



CABINET
Thursday, 18th October, 2018

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

Council Chamber, Civic Offices, High Street, Epping
on Thursday, 18th October, 2018
at 7.00 pm .

Derek Macnab
Acting Chief Executive

Democratic Services
Officer

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Members:

Councillors C Whitbread (Leader of the Council) (Chairman), S Stavrou (Deputy Leader and Housing Portfolio Holder) (Vice-Chairman), N Avey, A Grigg, H Kane, A Lion, J Philip, G Mohindra and S Kane

PLEASE NOTE THAT THIS MEETING IS OPEN TO ALL MEMBERS TO ATTEND

1. WEBCASTING INTRODUCTION

- (a) This meeting is to be webcast;
- (b) Members are reminded of the need to activate their microphones before speaking; and
- (c) the Chairman will read the following announcement:

"I would like to remind everyone present that this meeting will be broadcast live to the Internet and will be capable of subsequent repeated viewing, with copies of the recording being made available for those that request it.

By being present at this meeting, it is likely that the recording cameras will capture your image and this will result in your image becoming part of the broadcast.

You should be aware that this may infringe your human and data protection rights. If you have any concerns then please speak to the Webcasting Officer.

Please could I also remind Members to activate their microphones before speaking.”

2. APOLOGIES FOR ABSENCE

To be announced at the meeting.

3. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

4. MINUTES (Pages 5 - 18)

To confirm the minutes of the last meeting of the Cabinet held on 6th September 2018.

5. REPORTS OF PORTFOLIO HOLDERS

To receive oral reports from Portfolio Holders on current issues concerning their Portfolios, which are not covered elsewhere on the agenda.

6. PUBLIC QUESTIONS AND REQUESTS TO ADDRESS THE CABINET

(Director of Governance) To receive any questions submitted by members of the public and any requests to address the Cabinet.

(a) Public Questions

To answer questions asked by members of the public after notice in accordance with the provisions contained within Part 4 of the Constitution (Council Rules, rule Q3 refers) on any matter in relation to which the Cabinet has powers or duties or which affects the District.

(b) Requests to Address the Cabinet

Any member of the public or a representative of another organisation may address the Cabinet on any agenda item (except those dealt with in private session as exempt or confidential business) due to be considered at the meeting, in accordance with the provisions contained within Article 7 of the Constitution (The Executive, paragraphs 27 & 28 refers).

7. OVERVIEW AND SCRUTINY

(a) To consider any matters of concern to the Cabinet arising from the Council's Overview and Scrutiny function; and

(b) To consider any matters that the Cabinet would like the Overview and Scrutiny Committee to examine as part of its work programme.

8. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE (Pages

19 - 38)

(Finance Portfolio Holder) to consider the minutes from the meetings of the Finance & Performance Management Cabinet Committee, held on 13 September 2018 and any recommendations therein.

9. INTERIM APPROACH TO MANAGING RECREATIONAL PRESSURE ON THE EPPING FOREST SPECIAL AREA OF CONSERVATION (Pages 39 - 76)

(Planning and Governance Portfolio Holder) to consider the attached report (C-014-2018/19).

10. EPPING FOREST LOCAL HIGHWAYS PANEL (Pages 77 - 86)

(Safer Greener & Transport Portfolio Holder) to consider the attached report (C-013-2018/19).

11. LEISURE MANAGEMENT CONTRACT FINANCE (Pages 87 - 96)

(Leisure and Community Services Portfolio Holder) to consider the attached report (C-017-2018/19).

12. GOVERNANCE ARRANGEMENTS FOR LOCAL PLAN IMPLEMENTATION (Pages 97 - 162)

(Planning and Governance Portfolio Holder) to consider the attached report (C-015-2018/19).

13. DEVELOPMENT OF THE WALTHAM ABBEY SWIMMING POOL SITE, ROUNDHILLS, WALTHAM ABBEY (Pages 163 - 170)

(Asset Management and Economic Development Portfolio Holder) to consider the attached report (C-016-2018/19).

14. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 24 of the Council Procedure Rules contained in the Constitution requires 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.

15. 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
16	Disposal of Pyrles Lane Nursery	3

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 of the Constitution (Access to Information) 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.

16. DISPOSAL OF PYRLES LANE NURSERY (Pages 171 - 186)

(Asset Management & Economic Development Portfolio Holder) to consider the attached report (C-018-2018/19).

EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 6 September 2018

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 7.55 pm

Members Present: C Whitbread (Chairman), S Stavrou (Vice-Chairman), N Avey, H Kane, A Lion, J Philip, G Mohindra and S Kane

Other Councillors: R Baldwin, N Bedford, L Burrows, S Heather, R Morgan, C C Pond, C P Pond, M Sartin, D Stocker, H Whitbread and J M Whitehouse

Apologies: A Grigg

Officers Present: D Macnab (Acting Chief Executive), G Blakemore (Strategic Director), T Carne (Public Relations and Marketing Officer), S Devine (Private Sector Housing Manager), Q Durrani (Service Director (Contracts & Technical Services)), S Hill (Service Director (Governance & Member Services)), J Twinn (Assistant Director (Benefits)), P Maddock (Assistant Director (Accountancy)), P Maginnis (Service Director (Business Support Services)), A Hendry (Senior Democratic Services Officer) and A Rose (Marketing & Digital Content Officer)

17. WEBCASTING INTRODUCTION

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

18. DECLARATIONS OF INTEREST

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

19. MINUTES

RESOLVED:

That the minutes of the meeting of the Cabinet held on 14 June 2018, be taken as read and signed by the Leader as a correct record.

20. REPORTS OF PORTFOLIO HOLDERS

There were no verbal reports made by Members of the Cabinet on current issues affecting their areas of responsibility.

21. PUBLIC QUESTIONS AND REQUESTS TO ADDRESS THE CABINET

In order to give the proposed question some context the Chairman allowed the public speaker to firstly make his statement to the meeting and then follow it up with his question.

Request to address the Cabinet

The Cabinet heard from Mr T Owen, Vice-Chairman of the Loughton Broadway Town Centre Partnership who made a statement on the proposed parking tariff review report on the agenda that night.

Mr Owen said the Loughton Broadway Town Centre Partnership consistently had parking as an agenda item at its meetings.

They had noted that the report included the intention to help local businesses and that car parks could also be treated individually (such as the one in Roydon).

The report also noted that there was a lack of parking provision in the Debden Broadway area. To address that there was the proposal to increase the Resident Parking Permit by £2 per annum and the acknowledgement that a review of the parking in the Broadway was carried out.

It was well known that parking has been a contentious issue in Debden for some time and they did not believe that the proposals improve the situation – especially the proposed reduction in free parking at a time when traders were experiencing the impact of three hours free parking in the Epping Forest Shopping Park.

The Broadway Traders and Loughton Broadway Town Centre Partnership believed that the report had missed the opportunity to make realistic but innovative and helpful proposals that if adopted would benefit the local community. They would like to suggest that there were simple measures that could make a difference to the traders, residents and customers, and ask that serious consideration be given to them:

- One-hour free parking in Vere Road and Burton Road and Burton Road South at all times;
- Re-designation of Burton Road as a Short Stay car park and Vere Road as a Long Stay car park to help manage the out of area commuter use; and
- One hour free on Saturday and £1 all day in both Burton Road, Vere Road and Burton Road South (they noted that there was a £1 all day charge as in Cottis Lane Epping which was a short stay car park) .

Public Questions

Mr Owen then asked the following question on behalf of the Loughton Broadway Town Centre Partnership on the Parking Tariff Review report:

“How does the EFDC, and in particular the Cabinet, think that by accepting the ‘Parking Tariff review of council car parks’ report, the lives of the residents and traders in The Broadway will be benefitted and enhanced, at a time when traders are experiencing the negative impact of the free parking in the Epping Forest Shopping Park and the use of the car park by commuters?”

The Portfolio Holder for Safer, Greener and Transport gave the following response: “I would like to thank the Loughton Broadway Town Centre Partnership for responding to the consultation on the proposed changes to the parking tariff. I am aware that the Partnership has been liaising with the Portfolio Holder for Asset Management and Economic Development.

The proposed parking tariff review and the changes in the Broadway area is our latest effort to address the ever competing parking requirements of residents, shoppers, short and long stay visitors. We have used local knowledge and user surveys to inform our proposed amendments. We believe the proposed tariff structure strikes a good balance in providing short and long stay parking.

I would like to address the three specific points raised by the Partnership in response to the consultation on the report:

- 1) *One hour free parking in Vere Road and Burton Road and Burton Road South at all times:*

To operate a free period of parking we would have to change pay and display ticket machines to allow car park vehicle registration to be printed to tickets. This is something that the Council has always resisted as it is seen to be inconvenient to motorists. By retaining the 20 pence for 30 minutes, 90 pence for one hour and £1.80 for 2 hours tariff, which is low compared to the surrounding local authorities and London Underground, we are encouraging short stay visits.

The free 3 hours for the Retail Park was a commercial decision to attract new type of retail offering. The Broadway car parks have always been pay and display and offering a free period, of any duration, will not necessarily resolve the parking pressure.

- 2) *Re-designation of Burton Road as a short stay and Vere Road as a long stay car park to help manage the out of area commuter use*

We have no evidence to suggest that Burton Road car park is used by commuters on the London Underground. On the contrary we believe the users of this car park are predominantly local workers and all day visitors. This was the conclusion of our own parking survey carried out earlier in the year, a fact validated by the recent fire incident when the Burton Road Car Park was almost completely empty soon after the fire in the block of flats opposite the car park.

- 3) *One hour free on Saturday and £1 all day in both Burton Road, Vere Road and Burton Road South (we note that there is a £1 all day as in Cottis Lane Epping which is a short stay car park)*

We are not proposing to change the £1 all day in the Burton Road Car Park as this is long stay. Vere Road Car Park will remain unchanged, full short stay tariff will apply from Monday to Saturday just as it would in all other short stay car parks in the District. The rationale of offering full tariff in short stay instead of a £1 all day is to allow higher turnover of parking spaces and encourage short stay shoppers/visitors.

Council's commitment to the Broadway area:

I would like to draw attention to the long standing commitment of this Council to the enhancement and improvement in the Loughton Broadway area.

The Council is funding the Loughton Broadway Parking Review scheme. First phase addressed road safety and congestion of the highest priority areas and was completed in 2017/18 financial year at a cost of £57,000. The second phase of this scheme covers most of the Debden area and is currently in design phase, public consultation on the proposed changes will commence in October, has so far incurred

expenditure of £41,000. The implementation of this larger scheme will require significantly more expenditure and the Council is committed to delivering this scheme which will improve the road safety, parking congestion and provide safe parking for residents.

Another example of the Council's commitment to Loughton Broadway is the creation of 93 new pay and display parking spaces and the commitment to build a further 44 new spaces once planning permission is obtained for demolition of garages in Vere Road Car Park.

Once all the works are completed there would be a total of 137 new paid for parking spaces in the Loughton Broadway area."

22. OVERVIEW AND SCRUTINY

The Chairman of the Overview & Scrutiny Committee reported that the following items of business had been considered at its meeting held on 24 July 2018:

(a) They received a presentation from officers of the Epping Forest Citizen Advice who give them an overview of the work they did in our area. They provided advice on a face to face basis and by telephone and also hold evening pro-bono solicitor's and a family solicitor's rota. They suggested that joint objectives should be agreed between them and us so that it matched more of their core work. They would also like to have better monitoring as at present the monitoring was restricted only to their 5 objectives.

(b) The Committee then reviewed the Council's Forward Plan of Key Decisions and the Transformation Programme report on their project dossier and then reviewed and agreed the membership change to the Resources Select Committee and the work programmes of our committee and the other select committees.

(c) Finally, they hoped to have Stansted Airport in the form of officers from the Manchester Airport Group at their October meeting to answer some questions. The two officers they were expecting were their Planning Manager and their Corporate Social Responsibility Manager. Matters that they would like to cover included the planned expansion of the airport, the handling of increased passenger numbers in the short term and employment opportunities for local residents.

Councillor C Whitbread noted the report and commented that the Council provided generous contributions to the Citizen Advice.

23. FINANCE AND PERFORMANCE CABINET COMMITTEE

The Finance Portfolio Holder presented the minutes of the Finance and Performance Management Cabinet Committee meetings held on 21 June and 26 July 2018.

It was noted that the Cabinet Committee had not made any recommendations to the Cabinet on this occasion.

24. ASSET MANAGEMENT AND ECONOMIC DEVELOPMENT CABINET COMMITTEE

The Portfolio Holder for Asset Management & Economic Development presented the minutes from the meeting of the Asset Management & Economic Development Cabinet Committee, held on 19 July 2018.

It was noted that the Cabinet Committee had not made any recommendations to the Cabinet on this occasion.

25. CORPORATE ENFORCEMENT POLICY

The Housing Portfolio Holder introduced the revised Corporate Enforcement Policy.

She noted that the Corporate Enforcement Policy set out the general principles which officers would follow when taking enforcement, that the officers would be suitably trained and qualified to undertake their enforcement activities and have the proper powers delegated to them to assist them in carrying out their role.

This was last amended in December 2015 and it was important that the policy be kept up to date so that it was able to stand up to scrutiny if a member of the public or business makes a complaint relating to the way the Council have handled their case; it provided clarity to residents and businesses in how the Council regulates and minimises the risks associated with failed enforcement action

The policy had now been reviewed and amended, in doing so the policy was also broadened to cover the matters common across all areas of regulation to minimise duplication but did not enter into the specifics of each area of regulation which would be supplemented by separate Enforcement and Service Standards specific to individual areas (such as private sector housing and planning).

Set out in the policy were the general principles of good enforcement that the Council would carry out its regulatory activities in a way that was:

- transparent
- accountable
- proportionate
- consistent

and should be targeted only at cases in which action was needed.

Since the policy was last amended, the way the Council gathered evidence had also changed and the policy had been updated to reflect this. Guidance on the use of Closed Circuit Television (CCTV), aerial cameras/drones and body worn cameras was now included.

The policy also covers the circumstances where the matter falls within the remit of another regulator (such as the Police or Health and Safety Executive). In these circumstances officers would attempt to co-ordinate visits and actions with other agencies to achieve the most efficient and effective outcomes and to minimise inconvenience.

The Policy finally set out what could be expected from the Council, how to complain if someone was dissatisfied with the service and how to contact the Council in the event of a query.

Councillor Philip suggested that the front page of the Policy needed a version date and that item 9 of the policy (Data Protection and Privacy) needed to mention the GDPR rules that had recently come in.

DECISION:

That the amended Corporate Enforcement Policy, be adopted subject to:

- a) That the date of the publication of the policy document be set on the front page of the policy document; and
- b) That under section 9 of the policy (Data Protection and Privacy) the new GDPR be referenced in the text.

Reasons for Decision:

The existing policy was last amended in December 2015. It was important the policy was kept up to date to ensure that it both follows operational changes within the Council and legislative changes that may have come into force.

The policy must remain robust and able to stand up to scrutiny in the case that a member of the public or business makes a complaint relating to the way the Council had handled their case, or the decision the Council had made relating to enforcement, and was essential to provide clarity to residents and businesses in how the Council enforced and minimise the risks associated with failed enforcement action.

Other Options for Action:

The existing policy was not reflective of current best practice and the amendments are required to bring it up to date. Not to approve the amendments leaves the Council at risk for the reasons outlined above.

26. LOCAL COUNCIL TAX SUPPORT SCHEME 2019/20

The Finance Portfolio Holder introduced the report on the Local Council Tax Support Scheme 2019/20. He thanked Ms Twinn and her team for putting this report together. He noted that this was an annual exercise and it had been discussed if was needed again as in previous years there had been a very low response to this consultation exercise. However he thought that it was desirable to enable residents to have a chance to give their views. He noted that there was no recommendations for changes to the scheme but encouraged all residents to respond to the consultation to give the Council feedback on their actions on this subject.

DECISION:

- (1) That Members agreed that a public consultation exercise on the Local Council Tax Support Scheme for 2019/20 be undertaken between the end of September and the end of November 2018.
- (2) That consultation was undertaken on the proposal that no changes need to be made to the scheme for 2019/20.

Reasons for Proposed Decision:

In previous years every Local Authority was required to approve a Local Council Tax Support scheme by 31 January. However, the Ministry of Housing Communities and Local Government have brought in changes for the 2019/20 schemes and the Local Council Tax Support scheme for the following financial year now needs to be approved by 11 March each year. The 2019/20 scheme for Local Council Tax Support would therefore need to be agreed by full Council on 21 February 2019.

In view of the timescales, consultation needs to be undertaken between September and November 2018. If consultation was commenced later, it would not be possible to complete the consultation and make any amendments to the scheme in time for a further report to Cabinet on 7 February 2019.

Other Options for Action:

(1) As it was not intended to make any changes to the current Local Council Tax Support scheme, advice has established that the Council was not required to undertake public consultation. Cabinet could therefore decide not to carry out a consultation exercise for the 2019/20 Local Council Tax Support Scheme. Several other Essex Authorities were not intending to make changes to their schemes for 2019/20 and will not be carrying out any public consultation.

(2) The Cabinet could propose changes to the Scheme.

27. ESSEX AMENITY STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION

The Housing Portfolio Holder introduced the report on the Essex Amenity Standards for Houses in Multiple Occupation (HMOs). She noted that Local authorities were responsible for ensuring that the number and location of washing, cooking and toilet facilities in houses in multiple occupation (HMOs) were reasonably suitable for the number of people living in them. Officers have until now been guided by specific standards prescribed by legislation and also locally applied 'Essex Standards' that have been produced collaboratively by Environmental Health Officers across Essex. These assist in deciding whether a licensable HMO was suitable, what if any additional amenities were required through licence conditions and advised landlords of what was expected of them.

The current "Essex Standards" were now outdated as they had last been reviewed in 2012 and it was appropriate that these standards were now reviewed.

She noted that the proposed 'Essex HMO Amenity Standards' produced by the Essex Private Sector Housing Officers Group had been subject to a full consultation across Essex and Cabinet was being asked to approve and adopt these standards as the minimum requirements generally expected in HMOs in the Epping Forest District; which can be used as a guide to landlords operating HMOs and for enforcement officers within the Council.

DECISION:

That the 'Essex HMO Amenity Standards' be approved and adopted, as the minimum amenity standards generally required for houses in multiple occupation in the Epping Forest District.

Reasons for Decision:

The existing Essex Standards for HMO amenity provisions were outdated, were not fit for purpose and were not formally adopted. They required updating generally and would take account of recent regulations prescribing national minimum standards for room sizes in licensable HMOs.

Other Options for Action:

Not to adopt the Essex HMO Amenity Standards – but this would leave officers responsible for enforcing property standards without a suitable benchmark against which to refer when setting amenity requirements in HMOs. This could expose the Council to potential challenge in court and subsequent costs as a result of landlords successfully appealing that the amenity requirements being imposed on them were not fair and equitable.

An option of each local authority producing its own individual standards rather than an Essex-wide standard – but this has been discounted since the consultation results show a preference for a county-wide approach and officers' opinion from Essex councils is that Essex-wide standards will evidence a fair and equitable enforcement approach across the county.

28. PARKING TARIFF REVIEW ACROSS ALL COUNCIL OWNED CAR PARKS

The Safer, Greener and Transport Portfolio Holder presented a report reviewing the parking tariffs across the Council owned car parks. He noted that the last tariff review was carried out in 2015. The Council owned car parks were under considerable pressure. Short stay shoppers and workers in town centres routinely complained about the lack of paid for parking. There was a perception, due to Council car parking charges being significantly lower than those at station car parks, that all day parking was taken up by commuters using the London Underground. The demands for parking by Season Tickets holders as well as workers in shops and local businesses regularly outstrip capacity. A number of new car parks have been created in the last few years however this was not enough. This review attempts to simplify the parking tariff, accept the principle of controlling demand by price, help local businesses by keeping the lower charge bands unchanged, gradually removing subsidy from Season Ticket prices, continue the differential tariff across the District, create uniformity in charging on weekends and reinvest some of the additional income in improving and enhancing user experience.

He also took the opportunity to thank Mr Durrani and his team who had worked very hard on this report.

