

Committee Agenda



**Epping Forest
District Council**

Council Housebuilding Cabinet Committee Tuesday, 8th September, 2020

You are invited to attend the next meeting of **Council Housebuilding Cabinet Committee**, which will be held at:

Virtual Meeting on Zoom
on **Tuesday, 8th September, 2020**
at **7.00 pm** .

**Georgina Blakemore
Chief Executive**

**Democratic Services
Officer**

Jackie Leither Tel: 01992 564756
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors H Whitbread (Chairman), N Avey, N Bedford, A Patel and J Philip

WEBCASTING/FILMING NOTICE (VIRTUAL MEETINGS)

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by participating in this virtual meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should ensure that their video setting throughout the virtual meeting is turned off and set to audio only.

In the event that technical difficulties interrupt the virtual meeting that cannot be overcome, the Chairman may need to adjourn the meeting.

If you have any queries regarding this, please contact the Corporate Communications Manager on 01992 564039.

1. WEBCASTING INTRODUCTION

The Chairman will read the following announcement:

“This meeting is to be webcast.

“I would like to remind everyone present that this virtual meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

Please also be aware that if technical difficulties interrupt the meeting, that cannot be overcome, I may need to adjourn the meeting.

Members are reminded of the need to unmute their microphones before speaking.”

2. APOLOGIES FOR ABSENCE

To be announced at the meeting.

3. SUBSTITUTE MEMBERS

To report the appointment of any substitute members for the meeting.

4. DECLARATIONS OF INTEREST

To declare interests in any item on the agenda.

5. MINUTES (Pages 5 - 14)

To confirm the minutes of the last meeting of the Cabinet Committee held on 23 June 2020.

6. COUNCIL HOUSE BUILDING PROGRESS REPORT - PHASES 2-4 (Pages 15 - 28)

The Service Manager – Housing Management and Home Ownership to present a report to the Cabinet Committee with regard to updating the Committee on the progress of the Council House Building Programme – Phases 2-4.

7. PROGRAMME PHASE 5 - NEW APPROACH (Pages 29 - 42)

The Service Manager – Housing Management and Home Ownership to present a report to the Cabinet Committee with regard to adopting a new approach to the Council House Building Programme – Phase 5.

8. POLICY FOR THE ALLOCATION OF SURPLUS CAR PARKING SPACES (Pages 43 - 62)

The Service Manager – Housing Management and Home Ownership to present a report to the Cabinet Committee with regard to adopting a Policy for the Allocation of Surplus Car Parking Spaces.

9. POLICY FOR LICENCING AND GRANT OF PERMANENT RIGHTS OF WAY/ACCESS (Pages 63 - 80)

The Service Manager – Housing Management and Home Ownership to present a report to the Cabinet Committee with regard to adopting a new policy for Licencing and Grant of Permanent Rights of Way/Access for the Council House Building Programme.

10. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council Procedure Rules contained in the Constitution require that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

11. EXCLUSION OF PUBLIC AND PRESS

Exclusion

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers

Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection one copy of each of the documents on the list of background papers for four years after the date of the meeting. Inspection of background papers can be arranged by contacting either the Responsible Officer or the Democratic Services Officer for the particular item.

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Council Housebuilding Cabinet Committee	Date:	Tuesday, 23 June 2020
Place:	Virtual Meeting on Zoom	Time:	7.00 - 7.45 pm
Members Present:	H Whitbread (Chairman), N Avey, N Bedford, A Patel and J Philip		
Other Councillors:	R Brookes, R Morgan, S Murray, C C Pond, J Share-Bernia, D Stocker and C Whitbread		
Apologies:	None		
Officers Present:	D Fenton (Service Manager (Housing Management & Home Ownership)), J Cosgrave (Interim Development Housing Manager), J Leither (Democratic Services Officer), S Mitchell (PR Website Editor) and G Woodhall (Democratic & Electoral Services Officer)		

1. WEBCASTING INTRODUCTION

The Chairman reminded everyone present that the meeting would be broadcast live to the internet and that the Council had adopted a protocol for the webcasting of its meeting.

2. SUBSTITUTE MEMBERS

The Cabinet Committee noted there were no substitute members.

3. DECLARATIONS OF INTEREST

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

4. MINUTES

Resolved:

That the minutes of the meeting held on 12 March 2020 be taken as read and signed by the Chairman.

Due to the current Covid-19 situation all minutes agreed at a virtual meeting will be signed by the Chairman at a later date.

5. 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 2 to 4 of the Council Housebuilding programme that had either been completed, were on-site or were currently being procured.

Phase 2 – Burton Road, Loughton

Burton Road, Loughton consisted of 51 properties, 15 x 3 Bed Houses, 2 x 2 Bed Houses, 23 x 2 Bed Flats and 11 x 1 Bed Flats.

There was a delay in the handover of the remaining 6 properties which occurred on the 19 March 2020, this delay was due to a gas supply issue. There remained a 2.5% retention of £271,899.

Phase 3 – Queens Road, North Weald

Queens Road, North Weald consisted of 12 properties, 10 x 3 Bed Houses and 2 x 2 Bed Houses. The original start date was delayed due to the discovery of asbestos and a new road and sub-station works. This was currently forecast to be completed on the 30 September 2020 however, further delay was anticipated due to the Covid-19 restrictions upon the supply chain.

Phase 4.1

There were 14 units in phase 4.1 that had been tendered and were approved at the Council Housebuilding Cabinet Committee on 19 December 2019, contracts had been signed and the start on site dates were as below.

			Latest Anticipated Start on Site	Handover
Chequers Road (A), Loughton	HR 124	3 x units	29:06:20	29:06:21
Bushfields, Loughton	HR 122	2 x units	29:06:20	29:06:21
Chester Road, Loughton	HR 130	3 x units	03:08:20	29:06:21
Queensway, Ongar	HR 140	4 x units	07:09:20	29:06:21
Millfield, Ongar	HR 138	2 x units	07:09:20	29:06:21
Total		14 x units		

Contracts had been signed and the pre-design work had continued to be progressed within the Government Guidelines and restrictions, with the aim of minimising any delay to the commencement of works on site. A staggered start on site was to be made to assist with compliance with the new Covid-19 working arrangements, notwithstanding that it was currently anticipated that all handovers would occur by the end of June 2021.

Phase 4.2

There were 22 units that had been tendered and an update would be reported to the Council Housebuilding Cabinet Committee meeting on the 8 September 2020.

			Latest Anticipated Start on Site	Handover
Hornbeam Road (B), Buckhurst Hill	HR 136	3 x units	12.07:20	12.07:21

Hornbeam House , Buckhurst Hill	HR 137	2 x units	12.07:20	12.07:21
Bourne House , Buckhurst Hill	HR 135	2 x units	12.07:20	12.07:21
Etheridge Road , Debden	HR 127	3 x units	12.07:20	12.08:21
Denny Avenue , Waltham Abbey	HR 144	3 x units	12.07:20	12.08:21
Beechfield Walk , Waltham Abbey	HR 147	5 x units	12.07:20	12.08:21
Kirby Close , Loughton	HR 120	4 x units	12.07:20	12.08:21
Total		22 x units		

Subject to the acceptance by the Cabinet of this the latest anticipated Start on Site and Handover dates which are given above.

Phase 4.3

There were 21 units being progressed for tender and a further report updated report would come to 8 September 2020 meeting of the Council Housebuilding Cabinet Committee.

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 units
Bromefield Court , Waltham Abbey	HR 147	1 x units
Stoneyshotts , Waltham Abbey	HR 148	1 x units
Woollard Street , Waltham Abbey	HR 149	8 x units
Wrangley Court , Waltham Abbey	HR 161	1 x units
Total		22 x units

These sites were anticipated to be issued for tender by the end of June 2020 with the aim of making a Start on Site in November 2020 and Handover by November 2021/March 2022.

Notwithstanding the current Government restrictions there had been good progress made in these difficult circumstances to continue to progress due diligence and work towards completing the design to minimise any further potential delays.

Phase 4.4

There were 27 units (including an additional 12 units) which were being technically progressed in anticipation of planning submission and tender.

Chequers Road (B) , Loughton	8 x units
Ladyfields ,	16 x units

Loughton	
Lower Alderton Hall Lane, Loughton	2 x units
Thatchers Close, Loughton	1 x units
Total	27 x units

The table above now reflected a potential increase in affordable units of 12 over what had previously been forecast and approved.

Phase 5

A detailed review was nearing conclusion to identify several potential sites which may be progressed for future development. This would involve engagement with Local Councillors to discuss and address local issues so that these development sites may progress.

Once these have progressed sufficiently and have been initially assessed, a Feasibility Report would be presented to Cabinet for consent to proceed and progress to the planning application and delivery stage.

The Rights of Way/Access issues stemming from the Appropriation process were being addressed in line with the phased programme. A policy is being developed to ensure a fair and consistent approach was being taken.

