council housing developments could be allocated to local residents in the surrounding areas and managed by Council staff.

The number of parking spaces provided to these Council housing developments would be determined by the parking standards in the emerging Local Plan, influenced by public transport accessibility and other local issues.

The Council were proposing that applicants to the new Council housing developments would be allocated car parking spaces in accordance with the parking standards as specified by the planning obligations.

The remainder of those car parking spaces, if applicable, would be advertised and allocated to residents in the surrounding areas of the development in accordance with the allocation and eligibility criteria which was specified in this report.

The application rules would also determine process of allocation, including payment and enforcement.

It should be noted that some of the Council housing developments may be car free schemes and in these cases, relevant details will be included in the s106 agreement. It was important that housing applicants were notified that these new developments were car free schemes and off-street parking spaces would not be allocated at any time. Alternative responses would be explored where applicable and may include working with car club providers.

The draft policy was attached to the Agenda starting on page 55.

Councillor N Avey stated that given all the parking problems in the district he really welcomed this initiative. He asked if people were offered and accepted a property in a development which had no provision for a car, would they then get accepted into this surplus car parking scheme.

D Fenton advised that some of the schemes would be car free and if there were no car parking spaces then the Council would not be able to allocate them. The Council were taking a holistic approach to what they were building and would not be building sites that will cause parking stress in the immediate area.

Councillor J Philip stated that the Council should be looking to construct sites that include additional parking, as stated in the Local Plan, to minimise the amount of traffic on the roads as the more car parking there was the more traffic there was. If there were any extra spaces on site this could be looked at to get another building on the site and not additional car parking.

Councillor D Wixley stated that parking was a problem and always would be but a lot of people who drive company utility vehicles and have to bring them home, there was a need for parking and these individuals were not allowed to use these vehicles for private use, so it has to be taken into account that these residents do need to be able to park as part of their work.

Councillor J Philip advised that one of the main contributors in the district for climate change was traffic and therefore the amount of cars that we have, I was not saying that the Council should build on sites with no parking provision but that no extra parking should be provided when constructing houses.

Councillor D Wixley asked if the provided parking spaces were going to have lockable barriers so that would ensure those who have permits for a particular space would be able to use that space, it would be secure and would solve the problem of somebody else parking there.

J Cosgrave advised that the extra parking spaces would have bollards so that they could be controlled.

Councillor C C Pond stated that he agreed with the recommendations, car free zones and car free developments but recently the residents of Joan Davis and Churchill Courts, the new development in Burton Road, Loughton were not adequately warned about the lack of car parking at these sites. I raised this issue at the last Council Housebuilding Cabinet Committee meeting and officers advised that they would be looking into reallocating some of the car parking spaces in Torrington Drive to the residents of Joan Davis and Churchill Courts as this was causing considerable distress to the residents.

The housing allocation officers need to strongly advise new or prospective residents of Council properties that have none or very little parking as after speaking with residents of Joan Davis Court they advised that it was only a passing comment which was given orally, they were given nothing in writing regarding the shortage of parking in their tenancy letters.

D Fenton advised that she would discuss this with the housing officers to see what processes they have in place going forward. In terms of Torrington Drive officers were still working on that and we are planning to allocate some parking spaces. Rachel Smith was the officer dealing with that task and I will ask her to update you.

Councillor N Bedford asked if the Council could look at designing out the problem on the kerb parking. On an estate in North Weald residents are given an allocated amount of parking but still end up parking on the pavements. We need something put in place to stop people parking on the pavements.

J Cosgrave replied that this was a national problem as Council estates were designed pre extensive car use. Raising the kerbs was a practicable solution, but if the cars were not parking on the kerb they would find somewhere else to park which was displacement. It was a complicated matter, some households could accommodate off street parking, even some of the freehold houses but looking at the costs that Essex County Council charge to put in a dropped kerb was very high and that was something I would like to engage in with Essex County Council to try to make some of these solutions more affordable and cost effective.