Councillor Philip welcomed the tariff part of the report as it made logical sense especially the retention of the 20pence band as it allowed people to make brief use of our shops. However, he was less convinced by the request for additional funding, he thought the justification in the report was very weak, particularly when looking at about £400k of costs. He understood the need to complete the LED lighting and installing the electrical charging points. However, he was less convinced by the need for environmental enhancements including landscaping and planting. He would like further information before having spent money in 2015 on CCTVs, why we had to spend money again on replacing those CCTVs and why that was not brought up when we looked at CCTV as a whole over the district.

The Portfolio Holder asked if Councillor Philip would be happy to move forward with this if a proviso was put in to provide a more detailed report on the cost breakdown. Councillor Philip agreed as long as they would still have the ability to make separate decisions on each proposal.

Councillor C Whitbread noted that these were all only bids; nothing would be agreed until they had gone through the budget process. He would ask all officers and members bringing forward bids to have the strongest possible arguments as it would be a tough budget round as they trying to keep Council taxes low.

Councillor Chris Pond said that he agreed with most of the proposals but would like to see a programme for the environmental improvements and too this he would like to add lighting improvements as well as there were problems with lighting in the car parks. He also agreed with the speaker at the start of the meeting that the Burton Road and the Vere Road car parks should be exchanged, with the long stay in the less desirable car park for shoppers in Vere Road. He had observed commuters in the Burton Road car park in the morning going to the underground station, which contradicted the survey results. He would like the Portfolio Holder to enter into discussion with ward members to get further on this, especially on the Vere Road and Burton Road car parks. The Portfolio Holder agreed to have a discussion with the relevant ward members.

Councillor Mohindra endorsed the comments that the Leader had made that these were just bids at present. However he thought that the environmental bids were really quite critical and made a significant impact on the residents so he was happy to see that item and had suggested that there was a bit more added such as monitors for air pollution to provide further work and evidence. He also agreed with the point made about lighting in the car parks.

Councillor Jon Whitehouse thought that capacity in the car parks was crucial especially for shoppers who wanted to visit the town and not just for people who parked there all day. He was also concerned by paragraph 2 (f) 'control of car parks by usage of tariff and not length of stay'. This was driven by the limitations of payment by phone and the phone software used. We should put pressure on the company to update their software as we cannot be the only council in this position. He also noted that it relied on displacing people to park in London Underground car parks, but they were full. He was also concerned about the ending of the one day rate in Cottis Lane as there were not the same issues as elsewhere for Saturday parking. The objective here seemed to get all the car parks in line. He asked the cabinet not to increase those Saturday car parking charges. The Portfolio Holder replied that the 'my permit' and top ups were a challenge and the council was conducting robust discussions with them to find a solution. With regard to Cottis Lane, one of the aims was to try make tariffs equitable and standardised across the district as best they could bearing in mind the commuter pressures around the stations.

Councillor Sartin was pleased to see the amended recommendation 6. It was a village car park with a different type of usage than that of a shopping area. She looked forward to having meetings with them to see how best to take this forward. The Portfolio Holder noted that the car park was a bit of an anomaly that had been missed out in previous years; he would be happy to discuss the options available.

The recommendations were agreed as modified to recommendation 3.

DECISION:

(1) That following a review of car parking tariff in all Council owned car parks carried out under the objectives and principles set out in paragraph 2 of the report the following be agreed to be implemented by 1 March 2019:

- (a) The existing tariff of 20 pence for 30 minutes, 80 or 90 pence for up to one hour and £1.60 or £1.80 for up to 2 hours be retained across the District;

- (b) To accept and retain the principle of differential tariff between the car parks in towns with London Underground stations and rest of the District car parks;
 - (c) That the current tariff structure for stays above 2 hours be replaced with a linear hourly tariff structure as set out in paragraph 6;
 - (d) That short and long stay car parks be retained;
 - (e) To remove the five hour maximum stay in Cottis Lane and Civic Offices Car Parks in Epping and turn them back into short stay car parks with normal tariff from Monday to Saturday;
 - (f) To discontinue Season Ticket holders of Bakers Lane Car Park in Epping from parking in Cottis Lane Car Park;
 - (g) To have the same price for on and off street resident parking permit and to achieve that to increase price from the current £48 to £50 per year;
 - (h) To increase Season Tickets prices in line with all day parking charges and incrementally remove the current subsidy of 15% over the next four years;
 - (i) That the £1 all day charge, payable in some car parks, on Saturday and Sunday is retained and the free period reduced from 2 hrs to 1 hr;
 - (j) In car parks currently free on Saturday or Sunday a £1 all day charge is introduced with a 1 hr free period;
 - (k) All car parks where a full tariff is payable on Saturday will remain as such,
 - (l) The free Saturday, Sunday and Bank Holiday parking during the month of December will be retained; and
 - (m) To continue to allow free parking for Blue Badge holders and motor bikes.
- (2) To agree to reallocate a sum of £30,000 from the Contaminated Land DDF budget by means of a virement to a budget for making the changes to traffic orders and replacing notice boards in car parks.
- (3) To agree to recommend, subject to a further report, to the Council the following growth bids to the budget for the following additional funding:
- (a) £100,000 Capital budget allocation in 2019/20 for environmental improvements;
 - (b) £100,000 Capital budget in 2019/20 pending the outcome of ongoing feasibility study of installation of electric charge points;
 - (c) £130,000 Capital budget in 2019/20 for installation of new CCTV systems and LED lighting;
 - (d) £40,000 DDF in 2019/20 for carrying out an assessment of suitability for new technological features like Automatic Number Plate Recognition facilities in car parks and feasibility of constructing additional levels above existing car parks; and

(e) Continued Services Budget growth of £20,000 in 2019/20 for ongoing costs associated with electrical charge points, environmental improvements and new CCTV systems.

(4) To note, subject to approval of recommendations above, that the total investment in car parks of £400,000 represents a pay back of a year and a quarter for the best case estimate income of £320,000 per year.

(5) To note the annual report on the performance of off street parking operations for 2017/18.

(6) That subject to a satisfactory resolution of demand for local parking of the surrounding properties, High Street, Harlow Road and the local school a charge of £1 all day be introduced in the Council owned car park in Roydon.

Reasons for Decision:

To review the current charging regime in car parks. London Underground charges are 80% to 50% higher than the long stay car parking charges in Council owned car parks. This results in increased parking stress causing hardship to local businesses, workers and shoppers.

To generate additional income for the Council to assist in dealing with the funding pressure faced by the Council.

Other Options for Action:

It would be possible to delay the introduction of new tariffs, but this would not address the parking stress in car parks and could endanger the Council's budget objectives.

29. CHRISTMAS/NEW YEAR CLOSURE OF COUNCIL OFFICES

The Technology and Support Portfolio Holder introduced the report on the Christmas and New Year closure of the council offices. He noted that for the past 16 years the Council had closed a number of Council offices throughout the Christmas and New Year period. The closure was facilitated by fixing the 2 statutory days, account for the bank holidays and, where necessary, the Council giving an additional day(s). The current schedule came to an end in 2017/2018.

Consultation had taken place with staff and Management Board about access to services over the Christmas/New Year period. Both staff and Management Board were of the view that because of the continuing lower demand for services over this period, the most efficient way to meet this demand was by signposting the public to services rather than opening the Council offices. All essential services are covered either by the out of hours contact centre or specific staff on call over the period. Management Board also supported the continuation of the arrangements for the next 2 years.

Councillor Philip agreed with the report and that it made a lot of sense. Also it was good that this was only for 2 years as by then we will have made further steps in our transformation and things may have moved on by then.

DECISION:

To agree the Joint Consultative Committee's recommendation to continue the current Christmas/New Year arrangements for 2018 – 2020, in accordance with the Schedule at appendix 1 of the report.

Reasons for Decision:

Consultation with staff showed that 97% of respondents wished the arrangements for the closure of Council offices over the Christmas/New Year period continued.

The report recognises the strong support of staff and Management Board regarding the current arrangements for the Christmas/New Year Period.

Other Options for Action:

The Committee could substitute other arrangements.

The Committee could decide not to continue with the current arrangements.

30. STAFF APPEALS PROCEDURE

The Technology and Support Portfolio Holder introduced the report on revising the Staff Appeals procedures. He apologised that the wrong document had got into the agenda and that a revised version had now been issued. The cabinet noted that it was proposed that the procedure was amended and as a consequence the member Staff Appeals Panel was removed from the constitution.

It was proposed that officer dismissals and appeals (of employees below Chief Officer level) were dealt with by a wider number of senior managers rather than Directors and Members, subsequently freeing up Directors and the Chief Executive in order to chair any dismissal appeal hearings.

Councillor Mohindra asked what would happen to the report now, how did it get circulated to staff and how did they get informed of this. The Portfolio Holder replied saying that this would now form the standard processes adopted by the authority and would also appear on the website.

DECISION:

- (1) That the proposed Appeal Procedure be approved and adopted; and
- (2) That, pursuant to the adoption of the policy, a report be made to Council recommending that the Monitoring Officer removes reference to the Staff Appeals Panel from the Constitution.

Reasons for Decision:

This was a change to the existing Procedure which the Committee was asked to consider. The proposal was timely due to the exit of the Director of Governance who was the Council's representative on the Staff Appeals Panel. The proposal adopts one procedure for all employees (below Chief Officer, as separate arrangements apply) appealing against any formal action or dismissal taken against them.

Other Options for Action:

The Committee could substitute other arrangements.

The Joint Consultative Committee proposed an alternative option whereby a member of the Executive is a joint Hearing 'Officer' with a Director or the Chief Executive at an Appeal Hearing for dismissal.

31. COUNCIL HOUSEBUILDING CABINET COMMITTEE MEETING MINUTES FOR 30 AUGUST 2018.

The Cabinet received minutes of the recent meeting of the Council Housebuilding Cabinet Committee that met on the previous Thursday, 30th August 2018.

The Portfolio Holder for Housing introduced the minutes and took the Cabinet through the contents. She noted that they had an update on the recent Burton Road Fire from the Assistant Director (Housing Property & Development). Councillor Mohindra thanked the Assistant Director for coming in and helping with the aftermath. Councillor Philip asked that under this minute item (7) the word "first" be added as the last word in the last sentence of that item as it made more sense. This was agreed.

Councillor C Whitbread added his thanks to the Assistant Director who had attended the fire immediately (on his day off) as by chance he was nearby. He also thanked Loughton College for making available a rest area for their use if required. Fortunately, no one was injured. It gave him great confidence in the Council's officers who swung into action immediately and also to the PR team who made sure the correct messages went out.

Councillor S Kane also thanked the officers concerned and pointed out that it was the Council's own funded Police officers who were first on the scene, made the site safe and controlled all the traffic.

The Portfolio Holder went on to bring their attention minute item 8 on bids to MHCLG for additional HRA borrowing. The minutes explained how the bids were to be submitted, but since then this has now changed. We cannot now group the sites together and would have to break them down into individual sites, which means that now they will have to work up 25 bids. If all bids were successful, this would increase our borrowing headroom by £8.052million. Fortunately the deadline has now been extended to 30 September 2018 and we would not now have to waive the call-in period as indicated in the minutes. The Cabinet Committee had agreed the recommendations for submission to this Cabinet meeting, although the wording would have to be changed as there were now to be 25 bids and no waiver of the call-in period would be required.

Councillor Mohindra asked if the Portfolio Holder was confident that the work required for 25 separate bids was justified. It may be that a lot of work has already gone into this, but he would like the reassurance that this was so. The Portfolio Holder said that although she was doubtful at first she had spoken to the Director of Communities who had reassured her that it was worth while. The Acting Chief Executive added that the view had been taken that it did justify the extra work needed. Officers had already worked up the separate bids into 4 bids, they will now have to disaggregate them into 25 separate bids, but it would go out as one document.

DECISION:

- 1) That the word “first” be added as the last word to the last sentence of the last paragraph in item 7 – ‘Burton Road, Loughton – Fire Update’ in order to clarify the sense of that sentence; and
- 2) That under item 8 – ‘Bids to MHCLG for additional HRA Borrowing’ the following be agreed:
 - (a) That, subject to any minor amendments agreed with the Housing Portfolio Holder (including bid amounts and borrowing profiles), the Director of Communities be authorised to submit twenty five separate bids to Homes England for additional Housing Revenue Account (HRA) borrowing approvals, for twenty five separate “schemes” totalling £8.052million in year 2021/22, with the borrowing profiles as set out in the report;
 - (b) That the Council’s Chief Financial Officer reports to a future meeting of the Finance and Performance Cabinet Committee on the most appropriate way to arrange the additional HRA borrowing when required.

Reasons for Decision:

The Council would benefit from additional HRA borrowing approvals to cover additional borrowing in the future if the Council needed, which could be used to either fund an extension to its current Housebuilding Programme or to fund expenditure on other HRA purposes.

Other Options Considered and Rejected:

The main alternative options were:

- (1) Not to bid – but this would mean that the current opportunity to obtain additional HRA borrowing approvals to cover any additional borrowing required in the future, to fund either an extension of the current Housebuilding Programme or expenditure on other HRA purposes, would be lost – and there were no indications of any further opportunities arising in the foreseeable future.
- (2) To submit a different number of bids, and/or for different amount(s) of additional HRA borrowing approvals – although the Director of Communities was of the view that the officers’ recommended bid proposal was appropriate under all the circumstances.

32. EXCLUSION OF PUBLIC AND PRESS

The Cabinet noted that there was no business which necessitated the exclusion of the public and press from the meeting.

CHAIRMAN

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Finance and Performance Management Cabinet Committee **Date:** Thursday, 13 September 2018

Place: Council Chamber - Civic Offices **Time:** 7.00 - 8.15 pm

Members Present: Councillors A Lion, S Stavrou, C Whitbread, H Kane and S Kane

Other Councillors: Councillors B Vaz

Apologies: G Mohindra and J Philip

Officers Present: P Maddock (Assistant Director (Accountancy)), D Macnab (Acting Chief Executive), S Hill (Service Director (Governance & Member Services)), D Bailey (Head of Transformation), G. Nicholas (Senior Project Improvement Officer), M Chwiedz (Performance Improvement Officer), G Woodhall (Senior Project Manager), R Perrin (Senior Democratic Services Officer) and P Seager (Chairman's Secretary)

20. 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 meetings.

21. Substitute Members

The Cabinet Committee noted that Councillor S Kane would substitute for Councillor J Philip and Councillor H Kane would substitute for Councillor G Mohindra at this meeting.

22. Appointment of Chairman

In the absence of the Chairman, the Leader requested nominations for this role, for this meeting.

RESOLVED:

That Councillor C Whitbread be elected as Chairman for the duration of the meeting.

23. Declarations of Interest

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

24. Minutes

RESOLVED:

That the minutes held on 26 July 2018 be taken as read and signed by the Chairman as a correct record.

25. Any Other Business

That, as agreed by the Chairman of the Cabinet Committee and in accordance with Section 100B(4)(b) of the local Government Act 1972, the following items of urgent business be considered following the publication of the agenda;

- Corporate Plan 2018-2023 – Benefits Maps, Performance Indicator

26. Corporate Plan 2018-2023 - Benefits Maps, Performance Indicator

The Head of Transformation, D Bailey presented a report regarding the Corporate Plan 2018-2023 – Benefits Maps, Performance Indicator Set and Targets following a request from this Cabinet Committee for further discussions between Joint Cabinet and Management Board.

The Head of Transformation advised that the new Corporate Plan ran from 2018/19 to 2022/23, which laid out the journey that the Council would take to transform the organisation to be 'Ready for the future'. The plan linked the key external drivers influencing Council services, with a set of corporate aims and objectives, grouped under three corporate ambitions. The success of the new Corporate Plan would be assessed through the achievement of a set of benefits, focussed on what the Council achieved for customers. These benefits in turn were evidenced through a set of performance indicators, with each indicator having a target and red and/or amber tolerance thresholds. The Corporate Specification for each year detailed how the Corporate Plan was being delivered through operational objectives and linked to annual business plans, projects and programmes from the Transformation Programme.

Resolved:

- (1) That the Corporate Plan benefits maps and performance indicator set be agreed; and
- (2) That the proposed targets and tolerance thresholds for the performance indicator set be agreed.

Reasons for Decisions:

The Council had ambitious plans for the future and a clear corporate plan was essential. The Corporate Plan sets out a clear and cohesive view from strategic drivers, through aims and objectives, to benefits which measure real improvements for customers. This plan would enable the Council to focus on what was most important to our stakeholders – what 'good' looks like. The Corporate Plan includes a set of benefits maps which show how the success of the plan would be measured, and collectively indicate how well the Council was delivering the benefits to our customers. These arrangements demonstrate how the Council secures the management of change and continuous improvement, having regard for economy, efficiency and effectiveness. A set of performance indicators and benefits measures were agreed each year, with targets.

The Corporate Plan 2018-2023 was adopted by Council in December 2017. It was agreed that the four Select Committees (Communities, Governance, Neighbourhoods and Resources) be consulted on the draft benefits maps and performance indicator set. This consultation ensured that the benefits maps had both the style and the content which the Select Committees found most useful in undertaking their scrutiny

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of Council performance. The Head of Transformation advised that the final benefits maps and performance indicator set profiles were to be agreed by the Finance and Performance Management Cabinet Committee, in consultation with the Head of Transformation.

Other Options Considered and Rejected:

The Committee could, in consultation with the Head of Transformation, agree that specific components of the proposed performance indicator set, targets and/or benefits maps be further reviewed, amended or removed, or new components be considered and included (Report to Cabinet, 7 December 2017).

The Committee could ask for specific components of the Corporate Plan be further reviewed, amended or removed, or new components be considered and included, as authorised by the Leader of the Council in consultation with the Chief Executive (Report to Council, 21 December 2017).

27. Corporate Plan 2018-2023 Performance Report Q1

The Head of Transformation, D Bailey presented the outturn position for Quarter 1 2018/19, in relation to the achievements of the Corporate Plan for 2018/2023.

The Corporate Plan 2018-2023 was the authority's key strategic planning document which laid out the journey the Council would take to transform the organisation to be 'Ready for the Future'. The plan linked the key external drivers influencing Council services, with a set of corporate aims and objectives, grouped under three corporate ambitions. A Corporate Specification for each year, which were previously called the Key Action Plan detailed how the Corporate Plan was being delivered through operational objectives, with these in turn linked to annual Service business plans. The success of the Corporate Plan was assessed through the achievement of a set of benefits, each measured through one or more performance indicator, focussed on what the Council achieves for customers. Management Board, Cabinet and the Scrutiny Select Committees had the overview and scrutiny roles to drive improvement in performance and ensure corrective action was taken where necessary.

The Head of Transformation advised that at Quarter 1 - 2018/19, the within the three Corporate ambitions, Stronger Communities had two Performance Indicators below target, Stronger Places had one Performance Indicator below target and Stronger Council had one Performance Indicators within the amber warning.

Further details were given on these Performance Indicators, as follows;

Stronger Communities

- M2.1 Number of safeguarding concerns. This was a new measurement with possible seasonal variations and the baseline had been set with a 1% increase on the cumulative 2018/18 statistics. A truer reflection may be realised later in the year for any corrective actions.
- M2.2 Number of days to process benefit claims. The performance had not been on target due to a lack of resources and long term sickness which was expected to improve in the next quarter.

Stronger Places

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- M3.1 Number of Community Champions and Volunteers. The first quarter had been used to establish the project and the Voluntary Action Epping Forest (VAEF) were currently finding out where volunteers had been placed and pushing the recruitment process for community leaders and volunteers.

Stronger Council

- M10.2 Annual Council Tax Collection. The target had been missed by 0.01%.

The Cabinet Committee were concerned about the lay out of the information supplied and asked that Performance Indicators which missed their targets, be supplied as a separate document to clearly set out areas of concern. Furthermore clarification was sought on how these Performance Indicators would get back on target. The Senior Project Manager's advised that they consulted with the Project managers and Project Sponsors to ensure action was being taken.

Resolved:

- (1) That the outturn position for Quarter 1 2018/19, in relation to the achievement of the Corporate Plan for 2018-2023 be noted.