Councillor A Patel asked in there had been any increase in the cost of the construction and materials post covid-19.

John Cosgrave, Interim Housing Development Manager advised that the contractual position was that they could claim an extension of time but they could not claim any additional prelims. Presently there were no indications of any potential increase in costs associated with materials.

Councillor A Patel asked in terms of the 12 weeks lost due to the Covid-19 lockdown, if the Contractors were unable to complete on the May deadline, should we be negotiating with them now for a contract extension to take this period of time into account.

The Interim Housing Development Manager replied the delay over the last 12 weeks had partially been factored in. As this contract was a predominantly design and build contract there was an obligation on them to carry out certain design work, which fortunately coincided with the Covid-19 lockdown period.

There had been a delay identified in Phase 2, Queens Road where the contract had been due to finish in August 2020 but was now currently running 8 weeks late. The cost associated with that was not anticipated to be excessive, the main for the delay, which were cost related would be due to third party services which have not yet been quantified. These costs associated with the delay are not anticipated to be materially excessive as to what would be reasonable.

Councillor J Philip stated with regard to Phase 4.2 which was supposed to start on site in July this year, the planning permissions were agreed three or four years ago with a commencement start date within three years of approval. Therefore most of the planning permissions would now have expired, so how could a start on site in July be implemented if the planning permissions had expired, new planning

permissions would have to be sought, which would now be caught by the Special Area of Conservation (SAC).

The Interim Housing Development Manager advised that the planning consents were enacted within the time limit. The pre-commencement conditions, in terms of carrying out certain demolition works and contamination surveys, were commenced and signed off so the planning consents were enacted.

Councillor J Philip stated that normally a pre-commencement condition happened before you would commence on site, the commencement of the planning condition happens after you have removed the pre-commencement condition.

The Interim Housing Development Manager advised that the pre-commencement that related to the planning consents had been activated in time and therefore the planning consents had been maintained except for Thatchers Close and Lower Alderton Hall Drive.

Councillor N Bedford asked with regard to Phase 4.1, Queensway and Millfield, Ongar are they scheduled to start on the 7 September 2020 or will there be a delay with regard to the Covid-19 lockdown.

The Interim Housing Development Manager advised that there had been a recent meeting with the contractor and Queensway and Millfield were currently on track to start on the 7 September, the contractor will notify the Council as soon as possible to any anticipated delays.

Councillor N Bedford asked how much was the contingency allowance and should more funds be factored in. On previous sites it was found that when we have hit a contingency it wasn't budgeted correctly, there was an massive overspend on the sites due to asbestos which was found below the sites and these sites are exactly the same sort of garage sites.

The Interim Housing Development Manager advised in terms of contingency I am aware that on previous phases there had been a considerable cost increase experience, due to a number of different factors, a great deal of those issues had been mitigated by the process adopted on Phase 4. In terms of forecasting for contingency we have identified that circa 10% of the construction cost was adequate.

Councillor Patel highlighted a paragraph in the report on agenda page 15:

“Also of note in response to the Councils Climate Emergency pledge on 19 September 2019, “to do everything within the Councils power to make Epping Forest District Council area carbon neutral by 2030” we are currently carrying out a review of the construction proposals with the aim of moving closer to achieving a ‘Passivehaus’ standard by incorporating the ‘Passivehaus’ principals within the massing and fabric design which will go a great way towards achieving the Councils stated aim.”

Councillor Patel stated that he welcomed that paragraph and that as a Committee, supported that move forward.

The Chairman, Councillor H Whitbread advised that the Burton Road development was a very eco-friendly development with smart readers and solar panels and that would help the Council along the way to the net zero target.

Councillor Morgan asked if there was an update to the garages at the Colvers in Matching Green as in the past there had been talk of the site becoming demolished and houses built on it.

The Interim Housing Development Manager advised that the application was refused at committee and due to the Council reorganisation, the garage uses are currently being assessed under the new structuring plan as different people are now responsible for dealing with the functions of managing the garages.

Councillor C C Pond advised that now the Burton Road site was completed he had a number of representations from people who have moved into the Burton Road development asking about parking. Although tenants were told at the beginning that there was none or very limited parking they have requested, through Councillor Avey's team, that season tickets be made available in the Burton Road car park, which is opposite the development, where the residents say that it is very seldom under any stress. Therefore could the Chairman and Councillor Avey meet to see if any scheme could be devised to allow those people to acquire season tickets in the Burton Road car park while there is still capacity in them.

The Service Manager, Housing Management and Home Ownership advised that Torrington Drive, which runs behind Burton Road had some designated parking and the Housing team are looking to see if any of that space could be utilised by the residents in Burton Road. She advised that she would report back the findings at the next meeting.

The Chairman thanked Officers for their continued work on the Burton Road development and advised that at the beginning of the Covid-19 lockdown the opening of Burton Road development was due to go ahead but this had to be cancelled, which was very disappointing. She advised that before the lockdown she did get to visit the site with the local MP who was very impressed with the buildings and hopefully this can be marked when the social distancing has been lifted.

Decision:

- (1) That the contents of the Progress Report on Phases 2 to 4 of the Council House Building Programme be noted and presented to Cabinet in line with the Terms of Reference of the Council Housebuilding Cabinet Committee.

Reasons for the Decision:

Set out in its Terms of Reference, the Council Housebuilding Cabinet Committee is to monitor and report to the Council on an annual basis on 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 is on the progress made over the last 12 months and is for noting purposes only. There are no other options for action.

6. ACCEPTANCE OF TENDERS - COUNCIL HOUSEBUILDING PROGRAMME

Deborah Fenton, Service Manager, Housing Management and Home Ownership, presented a report to the Cabinet Committee, she advised that the Council's Procurement Rules required a Cabinet decision when awarding contracts in excess of £1m. However, the Cabinet had delegated authority to the Council Housebuilding

Cabinet Committee to agree all tenders associated with the Council's house-building programme as set out in its Terms of Reference. Authorisation to enter into a Build Contract was required to enable a start on site to be made and for these properties to be delivered.

Therefore the decision to award contract 1 to Indecon Building Limited to undertake the construction of 7 properties, for a sum of £2,160.15 together with the proposed construction of 52 weeks and to award contract 2 to Indecon Building Limited to undertake the construction of 11 properties, for a sum of £4,234,504 together with the proposed construction of 52 weeks be agreed by the Cabinet Committee.

Councillor J Philip asked why had the Council only gone out to tender to two companies.

John Cosgrave, Interim Housing Development Manager stated that four companies were on the framework agreement and they were approached to tender for these contracts but two declined to tender.

Councillor J Philip asked how the assumption of 52 weeks to complete the development arrived at.

John Cosgrave replied that was more than a reasonable assumption of time to complete these developments.

Decision:

- (1) That, Indecon Building Limited be awarded the contract to undertake the construction of 7 properties, (contract 1) in the sum of £2,160,015 together with the proposed construction period of 52 weeks; and
- (2) That, Indecon Building Limited be awarded the contract to undertake the construction of 11 properties, (contract 2) in the sum of £4,234,504 together with the proposed construction period of 52 weeks.

Reasons for the Decision:

The Council's Procurement Rules requires a Cabinet decision when awarding contracts in excess of £1m. However, the Cabinet have delegated authority to the Council Housebuilding Cabinet Committee to agree all Tenders associated with the Council's house-building programme as set out in its Terms of Reference. Authorisation to enter into a Build Contract is required to enable a start on site to be made and for these properties to be delivered.

Other Options Considered and Rejected:

To award the contracts to any other contractor that has tendered for the works.

7. ADOPTING A 2-PART REGISTER FOR SELF-BUILD AND CUSTOM HOUSEBUILDING

Deborah Fenton, Service Manager, Housing Management and Home Ownership, presented a report to the Cabinet Committee, she advised that the report related to adopting a 2-part register for self-build and custom housebuilding.

Self-build and custom housebuilding could be one of two things:

- A serviced plot could be provided and the purchaser would build from the ground upwards; or
- The Council could provide six different types of houses on a plot without the interior fitted out and the purchaser could custom design those properties to suit their needs.

It was proposed that following the initial review at the Cabinet Committee, this report would be presented to the Cabinet in July, to recommend the adoption of both the 2-part register and the local connection and financial solvency tests.

The Council currently had a single Self-build and Custom Housebuilding Register which was not divided into 2 parts.

The registration process in its current form counts all entries in the register as demand for Self-build and Custom Housebuilding (SBCH) in the District. A 2-Part registration would be beneficial in terms of prioritising applicants with local connections to the area and establishing a more realistic assessment of local demand.

Access to Part 1 of the Register should be subject to a local connection test based on living or working in the District and a financial assessment of capability to purchase plots.

The Self-build and Custom Housebuilding register came into effect through the Self-build and Custom Housebuilding Act 2015 amended by the Housing and Planning Act 2016, to promote the Government's Right to Build Scheme supporting individuals and associations wishing to build their own homes.