Decision:

- (1) That the Council reviews and adopts the Policy for Allocating Surplus Car Parking Spaces Provided by the Council Housebuilding Programme; and
- (2) That the Council adopts and implements the allocation and eligibility criteria including the advertising, selection/allocation, licencing/charging of parking permits and enforcement of surplus car parking spaces.

Reasons for Decision:

It was agreed previously that these surplus car park spaces should remain unallocated. However, since these developments are mainly in (not exclusively) internal private, unadopted court yards, it has been assessed that this may lead to anti-social behaviour and community tensions. Therefore, adoption of an allocation procedure that would better provide long term control, a more secure and safer environment was recommended.

Other Options Consider and Rejected:

To continue to leave those surplus car parking spaces unallocated. This may lead to loss of community engagement and support because of the potential for anti-social behaviour problems these unallocated spaces may attract.

17. POLICY FOR LICENCING AND GRANT OF PERMANENT RIGHTS OF WAY/ACCESS

Deborah Fenton, Service Manager, Housing Management and Home Ownership, presented a report and draft policy regarding the Licencing and Grant of Permanent Rights of Way/Access for the Council House Building Programme and recommended that the Council adopted the policy.

The policy was required to prevent the creation of unauthorised rights of way/accesses across Council land which had led to legal proprietors acquiring an easement either by prescription or quasi easement. This had led to the requirement for the Council to compensate proprietors whose rights of way/accesses are permanently or temporarily closed on development sites under the CHBP.

A review of the current licensing system was recommended to agree a new form of Licence for Rights of Way/Access. This review would also consider the level of the annual licence fee to ensure it was reflected at a financially realistic relationship to the permanent sale price of the Right of Way/Access in order that the licence fee value was reflective of the value and consistently applied.

The creation of a central data base was recommended which would record issued licences and sale agreements for permanent Rights of Way/Access including a notification process for all relevant Council departments/teams.

Going forward a system for the annual monitoring and review of licences as well as regular site inspections to regulate and prevent the creation of unauthorised rights of way/accesses.

Councillor J Philip referred to page 64 of the agenda, paragraph 7 'the cost of which is to be borne equally by both parties, but the instruction is to be made jointly by EFDC.' I believe this could just be a minor error and the word 'jointly' should read 'solely' and therefore would like some clarification.

J Cosgrove replied that the wording was correct as valuations were carried out on a joint instruction by agreement with the resident so the valuer offers an equal duty of care to both EFDC and the resident. The reason for doing it this way was to avoid the circumstances where EFDC would get three valuations and the resident would also get three independent valuations and then you would be in a position where you would have to negotiate whose valuation was correct, this method was a much more realistic way of reaching a valuation which was satisfactory to EFDC and the resident.

Councillor J Philip stated that he understood the reasoning now that it had been explained but that paragraph 7 did not read correctly. He was also concerned that the wording in the draft policy was the same as paragraph 7 on the report.

Councillor H Whitbread asked the officers to tighten up the wording in the draft policy so that it gave a clearer explanation.

Decision:

- (1) That the Council adopts a new policy for the Licencing and Granting of Permanent Rights of Way/Access for the Council House Building Programme subject to clarification of paragraph 4.6 on the draft policy;
- (2) That an audit be carried out to review of the current licencing arrangements and fees charged;
- (3) That a central database be created to maintain a notification system for issued licences and sale agreements for permanent rights of way/accesses; and
- (4) That an annual monitoring and review of licences be carried out and regular site inspections to regulate and prevent the creation of unauthorised rights of way/access.

Reasons for Decision:

To prevent the creation of unauthorised rights of way/accesses and to formalise the process for managing the issuing of licences and permanent rights of way/access going forward.

Other Options Considered and Rejected:

Not to implement the new policy. This will perpetuate the unauthorised creation of rights of way/accesses to the financial and reputational detriment of the Council.

18. ANY OTHER BUSINESS

The Cabinet Committee noted that there were no other matters of urgent business for consideration.

19. EXCLUSION OF PUBLIC AND PRESS

The Cabinet noted that there was no business for consideration which would necessitate the exclusion of the public and press from the virtual meeting.

CHAIRMAN