Reasons for Decisions:

This combined report brings together the performance of the Council against the Corporate Plan and gave 'clear line of sight' for performance across the Council via the new benefits maps and performance indicator set. The benefits maps provided an opportunity for the Council to focus attention on how specific areas for improvement would be addressed, and how opportunities would be exploited and better outcomes delivered. It was important that relevant performance management processes were in place to review and monitor performance against performance indicators to ensure their continued achievability and relevance, and to identify proposals for appropriate corrective action in areas of slippage or under performance.

Other Options Considered and Rejected:

No other options were appropriate in this respect. Failure to monitor and review performance and to consider corrective action where necessary could have negative implications for judgements made about the Council's progress, and might mean that opportunities for improvement were lost.

The Committee could, in consultation with the Head of Transformation, agree that specific components of the proposed performance indicator set, targets and/or benefits maps be further reviewed, amended or removed, or new components be considered and included (Report to Cabinet, 7 December 2017).

The Committee could ask for specific components of the Corporate Plan be further reviewed, amended or removed, or new components be considered and included, as authorised by the Leader of the Council in consultation with the Chief Executive (Report to Council, 21 December 2017).

28. Transformation Programme - Project Dossier

The Head of Transformation, D Bailey reported that the Project Dossier attached to the agenda updated the Cabinet Committee on the progress made by all active High and Medium complexity programmes and projects within the Transformation

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Programme, including the current project lifecycle stage, the current project status, and the level of completion of the project (expressed as a percentage). The programme was a collection of related projects, which delivered outcomes and benefits directly connected to a strategic objective. The project dossier had been produced on 31 August 2018 to be incorporated within the agenda, although live information could be retrieved via Pentana, which was accessible to both Members and Officers.

The Cabinet Committee expressed concern that some of the projects appeared to be 100% complete, yet were still appearing or that the latest note did not reflected the status. Furthermore, the Senior Project Managers should contact the Project Managers for progress reports on the morning of the Cabinet Committee to enable them to given up to date information.

The Service Director, Governance and Members Services advised that there may have been some issues with the Project Managers changing due to the new structure and Leadership Team, shortly implemented.

Resolved:

That the updated Project Dossier for the Transformation Programme be noted.

Reasons for Decision:

To update the Cabinet Committee on the progress made by all of the High and Medium complexity programmes and projects within the Transformation Programme, as contained within the attached Project Dossier.

Other Options for Action:

None, as this was an update report.

29. Risk Management - Corporate Risk Register

The Assistant Director (Accountancy) presented a report regarding the Council Corporate Risk Register.

The Corporate Risk Register had been considered by the Risk Management Group on 13 August 2018 and Management Board on 15 August 2018. The reviews identified updates for the current risks and removal of one risk as follows;

(a) Risk 1 Local Plan

The Risk Vulnerability had been updated to advise the Local Plan submission deadline of the 24 January 2019. Failure to submit the Local Plan to the Secretary of State for Independent Examination would result in the Council having to use the standard methodology for the assessment of housing need. The risk Trigger had also been updated to advise that the Council was awaiting the decision on an application from the claimants to the Court of Appeal to seek leave to appeal the High Court decision, which dismissed the claim for judicial review. This was holding up the submission of the Local Plan Submission Version (LPSV) for independent examination.

(b) Risk 2 Strategic Sites

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The Effectiveness of Controls/Actions had been updated. Epping Forest Shopping Park had been removed from the list of strategic sites, as letting of all units neared completion and the site was now operational.

(c) Risk 8 Partnerships

The risk which was scored C3 (Medium Likelihood/Minor Impact) had been removed from the Corporate Risk Register. Both the Risk Management Group and Management Board believed that the risk could now be managed at Directorate level.

(d) Risk 9 Safeguarding

The Required Further Management Action had been updated to advise the Safeguarding Strategy and Action Plan was to be reviewed during 2018/19.

The Cabinet Committee raised concerns regarding the effect of online shopping on the high street and asked what action were being put in place to safe guard the Council. The Acting Chief Executive, D Macnab advised that there had been significant changes in customer behaviour but that businesses were adapting and the Council had a more commercial stock with a waiting list for premises. The Assistant Director (Accountancy) P Maddock also advised that the Corporate Governance Group had a 'watch list' for risks that could effect the Council and this could be added.

Resolved:

- (1) That the updated Risk Vulnerability and Trigger for Risk 1 be updated;
- (2) That the updated Effectiveness of Controls/Actions for Risk 2 be updated;
- (3) That Risk 8 be removed from the Corporate Risk Register; and
- (4) That the Required Further Management Action for Risk be updated;

Recommended:

- (6) That the amended Corporate Risk Register be recommended to Cabinet for approval.

Reasons for Decision:

It was essential that the Corporate Risk Register was regularly reviewed and kept up to date.

Other Options Considered and Rejected:

Members may suggest new risks for inclusion or changes to the scoring of existing risks.

30. Quarterly Financial Monitoring

The Assistant Director (Accountancy) presented the first quarterly monitoring on key areas of income and expenditure for 2018/19, which covered the period from 1 April 2018 to 30 June 2018. The report provided details of the revenue budgets, the Continuing Services Budget and District Development Fund as well as the capital budgets which included the Major Capital schemes. They were presented based on

the directorate responsible for delivering the services to which the budgets related and was intended to be prepared in the new directorate structure for the second quarter monitoring report.

A few points of particular interest were highlighted as follows;

- The salaries schedule shows an underspend of £170,000 or 2.8% compared to the first quarter last year which was an underspend was 2.5%.
- Investment interest was slightly above the target due mainly to the Council holding more cash than was expected. The increase in Interest rates would also have a positive effect going forward though not that significant.
- The Development Control income had been well above expectations with fees and charges £274,000 higher than budgeted although pre-application charges were £5,000 lower than expected. There had been a number of larger schemes coming through and the figures had reached the level expected at month 6.
- Building Control income was £22,000 lower than budgeted due to some administrative issues. The opening position on the ring-fenced account had a surplus of £111,000 after a £4,000 deficit last year. The account was budgeted to show an in year deficit of £87,000 and a review of the position on the account was being undertaken.
- Public Hire licence income was above expectation and other licensing was below expectations. Although a significant number of renewals were due in the autumn which should bring licensing income back into line.
- Income from MOT's carried out by Fleet Operations was below expectations by around £9,000. The account was budgeted to show a deficit of around £33,000 which was around half the original deficit for the previous year.
- Car Parking income was on target, though there would be some income relating to the first quarter that would be received in month 4.
- Local Land Charge income was £4,000 below expectations; however it was a little early in the year to be sure whether this trend would continue.
- Expenditure and income relating to Bed and Breakfast placements had reduced in recent months with invoicing being a little slow from bed and breakfast accommodation providers but also the Housing Benefit caseload had been reasonably static. There were a number of initiatives in place to stem the increase in bed and breakfast usage and evidence suggested that these were having a positive effect.
- There had been no recycling credit income in the first quarter. The County Council were often slow to agree figures in the early part of the year but things tended to catch up by month 6, which occurred last year.
- The waste contract expenditure was in line with expectations but the leisure management contract shows a reduction in income due to some unexpected pension related expenditure. Therefore the full expected saving would now be achieved later than expected.
- The Housing Repairs Fund showed an underspend of £38,000, which related mainly to planned maintenance works. There was also a small variance on HRA Special Services which related to utility costs
- Proposals regarding the Business Rates Retention Scheme advised that 75% of Business Rates would be retained within the local government sector and this would take effect from the financial year 2020/21. Discussions were currently being held with other Essex Authorities to determine whether a bid to Central Government should be made to become a 75% retention pilot for 2019/20.
- For 2018/19 the funding retained by the authority after allowing for the Collection Fund deficit from 2017/18 and the estimated various grants given to compensate the authority for the various reliefs was £4,350,000. This exceeded the government baseline of £3,210,000 by some £1,140,000 and actual position for 2018/19 would not be determined until May 2019.

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- Cash collection total was £10,431,815 and payments out were £8,281,279, which meant that the Council was holding £2,150,536 of cash and so the Council's overall cash position was benefitting from the effective collection of non-domestic rates.
- There were four projects included on the Major Capital Schemes schedule relating to the House Building packages 2 and 3, the new Hillhouse Leisure Centre and refurbishment works at Loughton Leisure Centre.

The Acting Chief Executive, D Macnab advised that although income from MOT's carried out by Fleet Operations had a £33,000 deficit, this had not reflected the true position as the service was used to maintain the fleet and reduced the overall deficit.

Resolved:

That the revenue and capital financial monitoring report for the first quarter of 2018/19 be noted.

Reasons for Decision:

To note the first quarter financial monitoring report for 2018/19.

Other Options Considered and Rejected:

No other options available.

31. Annual Outturn Report on the Treasury Management 2017/18

The Assistant Director (Accountancy) presented the Annual Outturn report on the Treasury Management and Prudential Indicators for 2017/18.

The Assistant Director (Accountancy) reported that the annual treasury report was a requirement of the Council's reporting procedures. It covered the treasury activity for 2017/18, and the actual Prudential Indicators for 2017/18. During the year the Council had financed all of its capital activity through capital receipts, capital grants, internal borrowing from other revenue reserves and revenue contributions. There had been no additional external borrowing in the year to add to the £185.456m taken out previously through the Public Works Loan Board (PWLB) to finance the payment in relation to the self-financing of the HRA. The Council achieved its targets for its treasury and prudential indicators and would be considered by the Audit and Governance Committee on 24 September 2018.

Resolved:

- (1) That the Treasury Management Outturn Report for 2017/18 be noted; and
- (2) That the Outturn for the Prudential Indicators shown within the appendices attached, be noted.

Reasons for Decision:

The report was presented for noting as scrutiny was provided by the Audit and Governance Committee who make recommendations on amending the documents, if necessary.

Other Options Considered and Rejected:

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Members could ask for additional information about the CIPFA Codes or the Prudential Indicators.

CHAIRMAN

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Treasury Management Outturn Report 2017/18

Introduction

In April 2002 the Authority adopted the Chartered Institute of Public Finance and Accountancy's *Treasury Management in the Public Services: Code of Practice* (the CIPFA Code) which requires the Authority to approve a treasury management annual report after the end of each financial year.

This report fulfils the Authority's legal obligation to have regard to the CIPFA Code.

The Authority's treasury management strategy for 2017/18 was approved at a meeting on 21 February 2017. The Authority has borrowed and invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk are therefore central to the Authority's treasury management strategy.

External Context

Economic commentary

2017-18 was characterised by the push-pull from expectations of tapering of Quantitative Easing (QE) and the potential for increased policy rates in the US and Europe and from geopolitical tensions, which also had an impact.

The UK economy showed signs of slowing with latest estimates showing GDP, helped by an improving global economy, grew by 1.8% in calendar 2017, the same level as in 2016. This was a far better outcome than the majority of forecasts following the EU Referendum in June 2016, but it also reflected the international growth momentum generated by the increasingly buoyant US economy and the re-emergence of the Eurozone economies.

The inflationary impact of rising import prices, a consequence of the fall in sterling associated with the EU referendum result, resulted in year-on-year CPI rising to 3.1% in November before falling back to 2.7% in February 2018. Consumers felt the squeeze as real average earnings growth, i.e. after inflation, turned negative before slowly recovering. The labour market showed resilience as the unemployment rate fell back to 4.3% in January 2018. The inherent weakness in UK business investment was not helped by political uncertainty following the surprise General Election in June and by the lack of clarity on Brexit, the UK and the EU only reaching an agreement in March 2018 on a transition which will now be span Q2 2019 to Q4 2020. The Withdrawal Treaty is yet to be ratified by the UK parliament and those of the other 27 EU member states and new international trading arrangements are yet to be negotiated and agreed.

The Bank of England's Monetary Policy Committee (MPC) increased Bank Rate by 0.25% in November 2017. It was significant in that it was the first rate hike in ten years, although in essence the MPC reversed its August 2016 cut following the referendum result. The February *Inflation Report* indicated the MPC was keen to return inflation to the 2% target over a more conventional (18-24 month) horizon with 'gradual' and 'limited' policy tightening. Although in March two MPC members voted to increase policy rates immediately and the MPC itself stopped short of committing itself to the timing of the next increase in rates, the minutes of the meeting suggested that an increase in May 2018 was highly likely.

In contrast, economic activity in the Eurozone gained momentum and although the European Central

Bank removed reference to an 'easing bias' in its market communications and had yet to confirm its QE intention when asset purchases end in September 2018, the central bank appeared some way off normalising interest rates. The US economy grew steadily and, with its policy objectives of price stability and maximising employment remaining on track, the Federal Reserve Open Market Committee (FOMC) increased interest rates in December 2017 by 0.25% and again in March, raising the policy rate target range to 1.50% - 1.75%. The Fed is expected to deliver two more increases in 2018 and a further two in 2019. However, the imposition of tariffs on a broadening range of goods initiated by the US, which has led to retaliation by China, could escalate into a deep-rooted trade war having broader economic consequences including inflation rising rapidly, warranting more interest rate hikes.

Financial markets: The increase in Bank Rate resulted in higher money markets rates: 1-month, 3-month and 12-month LIBID rates averaged 0.32%, 0.39% and 0.69% and at 31st March 2018 were 0.43%, 0.72% and 1.12% respectively.

Gilt yields displayed significant volatility over the twelve-month period with the change in sentiment in the Bank of England's outlook for interest rates. The yield on the 5-year gilts which had fallen to 0.35% in mid-June rose to 1.65% by the end of March. 10-year gilt yields also rose from their lows of 0.93% in June to 1.65% by mid-February before falling back to 1.35% at year-end. 20-year gilt yields followed an even more erratic path with lows of 1.62% in June, and highs of 2.03% in February, only to plummet back down to 1.70% by the end of the financial year.

The FTSE 100 had a strong finish to calendar 2017, reaching yet another record high of 7688, before plummeting below 7000 at the beginning of 2018 in the global equity correction and sell-off.

Credit background:

Credit Metrics

In the first quarter of the financial year, UK bank credit default swaps reached three-year lows on the announcement that the Funding for Lending Scheme, which gave banks access to cheaper funding, was being extended to 2018. For the rest of the year, CDS prices remained broadly flat.

The rules for UK banks' ring-fencing were finalised by the Prudential Regulation Authority and banks began the complex implementation process ahead of the statutory deadline of 1st January 2019. As there was some uncertainty surrounding which banking entities the Authority would be dealing with once ring-fencing was implemented and what the balance sheets of the ring-fenced and non ring-fenced entities would look like, in May 2017 Arlingclose advised adjusting downwards the maturity limit for unsecured investments to a maximum of 6 months. The rating agencies had slightly varying views on the creditworthiness of the restructured entities.

Barclays was the first to complete its ring-fence restructure over the 2018 Easter weekend; wholesale deposits including local authority deposits will henceforth be accepted by Barclays Bank plc (branded Barclays International), which is the non ring-fenced bank.

Money Market Fund regulation: The new EU regulations for Money Market Funds (MMFs) were finally approved and published in July and existing funds will have to be compliant by no later than 21st January 2019. The key features include Low Volatility Net Asset Value (LVNAV) Money Market Funds which will be permitted to maintain a constant dealing NAV, providing they meet strict new criteria and minimum liquidity requirements. MMFs will not be prohibited from having an external fund rating (as had been suggested in draft regulations). Arlingclose expects most of the short-term MMFs it recommends to convert to the LVNAV structure and awaits confirmation from each fund.

Credit Rating developments

The most significant change was the downgrade by Moody's to the UK sovereign rating in September from Aa1 to Aa2 which resulted in subsequent downgrades to sub-sovereign entities including local authorities.

Changes to credit ratings included Moody's downgrade of Standard Chartered Bank's long-term rating to A1 from Aa3 and the placing of UK banks' long-term ratings on review to reflect the impending ring-fencing of retail activity from investment banking (Barclays, HSBC and RBS were on review for downgrade; Lloyds Bank, Bank of Scotland and National Westminster Bank were placed on review for upgrade).

Standard & Poor's (S&P) revised upwards the outlook of various UK banks and building societies to positive or stable and simultaneously affirmed their long and short-term ratings, reflecting the institutions' resilience, progress in meeting regulatory capital requirements and being better positioned to deal with uncertainties and potential turbulence in the run-up to the UK's exit from the EU in March 2019. The agency upgraded Barclays Bank's long-term rating to A from A- after the bank announced its plans for its entities post ring-fencing.

Fitch revised the outlook on Nationwide Building Society to negative and later downgraded the institution's long-term ratings due to its reducing buffer of junior debt. S&P revised the society's outlook from positive to stable.

S&P downgraded Transport for London to AA- from AA following a deterioration in its financial position.

Other developments:

In February, Arlingclose advised against lending to Northamptonshire County Council (NCC). NCC issued a section 114 notice in the light of severe financial challenge and the risk that it would not be in a position to deliver a balanced budget.

In March, following Arlingclose's advice, the Authority removed RBS plc and National Westminster Bank from its counterparty list. This did not reflect any change to the creditworthiness of either bank, but a tightening in Arlingclose's recommended minimum credit rating criteria to A- from BBB+ for FY 2018-19. The current long-term ratings of RBS and NatWest do not meet this minimum criterion, although if following ring-fencing NatWest is upgraded, the bank would be reinstated on the Authority's lending list.

Local Authority Regulatory Changes

Revised CIPFA Codes: CIPFA published revised editions of the Treasury Management and Prudential Codes in December 2017. The required changes from the 2011 Code are being incorporated into Treasury Management Strategies and monitoring reports.

The 2017 Prudential Code introduces the requirement for a Capital Strategy which provides a high-level overview of the long-term context of capital expenditure and investment decisions and their associated risks and rewards along with an overview of how risk is managed for future financial sustainability. Where this strategy is produced and approved by full Council, the determination of the Treasury Management Strategy can be delegated to a committee. The Code also expands on the process and governance issues of capital expenditure and investment decisions.

A capital strategy is in the process of being produced and will be available for Member approval at the

same time as the updated Treasury Management Strategy in February 2019.

In the 2017 Treasury Management Code the definition of ‘investments’ has been widened to include financial assets as well as non-financial assets held primarily for financial returns such as investment property. These, along with other investments made for non-treasury management purposes such as loans supporting service outcomes and investments in subsidiaries, must be discussed in the Capital Strategy or Investment Strategy. Additional risks of such investments are to be set out clearly and the impact on financial sustainability is to be identified and reported.

MHCLG Investment Guidance and Minimum Revenue Provision (MRP): In February 2018 the MHCLG (Ministry of Housing, Communities and Local Government) published revised Guidance on Local Government and Investments and Statutory Guidance on Minimum Revenue Provision (MRP).

Changes to the Investment Guidance include a wider definition of investments to include non-financial assets held primarily for generating income return and a new category called “loans” (e.g. temporary transfer of cash to a third party, joint venture, subsidiary or associate). The Guidance introduces the concept of proportionality, proposes additional disclosure for borrowing solely to invest and also specifies additional indicators. Investment strategies must detail the extent to which service delivery objectives are reliant on investment income and a contingency plan should yields on investments fall.

The definition of prudent MRP has been changed to “put aside revenue over time to cover the CFR”; it cannot be a negative charge and can only be zero if the CFR is nil or negative. Guidance on asset lives has been updated, applying to any calculation using asset lives. Any change in MRP policy cannot create an overpayment; the new policy must be applied to the outstanding CFR going forward only.

MiFID II: As a result of the second Markets in Financial Instruments Directive (MiFID II), from 3 January 2018 local authorities were automatically treated as retail clients but could “opt up” to professional client status, providing certain criteria was met which includes having an investment balance of at least £10 million and the person(s) authorised to make investment decisions on behalf of the authority have at least a year’s relevant professional experience. In addition, the regulated financial services firms to whom this directive applies have had to assess that that person(s) have the expertise, experience and knowledge to make investment decisions and understand the risks involved.

The Authority has met the conditions to opt up to professional status and has done so in order to maintain its erstwhile MiFID II status prior to January 2018. The Authority will continue to have access to products including money market funds, pooled funds, treasury bills, bonds, shares and to financial advice.

Local Context

On 31st March 2018, the Authority had net borrowing of £162.9m arising from its revenue and capital income and expenditure, an increase on 2017 of £21.1m. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. These factors and the year-on-year change are summarised in table 1 below.