The legislation created a duty on the relevant authorities, including District Councils, to keep a register; and have regard to the register when carrying out their planning, housing, land disposal and regeneration functions. Furthermore, a duty to grant planning permission for enough suitable serviced plots of land to meet the demand for Self-build and Custom Housebuilding in the area. This level of demand was established by reference to the number of entries added to an authority's register during each base period.

Councillor Patel expressed concern and asked for some clarification, in terms of the specification of the build, in the Council housebuilding programme that had been adopted, the Council were incorporating the lifestyle homes specification and the accessible disability specification, would this be incorporated as part of the specification when the register was opened.

The Service Manager, Housing Management and Home Ownership advised in terms of the serviced plots we would just supply a plot and would not have any input as to what was built there. However, whoever purchased the plot would need to go through planning.

In the terms of the custom build the actual shell would be built to the Council's specification and the purchaser would only design the interior.

Councillor Philip advised that custom and self-build still fall under the same planning regulations as non-custom and self-build that come under the Local Plan and therefore would have to comply with the planning regulations.

Decisions:

- (1) That the Cabinet Committee noted the recommendation to adopt a 2-part register; and
- (2) That the Cabinet Committee noted the recommendation to adopt and implement local connection and financial solvency tests.

Reasons for the Decision:

The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) required the Council to keep a register of individuals and associations who were seeking to acquire serviced plots of land in the District for self-build and custom housebuilding.

With the housing pressure and limited capacity to meet all housing needs, it was essential that the Self-build and Custom Housebuilding Register was effective, by adopting the eligibility criteria noted above and implementing a 2-part register, it provided the necessary prioritisation to support local applicants and their housing need.

Other Options Considered and Rejected:

To continue to use a single register meant that the Council had a statutory requirement to provide permissioned serviced plots to all applicants on the register regardless of local connection. This option made it difficult to prioritise limited land supply and meet local need with multiple applications from applicants across various local authorities.

8. ANY OTHER BUSINESS

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

9. EXCLUSION OF PUBLIC AND PRESS

The Cabinet Committee noted that there was no other urgent business for consideration.

CHAIRMAN

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Report to the Council Housebuilding Cabinet Committee



Report reference: CHB-007-2020/21
Date of meeting: 08 September 2020

Epping Forest District Council

Portfolio: Housing and Community Services – Cllr H Whitbread

Subject: Council House Building Progress Report – Phases 2-4

Responsible Officer: Deborah Fenton (01992 564221)

Democratic Services: J Leither (01992 564756)

Recommendations/Decisions Required:

- (1) **That the contents of this 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.**

Executive Summary:

This report sets out the progress that has been made across phases 3 to 4 of the Housebuilding programme that has either completed, are on-site and are currently being procured. An update on phase 3 has also been provided. In Phase 4, 14 units (package 4.1) have been tendered and were approved at CHBCC on 19th December, contracts have been signed and start on site dates are included in this report. 22 units (package 4.2) have been tendered and will be reported on during the CHBCC meeting in July. 21 units (package 4.3) are being progressed for tender and reporting to the CHBCC. Package 4.4 which is 27 units (an additional 12 units) are being technically progressed (in anticipation of planning submission and tender). An update on our approach to phase 5 will be provided within this report.

Reasons for Proposed Decision:

Set out in its Terms of Reference, the Council House Building Cabinet Committee is 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 for Action:

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

Report:

Phase 3

Queens Road, North Weald : HR116

10 x 3 Bed Houses & 2 x 2 Bed Houses

Scheme	Contractor	Site Start	Contract Period	Original Comp. Date
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Queens Road	Storm Bld.	07:01:19	83 Wks	07:08:20
Ant. Comp.	Variation	Contract Sum	Ant. Final Acc.	Variation
30:09:20	6 Wks	£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 do not at yet attract an extra cost claim. However, they are also approximately a further 8 to 10 weeks behind due to Government Restrictions in place relating to Corvid19 and the consequential effect on the supply chain. There are no cost claim details submitted at this time.

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

Phase 4

Phase 4.1 – Contracted.

Programmed SoS - Weeks - Handover

Chequers Road (A), Loughton : HR 124	3 x 3B units	31:07:20	56	27:08:21
Bushfields, Loughton : HR 122	2 x 2B units	13:07:20	56	13:08:21
Chester Road, Loughton : HR 130	3 x 2B units	07:09:20	53	13:09:21
Queensway, Ongar : HR 140	4 x 1B units	12:10:20	58	26:11:21
Millfield, Ongar : HR 138	2 x 1B units	12:10:20	58	26:11:21
Totalling	14 units			

The Programmed Start on Site activity has now occurred on Chequers Rd (A) and Bushfields with the others to follow shortly. Pre-commencement variations (including the additional works to further address recent rear garden water logging issues on earlier phases) are in the process of being agreed and boundary treatments and drainage outfalls are being reviewed. Non Material and Material Amendment Applications are due to be submitted on the 18th August.

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

The figures below in bold are the latest and set out the movement compared with the figures previously reported. This is down to several issues but mainly the adjustment in contract value following the Contractor Design and Build exercise and the associated drainage costs reported up on previously. Please note there remains a total contingency figure of £128,042.

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

Phase 4.2 – 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 will be confirmed closure to the time.

The Tender Report for the 4.2 group of sites was submitted and approved at the previous CHBCC meeting and the tender price of £2,160,015 and £4,234,504 totalling £6,394,519 was accepted with completion some c52 weeks following the actual Start on Site.

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

As reported previously for good order - The tender breakdown is listed below:-

	Latest Pre-Tender Cost Estimate	Latest Tender Price	Difference
Contract 1:			
Hornbeam Close (B):	972,800	796,102	(176,698)
Hornbeam House:	596,885	643,764	46,879
Bourne House:	646,400	720,149	73,749
Contract 2:			
Etheridge Road:	976,925	1,173,281	196,356
Denny Avenue:	858,800	860,640	1,840
Beechfield Walk:	1,297,200	1,115,482	(181,718)
Kirby Close:	1,107,004	1,085,101	(21,903)
	6,456,014	6,394,519	(61,495)

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

It must be remembered that notwithstanding the current Government restrictions there has been good progress 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:	HR145	2 x units
Pentlow Way , Buckhurst Hill:	HR139	7 x units
Bromefield Court , Waltham Abbey:	HR143	1 x unit
Shingle Court , Waltham Abbey:	HR147	1 x unit
Stoneyshots , Waltham Abbey:	HR148	1 x unit
Woollard Street , Waltham Abbey:	HR149	8 x units
Wrangley Court , Waltham Abbey:	HR161	1 x unit
Total		21 units

These sites have been recently tendered and are now being analysed and will be reported upon in the form of a further Tender Report which will be presented at the next forthcoming CHBCC.

Initial indications are that tender price is likely to be just below the Cost Consultants latest forecast.

Due to significant design changes which were necessary to Pentlow Way, 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) will be resubmitted for Planning Consent as will Ladyfields. These will both be designed to 'Passivehaus' standard 'Fabirc First' and Ladyfileds 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 fields tests and experience to be gained to better inform the Councils future decision making.

Lower Alderton Hall Drive and Thatchers Close

Both these sites are awaiting consent and have been delayed by the Local Plan and SAC issues which it is hoped will be resolved soon.

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

In summary to date these total 84 properties for Phase 4 and therefore now reflects a potential increase in affordable units of 12 extra properties (16.6%) over what has previously been forecasted and approved.

Phase 5 +

Further to this previous report a Draft Policy Paper – A New Approach for Phase 5, has been produced for presentation regarding the potential change in approach going forward to that previously taken by seeking earlier community engagement. This is set out in more detail in the Draft Policy document.

Financial Reporting

Officers continue to work with colleagues in the Finance department to develop a more robust reporting system, particularly around cash flow. The report provides an updated oversight of the costs to be incurred by EFDC.

A Executive update is available in appendix 1

Further to this, officers are in the process of purchasing ProVal which is a financial modelling tool. This will enable the team to produce desk to appraisals and produce reports which will highlight the financial viability

Resource Implications:

There is currently a Housing Development Officer role vacant, and this position is currently being recruited to.

Legal and Governance Implications:

As mentioned, it should be noted that a potentially significant change in Planning view has been raised which may considerably affect the CHBP for which further clarification is being sought. The programme is continuing albeit 'at risk'.

Safer, Cleaner and Greener Implications:

The continued delivery of the development housing programme will help address the antisocial behaviour issues associated with these garage sites, and will reduce the opportunity for fly-tipping and thereby contribute to a Greener environment.

Consultation Undertaken:

Interdepartmental involvement has and will continue to be engaged.

Background Papers:

The Executive Report is attached to this report (appendix 1).

Risk Management:

The Risks associated with the delivery of the current housing development programme is identified within the Executive Report attached.

Equality Analysis:

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided as an Appendix to this report.