Table 1: Balance Sheet Summary

	31.3.17 Actual £m	2017/18 Movement £m	31.3.18 Actual £m
General Fund CFR	31.0	22.1	53.1
HRA CFR	154.0	0.0	154.0
Total CFR	185.0	22.1	207.1
Less: Internal Borrowing	0.0	-22.1	-22.1
Borrowing CFR	185.0	0.0	185.0
Less: Usable reserves	-43.9	1.7	-42.2
Less: Working capital	-2.0	1.9	-0.1
Net worth	139.1	3.6	143.2

Table 2: Treasury Management Summary

	31.3.17 Balance £m	2017/18 Movement £m	31.3.18 Balance £m	31.3.18 Rate %
Long-term borrowing	185.5	0.0	185.5	2.97
Total borrowing	185.5	0.0	185.5	
Long-term investments	2.4	-0.8	1.6	4.18
Short-term investments	25.0	-17.0	8.0	0.46
Cash and cash equivalents	16.3	-3.3	13.0	0.28
Total investments	43.7	-21.1	22.6	
Net borrowing	141.8	-21.1	162.9	

Note: the figures in the tables are from the balance sheet in the Authority's statement of accounts, but adjusted to exclude operational cash, accrued interest and other accounting adjustments

Net borrowing has increased due to falls in usable reserves and working capital. As investment balances are being used to fund the capital programme no additional borrowing was required.

The Authority's current strategy is to maintain a minimum investment balance of £10m with a view to borrowing to fund the rest of the house building programme probably later in 2018. The treasury management position as at 31 March 2018 and the year-on-year change in show in table 2 above.

Borrowing Activity

Table 3: Borrowing Position

	31.3.17 Balance £m	2017/18 Movement £m	31.3.18 Balance £m	31.3.18 Rate %	31.3.18 WAM* years
Public Works Loan Board	185.5	0.0	185.5	2.97	18.97

*Weighted average maturity

The Authority's chief objective when borrowing has been to strike an appropriately low risk balance between securing low interest costs and achieving cost certainty over the period for which funds are required, with flexibility to renegotiate loans should the Authority's long-term plans change being a secondary objective.

In furtherance of these objectives, no new borrowing was undertaken in 2017/18 as the capital programme has been funded using available internal resources. This strategy enabled the Authority to reduce net borrowing costs (despite foregone investment income) and reduce overall treasury risk.

Investment Activity

The Authority holds significant invested funds, representing balances and reserves held. During 2016/17, the Authority's investment balances have been falling due to funding the capital programme. The year-end investment position and the year-on-year change in show in table 4 below.

Table 4: Investment Position (Treasury Investments)

	31.3.17 Balance £m	2017/18 Movement £m	31.3.18 Balance £m	31.3.18 Rate %	31.3.18 WAM* days
Loan to Waste Collection Contractor	2.4	-0.7	1.7	4.2	39.8
Banks & building societies (unsecured)	16.3	-9.3	7.0	0.5	3.4
Government (incl. local authorities)	15.0	-10.0	5.0	0.4	18.2
Money Market Funds	10.0	0.0	10.0	0.4	1.0
Total investments	43.7	-20.0	23.7		

*Weighted average maturity

Both the CIPFA Code and government guidance require the Authority to invest its funds prudently, and to have regard to the security and liquidity of its investments before seeking the highest rate of return, or yield. The Authority's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income.

In furtherance of these objectives, and given the increasing risk and falling returns from short-term unsecured bank investments, the Authority has kept investment balances short term in line with the cash flow so as to enable funds to be available when required by operational and capital requirements.

Table 5: Investment Benchmarking

	Credit Score	Credit Rating	Bail-in Exposure	WAM* (days)	Rate of Return
31.03.2017	3.97	AA-	60%	47	0.99%
30.06.2017	3.98	AA-	66%	45	0.89%
30.09.2017	4.31	AA-	64%	40	0.89%
31.12.2017	4.23	AA-	61%	41	0.92%
31.03.2018	4.03	AA-	55%	35	1.05%
All LAs	4.12	AA-	61%	98	1.37%

*Weighted average maturity

The table above shows how the Council is performing with its investments, and as can be seen performance is commensurate with other Local Authorities, with the exception of the Rate of Return. This is due to this Council keeping investments shorter, 47 days invested against other Local Authorities 137 days, which gives rise to lower interest rates received.

The Council set itself targets of 7 or below for the credit score and A- or higher for the credit rating and the table above shows both these targets were achieved.

Financial Implications

The outturn for debt interest paid in 2017/18 was £5.5 million on an average debt portfolio of £185.5 million against a budgeted £5.5 million on an average debt portfolio of £185.5 million at an average interest rate of 2.97%.

The outturn for investment income received in 2017/18 was £100,895 on an average debt portfolio of £22.6 million against a budgeted £102,890 on an average investment portfolio of £26 million at an average interest rate of 0.39%.

Other Non-Treasury Holdings and Activity

Although not classed as treasury management activities, the 2017 CIPFA Code now requires the Authority to report on investments for policy reasons outside of normal treasury management. This includes service investments for operational and/or regeneration as well as commercial investments which are made mainly for financial reasons. The Authority holds £1.58m of investments in the Waste Collection and Street Cleansing contractor's vehicles. This would enable the Council to have first call on the vehicles if the contractor was to enter receivership and enable it to carry on the services without further costs being incurred. The value represents a decrease of £0.8m on the previous year due to repayments being made by the contractor.

A register of assets purchased with the loans is maintained on the asset management system and reviewed annually as part of the Authority's performance reporting arrangements.

These non-treasury investments generated £99,000 of investment income for the Authority after taking account of direct costs, representing a rate of return of 4.2%. This is higher than the return earned on treasury investments but reflects the additional risks to the Authority of holding such investments.

Performance Report

The Authority measures the financial performance of its treasury management activities both in terms of its impact on the revenue budget and its relationship to benchmark interest rates, as shown in table 6 below.

Table 6: Performance

	Actual £'000	Budget £'000	Over/ (under)	Actual %	Benchmark %
Temporary Loan Interest	58.8	68.7	9.9	0.39%	0.38%
Money Market Funds Interest	42.1	34.2	(7.9)	0.32%	0.19%
Loan to Contractor	99.0	99.0	0.0	5.00%	5.00%
Total investments	100.9	102.9	2.0		
Fixed Rate Interest	5,348.3	5,348.3	0.0	3.48%	3.48%
Variable Rate Interest	161.4	175.7	(14.3)	0.50%	0.48%
Total debt	5,509.7	5,524.0	(14.3)		
GRAND TOTAL	5,408.8	5,421.1	(12.3)	n/a	n/a

Compliance Report

The Assistant Director of Resources is pleased to report that all treasury management activities undertaken during 2017/18 complied fully with the CIPFA Code of Practice and the Authority's approved Treasury Management Strategy. Compliance with specific investment limits is demonstrated in table 7 below.

Compliance with the authorised limit and operational boundary for external debt is demonstrated in table 7 below.

Table 7: Debt Limits

	2017/18 Maximum £m	31.3.18 Actual £m	2017/18 Operational Boundary £m	2017/18 Authorised Limit £m	Complied
Borrowing	185.5	185.5	240.0	250.0	✓

Since the operational boundary is a management tool for in-year monitoring it is not significant if the operational boundary is breached on occasions due to variations in cash flow, and is not counted as a compliance failure.

Table 8: Investment Limits

	2017/18 Maximum	31.3.18 Actual	Complied
Any single organisation, except the UK Central Government	£5m (each)	£5m (Lloyds and Santander)	✓
UK Central Government	Unlimited	Nil	✓
Local Authorities	£25m (in total)	£15m	✓
Any group of organisations under the same ownership	£5m (per group)	£5m (Lloyds)	✓
Any group of pooled funds under the same management	£10m (per manager)	Nil	✓

Negotiable instruments held in a broker's nominee account	£15m (per broker)	£6m BGC Partners	✓
Foreign countries	£5m (per Country)	Nil	✓
Registered Providers	£10m (in total)	Nil	✓
Unsecured investments with Building Societies	£5m (in total)	£1m	✓
Loans to unrated corporates	£5m	Nil	✓
Money Market Funds	£20m (in total)	£19m	✓

Treasury Management Indicators

The Authority measures and manages its exposures to treasury management risks using the following indicators.

Security: The Authority has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

	31.3.18 Actual	2017/18 Target	Complied
Portfolio average credit rating	A-	A-	✓

Liquidity: The Authority has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a rolling three-month period, without additional borrowing.

	31.3.18 Actual	2017/18 Target	Complied
Total cash available within 3 months	£15m	£15m	✓

Interest Rate Exposures: This indicator is set to control the Authority's exposure to interest rate risk. The upper limits on fixed and variable rate interest rate exposures, expressed as the proportion of net principal borrowed was:

	31.3.18 Actual	2017/18 Limit	Complied
Upper limit on fixed interest rate exposure	82.86%	100%	✓
Upper limit on variable interest rate exposure	17.14%	75%	✓

Fixed rate investments and borrowings are those where the rate of interest is fixed for at least 12 months, measured from the start of the financial year or the transaction date if later. All other instruments are classed as variable rate.

Maturity Structure of Borrowing: This indicator is set to control the Authority's exposure to refinancing risk. The upper and lower limits on the maturity structure of fixed rate borrowing were:

	31.3.18 Actual	Upper Limit	Lower Limit	Complied
Under 12 months	0%	100%	0%	✓
12 months and within 24 months	0%	100%	0%	✓
24 months and within 5 years	0%	100%	0%	✓
5 years and within 10 years	0%	100%	0%	✓
10 years and above	100%	100%	0%	✓

Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

Principal Sums Invested for Periods Longer than 364 days: The purpose of this indicator is to control the Authority's exposure to the risk of incurring losses by seeking early repayment of its investments. The limits on the long-term principal sum invested to final maturities beyond the period end were:

	2017/18	2018/19	2019/20
Actual principal invested beyond year end	Nil	Nil	Nil
Limit on principal invested beyond year end	£15m	£5m	£5m
Complied	✓	✓	✓

Report to the Cabinet

Report reference: C-014- 2018/19

Date of Meeting: 18 October 2018



**Epping Forest
District Council**

Portfolio: Planning and Governance

Subject: Interim Approach to Managing Recreational Pressures on the Epping Forest Special Area of Conservation

Responsible Officer: Alison Blom-Cooper (01992 564066)

Democratic Services: Adrian Hendry (01992 564246)

Recommendations/Decisions Required:

- (1) That the Interim Approach to Managing Recreational Pressures on the Epping Forest Special Area of Conservation set out at Appendix 1 is adopted as a material consideration in the determination of planning applications and permitted development rights proposals for residential development which would result in a net increase in new homes within the Epping Forest District Council administrative area.**
- (2) That the Service Director for Planning (or any another Service Director (in their absence) or officer duly authorised by the Service Director for Planning) be given delegated authority to undertake minor amendments to the Interim Approach which may arise as a result of consultation responses received as set out in paragraph 11 below in consultation with the Planning and Governance Portfolio Holder.**
- (3) That the level of contribution to be sought from net increases in new residential units within 3km of the Epping Forest Special Area of Conservation arising from the granting of planning permissions and of prior approval consents under permitted development rights shall be as set out in paragraph 10 below.**

Executive Summary:

The Conservation of Species and Habitats Regulations 2017 (Habitats Regulations) came into force on 30 November 2017 and transposes into domestic law the EU Habitats Directive 1992.

The Habitats Regulations implement the purposes of the Habitats Directive, in particular, the protection of certain natural habitats, known as European Sites, that are considered to be under serious threat. Both the Habitats Regulations and the revised National Planning Policy Framework provide that European Sites are afforded the highest levels of protection in the hierarchy of sites designated to protect important features of the natural environment.

Regulation 8 of the Habitats Regulations defines European Sites as, amongst other things, special areas of conservation. Epping Forest has been designated as a special area of conservation – and shall be referred to throughout this report as the SAC.

The legislation provides that where a land use plan or project, either alone or in combination with other plans or projects, is likely to have a significant effect on a European site, the plan-making authority must undertake an appropriate assessment of the implications of the plan or project for that site in view of the site's nature conservation objectives; this is known as a Habitats Regulations Assessment (HRA). This applies to Local Plans produced by local authorities, in addition to Neighbourhood Plans produced by local communities. Such plans set out a broad quantum of housing growth. HRA work must therefore consider the overall impacts of such growth – in-combination with neighbouring authorities – and where there are any likely significant effects, adverse effects on the integrity of the site must be ruled out.

A significant proportion and the most integrated part, of the SAC lies within the Epping Forest District Council administrative area. The remainder lies within the London Boroughs of Waltham Forest and Redbridge (the latter of which accommodates a very small proportion of the SAC). As such the three local authorities have a duty, as a Competent Authority under the Habitats Regulations, to ensure that planning application and permitted development rights decisions comply with those Regulations and do not result in adverse effects on the integrity of the SAC.

This report sets out the proposed approach to managing and mitigating the effects of new residential development on the SAC as a result of additional recreational pressure.

Reasons for Proposed Decision:

To comply with the Council's general obligations as a competent authority under the Habitats Directive [article 6(3)] and Regulation 9(1) of the Habitats Regulations

Other Options for Action:

Not to adopt the Interim Approach to Managing Recreational Pressures on the SAC as a material consideration in the determination of planning applications and permitted development rights schemes which result in a net increase in residential units. This would prevent the Council, as local planning authority, from positively determining such proposals, where appropriate, as advised by Natural England, as the responsible statutory body, in its letter of 15 June 2018 (attached as Appendix 2).

In addition it would mean that the Local Plan may not be seen as deliverable at examination and therefore not be found sound.

Background:

1. In February 2017, the Council entered into a Memorandum of Understanding (MoU) for 'Managing the impacts of growth within the West Essex/East Hertfordshire Housing Market Area on Epping Forest Special Area of Conservation' with Harlow, East Hertfordshire and Uttlesford District Councils, Essex and Hertfordshire County Councils, Natural England and the City of London Corporation as Conservators of Epping Forest. The purpose of the MoU was to ensure that the parties named, worked in partnership to fulfil the following requirements:

- i. to collect and analyse data and evidence related to the impacts of proposed development and growth under the Local Plans to provide sufficient and robust evidence on which to base a strategy for the protection of the SAC;
 - ii. to commit to prepare a joint strategy, based on relevant available data and evidence and to an agreed timetable; and
 - iii. that the joint strategy will address both the requirement to avoid, or effectively mitigate, adverse impacts on the integrity of the SAC from Local Plan-led development and the requirement to prevent deterioration of the SAC features.
2. Policy DM 2 of the Local Plan Submission Version 2017 sets out the approach to considering development proposals in respect of their likely significant effect on both the SAC and the Lee Valley Ramsar. This Interim Approach has been developed in response to the Memorandum of Understanding, to support the implementation of Policy DM 2 and in order to comply with the Council's general obligations as a competent authority under the Habitats Directive and the Habitats Regulations.
 3. It should be noted that Natural England, in their response to the publication of the Local Plan Submission Version, set out that *'Further progress needs to be made in progressing the Mitigation Strategy under the MoU before a likely significant effect on Epping Forest as a result of recreational pressure can be ruled out.'* During the Independent Examination of the Local Plan, the appointed Planning Inspector will require evidence to demonstrate that the Council is able to deliver the required levels of development set out in the Plan, and provide for a five year supply of deliverable housing land against objectively assessed housing need targets. Without the strategy, there is a risk that the Local Plan will not be found to be 'sound'. This Interim Approach will form part of that evidence.
 4. In order to develop the Strategy to mitigate any likely significant effects on the health of the SAC from recreational pressures arising from new residential development work has been undertaken to:
 - a) Identify the Zone of Influence from within which the 75th percentile of visits to the SAC arise;
 - b) Develop an approach which sets out both the projects identified to mitigate the effect of additional visitors on the SAC, the costs of implementation, and how the monies to pay for the strategy will be secured.
 5. A Visitor Survey was undertaken in October/November 2017 which identified a 'Zone of Influence' of approximately 6.2km from the boundary of the SAC, together with an 'inner' area of 3km from within which the median number of visits arose. The survey was considered by Natural England and partners to have been undertaken using a robust methodology which is consistent with surveys undertaken elsewhere seeking to identify a 'Zone of Influence'.
 6. The Interim Approach which is the subject of this report has been developed through joint working with the Conservators of Epping Forest and relevant local authorities,

with oversight from Natural England. It should be noted that the Interim Approach covers the whole of the SAC area, not just that part which lies within the Epping Forest District Council administrative area. The other local authorities which have parts of the SAC located within their boundaries are the London Boroughs of Waltham Forest and Redbridge.

7. It is proposed that the Interim Approach will be updated, if necessary, in the second half of 2019 following the outcome of a further visitor survey which will cover the summer period. This will enable a 'sense-check' to be made of the outputs from the 2017 Visitor survey, recognising that this was undertaken during the autumn period. It will also assess the progress of the Masterplanning of the strategic sites identified within the Interim Approach and the contribution that they are likely to make in terms of the provision of Suitable Alternative Natural Green Space (SANGs), which is of sufficient scale, character and form to attract visitors away from the Epping Forest itself. This will then support an assessment of whether there is a need for, in particular, development at North Weald Airfield to make a financial contribution towards the implementation of mitigation schemes, and whether a full contribution for the land south of Epping should be sought.
8. It should be noted that Epping Forest District Council (EFDC) has been advised by Natural England that it is unable to issue any planning permissions for residential development resulting in a net increase in new homes until such time as an interim approach to address both recreational pressures and any air quality effects on the SAC has been adopted. It is understood that this advice, with particular regard to recreational pressures, also applies to other local planning authorities where new residential development falls within the Zone of Influence. (See Appendix 2 attached). It is therefore critical that this Interim Approach is adopted as a matter of urgency because of the effect it is having on the delivery of new homes. The matter of air quality is being considered separately, and will be reviewed following the outputs of air quality modelling work that has been commissioned by EFDC, the results of which are due imminently.

Levels of contributions to be sought

9. The approach to apportioning the costs of implementation of the strategy and measures set out in the Interim Approach has sought to take a proportionate approach having had regard to the findings of the 2017 Visitor Survey and to Environmental and Planning Regulations, as well as national policy and guidance. The total level of contribution to be sought from residential development within the Epping Forest District Council administrative area up to 31 March 2033 is **£1,347,837**. Regulation 70(2) of the Habitats Regulations provides the legal basis for imposing the 'condition or limitation' that planning permission or prior approval is to be subject to a contribution, delivered by way of a Section 106 planning obligation (under Town and Country Planning Act 1990), in accordance with the interim mitigation strategy. The apportionment to the other two competent authorities together with the contribution attributed to this District will fully fund all the mitigation measures projects set out in Appendix 1. The funding provides for a rolling external project evaluation to take place regularly and it is proposed that the costs of individual components may be reviewed as part of an annual updates based on the

outcomes of individual project evaluation if this identifies that there has been either an underestimation or overestimation of the costs attributed.

10. The contribution to be sought from individual residential development schemes within 0 – 3 kms of the boundary of the Epping Forest SAC, where there is a net increase in the number of residential units is as follows:

Cost per dwelling: £352

Residential care home schemes will be assessed on a case by case basis to determine whether they need to make the above contribution, dependent upon the nature and level of care being provided and the likely level of independence of occupiers.

11. Because of the time constraints this report is being brought to the Council's Cabinet at the earliest possible opportunity and therefore final comments with regard to the details of the Interim Approach are awaited from:

- London Borough of Redbridge
- London Borough of Waltham Forest
- Natural England

Comments from the Conservators of Epping Forest on the Interim Approach have been incorporated in the report and are attached as Appendix 3.

Resource Implications:

The Section 106 contributions collected in accordance with the Interim Approach will also fund the costs of employing staff, namely a Mitigation Strategy Delivery Officer and an apprentice. The posts would be managed by the Conservators of Epping Forest. Consequently, the implementation of the Approach, with the exception of negotiating the provision of Strategic Alternative Natural Green Space within the Masterplanning areas of Water Lane, Latton Priory, North Weald Airfield and south of Epping, would not have resource implications for the Council. The resources needed for the Masterplanning work are being provided by the Council's Implementation Team. The costs of entering into planning obligations would be borne by applicants.

Legal and Governance Implications:

The Local Plan, the Interim Approach and the level of contributions identified have been developed in accordance with Government Policy (NPPF) and Planning and Environmental Law.

Safer, Cleaner, and Greener Implications:

The Local Plan contains a policy designed to promote the notion of making good places to live, work and visit. This will include safer by design principles, sustainable development, the provision of alternatives to the car, energy efficiency and environmental considerations as well as quality green infrastructure. The Interim Approach and contributions being sought would promote these objectives.

Consultation Undertaken:

The Local Plan has been developed in partnership with other Local Authorities under the Duty to Co-operate, Local Stakeholders and in consultation with residents. The Interim Approach to Managing Recreational Pressures on the Epping Forest Special Area of Conservation itself has been developed with Natural England, the City of London Corporation (as Conservators of Epping Forest) and relevant local authorities as set out in the Interim Approach attached at Appendix 1.

Background Papers:

Memorandum of Understanding 'Managing the impacts of growth within the West Essex/East Hertfordshire Housing Market Area on Epping Forest Special Area of Conservation'. February 2017. See - <http://www.efdclocalplan.org/wp-content/uploads/2018/02/EB1200-MoU-Impacts-of-Growth-within-the-W-Essex-E-Herts-HMA-on-EF-SAC-February-2017.pdf>

Epping Forest Special Area of Conservation Visitor Survey March 2018. See <http://www.efdclocalplan.org/wp-content/uploads/2018/08/EB715-Epping-Forest-Visitor-Survey-Footprint-Ecology.pdf>

Letter from Natural England dated 15 June 2018 (attached at Appendix 2) including Annex 1 setting out Natural England's additional advice for consideration when undertaking a Habitats Regulations Assessment for Development Affecting Epping Forest SAC.

Risk Management:

If the Council was not to take a pro-active approach to developing and implementing an approach to managing the effects of recreational pressures arising from development on the Epping Forest Special Area of Conservation there is a real risk of being found unsound at Examination. Notwithstanding this the Council, as local planning authority, would be prevented from determining planning applications and applications for prior approval under permitted development schemes which result in a net increase in residential units. This would have an adverse effect on the Council's five year housing land supply position and how it would perform against the government's newly introduced Housing Delivery Test.

Section 1: Identifying details
Your function, service area and team: Planning Policy, Neighbourhoods
If you are submitting this EqlA on behalf of another function, service area or team, specify the originating function, service area or team:
Title of policy or decision: Interim Approach to Managing Recreational Pressures on the Epping Forest Special Area of Conservation
Officer completing the EqlA: Tel: Alison Blom-Cooper Email: ablomcooper@eppingforestdc.gov.uk
Date of completing the assessment: 11 September 2018

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? Yes – new policy
2.2	Describe the main aims, objectives and purpose of the policy (or decision): To agree an approach to managing recreational pressures on the Epping Forest Special Area of Conservation What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)? To secure the implementation of mitigation schemes
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? <p>The Mitigation Strategy will have an impact on the wider community who use the Forest including those with mobility issues.</p> <p>Will the policy or decision influence how organisations operate?</p> <p>Yes – it will support the Conservators in implementing projects to mitigate the impact of visitor pressure on the Forest..</p>
2.4	Will the policy or decision involve substantial changes in resources? Yes – for the Conservators
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?



	<p>The decision supports the implementation of policies within the Council's Local Plan, the adoption of which is a key corporate priority as set out in the Council Plan</p>
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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>Survey information has provided an understanding of the nature and frequency of activities undertaken by visitors to the Epping Forest SAC.</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>Yes – through the Council’s Local Plan process and through Duty to Co-Operate Mechanisms.</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>See above</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	None	N/A
Disability	None	N/A
Gender	None	N/A
Gender reassignment	None	N/A
Marriage/civil partnership	None	N/A
Pregnancy/maternity	None	N/A
Race	None	N/A
Religion/belief	None	N/A
Sexual orientation	None	N/A

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 <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.

No actual or likely adverse impacts have come to light.

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.

Section 7: Sign off

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

Signature of Head of Service: Alison Blom-Cooper

Date: 11 September 2018

Signature of person completing the EqIA:

Date: 11 September 2018

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.

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Appendix 1 – Interim Mitigation Strategy for Epping Forest Special Area of Conservation

Interim Approach to Managing Recreational Pressures on the Epping Forest Special Area of Conservation

Epping Forest

1. Epping Forest (the Forest) was a former royal forest and whilst it is London's largest open space, it also provides significant open space opportunities for residents from within and beyond Epping Forest District. It covers some 2400 hectares framed by Walthamstow to the south, the Lee Valley to the west, the M11 to the east and the M25 to the north. The Forest is run by a charity owned and managed by the Corporation of London Corporation under the Epping Forest Act of 1878, which established the City of London Corporation as the Conservators of Epping Forest. A history of the Forest can be viewed at:

<https://www.cityoflondon.gov.uk/things-to-do/green-spaces/epping-forest/heritage/Pages/history-of-Epping-Forest.aspx>

2. The Forest is managed by a team of Forest Keepers, grounds and other staff led by a Superintendent. It is patrolled 365 days a year by Forest Keepers whose role is to assist the public to enjoy the Forest safely and to protect the Forest from inappropriate damage or abuse. The Forest Keepers are also attested constables and enforce the Epping Forest byelaws. If necessary, this includes prosecuting byelaw infringement cases in the Magistrates Court.
3. Two thirds (1728ha) of the Forest is designated as a Site of Special Scientific Interest (SSSI) with 1,605ha of that area also designated as a Special Area of Conservation (SAC). The site hosts three Annex I habitats, together with the Stag Beetle, a species listed on Annex II.
4. The Forest comprises wood-pasture with habitats of high nature conservation value including ancient semi-natural woodland, old grassland plains, wet and dry heathland and scattered wetland. The woodland represents one of the largest continuous semi-natural blocks in the country, characterised by groves of over-mature pollards. The plains contain a variety of unimproved acid grasslands uncommon elsewhere in Essex and the London area. The Forest supports a nationally outstanding assemblage of invertebrates, major amphibian interest and an exceptional breeding bird community. The Forest lies on a ridge of London clay overlain in places by Claygate Beds, and in the highest areas by Bagshot Sand and Pebble Gravel. The varied geology gives rise to a mosaic of soil types from neutral soils to acidic loams and from impervious clays to well-drained gravels. To a large extent the soil patterns have dictated the pattern of vegetation. Historically Epping Forest was managed as wood-pasture through pollarding, which declined during the 19th century and eventually ceased in 1878 under the Epping Forest Act. Recently pollarding has been reinstated in some places.

5. The Forest is also of great historical interest both for the history of its land use as a royal forest and wood pasture, and for specific historical features including two Scheduled Ancient Monuments: Ambresbury Banks and Loughton Camp.
6. SACs are within the top-tier of nature conservation sites within the UK. European legislation, which is transposed into the domestic Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations), and also stipulated within the National Planning Policy Framework (NPPF), affords European sites the highest levels of protection in the hierarchy of sites designated to protect important features of the natural environment.
7. The legislation sets out that where a land use plan, either alone or in combination, is likely to have a significant effect on a European site, the plan-making authority must undertake a Habitats Regulations Assessment (HRA). This applies to Local Plans produced by local authorities, in addition to Neighbourhood Plans produced by local communities. Such plans set out a broad quantum of housing growth. HRA work must therefore consider the overall impacts of such growth – in combination with neighbouring authorities – and where there are any likely significant effects, adverse effects on the integrity of the site must be ruled out¹.
8. A significant proportion and the most integrated part, of the SAC lies within the Epping Forest District Council administrative area. The remainder lies within the London Boroughs of Waltham Forest and Redbridge (the latter of which accommodates a very small proportion of the SAC). As such the three local authorities have a duty, as a Competent Authority under the Conservation of Habitats and Species Regulations 2017, to ensure that planning application decisions comply with those Regulations and do not result in adverse effects on the integrity of the Epping Forest SAC.
9. As a result of concerns relating to recreation pressure on Epping Forest SAC, the authorities of East Hertfordshire District Council, Epping Forest District Council, Harlow District Council and Uttlesford District Council signed a joint Memorandum of Understanding (MoU) relating to Epping Forest². Other signatories on the MoU include the relevant County Councils, the Corporation of London and Natural England. The aim of the Epping Forest MoU is to ensure the parties work together:
 - to collect and analyse data and evidence related to the impacts of proposed development and growth under the Local Plans to provide sufficient and robust evidence on which to base a strategy for the protection of Epping Forest SAC; and
 - to commit to prepare a joint strategy, based on relevant available data and evidence and to an agreed timetable.

¹ Unless there are imperative reasons of overriding public interest.

² Memorandum of Understanding 'Managing the Impacts of Growth within the West Essex/East Hertfordshire Housing Market Area on Epping Forest Special Area of Conservation' - <http://www.eppingforestdc.gov.uk/phocadownload/ForwardPlanning/mou%20impacts%20of%20growth.pdf>

10. The joint strategy is intended to address both the requirement to avoid, or effectively mitigate, adverse impacts on the integrity of the SAC from Local Plan-led development and the requirement to prevent further deterioration of the SAC features. The MoU sets out the need for visitor survey work. The final strategy will also include approaches to mitigating the impacts on the health of the Forest from air pollution, primarily from growth in traffic levels on roads passing through the Forest.

Concerns relating to recreation

11. Epping Forest provides an attractive, extensive area of open semi-natural habitat close to London. As such it is a popular destination for recreation and provides an important function as a greenspace. There are 52 different car-parks and four visitor centres and estimates of visitor use indicate around 4.2 million visitors visit the forest each year³. Since Epping Forest was entrusted to the City of London, the provision of the space for public recreation and enjoyment has been a legal obligation and one of the key priorities for the Conservators. There is however a considerable challenge to balance the needs of the high (and growing) numbers of visitors with the natural aspect of the Forest and the nature conservation interest. Growing numbers of visitors can result in conflict for space among users and demand for more facilities, such as parking, refreshments and toilets. There are also a number of potential ways recreation could have an impact on the nature conservation interest of the site. These include:

- Eutrophication from dog fouling;
- Trampling/wear, leading to soil compaction, vegetation wear, erosion and damage to veteran tree roots;
- Increased fire risk (and potentially difficulties in access for emergency vehicles if gates etc. are blocked);
- Difficulties in establishing the best grazing management due to interactions between visitors and livestock;
- Direct damage to veteran trees, for example from climbing on them;
- Harvesting, for example fungi, deadwood;
- Disturbance to invertebrates and other wildlife;
- Spread of disease;
- Spread of alien plants;
- Staff time taken away from necessary management due to the need to deal with vandalism, breaches of byelaws etc.; and
- Direct damage and vandalism of infrastructure.

12. The Corporation of London currently undertakes on-going assessments of access and options, including focussing on the popular areas, to determine whether they can cope with current access levels. The Corporation manages 33km of surfaced trails to support all-year round use (thereby reducing pressure on other areas) and each year temporary signage is put in place where there are concerns. Despite these measures,

³ This figure is from the Management Plan consultation and is from 2014.

there is growing concern about the challenges of coping with the high visitor numbers and the potential for damage to the SAC interest if access levels keep increasing. Increased housing development around the SAC will result in more people living nearby and as such may increase recreation use.

Evidence base

13. Existing visitor survey information held by the Corporation of London relates to work undertaken between 2010 and 2014, when a considerable volume of visitor survey work was undertaken at Epping Forest, involving staff and volunteers together with specialist consultancy support. The results are set out in a series of annual reports. The work was undertaken as part of the Branching Out project and funded through the Heritage Lottery Fund. These surveys provide information on overall visitor numbers and the spatial distribution of access within Epping Forest, however the work did not generate home postcodes from a robust sample of visitors (much of the data were collected through on-line surveys and direct observation).
14. Recognising that further evidence was needed to support the development of the Strategy using a more robust methodology, the City of London Corporation, Epping Forest, Harlow, East Hertfordshire and Uttlesford District Councils and the London Borough of Waltham Forest, commissioned Footprint Ecology to undertake a Visitor Survey in 2017. The aims of the survey were to:
 - Identify where visitors originate from in order to understand where new development may result in an increase in use to the SAC;
 - Understand the activities taking place in different parts of the SAC and the relative draw of the Forest for people undertaking particular activities; and
 - Inform mitigation measures, i.e. to gather information on what measures might be effective in changing behaviour, influencing where people go and what they do.

The Epping Forest Visitor Survey Report 2017 sets out both the methodology used for the surveys and the findings arising from it and can be viewed at <http://www.efdclocalplan.org/wp-content/uploads/2018/08/EB715-Epping-Forest-Visitor-Survey-Footprint-Ecology.pdf>

15. The survey results have underpinned the preparation of this joint strategy in order to address avoidance and mitigation measures relating to increased recreational pressure arising from local plan-led development. Such strategies are commonly known as a 'Strategic Access Management and Monitoring Strategy' (SAMMS).
16. Survey work was undertaken during October and November 2017 and involved counts of people passing ('tallies'), and interviews with a random selection of people. The surveys took place at 15 locations, carefully selected to provide a good geographical spread across Epping Forest and to

include a range of different types of access points, from large 'honey-pot' car-parks within the Forest to paths around the edge of the Forest with little opportunity to park. Survey work was similar across all survey locations, allowing direct comparison. The survey locations and associated data relates solely to those parts of Epping Forest designated as SAC as opposed to the wider Forest area within the control of the City of London Corporation.

17. Part of the purpose of the Visitor Survey was to identify a 'Zone of Influence' for the purposes of Local Plan policy development and the determination of planning related applications. The Zone of Influence (ZOI) for the Epping Forest SAC has been drawn based on where the 75th percentile of visitors comes from. This is a nationally recognised approach which has been adopted by other authorities across the country for the purposes of identifying Zones of Influence surrounding both SACs and Special Protection Areas. The ZOI for the Epping Forest SAC extends for a distance of 6,176metres from the SAC boundary. The median distance is 3,084 metres. Maps showing the ZOI and the median distance are attached at Appendix 1. The local authority administrative areas which fall within the ZOI (either in whole or part) are as follows:

Epping Forest District
London Borough of Waltham Forest
London Borough of Redbridge
Harlow District
Broxbourne Borough
Brentwood Borough
London Borough of Newham
London Borough of Enfield
London Borough of Hackney
London Borough of Haringey
London Borough of Tower Hamlets
London Borough of Barking and Dagenham
London Legacy Development Corporation

18. As a result any additional homes built within the ZOI, when taken in combination with other plans and projects, have the potential to increase pressure on the Forest, and have a Likely Significant Effect on the health of the Forest. There is no way of preventing more people who come to live in the ZOI as a result of new residential development from visiting the Forest in order to avoid placing further pressures on it. Therefore there is a

need to undertake measures to mitigate these Likely Significant Effects and for new developments to make a contribution towards their implementation.

Mitigation Measures:

19. A number of costed schemes and people resources needed to support the implementation of measures have been identified in partnership with the City of London Conservators. These have been developed taking into account the mitigation measures needed for the whole of the SAC area rather than on an authority by authority basis, recognising that visitors from one local authority administrative area often go to a part of the SAC that lies within a different local authority administrative area. The schemes identified, and their associated costings have been developed and programmed to cover the period up to 2033. Year 1 is 2019. The periods are taken as being for the purposes of project costings is from 1 April 2019 – 31 March 2033. These are set out in Table 1 below.

Strand 1a – Mitigating Recreational Impacts							
Descriptor	Capital Initiation Costs	Capital Funding Duration	Annual Costs or other	Funding Duration (Years)	Total Cost	Cost Calculation Notes	Rationale and justification
Traffic control and car impact reduction measures and monitoring, as part of Integrated Forest Transport Strategy (including physical management of car parks)	n/a	n/a	tbc	Capital Years 2-10	£350,000	<ul style="list-style-type: none"> ➤ Road closure/Traffic Regulation Orders (e.g. Fairmead Road) (£35,000 in total by Year 5); ➤ Car Park controls (gates, CCTV) (£18,000 per car park – 5 car parks – one per year Years 2-6) for seasonal restrictions and night-time control of access; ➤ Re-locating car park capacity and resurfacing/surfacing ➤ Improved access for non-car use – incl. new, safer crossing points over main roads (A104, A121) to provide links along Forest visitor trails and circuits from peripheral Forest entrance areas (e.g. Honey Lane, Chingford-The View 'hub') 	<ul style="list-style-type: none"> ➤ Re-direct/exclude cars from more sensitive sites & during sensitive periods of the year, (e.g. heathlands in SAC and relocate capacity to deal with increased visitor pressure). ➤ Re-locating car park capacity – closures and expansions with additional surfacing improved surfacing possible (e.g. increasing car park capacity away from High Beach/improved surfacing at Chingford hub) ➤ seasonal car park closures and seasonal capacity shifts;

High Beach and Honey Lane Quarters 'hub' Improving resilience: increasing visitor capacity while reducing damage	n/a	n/a	Tbc	Capital and revenue projects (a 5 – 6-year implementation period)	£200,000	<ul style="list-style-type: none"> ➤ Master-planning costs to examine the options for increased visitor numbers while reducing impacts on SAC trees, vegetation and soils (especially steep slopes) ➤ Costs include new, extended & re-aligned paths & circular walks, provision of board-walk/crossing points at Wellington Bog and beech forest streams; pre-emptive ancient tree root protection /soil erosion prevention through fencing, re-siting/enlarged refreshments facilities away from SAC 	<ul style="list-style-type: none"> ➤ The recent capital investment in parking with ECC (Highways) has dealt with current average numbers at High Beach but investment would be required to prevent further increase in visitor numbers, particularly weekend peak visits and reduce impact. ➤ redirecting access and provision of walk-ways to move visitors away from sensitive areas and soils including steep slopes, beech trees, heathland bog and acid grassland habitat ➤ attract new visitors away from High Beach to prevent and try to reduce pressure on this 'honeypot'
Leyton Flats					£200,000	Detailed wording is awaited from the Conservators but the proposal is to undertake masterplanning work for the site. Therefore an initial cost has been provided based on the High Beech project costs.	
Physical management of paths and tracks across other SAC areas <i>Dealing with increasing wear-and-tear.</i>	n/a	1 year (easy access path)	£15,000 (easy access path)	14 years for annual work plus £15,000 for easy access path repair/upgrade in SAC (excluding High Beach Masterplan)	£225,000	<ul style="list-style-type: none"> ➤ Upgrade easy access path – @ £15/m - Lords Bushes/ Knighton (Year 3) (£15,000) ➤ Annual repair and upgrade to SAC ride/path/Multi-user trail (MUT*) network to cope with increased annual use @ £30/m – 0.5km per year each year (£15K) 	<ul style="list-style-type: none"> ➤ Upgrade easy access path/ "visitor offer" to take greater visitor pressure away from central area and towards urban edge of Forest nearer London transport ➤ Maintenance of access infrastructure (especially *MUTs) to accommodate increase use and protect vulnerable beech forest and heathland vegetation (excludes areas within High Beach Masterplan (see above).
Signage at transport nodes- Map and Interpretation including installation			£2500	4 years – one per year	£10,000	<ul style="list-style-type: none"> ➤ Map and Interpretation board signposting sustainable routes to Forest at main train stations: Chingford, Loughton, Theydon Bois, Epping 	<ul style="list-style-type: none"> ➤ Increase use of public transport access to Forest and reduce car impact
Interpretation roll out Forest-wide			£2000	10 years	£20,000	<ul style="list-style-type: none"> ➤ Installation of interpretation boards across Forest SAC 	<ul style="list-style-type: none"> ➤ Access information – panels and waymaking/SAC-specific habitat information