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Equality Impact Assessment

1. Under s.149 of the Equality Act 2010, when making decisions, Epping District Council must have regard to the Public Sector Equality Duty, ie have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. All **Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA**. An EqIA should also be completed/reviewed at key stages of projects.
8. To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:
 - Factsheet 1: Equality Profile of the Epping Forest District
 - Factsheet 2: Sources of information about equality protected characteristics
 - Factsheet 3: Glossary of equality related terms
 - Factsheet 4: Common misunderstandings about the Equality Duty
 - Factsheet 5: Frequently asked questions
 - Factsheet 6: Reporting equality analysis to a committee or other decision making body

Section 1: Identifying details

Your function, service area and team: **Housing Development**

If you are submitting this EqIA on behalf of another function, service area or team, specify the originating function, service area or team: N/A

Title of policy or decision: Progress Report – Council House building

Officer completing the EqIA: Deborah Fenton Tel: 01992 564221 Email: dfenton@eppingforestdc.gov.uk

Date of completing the assessment: 27/08/20

Section 2: Policy to be analysed

2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project? No
2.2	Describe the main aims, objectives and purpose of the policy (or decision): N/A What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)? N/A
2.3	Does or will the policy or decision affect: <ul style="list-style-type: none">• service users• employees• the wider community or groups of people, particularly where there are areas of known inequalities? No Will the policy or decision influence how organisations operate? No
2.4	Will the policy or decision involve substantial changes in resources? No – budgets are already approved for the housebuilding programme
2.5	Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes? No

Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	What does the information tell you about those groups identified? That the only significant impact will be the reduction in the number of local residents on the Council House waiting list.
3.2	Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision? Consultation has been undertaken with members during the feasibility process and with the public through the planning process. Their views will have been considered by the planners and may have influenced the planning conditions that will need to be discharged.
3.3	If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary: N/A

Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Neutral – the paper is for information only and will not impact on any groups	L
Disability	As above	L
Gender	As above	L
Gender reassignment	As above	L
Marriage/civil partnership	As above	L
Pregnancy/maternity	As above	L
Race	As above	L
Religion/belief	As above	L
Sexual orientation	As above	L

Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqlA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No X	
		Yes <input type="checkbox"/>	If ' YES ', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

Section 6: Action plan to address and monitor adverse impacts

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.
None	N/A	N/A

Section 7: Sign off

**I confirm that this initial analysis has been completed appropriately.
(A typed signature is sufficient.)**

Signature of Head of Service: Deborah Fenton

Date: 27/08/20

Signature of person completing the EqlA: Deborah Fento

Date: 27/08/20

Advice

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqlA you undertake to the director responsible for the service area. Retain a copy of this EqlA for your records. If this EqlA relates to a continuing project, ensure this document is kept under review and updated, eg after a consultation has been undertaken.

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Report to the Council Housebuilding Cabinet Committee



Report reference: CHB-005-2020/21
Date of meeting: 08 September 2020

**Epping Forest
District Council**

Portfolio: Housing and Community Services – Councillor H Whitbread

Subject: Council Housebuilding Programme Phase 5 – New Approach

Responsible Officer: Deborah Fenton (01992 564221)
Service Manager – Housing Management and
Homeownership

Democratic Services: J Leither (01992 564756)

Recommendations/Decisions Required:

- (1) To adopt a new approach that involves early engagement with local community representatives.**
- (2) To agree a new process for future CHBP site assessments based on a collaborative and incremental approach.**
- (3) To design all future developments going forward in line with the ‘Passivhaus’ standard – ‘Fabric First’ approach as a minimum and to accommodate future retrospective installation of Low Carbon Heat Generation and Heat Recovery System as and when suitable systems are identified.**

Executive Summary:

The Council House Building Programme (CHBP) has 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 has been perceived by local residents as adding to parking stress in the local area, many of the garages are no longer suitable for parking cars because they are too small and mostly used for storage.

A consultation and community planning process has 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 is required and have been left unallocated to date. However, being mainly small enclosed developments, it is believed that they would be better managed through EFDC licences to local residents allowing

improved security and improved community cohesion. This is proposed in a separate report and draft new policy – Allocation of Surplus Car Parking Spaces Delivered through CHBP.

As a positive response to the Council's Climate Emergency resolution it is 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 this 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 & Build contracts. This is 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 is available but there are varying views of its reliability and ease of user operation.

It is 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 is identified.

A new process is 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 is 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.

Reasons for Proposed 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 for Action:

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.

Report:

Background

1. Looking back over the duration of the Council House Building Programme (CHBP) it would appear there may have been some disconnect between the aims of the EFDC Officers and the wider Council Members in that following a period of granting a number of Planning consents in c2016/2017 there were a number of refusals and subsequently withdrawals despite being recommended by Planning officers for approval.

2. This may in some part be due to the CHBP predominately developing existing garage sites that in the main suffered from high vacancy rates but which added little if anything to the wider neighbourhood and in a number of instances added to some degree to the existing local parking stress problems as an example.

3. This may be caused by many factors, but it is apparent that many of these Council housing estates/ex. Greater London Authority estates, where these garage/development sites are located were designed in the late 1940s through to the late 1960s when car use was considerably less than it is today.

4. Indeed, many existing garages constructed also date back to the same period when cars were far smaller in size than today's. Therefore, many garages are used for informal storage purposes which in turn raises issues around inspection and compliance to licence terms. Of note, the Essex County Council's Parking Standards document states that 78% of garages are not used for the storage/ parking of vehicles. Many of the garage sites were/are of poor quality, garages are coming to the end of their natural lives and attract high maintenance costs, sites are unlit and attract anti-social behaviour but nonetheless the loss of which was/is perceived to have added to the local parking stress in areas.

5. Some CHBP developments do provide more additional parking than is required for the new properties being built. It was envisaged these would be left unallocated however having reconsidered this and following further internal discussion, it is believed these sites, being mainly small enclosed private developments (not public highways) would be better managed by EFDC under licence for the better security and being in the best interest of local residents. This is now the subject of a proposed new Policy relating the provision of additional parking spaces delivered via the CHBP together with a new Policy relating to the associated Rights of Way/Access of pedestrian and vehicular accesses to these areas.

6. This combined with the Right to Buy being exercised has added to the complexity of the issues, in that many Council properties became privately owned at a value that reflected the lack of parking, yet many properties have multi car ownership. This therefore raises the issues as to 'who pays what and who benefits' from the cost/improvement of providing further 'Off Street Parking'.

7. This conundrum was considered last November 2019 when the Council resolved to suspend its programme of carrying out further 'Off Street Parking' unless it was cost effective to do so, as previously it was considered expense and had not delivered the anticipated returns.

Going Forward – A New Approach

8. Being mindful of these issues, benefits may be derived from earlier engagement with local community representatives to openly discuss where potential development opportunities may exist to better understand and potentially address local issues that may be required to possibly achieve positive support of further Council Housing development in an area.

9. By way of a practical example, the CHBP has entered into contract to develop 4 x 1 bed properties at a site off Queensway, Shelly, Ongar. The area is served by two roadways, both

Queensway and St Peter's Avenue already suffer from severe parking stress and road congestion to such a degree the carriageways and verges are in poor condition and there is concern regarding the accessibility for emergency vehicles.

10. In the centre of the Estate there is a Park/Play Area and Local Shops. Nearby a Feasibility Scheme had previously been produced to develop an existing garage site and community orchard accessed off St Peter's Avenue, to deliver potentially 7 properties. The area was formally 'Appropriated' however the scheme was not submitted for Planning consent.

11. As part of the recent review of potential sites it is considered that this wider area could form the basis for the next Phase of the CHBP - Phase 5.

12. It would appear there is potential for an additional 30+ properties in the area. In considering this opportunity it is necessary to review the possible implications relating traffic access and potential community needs as possible response.

13. Given the potential increase in housing numbers and being cognisant of the possible local needs there is now an opportunity to potentially address in some part the existing parking stress by providing a mixture of both 'Off Street Parking' and 'Direct Driveway Access' (together with associated landscape improvements) to a significant number of properties, together with the possible improvement to the Local Park, Shops off street parking, landscaping and the provision of a Local Community Hall.

14. Given the experience gained from dealing with the 'Appropriation' compensation process of the current CHBP relating to existing 'Rights of Way/Access' it would appear apparent that there may be some potential for increased property values generated by parking improvements made to individual rental and private properties which may in some way off set/justify capital investment made as 'Enabling Works' to facilitate the further new development.

15. It is also worth noting the recent Government announcement to introduce 'Self Driving Cars' next year, the Council's Climate Emergency resolution to become carbon neutral by 2030 and EFDC's ongoing evolution of its Sustainability and Green Energy Policies the provision of additional car parking will need to be carefully considered. However, certainly for the foreseeable future there is clearly a real need to consider and possibly address parking stress in a number of locations though out the District.