						areas encouraging visitors to stay local	interpretation
Visitor engagement campaigns			£2000	10 years	£20,000	<ul style="list-style-type: none"> ➤ Production of promotional material; banners, leaflets, pop-up stalls to assist volunteer Forest Ambassadors (see below) 	<ul style="list-style-type: none"> ➤ Community out-reach work (also see above work for Mitigation Officer tasks)
Bicycle hire scheme			£6000	Year 3	£6,000	<ul style="list-style-type: none"> ➤ Installation of cycle parking drop off points working in partnership with cycle hire business in Forest and surrounding open spaces e.g. Lee Valley 	<ul style="list-style-type: none"> ➤ Encourage sustainable travel and sustainable links to other open spaces to spread visitor pressure
Cycle Map			£2000	Year 3	£2,000	<ul style="list-style-type: none"> ➤ Production of cycle map to encourage visits by cycle / cycle hire instead of car 	<ul style="list-style-type: none"> ➤ Reduce car travel within SAC road network
SAC Ambassadors			£20,000	Years 2-5 (to be reviewed in Year 5)	£60,000	<ul style="list-style-type: none"> ➤ Campaign, recruitment and training of SAC Ambassadors to run educational activities, roadshows and pop ups in Forest on topics – officer post part time: ➤ Sense of place (awareness Forest is special place) ➤ Share the path (codes of conduct) ➤ Leave no trace (litter) ➤ Monitoring/recording access 	<ul style="list-style-type: none"> ➤ Leave the car (alternative routes) -promoting alternative routes and awareness of impacts of dogs on cattle grazing areas and heathland ground-nesting birds (e.g. Woodcock) ➤ Path – sharing conduct will be vital as pathways become busier to accommodate increased visitor peaks ➤ Epping Hounds project (engaging with dog owners to reduce impacts of dogs on the Forest habitats and heathland birds, grazing deer)
Strand 1b – Avoiding and Mitigating Recreational Impacts							
Mitigation Strategy Development & Visitor Masterplan Consultancy advice	n/a	n/a	70 days at £500 per day average	Year 1 & Year 8 (for review) ESTIMATED NO. DAYS – 70 days	Up to £35,000	<ul style="list-style-type: none"> ➤ up to 60 days' consultancy in Year 1; ➤ 10 days' consultancy for review and report and independent oversight of Strategy in Year 8 	<ul style="list-style-type: none"> ➤ Masterplan: engage consultant to produce spatial strategy for visitors; ➤ Project plan and refine costs for proposed SAMMs (below) and advise on relative contribution of SANGs ➤ Ensure Habs Regs Assessments of SMM Projects in SAC if required by NE ➤ Liaison with NE, MoU LPAs and CoL officers to pull together and report on detailed mitigation options and requirements ➤ Involved with recruitment of the delivery

							officer post (see below)
Mitigation Strategy Delivery Officer (Project Management and field monitoring experience)	£10,200	1 Year	£50,477	Years 2-14 13 Years	£700,099	<ul style="list-style-type: none"> ➤ Scale D SCP 1035 £32,000 + Outer London Weighting £3,350 = £35,350 + 31.8% On Costs £11,245 (overheads, workstation training) + ULEZ compliant electric lease £6,289 	<ul style="list-style-type: none"> ➤ Key liaison person for project consents from Natural England and any detailed assessment work required by NE ➤ Contribute to new Forest Transport Strategy and liaise with highways authorities ➤ Procurement, implementation and supervision of contractors ➤ Management of SAC Ambassadors and volunteers ➤ SAC part of Sustainable Visitor Strategy implementation - coordinating with Visitor Services Team ➤ Advice on SANGs development possibly including CoL 'buffer lands' ➤ SAC Impacts Monitoring Strategy ➤ Community out-reach ➤ Annual report to all Mitigation Strategy/MoU partner organisations and contributing developers
Apprentice	£10,200	7 years	£25,807	Years 2-14 13 years	£396,013	<ul style="list-style-type: none"> ➤ Level 3 London Living Wage £18,990 + 31.8% on-costs £6,040 (overheads, workstation, training,) + College Sponsorship £2,070 – 2 years = £25,807 	<ul style="list-style-type: none"> ➤ Lowest cost option to ensure assistance for Mitigation Delivery Officer, particularly in monitoring projects and gathering evidence on biodiversity impacts. ➤ assist with community out-reach and volunteers supervision.
Strand 2 – Monitoring and Evaluating Mitigation Impacts							
Visitor Surveys (incl for relevant SANGS and buffer lands)	£30,000	4	n/a	Years 1, 4, 9	£75,000	<ul style="list-style-type: none"> ➤ Delivery by external consultants 	<ul style="list-style-type: none"> ➤ Visitor survey to include survey across two periods in any one calendar year– including summer months (Jun -Aug incl) ➤ The Year 1 survey to cover the Jun-Aug period only – to be used to build on the outputs from the Autumn 2017 survey. ➤ Expanded to include SANGs sites where applicable to look at interactions ➤ To assess relative contributions of local authority areas and changing distributions of visitors and changing visitor demands
Monitoring visitor impacts on soils and ecology of SAC				Baseline (by Year 2, then Years 4, 8, 12)	£74,000	<ul style="list-style-type: none"> ➤ Delivery by External consultants and possibly FPPs with volunteer assistance 	<ul style="list-style-type: none"> ➤ Baseline and 'controls' set-up plots on heathlands and at visitor pressure areas by Year 2 ➤ Repeat monitoring of vegetation plots Years 4,

				plus bi-annual FPPs (£2,000 each year – starting Year 1 or 2 – in 8 years to Year 14)			8, 12, 16 and selected beech tree health ➤ Bi-annual Fixed-Point Photograph (FPPs) monitoring of main erosion areas ➤ Soil compaction/penetrometer testing – repeat plots
Rolling External Project Evaluation	n/a	n/a	£5,000	Every two years – excluding Years 1 and 8	£30,000	➤ Delivery by External consultants (excluding Years 1 and 8 covered by Mitigation Development consultants)	➤ External consultancy to evaluate projects annually and provide briefing reports to Mitigation Strategy Delivery Officer and Oversight Group
Strand 1 Sub-Total					£2,414,112		
Strand 2 Sub-Total					£179,000		
Total for period to 2033					£2,593,112		

Review of costs:

20. It is important to recognise that the above costs are taken from a base year of 2018. Consequently, it is proposed that the costs will be updated on 1 April each year to take account of inflation. Build costs will be based on the Construction Output Price Indices published by the Office for National Statistics whilst staff and consultancy costs will be based on any annual wage increase proposed by the City of London Conservators, changes to on-costs as a result for changes in nationally set levels of employer contributions for National Insurance purposes, and CPI for consultancy costs. The sums of monies secured by way of a Section 106 legal obligation will be subject to an inflation related clause. In addition, the costs of individual components may be reviewed as part of the annual update based on the outcomes of individual project evaluation if this identifies that there has been either an underestimation or overestimation of the costs attributed.

How the costs of mitigation will be secured:

21. The route for securing the contributions will ultimately be for the individual local planning authorities to determine, including the specific approach as to which forms, types and sizes of new residential developments will contribute, but will normally be by way of a Section 106 legal obligation, or from Community Infrastructure Levy monies. It should be noted that the monies secured are not subject to Community Infrastructure Levy Regulations pooling restrictions⁴. Furthermore, contributions made from Community Infrastructure Levy monies are not precluded from being spent in another local planning authority area but the relevant Council's Regulation 123 list must identify the provision of the improvement, upgrading and management of open space. This does not, however, need to be specific to an individual site. It should be noted that Prior Approval

applications for changes of use to residential under the Town and Country Planning (General Permitted Development Order) are subject to consideration under the Habitats Regulations 2017 and will therefore still be liable for making contributions. However, this is achieved via a separate process to that of planning applications.

22. A key consideration with regard to securing any contributions is that they comply with the three ‘tests’ set out in the Community Infrastructure Regulations (Regulation 122) in that:

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

23. In order to ensure compliance with Regulation 122 an assessment has been undertaken with the regard to the proportion of visitors likely to arise from additional residential developments within the ZOI by local authority area. This has then been used to ‘divide’ the overall mitigation costs to provide an overall level of contributions that would need to be secured within each local authority area over the period to 2033. The survey information provides a robust indication of the proportion of visitors originating from each local authority area within the ZOI. This information has then been extrapolated in order to define the overall financial contributions required towards mitigation from each local authority area. It is important to recognise that the number of people surveyed is not a direct indication of the number of people likely to visit from each local authority area. Consequently the use of percentages has been used to provide the likely proportion of visitors that would arise from each local authority area based on the number and distribution of visitors surveyed. Such an approach is consistent with approaches undertaken elsewhere in England.

24. The overall analysis of the percentage of visitors arising from each local authority administrative area in order to understand where the greatest pressure is likely to arise from is set out in Table 2 below and has been assessed on the following basis:

0 – 6.2 km ZOI: This is based on the percentage of visitors arising from each individual authority area within the entire ZOI

0 – 3 km: This is based on the percentage of visitors arising from each individual authority area within this area alone. This has been provided in order to reflect the fact that 93% of all visitors within the entire ZOI actually live within 3km of the Epping Forest SAC boundary.

3 – 6.2 km: This is based on the percentage of visitors arising from each individual authority area who live within this part of the ZOI based on the total number of interviewees who live within the ZOI.

0 – 3 km: This is based on the percentage of visitors arising from each local authority area who live within this area only.

The ‘Competent authorities only’ column provides the percentage of visitors arising from each of the competent local authority areas that arise from within that authority area (i.e. excludes those visitors who live within the London Boroughs of Enfield and Newham).

Local authority	0-6.2km	0-3km	3-6.2km	0-3km	Competent authorities only
Epping Forest DC	49.13%	48.39%	0.74%	52.00%	52.28%
LB Waltham Forest	34.24%	34.24%	0.00%	36.80%	37.00%
LB Redbridge	11.67%	9.93%	1.74%	10.67%	10.72%
LB Hackney	1.74%	0.00%	1.74%	0.00%	
LB Newham	1.24%	0.25%	0.99%	0.27%	
LB Enfield	1.24%	0.25%	0.99%	0.27%	
Broxbourne BC	0.74%	0.00%	0.74%	0.00%	
Harlow DC	0.00%	0.00%	0.00%	0.00%	
Brentwood BC	0.00%	0.00%	0.00%	0.00%	

25. The above demonstrates that the vast majority of visitors arise from within the three local authority areas of Epping Forest District and the London Boroughs of Waltham Forest and Redbridge, which are also the competent authorities under the Habitats Regulations 2017. Visitors arising from the other local authority areas are significantly less and, for the main part, visit on a less frequent basis. Consequently, when applying the CIL Regulation 122 ‘tests’ set out above, it is considered that, on the basis of the current evidence, and having also considered the costs and potential complexity of administration, that a proportionate and pragmatic approach would be to collect contributions to cover the costs of implementing the Strategy only from the competent authority areas of Epping Forest District and the London Boroughs of Waltham Forest and Redbridge. This reflects the scale, distribution and frequency of future visitors likely to visit the parts of the Forest designated as an SAC and also takes into account the potential costs of preparing Section 106 Obligations and subsequent administration which may cost more than the actual monies being collected.

26. On the basis of the above the costs to be apportioned to the Competent authorities are as follows:

Local authority	Apportionment (Percentage)	Apportionment (financial) to 2033
Epping Forest District Council	52.28%	£1,355,679
LB Waltham Forest	37.00%	£959,452
LB Redbridge	10.72%	£277,982

Futureproofing through the provision of Strategic Alternative Natural Green Space:

27. It is important to recognise that there are several strategic sites that have been proposed for allocation within the Epping Forest District Local Plan Submission Version which lie within, or partly within the 6.2km Zone of Influence, namely the Garden Town Communities of Latton Priory and Water Lane, as well as at North Weald Bassett and south of Epping. All of these sites are currently on greenfield land such that visitors to the Epping Forest currently originating from these locations are either non-existent or minimal. However, the sites will individually and collectively result in a significant increase in residents. Without any on-site provision of strategic levels of Natural Green Space of an appropriate form these new communities are likely to add further to recreational pressures on the Forest. Consequently, as part of the Masterplanning of these sites there will be an expectation that Strategic Alternative Natural Greenspace will be an integral part of their design. Dependent on the scale and form of such Green Space there may be a need to secure some financial contribution towards the implementation of the above projects and associated activities. This is because the Green Space may not provide all of the attributes necessary to attract all users away from the Forest. It should be noted that the provision of Greenspace at Water Lane and Latton Priory in particular could also contribute to ‘futureproofing’ development in terms of recreational pressures on those areas of Epping Forest outside of the SAC that are designated as Sites of Special Scientific Interest (SSSIs), the Lee Valley Special Protection Area/ Ramsar Sites and the Harlow Woods SSSI.

28. The following allocations within the Epping Forest District Local Plan Submission Version should therefore be required to provide Strategic Natural Green Space:

- Latton Priory
- Water Lane
- North Weald Bassett
- South of Epping Masterplan Area

At present no other opportunities outside of the Epping Forest District administrative area have been identified as providing the potential to act as Strategic Alternative Green Space.

Monitoring and Review:

29. It is important to recognise that whilst the schemes/resources identified, and the costs attributed cover the period up to 2033 this is an Interim Strategy. Monitoring of both the projects themselves, and further visitor surveys have been identified within the costings set out in Table 1 above. This includes undertaking a further Visitor Survey during the period June – August 2019 following which this Interim Strategy and, if necessary, the ZOI will be reviewed. In addition additional and/or alternative projects may arise in the future, or income generation created such as to off-set some of the costs identified above. Such projects and income-generating activities could, for example, involve the potential use of City of London Corporation owned 'buffer lands' as Strategic Alternative Natural Green Space, the need for increases in Keepers/Rangers or as a result of income gained from car parking charging or bike hire. It is also recognised that during the lifespan of the indicated projects there may be changes in terms of Local Plan Housing Requirements across the Zone of Influence. Any of these may result in a need to review and amend:
- i) The projects identified;
 - ii) The costs identified; and
 - iii) The apportionment from which contributions are sought in terms of the sum of monies that each authority is required to secure including the addition of authorities not currently identified above.
30. In reviewing further iterations of the Strategy beyond that indicated for 2019, it is important that an appropriate balance is achieved in terms of ensuring that the schemes proposed are achieving their purpose, and providing certainty to both the development industry and local planning authorities in terms of the requirements being sought such that neither the Strategy or the ZOI is reviewed year on year (this is distinct from the annual review of costs referred to in paragraph 20 above). Consequently, it is proposed that further reviews will be undertaken following the receipt of the outputs from the Visitor Surveys proposed in Years 4 and 9.

Date: 15 June 2018
Our ref: 247581
Your ref:



Nigel Richardson Assistant Director Governance (Development Management) - NRichardson@eppingforestdc.gov.uk
Cc: Nicky Linihan - nicky@fortismere-associates.co.uk
David Coleman - dcoleman@eppingforestdc.gov.uk
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By email only

Hornbeam House
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CW1 6GJ

T 0300 060 3900

Dear Mr Richardson,

Emerging Strategic Approach Relating to the Epping Forest Special Area of Conservation (SAC) Mitigation Strategy – Interim Advice for Development

Thank you for your letter dated 21st May 2018, requesting advice from Natural England on how your authority should respond to planning applications for minor development. Having considered your request, we have taken the view that until the updated Habitats Regulations Assessment (HRA) has been produced, all development needs to be considered in the same way, due to the complexities and uncertainties relating to air quality impacts on Epping Forest SAC.

Natural England is keen to work with Epping Forest District Council (EFDC) and other stakeholders to address the challenges of dealing with planning advice at this interim stage. Based on the information we have currently received, Natural England advises that minor developments will require a Habitats Regulations Assessment with EFDC acting as the competent authority. We recognise this is not an ideal situation but nevertheless sets out the situation if EFDC needs to determine planning applications at this moment in time in a manner that is compliant with the requirements of the Habitats Regulations. Natural England understands that further relevant information will be available soon (e.g. the Mitigation Strategy for Recreation and a revised HRA for the EFDC Local Plan) to enable us to review this initial interim advice.

Background to Local Plan Habitats Regulations Assessment (HRA) and Mitigation Strategy

We welcome the productive working relationship we have established with you regarding the development of the Mitigation Strategy to address air pollution and recreational pressure impacts on Epping Forest SAC and SSSI. We also welcome and support the additional work you are undertaking to update the Local plan HRA which we understand will include consideration of the following:

- Visitor Survey assessment (undertaken by Footprint Ecology)
- Updated transport and air pollution modelling
- Identification of proposed mitigation measures to address recreational and air pollution impacts
- Updated conclusions on whether there will be any adverse impacts, either alone or in-

combination.

We therefore recognise that there is going to be a period of difficulty for you in determining planning applications until these additional pieces of information are available. In our view it is going to be very difficult to identify suitable mitigation measures to minimise or remove any air quality impacts to enable a conclusion of no adverse effect on site integrity of the SAC to be reached at the individual planning application until the updated HRA has been prepared. It may therefore not be possible for you to determine such planning applications until the updated Local Plan Habitats Regulations Assessment has been finalised

Recreational Impacts

As part of the work required to produce the Mitigation Strategy, Footprint Ecology undertook a visitor survey to identify a recreational zone of influence and to identify the distance the majority of visitors will travel to visit Epping Forest SAC. This report identified that 75% of visitors travelled up to 6.2Km to the SAC. *Natural England therefore advises that in this interim period a zone of influence of 6.2Km is used to determine whether residential applications will have a recreational impact on Epping Forest SAC.*

Air Pollution Impacts

Given the above Natural England considers that significant uncertainty remains and that this uncertainty undermines the conclusions drawn in section 9. At this stage Natural England advises that neither an adverse effect nor a likely significant effect on Epping Forest SAC can be ruled out.

Work is now ongoing by your authority to update the HRA with respect to the likely air pollution impacts on Epping Forest SAC from the Epping Forest District Local Plan. Natural England has outlined our concerns in relation to the impacts the proposed level of growth and development could have on Epping Forest SAC as part of the local plan consultation process. Whilst we are of the view that there will be impacts *until the HRA has been updated Natural England doesn't have the following critical information to provide any interim advice* regarding how to deal with air pollution impacts:

- The severity of the in-combination air pollution impacts, especially with respect to whether there are any adverse effects and
- The mitigation measures which will be applied to reduce or remove any impacts to enable a conclusion of no adverse effects to be reached (where adverse effects have been identified)

In the absence of this information we are unable to identify additional mitigation measures which could be applied. Also there is uncertainty with respect to how long this interim approach would need to be in place, particularly given the current delay with the local plan.

Interim Approach

Normally minor development would not be considered to be complex or difficult. However, in this instance, due to the in-combination impacts of air pollution and recreational pressure, such cases should be considered as being complex. This is due to the difficulty in identifying mitigation solutions which are compliant with the Habitats Regulations ahead of the strategic approach which will be developed by the Mitigation Strategy, which in turn will be informed by the updated HRA. You might therefore want to regard these applications as complex and outside of routine planning decision targets.

We note that your authority has issued an interim statement detailing how planning applications will be considered in this interim period. In light of this statement we would advise that:

- All residential planning applications which are within 6.2Km of Epping Forest SAC need to be subject to a project level HRA to address recreational impacts,
- All residential and employment proposals within Epping Forest District likely to have an air pollution impact on Epping Forest SAC will need to be subject to a project level HRA. The Habitats Regulations Assessment requires the likely effect of plans to be considered alone and in combination with other plans/projects.

The factors which need to be considered to determine if the proposals are likely to have an air pollution impact are as follows:

- a) The proximity of the development to Epping Forest SAC and whether the proposal gives rise to emissions which are likely to contribute to adverse air quality effects (e.g. exceedances of AQ thresholds) alone, and in combination within Epping Forest SAC.
- b) Whether the proposal will result in an increase in traffic on roads in close proximity to Epping Forest SAC alone and in combination with other plans/projects and,
- c) Whether the SAC habitats and species features that are sensitive to air pollution effects are within 200m of the relevant key roads (i.e. all roads relevant to alone and in combination assessments including the EFDC HRA and MoU listed roads).

We have also provided some additional information which should be considered (Annex 1) when undertaking a HRA for impacts on the SAC.

Should you have any queries please do not hesitate to contact Jamie Melvin (e: Jamie Melvin: e: jamie.melvin@naturalengland.org.uk T: 02080261025)

Yours sincerely,



Aidan Lonergan
Area Manager – West Anglia Team

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Chairman, Epping Forest and Commons Committee

Philip Woodhouse



Cllr John Philip
Epping Forest District Council
High Street
Epping
CM16 4BZ

Date 14 September 2018

Dear John

Response to the Proposed Interim Mitigation Strategy for the Epping Forest Special Area of Conservation (SAC) – EU Code UK0012720

Thank you for inviting myself as the Chairman of the Epping Forest and Commons Committee and Epping Forest Verderer Melissa Murphy, along with officers, to attend the Co-operation for Sustainable Development Member Board meeting in Harlow on the evening of Monday 10th September.