16. There is also the opportunity to liaise with our colleagues in Asset Management, Land and Estates etc to explore and co-ordinate further potential estate/property improvements along with Essex County Council, to assist and facilitate this and the progressing of other general highway and lighting improvements.

17. Importantly, as a positive response to the Council's Climate Emergency resolution it is 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 this 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 delivered Design & Build process. This is anticipated to add c3-5% to the current specification build cost.

18. It should be noted that the bulk of Carbon generation is through the lifetime consumption of Gas/ Electric (mainly from Gas Boiler heating system) equating to c70 tonnes of Carbon.

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 c6-8% to the current specification build cost. The technology to achieve this is available but there are varying views of its reliability and ease of user operation.

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

20. With this in mind and given EFDC currently has c6,500 Council properties and as it is yet to be confirmed what cost effective alternative system option will be adopted to replace the mainly 'Gas Boiler' heating systems, it is therefore also proposed to carry out various field trials of Heat generation/Recovery systems to provide practical experience and reliable data.

The Process

21. On this basis it would seem sensible to adopt an incremental approach to site assessment.

- a) Potential New Site assessment
- b) Carry out early local engagement,
- c) Consider initial evident technical constraints i.e. Flood Zones, Trees, etc
- d) Procure an initial sketch scheme to demonstrate an areas potential scope.
- e) Carry out provisional feasibility study of individual elements of the scheme
- f) Maintain Local engagement to develop proposal and support
- g) Carry out initial Planning Pre-Application Consultations
- h) Carry out/ progress further required technical investigations i.e.
 - i. Services/Utility enquiries
 - ii. Drainage
 - iii. Environmental and Ecology Report.
 - iv. Topographical
 - v. Geotechnical Stage 1 / 2 / Contamination
 - vi. Geotechnical and Contamination Surveys
- i) Amend and Continually progress the various designs elements as required.
- j) Update Feasibility Study for submission to the CHBCC to confirm approval.
- k) Carry wider Neighbourhood Engagement with Local display/presentation
- l) Hold detailed Planning Pre-Application Consultation prior to Planning Submission.

Resource Implications:

The proposed new process will have a positive impact on the costs of assessing the suitability and feasibility of potential development sites for CHBP through an incremental and collaborative approach. This will minimise the level of abortive costs that will be expended on unsuitable sites. There will be an increase in cost for implementing the 'Passivhaus' standard – 'Fabric First' on all new developments by c.3-5% above the current specification build cost.

Legal and Governance Implications:

None.

Safer, Cleaner and Greener Implications:

This report recommends a new process for site identification and development which will emphasise community engagement and collaboration which will improve local neighbourhoods, reduce anti-social behaviour and promote community cohesion, thus leading to a secure and safer environment. By building all new developments to 'Passivhaus' standard – 'Fabric First' it will significantly improve the thermal efficiency and designing new buildings to facilitate future technological upgrading of homes to reduce carbon emissions, this proposed new approach to Phase 5 will have a positive impact on supporting the Council's Climate Emergency resolution.

Consultation Undertaken:

None.

Background Papers:

None.

Risk Management:

None.

Equality Analysis:

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided as an Appendix to this report.

Equality Impact Assessment

1. Under s.149 of the Equality Act 2010, when making decisions, Epping District Council must have regard to the Public Sector Equality Duty, ie have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. All **Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA**. An EqIA should also be completed/reviewed at key stages of projects.
8. To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:
 - Factsheet 1: Equality Profile of the Epping Forest District
 - Factsheet 2: Sources of information about equality protected characteristics
 - Factsheet 3: Glossary of equality related terms
 - Factsheet 4: Common misunderstandings about the Equality Duty
 - Factsheet 5: Frequently asked questions
 - Factsheet 6: Reporting equality analysis to a committee or other decision-making body

Section 1: Identifying details

Your function, service area and team: Housing Development Team

If you are submitting this EqlA on behalf of another function, service area or team, specify the originating function, service area or team: None

Title of policy or decision: **Policy for Allocating Surplus Car Parking Spaces Provided by the Council Housebuilding Programme.**

Officer completing the EqlA: James Shutt Tel: ext. 4746 Email:
jshutt@eppingforestdc.gov.uk

Date of completing the assessment: **25th August 2020**

Section 2: Policy to be analysed

2.1	<p>Is this a new policy (or decision) or a change to an existing policy, practice or project?</p> <p>Change in existing processes for the Council's Housebuilding Programme.</p>
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p>(1) To adopt a new approach that involves early engagement with local community representatives.</p> <p>(2) To agree a new process for future CHBP site assessments based on a collaborative and incremental approach.</p> <p>(3) To design all future developments going forward in line with the 'Passivhaus – Fabric First Approach' as a minimum and to accommodate future retrospective installation of Low Carbon Heat Generation and Heat Recovery System as and when a suitable system is identified.</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <p>Improved and more cost effective approach to new site identification and development; improved neighbourhoods and community cohesion; and improved thermal efficiency and long-term reductions in carbon emissions.</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none">• service users• employees• the wider community or groups of people, particularly where there are areas of known inequalities? <p>Existing and future Council housing tenants will benefit from these new processes by living in thermally efficient homes which reduce fuel poverty.</p>

	<p>The wider communities in the locations where new developments take place will benefit from improved community cohesion, reduced anti-social behaviour and wider environmental improvements. These benefits and improvements are targeted to residents and neighbourhoods with inequalities such as low income.</p> <p>Will the policy or decision influence how organisations operate? The new processes will emphasise community engagement and collaboration across Council functions and with external stakeholders.</p>
2.4	<p>Will the policy or decision involve substantial changes in resources? There will be improved cost effectiveness in the development of new CHBP sites and cost increases by improving the thermal efficiency of the new homes.</p>
2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</p> <p>If adopted, it is expected to reduce potential anti-social behaviour issues and improve community cohesion. There will also be positive impact on the Council's Sustainability policies by improving thermal efficiency of new homes and long-term reductions in carbon emissions.</p>

Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	<p>What does the information tell you about those groups identified?</p> <p>This Policy will ensure that local applicants benefit from the surplus parking spaces and it is also linked to income generation. Further, as indicated above, this Policy if adopted, minimises potential anti-social behaviour issues and community tension which would have been caused if left unmanaged/ vacant.</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p>

	Not necessary now but community consultation and engagement is a key element of the proposed new approach.
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:</p> <p>We will carry out consultation and engagement exercises with local communities from the early stages of site identification and development</p>

Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Positive – reduced fuel poverty	H
Disability	Positive – improved access through adaptable homes and reduced fuel poverty	H
Gender	Neutral	Low
Gender reassignment	Neutral	Low
Marriage/civil partnership	Neutral	Low
Pregnancy/maternity	Neutral	Low
Race	Neutral	Low
Religion/belief	Neutral	Low
Sexual orientation	Neutral	Low

Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqIA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No <input type="checkbox"/>	
		Yes X <input type="checkbox"/>	If ' YES ', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

Section 6: Action plan to address and monitor adverse impacts

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.
None		
None		
None		
None		
None		
None		
None		
None		
None		

Section 7: Sign off

**I confirm that this initial analysis has been completed appropriately.
(A typed signature is sufficient.)**

Signature of Head of Service: Deborah Fenton

Date: 26.08.2020

Signature of person completing the EqIA:

Date:

Advice

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqIA you undertake to the director responsible for the service area. Retain a copy of this EqIA for your records. If this EqIA relates to a continuing project, ensure this document is kept under review and updated, eg after a consultation has been undertaken.

Report to the Council Housebuilding Cabinet Committee



Report reference: CHB-004-2020/21
Date of meeting: 08 September 2020

**Epping Forest
District Council**

Portfolio: Housing and Community Services – Councillor H Whitbread

Subject: Policy for Allocating Surplus Car Parking Spaces Provided by the Council Housebuilding Programme

Responsible Officer: Deborah Fenton
Service Manager – Housing Management and Home Ownership (01992 564221)

Democratic Services: J Leither (01992 564756)

Recommendations/Decisions Required:

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

Executive Summary:

The policy aims to bring clarity and consistency to how surplus car parking spaces from new built Council housing are allocated to local residents in the surrounding area and managed by Council staff.

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

Applicants to the new Council housing developments will 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 will be advertised and allocated to residents in the surrounding areas of the development in accordance with the allocation and eligibility criteria specified in this report.

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

It is also useful to note that some of the Council housing developments may be car free schemes. In these cases, relevant details will be included in the s106 agreement. It is important that housing applicants are notified that these new developments are car free schemes and off-street parking spaces will not be allocated at any time. Alternative

responses will be explored where applicable and may include working with car club providers.

Reasons for Proposed 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 is recommended.

Other Options for Action:

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.

Report:

1. As part of the Council Housebuilding Programme, many of the developments were built on difficult, disused garage and surplus sites. Planning consents were obtained for the delivery of new affordable council housing with associated car parking.
2. The amount of car parking spaces varies on each of the individual sites and these are determined by any physical, environmental constraints and public transport networks related to the site.
3. Further to the above, in some cases surplus car parking spaces is provided over and above the required number of spaces for the residents of the new affordable homes.
4. As indicated above, it was originally agreed, that these surplus car parking spaces remain unallocated. However, concerns that these may lead to anti-social behaviour and community tension necessitated the development of this proposed Policy.
5. It is intended that the number of surplus car parking spaces provided to these developments will be identified following the allocation of the required car parking spaces to the new residents of the Council Housebuilding developments.
6. The allocation of these surplus car parking spaces and the required parking permits will be for the sole use of specific households, for which weekly fees will be charged.
7. The attached Parking Policy explains how these surplus car parking spaces will be allocated including eligibility criteria, payment and enforcement of them.
8. The Parking Policy will ensure that these surplus car parking spaces are advertised in the first instance to local residents on an expanding basis.
9. It is recommended that the selection and allocation criteria are prioritised in order in accordance with the criteria set out below:
 - Local Blue badges holders / Disabled residents.
 - Local Estate tenants / leaseholders.
 - Others

10. It is also recommended that applicants meet the eligibility criteria of residency in the District and provide documentary evidence to support their application. This includes car registration, valid MOT and insurance certificates registered to the applicant and their address. Further, it is suggested that applicants should be registered for council tax purposes, this requirement confirming the local residency test.
11. It is also proposed that applicants' rent or service charge accounts must not be in arrears; application will not, otherwise, be considered.
12. Further, the Policy requires that the surplus car parking spaces are allocated to designated cars on an annual basis and the parking permits issued are not transferrable. However, it is proposed that these parking spaces maybe allocated to multiply cars from the same household.

It is recommended that the enforcement and the removal of illegal parked cars should be carried out by a third party and Council staff will not be involved in that process.

Resource Implications:

These surplus car parking spaces will be allocated and managed by Council staff and there will not be any resource implications, however, the allocation of these surplus car parking spaces will generate income.

Legal and Governance Implications:

None.

Safer, Cleaner and Greener Implications:

This policy seeks to bring clarity and consistency in how these surplus car parking spaces will be allocated and managed. Adopting this policy controls potential anti-social behaviour and community tension, thus leading to a secure and safer environment.

Consultation Undertaken:

Subject to agreement by this committee the policy will be consulted on with the Resident and Leaseholder Committee before being presented to Cabinet.

Background Papers:

None.

Risk Management:

None

Equality Analysis:

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided as an Appendix to this report.

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Equality Impact Assessment

1. Under s.149 of the Equality Act 2010, when making decisions, Epping District Council must have regard to the Public Sector Equality Duty, ie have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. All **Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA**. An EqIA should also be completed/reviewed at key stages of projects.
8. To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:
 - Factsheet 1: Equality Profile of the Epping Forest District
 - Factsheet 2: Sources of information about equality protected characteristics
 - Factsheet 3: Glossary of equality related terms
 - Factsheet 4: Common misunderstandings about the Equality Duty
 - Factsheet 5: Frequently asked questions
 - Factsheet 6: Reporting equality analysis to a committee or other decision-making body

Section 1: Identifying details

Your function, service area and team: Housing Development Team

If you are submitting this EqIA on behalf of another function, service area or team, specify the originating function, service area or team: None

Title of policy or decision: **Policy for Allocating Surplus Car Parking Spaces Provided by the Council Housebuilding Programme.**

Officer completing the EqIA: Francisca Muonweokwu-Egbunike Tel: ext. 2538
Email: FMuonweokwuegbunike@eppingforestdc.gov.uk

Date of completing the assessment: **24th August 2020**

Section 2: Policy to be analysed

2.1	<p>Is this a new policy (or decision) or a change to an existing policy, practice or project?</p> <p>Change in existing policy.</p>
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p>1) That the Council reviews and adopts the Policy for Allocating Surplus Car Parking Spaces Provided by the Council Housebuilding Programme.</p> <p>(2) To adopt and implement the allocation and eligibility criteria including the advertising, selection/allocation, licencing/charging of parking permits and enforcement of surplus car parking spaces.</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <p>To allocate surplus car parking spaces provided by the Council Housebuilding Programme.</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none">• service users• employees• the wider community or groups of people, particularly where there are areas of known inequalities? <p>All these groups may potentially benefit from this policy change.</p> <p>Will the policy or decision influence how organisations operate?</p>

	Council officers will allocate these surplus parking spaces in accordance with agreed eligibility criteria to local residents nearer to these new council homes, thereafter, in an expanding circle.
2.4	Will the policy or decision involve substantial changes in resources? No but it is anticipated that this Policy will generate income.
2.5	Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes? If adopted, it expected to reduce potential anti-social behaviour issues and minimise community tension that may arise if those surplus parking spaces are not managed effectively.

Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	What does the information tell you about those groups identified? This Policy will ensure that local applicants benefit from the surplus parking spaces and it is also linked to income generation. Further, as indicated above, this Policy if adopted, minimises potential anti-social behaviour issues and community tension which would have been caused if left unmanaged/ vacant.
3.2	Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision? Not necessary now.
3.3	If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:

	<p>We will review and consult if necessary, however, consultation may not be necessary since this policy prioritises limited supply of parking spaces to local residents.</p>
--	--

Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Neutral	Low
Disability	Neutral	Low
Gender	Neutral	Low
Gender reassignment	Neutral	Low
Marriage/civil partnership	Neutral	Low
Pregnancy/maternity	Neutral	Low
Race	Neutral	Low
Religion/belief	Neutral	Low
Sexual orientation	Neutral	Low

Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqIA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No X <input type="checkbox"/>	
		Yes <input type="checkbox"/>	If ' YES ', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

Section 6: Action plan to address and monitor adverse impacts

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.
None		
None		
None		
None		
None		
None		
None		
None		
None		

Section 7: Sign off

**I confirm that this initial analysis has been completed appropriately.
(A typed signature is sufficient.)**

Signature of Head of Service:

Date:

Signature of person completing the EqIA:

Date:

Advice

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqIA you undertake to the director responsible for the service area. Retain a copy of this EqIA for your records. If this EqIA relates to a continuing project, ensure this document is kept under review and updated, eg after a consultation has been undertaken.



Epping Forest District Council

Draft Policy for Allocating Surplus Car Parking Spaces Provided by the Council Housebuilding Programme.

DRAFT

Contents

1. Scope	page 3
2. Policy Statement	page 4
3. Advertising	page 4
4. Selection and Allocation Criteria	page 4
5. Eligibility Criteria	page 4
6. Application Process	page 5
7. Licencing and Permit Charging	page 5
8. Arrears and Outstanding Debt	page 5
9. Parking Enforcement and Removal of Illegal Parked Cars	page 5
10. Review of the Policy	page 6
11. Document control log	page 7

1. Scope

- 1.1. The purpose of this policy is to allocate surplus car parking spaces as provided, to local residents near to such development(s) and provide advertising, selection/allocation, eligibility criteria, licencing/charging, parking permits and enforcement of the said surplus car parking spaces (CPS), if/as applicable.
- 1.2. As part of the Council House Building Programme a number of developments were identified, and planning consents obtained for the delivery of new affordable council housing and associated car parking.
- 1.3. The amount of car parking spaces varies on each of the individual development sites. There are in some cases surplus car parking spaces over and above the required number for the intended new residents of the new affordable homes.
- 1.4. Originally, it was intended that these surplus car park spaces were to be unallocated. However following further consideration and discussions, it is felt that as these developments were mainly (but not exclusively) internal private, unadopted court yards, this may lead to anti-social behaviour/community tensions, therefore, to adopt an allocation procedure would better provide long term control, a more secure and safer environment.
- 1.5. The number of surplus car parking spaces provided to these developments will be identified following the allocation of the required car parking spaces to the new residents of the intended Council Housebuilding developments, the development team.
- 1.6. Some council housing developments may have reduced CPS or may be car free zones because of their proximity to good public transport networks and the District Council may provide secure cycle parking areas which are easily accessible and work with car club operators to support residents to using this facility. In the future alternative responses may be required.
- 1.7. If schemes are designated a car free zones, those details may be included in the S106 agreements and included in the choice-based lettings advertisements with additional requirement that applicants were notified, aware and understood the implications.
- 1.8. The allocations of these surplus car parking spaces will be for the sole use of the specific households for which a weekly charge will be payable. Allocated permits will not be used for other parking spaces and will always be required to be visibly displayed in the cars.
- 1.9. This Policy explains how surplus car parking spaces will be allocated if provided, the eligibility criteria, the payment and enforcement of those parking spaces.

2. Policy Statement

- 2.1. The Council House Building Programme has mostly been developed from former garage / surplus sites, therefore, with limited supply of land, sometimes physical, environmental constraints and requirements of the emerging Local Plan, these developments may provide limited or no parking spaces.
- 2.2. This parking policy will ensure that surplus car parking spaces within these developments are allocated in accordance with the criteria set out in this policy.