At that meeting you requested the City of London Corporation's response to the Interim Strategy and its Covering Report by today, even though the papers had only been available to circulate on midday Thursday 6th September. Consequently, Verderer Murphy and I have only been able to view the documents on Friday, two working days prior to the meeting.

The City Corporation also notes that this request has been made while the two key London Local Authorities, London Borough of Waltham Forest (LBWF) and London Borough of Redbridge (LBR) have still not responded in full to the draft papers, including the Conservators' mitigation proposals, which were circulated in confidence to the Borough Councils a month earlier.

'No adverse impact' and a full mitigation strategy

In light of the above, the City Corporation feels the need to reiterate that in order to properly protect the Epping Forest Special Area of Conservation (SAC) from the pressures of forthcoming proposed development, there is a requirement for a whole series of preventative initiatives need to be implemented by Local Planning

Authorities (LPAs), acting in their role as 'competent authorities' under the Habitats Regulations 2017. These initiatives need to be brought together as part of a joint, full mitigation strategy to ensure that:

- air pollution is minimised;
 - urbanisation impacts are avoided, minimised or fully mitigated;
- and,
- increasing recreational pressures are managed by effective mitigation measures,

to avoid adverse effects on the special features of the SAC.

Interim Strategic Access Management and Monitoring Strategy on recreation welcomed

As part of this series of measures, the City Corporation recognises this Interim Strategic Access Management and Monitoring Strategy (SAMMS) as significant progress and welcomes the breadth of consultation across the assembled Oversight Group, that was coordinated by your Council and held on 25th July. The City Corporation is concerned to ensure that there is no misunderstanding about the purpose of this Interim Strategy. It does not address air quality, nor could it in the continued absence of traffic modelling and air quality assessment work. Neither does the Interim strategy address the urbanisation of the SAC, other than in the context of major allocated sites.

Prevention of SAC deterioration irrespective of new growth

As the Interim Strategy points out in paragraph 10, a joint, full strategy is intended to address the requirement to avoid, or effectively mitigate, adverse impacts on the integrity of the SAC from Local Plan-led development. In addition, as paragraph 10 goes on to state, there is an additional requirement for 'competent authorities' to prevent further deterioration of the SAC features. It is most important to emphasise that this latter requirement for preventative action is irrespective of new growth. In effect, there should be at least "no net loss" and the aim should be for a "net positive impact" (enhancement) through the implementation of Local Plan policies.

Recognition of the Mitigation hierarchy

This approach of 'no net loss' or 'net positive impact' is enshrined in the mitigation hierarchy, into which this Interim Strategy is required to fit. Avoidance should be the first step and then, if not possible, any mitigation should ensure a combination of both the minimisation of impact and remediation or restoration measures to ensure no net loss. Off-site measures, such as Sustainable Alternative Natural Greenspaces (SANGS), therefore are of key importance in the EF SAC Mitigation Strategy. Mitigation of recreation pressures on-site through the measures proposed in this Interim Strategy, while necessary, will not be sufficient on their own. Some measures may only act to minimise impacts rather than avoid or fully

mitigate them. Under this Strategy, monitoring measures are proposed to review the situation, but avoidance, minimisation and remediation measures will be required outside the Forest SAC.

Off-site measures including Suitable Alternative Natural Greenspaces (SANGS)

Therefore, further work is required to provide alternative off-site recreation sites to complement the on-site measures – detailed on pages 6-10 of Appendix 1, alongside the measures necessary to resolve air pollution and urbanisation issues.

Smaller residential developments need to be able to contribute to the development of substantial SANGS sites and to do this there needs to be a SANGS tariff set alongside the proposed SAMMs tariff. The Conservators, with a 60-year record in providing a buffer for the Forest, are well-positioned to make a significant contribution to the SANGS and provide advice on the optimum measures.

Importantly, the SANGS strategy need not only look to accommodate additional recreational pressures away from the SAC but also achieve environmental enhancement and remediation measures through habitat creation and restoration. Such enhancement of the environment would provide 'competent authorities' the opportunity to achieve 'net gains'. Areas for such SANGS could include parts of the buffer lands of the Forest and the City Corporation considers that it could include areas within the Forest, but outside the SAC, such as The Lower Forest (part of Epping Forest SSSI) and Wanstead Park which already are under pressure as alternative destinations to the SAC, as the 2017 Visitor Survey demonstrated clearly in the case of Wanstead Park & Flats.

Zone of Influence (Zoi) – importance of the 75th percentile

The City Corporation is also concerned about the way in which the Zones of Influence, both 75th percentile and median (50% of visits) distances, are being re-interpreted in paragraphs 23 – 25 of the Interim Strategy. The 2017 Visitor Survey Report's clear analysis (Footprint Ecology), to recognised statistical standards, has been subjected to separate breakdown of the figures, which results in confusing new statistics. For example, the 93.06% for the 0-3km "inner zone" is put forward as representing the "percentage of visitors originating from within 0-3km Median Zone". This presumably means 93% of the 50% (the median) of total visits but there is potential for confusion here. Also, the origins of visits may change over time and vary with the season. It remains possible that a summer visitor survey would show that more visitors come from further afield than in the autumn.

It seems unusually restrictive to limit the tariffs for SAMMS to developments and housing within 3km (the median) rather than the 75th percentile for visits to the SAC. The City Corporation understands that there may be an administrative costs issue, but such a restriction seems likely to arbitrarily and unfairly limit the financial contributions amongst residential developments. The lack of visits from within 3 –

6km from within Epping Forest District is largely because there are currently few residential centres in that zone which is largely Green Belt at the moment. and, without further robust review, could result in increasing pressure for small and medium developments to be created outside the 3km boundary in the Epping Forest District in particular.

The City Corporation is also concerned about a decision being taken here that may have implications for the final strategy, based on a relationship between administrative costs and tariff benefits for the interim strategy which may not apply later. While the City Corporation recognises that the LPAs, wish to take a pragmatic approach, this should be more clearly explained. It appears to the City Corporation that as a matter of principle, where development has an impact, mitigation measures are required. If a pragmatic arrangement is to be made for the EF SAC Interim Mitigation Strategy, reflecting administrative costs, then this should be made clear in the document.

This is of significance for a SANGS tariff (see above), as the inability of small developments to provide SANGS within their own curtilage makes their contribution to this form of 'minimisation' or mitigation important. In our view, smaller developments outside 3km must contribute to a SANGS tariff and the splitting of the Zol for the SAMMs tariff currently does not seem to fit with or anticipate this. In this regard, however, the City Corporation does welcome the undertaking in the Covering Report to the Co-op Member Board that the Interim Strategy would be reviewed in the latter part of 2019.

Costs undertakings by the 'competent authorities'

As you are aware the Conservators of Epping Forest have contributed considerable time and resources to the gathering of evidence through the visitor survey and research into air quality. In addition, the SAMMs proposals included in the proposed Interim Strategy involved a very significant amount of work from City Corporation Officers and Members. These SAMMs now require further development and costing to provide a robust basis for the full Strategy. As explained above, this work needs to be paralleled by the drafting of a complementary SANGS plan, as the SAMMS cannot be put forward alone.

In relation to both SAMMS and SANGS initiatives to assist the competent authorities to complete the necessary full strategy, the City Corporation needs to identify additional resources to be able to commit further officer time. It needs to be recognised, in the City Corporation's view, that such work would need to be 'front-loaded' to both maintain the momentum to achieve the required full Mitigation Strategy and meet the requirements of the Habitats Regulations 2017 in respect of Local Plan development decisions.

To enable this work to be completed by December, the Conservators are seeking a costs undertaking to help to cover the expenditure and resources required.

Such costs undertakings would provide the opportunity to jointly produce any SANGS strategy which would hopefully demonstrate a clear 'duty to cooperate' and provide the much-needed momentum to protect the SAC whilst allowing sustainable development under the Local Plans.

Resources available for a Mitigation Strategy

A clear component of any successful Mitigation Strategy is the implementation of mitigation measures ahead of the anticipated development pressure. The City Corporation therefore urges all the relevant authorities to ensure that they incorporate the contribution requirements within their development plans as soon as is practicable.

On behalf of the Epping Forest and Commons Committee, I would again wish to place on record my thanks for the opportunity to be fully involved in the development of the competent authority's EF SAC Interim Mitigation Strategy.

This year celebrates 140 years of the City Corporations stewardship of Epping Forest and 26 years since the foundation of the EC Habitats Directive. The adoption of an Interim Mitigation Strategy for Epping Forest marks an important further step in the continuing protection of this important international site.

Yours sincerely



Signed by
Philip Woodhouse
Chairman, Epping Forest and Commons Committee

Encs

Cc Derek Macnab, Acting Chief Executive Officer, EFDC
David Coleman - Project Manager - Planning Policy EFDC

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Report to the Cabinet

Report reference: C-013-2018/19
Date of meeting: 18 October 2018



**Epping Forest
District Council**

Portfolio: Safer, Greener and Transport
Subject: Epping Forest Local Highways Panel
Responsible Officer: Qasim (Kim) Durrani (01992 564055).
Democratic Services: Adrian Hendry (01992 564246).

Recommendations/Decisions Required:

To agree to recommend to the Council a supplementary DDF estimate of £100,000 in 2018/19 to match fund the contribution from Essex County Council for the Epping Forest Local Highways Panel to implement highway improvement schemes within the District.

Executive Summary:

The Epping Forest Local Highways Panel (LHP) was formed in 2009. It consists of eight elected Councillors, four from County and four from District. The Panel is supported by Essex Highways and carries out highway improvement schemes within the District.

The County Council has offered to match fund £100,000 for the LHP to implement schemes within the District. If match funding is agreed by the Council then a number of highway schemes will be enabled in the District which would otherwise not get funding.

Reasons for Proposed Decision:

To enable highway improvement schemes to be implemented over and above those for which funding is available.

Other Options for Action:

The Council can decline the offer of match funding.

Report:

1. The Epping Forest Local Highway Panel was formed in 2009 when Cabinet agreed the membership and constitutional arrangements proposed under Essex Localism Agenda. The scope and membership of the LHP has since changed however the focus remains delivery of highway improvement schemes within the District. The membership of the Panel consists of four county division members and an equal number of district members. The LHP is allocated budget by the Essex County Council (ECC), in 2018/19 it has a budget allocation of £349,775 for carrying out capital improvement, road safety, traffic management, passenger transport, cycling and public rights of way schemes. The entire available budget of £349,775 has been committed for schemes.

2. The LHP can only undertake capital improvement schemes, all revenue and maintenance schemes are delivered directly by Essex Highways, and the types of schemes that the LHP can undertake include: Passenger transport, public rights of way schemes, traffic management and walk way schemes. In addition the Panel keeps an oversight on any highway related Section 106 schemes as well as the work of the Highway Rangers.

3. Last year the Council match funded ECC's £50,000 for highway improvements. This funding enabled feasibility studies, detailed designs and the implementation of capital schemes. The schemes funded through the match funding budget are listed below:

1. B172 Abridge over River Roding, Abridge – Warning signs
2. Loughton Way j/w River Road, Buckhurst Hill, Epping - Dropped kerbs
3. Tidy's Lane, Epping - TMI
4. Hoe Lane, Nazeing - TMI
5. Willingale Road, Loughton - TMI
6. Public Footpath 109, Loughton
7. Lower Road, Loughton - Feasibility for one way road
8. HGV Routing for Lea Valley Glasshouses
9. Victoria Road, Buckhurst Hill
10. High Road j/w Bassett Gardens, North Weald Bassett
11. Motts Lane, Waltham Abbey
12. Brook Road, Epping
13. Staples Road / Shaftesbury, Loughton
14. B181/Upland Road, Epping Upland
15. Sedge Green j/w Dobbs Weir Road, Nazeing
16. A121 j/w Manor Road, Epping Forest
17. B172 Coppice Row j/w The Green, Theydon Bois
18. B181/Upland Road, Epping Upland

4. Although the LHP has significant budget allocation there is high demand for highway improvement and new road safety schemes. This forces scheme prioritisation and some schemes lose out. There are currently a total of 28 schemes on the Approved Works Programme of the Panel. The total cost of these schemes will be known once these go through the various stages of validation: feasibility, site investigation and cost estimation. It is understood that in the absence of match funding from the Council not all of these schemes, or any new ones, could be funded in 2018/19.

5. The ECC Cabinet Member for Highways and Transportation Councillor Kevin Bentley wrote to the Leader of the Council on 24 May 2018, letter attached at appendix, offering to match fund up to £100,000 of District Council contribution to the Panel. Given that all the available budget for the LHP has been committed the additional funding, £200,000 in total, will enable the delivery of a number of priority schemes which would otherwise not be possible it is recommended that the Council accepts the offer of match funding by ECC.

Resource Implications:

A DDF allocation of £100,000 will be required to match fund the contribution made by Essex County Council. This is being requested as a supplementary estimate as the offer from the Essex County Council was made on 24 May, after this Council's budget for 2018/19 had been set for 2018/19.

The DDF does not currently have enough resources available to meet this expenditure. If Members are minded to agree the recommendations in this report DDF monies allocated to other projects may need to be reallocated to fund this expenditure.

The Epping Forest Local Highways Panel has currently allocated all existing budget for schemes for 2018/19. By agreeing the recommendations in this report a sum of £200,000 will be available to the Panel to approve additional schemes.

Legal and Governance Implications:

The responsibility for carrying out capital improvement schemes on the public highway is that of the Essex County Council. All schemes recommended by the LHP are considered for approval by the Cabinet Member for Highways and Transport at Essex County Council and all schemes are in line with County Council policies, strategies and guidelines.

Safer, Cleaner and Greener Implications:

The nature of schemes implemented with the match funding will be for highway safety, casualty reduction and pedestrian walk way improvements. These will improve the road network in the District.

Consultation Undertaken:

Chairman of the Epping Forest Local Highways Panel and the lead officers of Essex County Council.

Background Papers:

Previous reports on the formation of the Epping Forest Local Highways Panel.

Risk Management:

If the recommendations in this report are not agreed then no more schemes can be considered within the current financial year and a significant opportunity for achieving improvement and enhancement of the highway network will be missed.

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Equality analysis report

Use this report template to record your equality analysis. This report is a written record that demonstrates that you have shown *due regard* to the need to **eliminate unlawful discrimination, advance equality of opportunity and foster good relations** with respect to the personal characteristics protected by equality law. Due regard must be paid at formative stages of policy or service development, changes, or withdrawal.

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

If you require further help, please contact the Performance Improvement Unit.

Step 1. About the policy, service change or withdrawal

Name of the policy, service or project: <i>be specific</i>	Match fund Essex County Council's contribution to the Epping Forest Local Highways Panel to carry out capital highway safety and improvement works
Revised / new / withdrawal:	New
Intended aims / outcomes/ changes:	To enable highway improvement schemes to be carried out which would otherwise not be possible
Relationship with other policies / projects:	Epping Forest Local Highways Panel is formally constituted and includes all County and nominated District Members
Name of senior manager for the policy / project:	Q Durrani
Name of policy / project manager:	Q Durrani

Step 2. Decide if the policy, service change or withdrawal is equality relevant

Does the policy / project / service process involve, or have consequences for employees or other people? If yes, please state who will be affected. If yes, then the policy / project is equality relevant.	If yes, state which protected groups:
If no, state your reasons for this decision. Go to step 7. <i>The majority of Council policies and projects are equality relevant because they affect employees or our communities in some way.</i>	If no, state reasons for your decision: The consequence of decision of this report will be a larger number of schemes being implemented. These schemes will be carried out Essex

	<p>Highways and the District Council will have no direct influence over the type and nature of these schemes.</p> <p>Equality Impact Analysis would be expected to be carried out by Essex Highways as part of implementation of each individual scheme.</p>
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Epping Forest Local Highways Panel meets regularly and considers capital highway improvement schemes across the District. The Panel works under the Localism Agenda and linked to the Essex County Council’s Corporate Plan, key objectives of the Panel are:

- ***Encourage Essex residents to influence decisions and shape their communities,***
- ***Help communities play a greater role in shaping, challenging and developing local services,***
- ***Making Essex roads safer,***
- ***Encourage residents to get more involved in their communities,***
- ***Promote closer working between local authorities***
- ***Ensure that the highway infrastructure supports businesses to trade and grow***
- ***Ensure that the road network is well maintained***

The types of schemes considered vary, for example: speed survey, installation of a traffic sign or a dropped kerb for access. Every scheme is in line with local and national policies and subject to equality impact assessments any equality and diversity issue identified is addressed before a scheme is recommendation for approval.

Step 7. Documentation and Authorisation

Summary of actions to be taken as a result of this analysis (add additional rows as required):	Name and job title of responsible officer	How and when progress against this action will be reported
The decisions in this report will enable more schemes to be implemented by the Epping Forest Local Highways Panel. The Panel is supported by officers of Essex Highways and governance arrangements of Essex County Council. It is understood that the Equality analysis of any scheme being implemented will be assessed under the decision making processes of the County Council.	Q Durrani Service Director – Contract & Technical Services	

Name and job title of officer completing this analysis:	Q Durrani Service Director – Contract & Technical Services
Date of completion:	19/09/2018
Name & job title of responsible officer: (If you have any doubts about the completeness or sufficiency of this equality analysis, advice and support are available from the Performance Improvement Unit)	Qasim (Kim) Durrani Service Director – Contract & Technical Services
Date of authorisation:	
Date signed copy and electronic copy forwarded to PIU equality@eppingforestdc.gov.uk	

Step 8. Report your equality analysis to decision makers:

Your findings from this analysis (and any previous analysis) must be made available to a decision making body when it is considering the relevant service or policy.

Therefore you must:

- reflect the findings from this analysis in a 'Due Regard Record' (template available), and attach it as an appendix to your report. The Record can be updated as your policy or service changes develop, and it exists as a log of evidence of due regard;
- Include this equality information in your verbal report to agenda planning groups or directly to portfolio holders and other decision making groups.

Your summary of equality analysis must include the following information:

- if this policy, service change or withdrawal is relevant to equality, and if not, why not;
- the evidence base (information / data / research / feedback / consultation) you used to help you understand the impact of what you are doing or are proposing to do on people with protected characteristics;
- what the evidence base (information / data / research / feedback / consultation) told you about people with protected characteristics;
- what you found when you used that evidence base to assess the impact on people with the protected characteristics;
- whether or not your policy or service changes could help to advance quality of opportunity for people with any of the protected characteristics;
- whether or not your policy or service changes could help to foster good relations between communities.

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Essex County Council
Cabinet Office
PO Box 11, County Hall
Chelmsford
Essex CM1 1LX



Cllr Chris Whitbread
Leader of Epping Forest DC
Civic Offices
High Street
Epping
Essex CM16 4BZ

Date: 24 May 2018
Our Ref: KB/AC
Your Ref:

Email: cwhitbread@eppingforestdc.gov.uk

Dear Cllr Whitbread

As you may be aware I have taken on responsibility for highways maintenance as part of my portfolio at Essex County Council following my appointment as Cabinet Member for Infrastructure at last week's Full Council meeting. I look forward to discussing highways issues affecting your district with you and your colleagues in future.

At the same meeting we were pleased to announce close to £5 million in additional investment to fund further pothole repairs and highways improvements across the county. As part of this investment ECC has allocated £1.2 million to increase the budgets of our Local Highways Panels. This funding is available equally across the twelve Local Highways Panels, up to £100,000 each. It will only be awarded subject to match funding, up to a maximum £100,000, being committed by the relevant local Borough, City, or District Council.

I am therefore writing to ask whether Epping Forest district will be taking up this opportunity to match fund Essex County Council's investment in your Local Highways Panel. I am very keen that we get started on allocating and spending these additional monies as soon as possible and as such ask that you respond to confirm your Council's position by **15th June**.

I am of course happy to speak with you about this further if you have any queries and note that we are due to discuss this at the next Essex Leaders and Chief Executives meeting on 7th June.

I think this is a real opportunity for us to jointly make a difference in what we know is one of, if not the most important issues to our residents and I look forward to hearing from you.