3. Advertising:

- 3.1. The Land and Estates team will advertise the availability to the local residents on an expanding basis as required to identify the demand and establish and maintain a register of interested parties.
- 3.2. This advertisement should set out the number of spaces and terms for renting.

4. Selection and Allocation Criteria:

- 4.1. Following the allocation of CPS to the new housing residents/visitor CPS, the selection and allocation of these surplus car parking spaces will be managed by Estates and Land Team and the parking spaces will be allocated and prioritised in the following order:
 - Local Blue badges holders / Disabled residents.
 - Local Estate tenants / leaseholders.
 - Others

5. Eligibility Criteria:

- 5.1. To be residents of the Epping Forest District area; documentary evidence will be required to support this application.
- 5.2. The car registration documents including valid MOT and insurance certificates should be registered to the applicant and the address.
- 5.3. Applicant to be registered at the address for council tax purposes.
- 5.4. The applicants rent or service charge account must not be in arrears; application for a parking space will not be considered, otherwise.

6. Application Process:

- 6.1. Requests for car parking space must be made on the application form
- 6.2. These spaces will be allocated to a designated car(s) and parking licence/permits will be issued by Land and Estates team on an annual basis and are not transferrable. The car parking space may be allocated to apply to multiply cars in the household and therefore all the appropriate registration numbers should be displayed on the parking permit.
- 6.3. New parking licence/permits should be requested once the car and details change, The District Council reserves the right to charge an administrative fee and will inform the applicant accordingly.
- 6.4. Automatic right of renewal will not apply; if on the expiry of the parking licence/permit and the applicant of the parking space does not re-apply to renew the parking licence/permit, the parking space will be offered to other applicants on the waiting list.
- 6.5. The provision of false information and failure to cooperate with valid checks during the application or review stages may lead to the termination of the application process or the parking permit if allocated and any refund returned less administration costs.

7. Licence/Permit Charges:

- 7.1. The fees for the parking licence/permits will be per annum set by CHBCC on a scheme by scheme basis.

8. Arrears and Outstanding Debt:

- 8.1. Once an allocation is made, subsequent arrears of more than 3 months will lead to the termination of the use of the parking space.

9. Parking Enforcement and the Removal of illegal Parked Cars:

- 9.1. Illegally parked cars will be removed by Essex Parking Partnership or other designated contractor.
- 9.2. Applicants will be required to contact Essex Parking Partnership or other designated contractor to recover their vehicles.
- 9.3. Staff from the Council will not be involved in this process between the applicant and Essex Parking Partnership or other designated contractor.

10. Reviewing of the Policy:

10.1. The District Council will monitor, review and update the Car Parking Policy annually.

DRAFT

11. Version control log

Version no.	Date	Details of changes included in update	Author
1		Publication	

DRAFT

DRAFT

Epping Forest District Council
Civic Offices, High Street, Epping, Essex CM16 4BZ

Telephone: 01992 564000
Email: housingoptions@eppingforestdc.gov.uk

www.eppingforestdc.gov.uk/housing

(Insert date)

Report to the Council Housebuilding Cabinet Committee



Report reference: CHB-006-2020/21
Date of meeting: 08 September 2020

**Epping Forest
District Council**

Portfolio: Housing and Community Services – Councillor H Whitbread

Subject: Policy for Licencing and Grant of Permanent Rights of Way/Access for the Council Housebuilding Programme

Responsible Officer: Deborah Fenton
Service Manager – Housing Management and Home
Ownership (01992 564221)

Democratic Services: J Leither (01992 564756)

Recommendations/Decisions Required:

- (1) To adopt a new policy for Licencing and Grant of Permanent Rights of Way/Access for the Council House Building Programme.**
- (2) To carry out audit and review of the current licencing arrangements and fees charged.**
- (3) To create and maintain a central database and notification system for issued licences, and sale agreements for permanent rights of way/accesses.**
- (4) To carry out annual monitoring and review of licences, and regular site inspections to regulate and prevent the creation of unauthorised rights of way/access.**

Executive Summary:

This report recommends the adoption of a new policy for the licensing and granting of rights of way/accesses relating to the Council House Building Programme (CHBP).

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

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

The creation of a central data base is recommended which records 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.

Reasons for Proposed 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 for Action:

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.

Report:

1. A number of CHBP sites have been 'appropriated' (under Section 122 of the Local Government Act 1972) in order to facilitate the change of Planning use, requiring existing Rights of Way/Access to be overridden/extinguished and compensation paid. Some households adjoining these sites have constructed unauthorised vehicles and pedestrian accesses, which over time has created legal rights of way.

2. Given these circumstances, there is a clear need to establish a manageable policy whereby residents are able to acquire rights of way, either by licence or purchase, to facilitate their ability to access their properties and/or park vehicles off the highway and at the same time prevent unauthorised rights of way. Therefore, a new policy is proposed, and this is set out in the appendix to this report.

3. Where a legal proprietor has acquired an easement either by prescription or quasi easement, EFDC has the legal right under Section 203 of the Housing and Planning Act 2016 (HPA 2016) to permanently extinguish and terminated these rights subject to the payment of appropriate compensation utilising the appropriation powers Section 204 HPA 2016.

4. The purpose of the proposed policy is to provide a framework and guidance for the control of Rights of Way/Access to parties other than the new residents of the CHBP developments. Many of the CHBP developments are secluded internal schemes with low levels of supervision. Therefore, it is desirable to control potential access in order to prevent and discourage the potential for future anti-social behaviour.

5. It is recommended that the current 'licence to cross' is reviewed by all interested parties to agree a new form of Licence for Rights of Way/Access to be adopted which should include and be accompanied with a licence plan describing the precise route and extent of the rights being granted and detailing the fees/costs and maintenance contribution of such.

6. The proposed policy sets the level of the annual licence fee will reflect a financially realistic relationship to the permanent sale price of the Right of Way/Access in order that the licence fee value is reflective of the value and consistently applied.

7. The sale of a permanent right of way/access to a private property owner will be determined to ensure the best consideration is achieved in accordance with Section 123 of the Local Government Act 1972. Therefore, it will be necessary to obtain a RICS Valuation to establish the sale price the cost of which is borne equally by both parties, but the instruction is to be made jointly by EFDC.

8. The creation of a central data base is recommended which records issued licences and sale agreements for permanent Rights of Way/Access including a notification process whereby when a licence is being considered for grant or sale (of a permanent right of way/access). This information should be circulated and both the Housing Development and Legal Teams for consultation in a not dissimilar way as potential Right to Buy disposals are being considered and subsequent notification issued across Council departments/teams.

9. Annual monitoring, review and updating of the Policy is recommended.

Resource Implications:

None.

Legal and Governance Implications:

Appropriation of Land by Principal Councils - Section 122 of the Local Government Act 1972.

Power to override easements and pay compensation – Sections 203/204 The Housing and Planning Act 2016.

When disposing of a permanent right of way/access - Section 123 of the Local Government Act 1972.

Safer, Cleaner and Greener Implications:

None.

Consultation Undertaken:

None,

Background Papers:

Draft Policy for Licencing and Grant of Permanent Rights of Way/Access for the Council House Building Programme

Risk Management:

The proposed policy needs to be rigorously and consistently implemented to mitigate further financial loss due to the creation of unauthorised rights of way/access.

Equality Analysis:

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided as an Appendix to this report.

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Equality Impact Assessment

1. Under s.149 of the Equality Act 2010, when making decisions, Epping District Council must have regard to the Public Sector Equality Duty, ie have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. All **Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA**. An EqIA should also be completed/reviewed at key stages of projects.
8. To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:
 - Factsheet 1: Equality Profile of the Epping Forest District
 - Factsheet 2: Sources of information about equality protected characteristics
 - Factsheet 3: Glossary of equality related terms
 - Factsheet 4: Common misunderstandings about the Equality Duty
 - Factsheet 5: Frequently asked questions
 - Factsheet 6: Reporting equality analysis to a committee or other decision-making body

Section 1: Identifying details

Your function, service area and team: Housing Development Team

If you are submitting this EqIA on behalf of another function, service area or team, specify the originating function, service area or team: None

Title of policy or decision: **Policy for Licencing and Grant of Permanent Rights of Way/Access for the Council House Building Programme**

Officer completing the EqIA: **James Shutt, Tel: ext. 4746**
Email: jshutt@eppingforestdc.gov.uk

Date of completing the assessment: **26th August 2020**

Section 2: Policy to be analysed

2.1	<p>Is this a new policy (or decision) or a change to an existing policy, practice or project?</p> <p>A new policy.</p>
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p>(1) To adopt a new policy for Licencing and Grant of Permanent Rights of Way/Access for the Council House Building Programme</p> <p>(2) To carry out audit and review of the current licencing arrangements and fees charged.</p> <p>(3) To create and maintain a central database and notification system for issued licences, and sale agreements for permanent rights of way/accesses.</p> <p>(4) To carry out annual monitoring and review of licences, and regular site inspections to regulate and prevent the creation of unauthorised rights of way/accesses</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <p>To formalise the process and manage the right of way/access thus preventing the appropriation of council land, preventing the unauthorised uses of these routes and minimising the potential for anti-social behaviour in those areas, some of which are secluded.</p>
2.3	<p>Does or will the policy or decision affect: potential</p> <ul style="list-style-type: none">• service users

	<ul style="list-style-type: none"> • employees • the wider community or groups of people, particularly where there are areas of known inequalities? <p>Service users and local communities will potentially benefit from this policy change.</p> <p>Will the policy or decision influence how organisations operate? Council officers will manage the right way/access in accordance with this policy, thus ensure consistency of process with the beneficial impact to those households and communities.</p>
2.4	<p>Will the policy or decision involve substantial changes in resources? No, but it is anticipated that the adoption of this policy, as indicated above, will ensure a consistent approach in managing this area of work.</p>
2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</p> <p>If adopted, it expected that this policy will reduce the unauthorised use of the right of way/access, minimise the potential risk of the appropriation of Council land which may impact the Council Housebuilding programme and the amount of compensation paid, finally, the possible reputational damage and anti-social behaviour issues that may occur if not managed effectively.</p>

Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	<p>What does the information tell you about those groups identified?</p> <p>This Policy will ensure that relevant residents are able to obtain rights of way /access either by licence or purchase and are able to access their properties within the prescribed legal framework; by achieving this, community tension that may arise if not properly managed is controlled.</p>
-----	---

3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p>Not necessary now.</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:</p> <p>We will review and consult with identified residents affected by Council House Building development as necessary. However, consultation may not be required since this policy is limited to those households and communities with such rights of way/access or affected by them.</p>

Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Neutral	Low
Disability	Neutral	Low
Gender	Neutral	Low
Gender reassignment	Neutral	Low
Marriage/civil partnership	Neutral	Low
Pregnancy/maternity	Neutral	Low
Race	Neutral	Low
Religion/belief	Neutral	Low
Sexual orientation	Neutral	Low

Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqIA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No X <input type="checkbox"/>	
		Yes <input type="checkbox"/>	If ' YES ', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

Section 6: Action plan to address and monitor adverse impacts

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.
None		
None		
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Section 7: Sign off

**I confirm that this initial analysis has been completed appropriately.
(A typed signature is sufficient.)**

Signature of Head of Service: Deborah Fenton

Date: 26.08.2020

Signature of person completing the EqIA:

Date:

Advice

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqIA you undertake to the director responsible for the service area. Retain a copy of this EqIA for your records. If this EqIA relates to a continuing project, ensure this document is kept under review and updated, eg after a consultation has been undertaken.



Epping Forest District Council

Draft Policy for Licencing and Grant of Permanent Rights of Way/Access relating to the New Council House Building Programme

DRAFT

Contents

1. Background/Scope	page 3
2. Policy Statement	page 3
3. Statutory Framework	page 4
4. Licensing and Grant of Permanent Rights of Way/Rights of Access	page 4
5. Reviewing the Policy	page 5
6. Document control log	page 5

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1. Background/Scope

- 1.1. As part of the Council House Building Programme (CHBP) a number of sites were 'appropriated' (under Section 122 of the Local Government Act 1972) in order to facilitate the change of Planning use, which as a consequence required any existing Rights of Way/Access to be overridden/extinguished and compensation paid (as required under the Housing and Planning Act 2016).
- 1.2. During this process it has become evident that some households adjoining these CHBP sites had constructed unauthorised accesses for vehicles and pedestrian gates which over time has created legal rights of way. As these remained unchallenged for a period of 20 years these Rights of Way/Access became secured by 'prescription'. In addition, some residents have exercised their Right to Buy and have gained 'quasi easements'. Because these have not been robustly policed the problems were not addressed prior to exercising their RtB.
- 1.3. As part of the compensation process formal RICS valuations were obtained to establish the level of compensation payable. This highlighted that, in general terms, the compensation payment for the permanent extinguishment for a pedestrian access is c£5,000 i.e. c.1.5% of the properties OMV and the compensation payment for the loss of a vehicle access ranges between c.£16,000 for a car park space to c.£40,000 for a well-built garage i.e. c10% of the properties OMV.
- 1.4. Given these circumstances, there is a clear need to establish a manageable policy whereby residents are able to acquire rights of way, either by licence or purchase, to facilitate their ability to access their properties and/or park vehicles off the highway and at the same time prevent unauthorised rights of way.

2. Policy Statement

- 2.1. Where a legal proprietor has acquired an easement either by prescription or quasi easement, EFDC has the legal right under Section 203 of the Housing and Planning Act 2016 (HPA 2016) to permanently extinguish and terminated these rights subject to the payment of appropriate compensation utilising the appropriation powers Section 204 HPA 2016.
- 2.2. Where a legal proprietor has not acquired the appropriate rights but may simply wish to acquire a right of way/access; then EFDC requires a licence or sales agreement to be entered into which will include the requirement to contribute towards the ongoing cost of repairs and maintenance of the access way.
- 2.3. To ensure that rights of way/accesses remain controlled, EFDC will carry out regular site inspections (at least annually) across all of the Council's Housing Estate to ensure no further unauthorised rights of way/accesses become prescriptive rights and these inspections will form part of the annual Licence renewal review.
- 2.4. The purpose of this policy is to provide a framework and guidance for the control of Rights of Way/Access to parties other than the new residents of the CHBP developments. Many of the CHBP developments are secluded internal schemes with low levels of supervision. They are predominately private courtyards and not public highways. Therefore, it is desirable to control potential access in order to prevent and discourage the potential for future anti-social behaviour. The more people who have

a legitimate reason to access these areas, the better as it will improve security and community safety.

- 2.5. This policy sets out the basis for the future licencing or permanent sale of Rights of Way/Access in so far as they relate to the CHBP to ensure a fair outcome for all parties.

3. Statutory Framework:

The following legislation and guidance provide the statutory framework for the appropriation of land and overriding/extinguishment of easements and other rights by principal Councils and set out the duties of the Council in providing compensation where rights are extinguished.

- 3.1. Appropriation of Land by Principal Councils - Section 122 of the Local Government Act 1972.
- 3.2. Power to override easements and pay compensation – Sections 203/204 The Housing and Planning Act 2016.
- 3.3. When disposing of a permanent right of way/access - Section 123 of the Local Government Act 1972.

4. Licencing and Grant of Permanent Rights of Way/Access:

- 4.1. To avoid a repeat and prevent the unauthorised creation of access points and rights of way/access which results in un-necessary financial burden falling on the Council and avoid the associated reputational damage it is necessary to ensure there is a more robust policy and process in place.
- 4.2. There is a broad collective responsibility involving several departments/teams that affects the quality of the current standard of Record Keeping. Currently there is a standardised form of Licence used for 'rights to cross' but the associated fee varies; the reason for which is not always apparent or understood.
- 4.3. It is recommended that the current 'licence to cross' is reviewed by all interested parties to agree a new form of Licence for Rights of Way/Access to be adopted which should include and be accompanied with a licence plan describing the precise route and extent of the rights being granted and detailing the fees/costs and maintenance contribution of such.
- 4.4. There is a benefit in creating a central data base record of issued licence's and sale agreements for permanent Rights of Way/Access including a notification process whereby when a licence is being considered for grant or sale (of a permanent right of way/access). This information should be circulated and both the Housing Development and Legal Teams for consultation in a not dissimilar way as potential Right to Buy disposals are being considered and subsequent notification issued across Council departments/teams.
- 4.5. The level of the annual licence fee will reflect a financially realistic relationship to the permanent sale price of the Right of Way/Access in order that the licence fee value is reflective of the value and consistently applied. Therefore, consideration will be given

to the status of the property and the benefits of the rights granted. For example, if it is in private ownership the property's value will increase to some degree if the right is permanently granted. However, this may not be the case if it is a licence as 1) a license can be revoked; 2) there is no obligation or guaranteed granted or renewed; 3) a licence is personal contractual right as opposed to a proprietary right. Therefore, these differences need to be reflected in the licence fee charged.

4.6. Therefore, it should be recognised that when selling a permanent right of way/access to a private property owner that the best consideration is achieved in accordance with Section 123 of the Local Government Act 1972. Therefore, it will be necessary to obtain an RICS Valuation to establish the sale price the cost of which is borne equally by both parties, but the instruction is to be made jointly by EFDC.

4.7. An audit will be carried out of all existing licences to review the level of charges and form of licences issued across the District. This is with the aim of rationalising the basis on which licences are issued and fees charged to create a consistent approach.

5. Reviewing the Policy:

5.1. The District Council will monitor, review and update the Policy annually.

1. Version control log

Version no.	Date	Details of changes included in update	Author
1		Publication	