Yours sincerely

A handwritten signature in blue ink that reads "Kevin Bentley".

Cllr Kevin Bentley
Deputy Leader and Cabinet Member for Infrastructure

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Report to the Cabinet

Report reference: C-017-2018/19
Date of meeting: 18 October 2018



**Epping Forest
District Council**

Portfolio: Leisure and Community Services
Subject: Leisure Management Contract Finance
Responsible Officer: Derek Macnab (01992 564050).
Democratic Services: Adrian Hendry (01992 564246)

Recommendations/Decisions Required:

1. (i) That the Cabinet seek a Supplementary Capital Estimate from the Council in the sum of £225,000 to meet unanticipated costs in relation to the construction of Waltham Abbey Leisure Centre and other Leisure Centre refurbishments at Loughton Leisure Centre and Epping Sports Centre, and

(ii) That in addition a further Supplementary Capital Estimate is sought from Council in the sum of £475,000 to undertake the partial demolition of the vacant buildings on the former Junior School site in St John's Road, Epping, and also to undertake site investigation surveys.
2. (i) That the income received from PfP as part of their monthly payment is reduced by £161,000 over the remaining period of the financial year to mitigate their loss of membership income due to them from the Council's previous contractor SLM; and

(ii) That the Council actively seeks the recovery of the £161,000 under the previous contract with SLM.
3. That Cabinet approve the cost of undertaking an options appraisal for the replacement of leisure facilities in the District in the sum of £20,000 to be funded from within existing resources.

Executive Summary:

After a competitive dialogue procurement process, the Council appointed Places for People Leisure Ltd (PfP) as its partner for the development and management of its Leisure facilities. Under the terms of the 20 year contract, Places for People on a design build basis, have constructed a new Leisure Centre at Waltham Abbey and undertaken significant refurbishment and extension projects at Ongar, Epping and Loughton Leisure Centres. This report seeks additional unanticipated capital expenditure arising from the construction works.

In addition, this report outlines a course of action to address an outstanding contractual issue arising from the hand-over from the previous contractor SLM with regard to up-front membership fees, to the value of £161,000 which is still outstanding to Places for People.

Finally, the report also highlights the Statement of Common Ground between the District Council and Sport England and specifically the requirement to undertake further feasibility work to support the relocation/provision of any future Leisure facilities. With the failure to achieve a mutually agreeable sale of the St John's Road site, the option of relocating Epping Sports Centre on to the site now becomes a potential option. Irrespective of the final form of any future development, in order to mitigate any further site security expenditure and also to inform the quantum of potential development costs, funding is sought for partial demolition and site investigation surveys to be commissioned.

Reasons for Proposed Decision:

Places for People Leisure Ltd are contractually entitled to additional costs over their agreed capital contributions for the new Leisure Centres and facility refurbishments. Similarly, they are also entitled to receive the outstanding Membership Fees. This report seeks to address these issues.

The Council could elect not to clear the St John's Road site in the short-term and postpone survey works. However, this would not mitigate security costs and delay any potential redevelopment.

Other Options for Action:

There is no alternative course of action with respect to the additional capital contributions. However, the Council could elect not to pursue SLM for the outstanding membership fees, however, this would result in a loss to the Council.

Report

1. Prior to the letting of the new Leisure Management Contract with Places for People, the Council had previously agreed to replace Waltham Abbey Swimming Pool which has reached the end of its economic life. Despite being a popular community facility, the swimming pool needs a level of ongoing expenditure to the fabric of the building, which could not be justified for a building approaching 50 years old.
2. Bidders for the Leisure Management contract were advised as part of the procurement process, that the Council would make up to £20 million available of Capital borrowing to build the new Leisure Centre at Waltham Abbey, and fund any refurbishment proposals for the other Centres. Places for People have borrowed a sum of £13.5 million from the Council which they will repay over the length of the contract at a competitive interest rate. The new Waltham Abbey Leisure Centre that Places for People have designed and built to meet the Council's requirements is due to open on the 17 November 2018. However, there have been a number of unanticipated items of Capital expenditure, outside of the contract which are the responsibility of the Council. In summary, they are

1. **Sauna and Steam Room - £75,000**

The current Waltham Abbey Swimming Pool has a poolside Sauna and Steam Room which is very popular with users. In particular, people recovering from injury or with disabilities enjoy the therapeutic benefits. The original brief from the Council for the new Leisure Centre did not include a replacement. However, public consultation in the planning process demonstrated a strong demand. It was hoped to fund the additional cost through compensatory savings. Whilst this has been achieved to an extent, it has not proven possible to cover all the installation costs and an additional £75,000 is required.

2. **Section 278 Highways Works - £13,000**

After commencement of the construction of the Centre, it was discovered that the existing “banjo” car park area, adjacent to the old Community Centre, was still designated as public highway. As such, a Section 278 stopping order and minor works were required to remove the status. The new Leisure Centre has sufficient parking to offset this minor loss.

3. Utility and Telecommunication Works - £46,000

Although there was a provisional sum allocation provided in the construction contract by PfP, the final cost of diversion of telecommunication cabling and the high cost of final connections to other utility suppliers, exceeded the provisional sum by £46,000.

4. Upgrade to CCTV Systems - £14,000

Due to anti-social behaviour at the construction site early on in the project, the decision was taken, after a risk assessment to link the new Leisure Centre CCTV with the Council’s existing CCTV network to enhance security in the locality. This was outside of the original design and therefore an additional capital allocation of £14,000 is required.

Loughton Leisure Centre

3. In addition to the new Leisure Centre in Waltham Abbey, PfP have recently completed a major extension to Loughton Leisure Centre, to provide a new 150 station Fitness Suite, Movement Studio improvements and a complete refurbishment of the wet side Changing Village. This capital investment in the region of £2m will considerably increase participation. However, there were a number of additional costs incurred to the sum of £53,000 detailed below, arising outside of the original specification:

1. Security Shutters - £4000

Over the last year, the Leisure Centre has been subjected to several break-ins and persistent vandalism which has result in temporary closures and loss of service to users. Therefore, in consultation with PfP the decision was taken to issue a client variation to install security shutters during the construction period.

2. Accessible Handrails - £4000

In response to concerns raised by users with disabilities, a new purpose built handrail in the main staircase was installed, which was specifically designed to assist arthritis sufferers.

3. Air Conditional Upgrade - £45,000

The original design for the refurbishment of the movement studios at the Leisure Centre anticipated utilising the existing air conditioning units. However, further testing demonstrated that the units were under-performing by virtue of their age and condition. As such, they would not meet the expectations of new users in providing a suitable temperature for exercise. A decision was taken to install more powerful units whilst the opportunity presented itself.

Epping Sports Centre

4. Work to convert two of the existing squash courts at Epping Sports Centre to a movement studio, plus the extension of the Fitness Suite and changing room refurbishment is now complete. Epping Sports Centre is an ageing facility and once the fabric was opened up as part of the refurbishment works, additional costs were incurred. However, these have largely been offset by underspends at Ongar Leisure

Centre previously agreed by Members and at Loughton Leisure Centre. However, there is still a requirement for additional funds to cover two outstanding issues:

1. Fire Alarm/Intruder Alarm Upgrade - £14,000

Epping Sports Centre is co-located with the Council's Hemnall Street Offices, with certain common services. During the refurbishment works, it became evident that the existing fire-intruder alarm system was in poor condition and at risk of failure. In order to ensure the health and safety of both Sports Centre users and officers based at the adjacent offices, it was necessary to upgrade the system across both buildings, at a cost of £14,000.

2. Gymnasium Floor Repairs - £10,000

When the floor in the gymnasium was lifted as part of the fitness suite extension, it was discovered that the waterproof membrane had failed and the sub-structure was found to be rotted beyond reasonable repair. As such, it was necessary to replace the membrane and floor. These unforeseen works cost £10,000.

Advanced Income ("last month up front")

5. During the previous Leisure Contract, SLM adopted a policy of charging new direct debit (DD) members an up-front fee for their last month of membership. In effect this meant that upon cancellation, a DD member would be able to attend the gym for a further month beyond their cancellation date.
6. When PfP took over the contract, they entered negotiations with SLM to recover that outstanding advanced income. Most of this was agreed and a financial exchange took place. However, they did not settle the issue of the last month up front income. SLM insisted that PfP invoice them individually as each existing member cancelled – a process that could go on for years if a member remained active in the long term. Given the transactional cost of obtaining a refund on a case by case basis, this approach was clearly unacceptable for PfP. This also means that as existing DD members cancel, PfP have to give each member a 'free' month.
7. The value of the last month up front memberships amounts to £161,000. This figure was put to SLM and they again refused to pay despite attempted negotiations at Chief Executive level between the two organisations.
8. As there is no contractual relationship between PfP and SLM, PfP have asked EFDC to intervene using the previous contract as a basis for recovering the money (which EFDC would then pay over to PfP). To date no monies have been forthcoming.
9. In the meantime, PfP have issued an invoice to EFDC for the £161,000 in the last financial year which has not been paid. In May this year PfP resubmitted the invoice and suggested an adjustment be made to the 2018/19 management fee to repay the money. Officers have agreed to this approach (subject to this report) but only from October 2018 thereby requiring a management fee adjustment for the remaining six months of the current financial year. PfP have accepted this approach.
10. Officers are of the opinion that the original contract with SLM made provision for all debts such as the one outlined above to be paid by the original contractor on the termination of the contract, however this is disputed by SLM. Permission is sought therefore to seek legal opinion on this matter and to pursue the recovery of the debt if

feasible.

Statement of Common Ground/Built Facility Strategy

11. As part of the preparation of the Local Plan, the Council was required to undertake a number of evidence based studies to establish demand for future sport and recreation facilities, up to the end of the plan period 2033.
12. External Consultants were engaged, who prepared not only the open space and playing pitch strategies, but also a built facilities strategy which has provided a set of conclusions and recommendations for future sports facility development across the District. The full study is published on the Council's Website.
13. In response to the Regulation 19 Consultation on the Submission Version of the Local Plan, Sport England propose a modification to the effect that any potential closure of the existing Epping Sports Centre and redevelopment of this site, should not take place until an "equivalent or better facility in a suitable location is delivered and is operational". This is to ensure that the public have uninterrupted access to sports/leisure facilities in the local areas. Sport England and the Council have now agreed to enter into a Statement of Common Ground to assist the Planning Inspectorate during the Examination of the Local Plan. This Statement of Common Ground will require the Council to undertake further feasibility work to support the location of a new Leisure Centre at North Weald Bassett or an alternative location, as set out in the Built Facilities Strategy, in order to ensure that the facility would be in an appropriate location to service communities that are affected.
14. In order to comply with this requirement, the Council has sought expressions of interest for suitably qualified consultants on Sport England's approved list to undertake the study. Funding of £20,000 will be met from existing resources.

St John's Road Redevelopment Site, Epping

15. Epping Forest District Council and Epping Town Council originally went into partnership with Essex County Council and a private developer, Frontier Estates, to redevelop the St John's Road site in Epping.
16. The site comprises the former junior school, town council offices, and district council depot. From the outset the advantages of redeveloping the separate sites as a single holistic project made more sense than piecemeal redevelopment. The District Council took a major step forward when it bought the freehold of St John's Junior School from Essex County Council as a means of ensuring that vision was followed.
17. Consultation with residents had previously altered the original design brief. Residents welcomed additional housing, shops and public open space but there was also a strong call for Epping to have its own cinema again, particularly for the benefit of the town's young people.
18. Separately, an ongoing debate has been conducted over the future of Epping Sports Centre. Although the District Council has continued to invest in the Centre, its long-term future has always been in doubt due to its location and age of construction. The site was identified for housing in the draft Local Plan, although the Council promised no plans would be made to close it until new facilities has been provided, as detailed in the previous section of the report.

19. Despite an extensive period of negotiation, it has not been possible to conclude a mutually agreeable sale of the St John's Road site to Frontier Estates. Since the District Council purchased the former Junior School Site from Essex County Council, it has incurred considerable costs in monitoring the security of the vacant site which has attracted ongoing anti-social behaviour and attempted incursions. In order to mitigate these costs and on the assumption that the site will still be developed for an alternative scheme, it is recommended that the current unoccupied buildings be demolished, with the exception of the buildings highlighted as of Heritage merit within the Local Plan Site Specific Requirements EPP.R4. The demolition will be subject to the necessary planning requirements. It is estimated that supplementary expenditure in the sum of £400,000k will need to be sought from Council if this is to be achieved within this financial year. Similarly, in order to ensure progress on any form of redevelopment, site investigation works will be required. These specialist surveys will also need to be funded at a cost of £75,000.

Resource Implications

Additional Capital Expenditure is sought to meet the unanticipated client costs highlighted in the report of £225,000.

Additional Capital Expenditure at £475,000 will also be required to meet the costs of demolition and site investigation surveys for the St John's Road site.

That the revenue increase from the contract with PFP is reduced by £161,000 over the next 6 months to compensate PFP for the 'last month' income due from SLM. SLM will be pursued for this income by the Council to mitigate the loss.

Legal and Governance Implications:

A planning application will be required prior to the demolition of any part of the St John's Road site.

Specialist legal advice is being sought with regard to the recovery of the final month income from SLM. However, there is no contracted relationship between PFP and SLM and therefore PFP who anticipated the income as part of their tender submission, have the right to be compensated.

Safer, Cleaner and Greener Implications:

The new Leisure Centre at Waltham Abbey is being constructed to high energy efficiency standards and contains sustainable elements such as a "green" roof. Additional CCTV will enhance community safety.

Consultation Undertaken:

With Places for People Leisure Ltd.

Background Papers:

Epping Forest Submission Version 2017 Local Plan. Appendix C Site Specific Requirements EPP.R4 Land at Epping St John's, P9 Heritage.
Local Plan Built Facility Study.
Draft Statement of Common Ground with Sport England.

Risk Management:

To not undertake the essential Fire Alarm upgrading at Epping Sports centre would have exposed the Council to significant risk in respect to failure in meeting its statutory Health and Safety responsibilities.

Policy to be analysed	
Is this a new policy (or decision) or a change to an existing policy, practice or project?	YES
Describe the main aims, objectives and purpose of the policy (or decision):	To fund additional expenditure.
What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?	Meet unforeseen costs.
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? 	Enhanced quality of service to users in particular improvement of public health.
Will the policy or decision influence how organisations operate?	
Will the policy or decision involve substantial changes in resources?	
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?	
Evidence/data about the user population and consultation	
What does the information tell you about those groups identified?	▪
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?	Disabled users at Loughton Leisure Centre regarding handrails.
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:	

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	There is no impact resulting from this report. Further detailed reports will be presented to members in due course.	
Disability		M
Gender		
Gender reassignment		
Marriage/civil partnership		
Pregnancy/maternity		
Race		
Religion/belief		
Sexual orientation		

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	
		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.
N/A	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 Derek Macnab, Acting Chief Executive	
Do.	

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Report to the Cabinet

Report reference: C-015-2018/19

Date of Meeting: 18 October 2018



**Epping Forest
District Council**

Portfolio: Planning and Governance

Subject: Governance arrangements for Local Plan Implementation

Responsible Officer: Alison Blom-Cooper (01992 564066)

Democratic Services: Adrian Hendry (01992 564246)

Recommendations/Decisions Required:

- (1) That the process and minimum requirements for the preparation of Strategic Masterplans and Concept Frameworks in the District set out in this report (and attached guidance notes – see Appendix 4) be noted;**
- (2) That the arrangements for the preparation, consultation, endorsement and approval process of the Strategic Masterplans and Concept Frameworks be agreed;**
- (3) That the Local Plan Cabinet Committee’s Terms of Reference be amended by the deletion of paragraph 3.5 of the current Terms of Reference and its replacement with “ 3.5 To approve draft strategic masterplans and concept frameworks for consultation and to recommend to Cabinet on the endorsement of final masterplans as a material planning consideration or Supplementary Planning Documents”;**
- (4) That the Service Director for Planning (or any another Service Director (in their absence) or an officer at level 2 or above or an officer duly authorised by the Service Director for Planning) be given delegated authority to enter into Planning Performance Agreements with developers on behalf of the Council;**
- (5) That the terms of reference and the approach for the Quality Review Panel and the Development Management Forum be noted (Appendix 5 and Appendix 6) and;**
- (6) That the proposed governance arrangements for documentation associated with the Harlow and Gilston Garden Town be noted and endorsed (Appendix 2 and Appendix 3).**

Executive Summary

Alongside the progression of the Local Plan, the Council needs to establish the governance arrangements to prepare for the implementation and delivery of the growth identified in the Local Plan. Cabinet agreed on 15 June 2017 (see C-001-2017/18) the overall approach to the production of Strategic Masterplans in the District, including the identification of sites/areas requiring their production. Cabinet also agreed the approach to the introduction of Planning Performance Agreements. This report therefore provides proposed amendments to existing governance processes and procedures to enable the masterplanning and PPA processes to be undertaken efficiently and effectively. Principally this requires consideration to be given to: the arrangements for the preparation, consultation, endorsement and approval of the Strategic Masterplans and Concept Frameworks in the District; the proposed governance arrangements for documentation associated with the Harlow and Gilston Garden Town; and appropriate delegated responsibility to nominated officers to act as a signatory on behalf of the Council for future Planning Performance Agreements.

Reasons for Proposed Decision:

- To ensure that the appropriate governance arrangements are in place to agree draft strategic masterplans and concept frameworks for consultation and following consultation to endorse the documents as material planning considerations for the use in determining planning applications
- To put in place appropriate arrangements for the signing of Planning Performance Agreements
- To note the proposed arrangements for documentation associated with the Harlow and Gilston Garden Town

Other Options for Action:

Not to put in place the appropriate governance arrangements would mean that masterplans could not be used as material planning considerations in determining applications. To adopt a less pro-active approach to managing and overseeing the development and infrastructure proposals emerging as part of the Local Plan would carry a risk of poorly coordinated development being delivered, potentially of lower quality.

In addition it may mean that the Local Plan is not seen as deliverable at examination and is therefore not found sound.

Background

1. In accordance with the National Planning Policy Framework, the Council is required through the Local Plan to plan to meet short and long term objectively assessed development needs in the District. This requires a step-change in the future levels and complexity of development which will need to be managed and overseen by the Council. During the Independent Examination of the Local Plan, the appointed Planning Inspector will require evidence to demonstrate that the Council is able to deliver the required levels of development set out in the Plan, and provide for a five year supply of deliverable housing land against objectively assessed housing need targets. Otherwise, there is a risk that the Local Plan will not be found to be 'sound'.

2. Cabinet has previously agreed that the most effective way for the strategic sites in the District to be taken forward is through Strategic Masterplans and Concept Frameworks for a number of identified large scale developments, as defined in the Local Plan Submission Version 2017 (LPSV). Further details on this process are contained within the report to Cabinet on 15 June 2017 (see C-001-2017/18). Cabinet also agreed to the establishment of a Strategic Sites Implementation Team to ensure the effective delivery of the required growth in housing and employment with supporting infrastructure proposed in the new Local Plan (see C-036-2017/18 on 7 December 2017). Funds from the District Development Fund were agreed and a new Team was established from 1 April 2018.
3. A guidance note on the processes and minimum requirements for Strategic Masterplans (and Concept Frameworks) has been prepared. This expands on the previous information that has been produced to provide clarity on the process to be followed and is appended to this Report (see Appendix 4). This supplements the requirements set out in the Local Plan Submission Version 2017 and guidance previously issued.
4. Paragraphs 2.89 to 2.97 and Figure 2.1 (page 35) of the LPSV 2017 set out the proposed approach and planning process for the preparation of strategic masterplans and the proposal that the Strategic Masterplans will be endorsed as material planning considerations for the determination of subsequent planning applications and potentially adopted as SPDs following adoption of the Local Plan. Any planning proposal brought forward in a Masterplan Area (or Concept Framework area) would need to demonstrate compliance with the Strategic Masterplan or Concept Framework.
5. It has always been intended that site promoters would produce the Masterplans in conjunction with the Council, and this process would be linked to the use of Planning Performance Agreements (PPAs). A PPA provides a project management framework and timetable for progressing and delivering development of sites, as well as a cost recovery mechanism whereby site promoters provide payments to cover officer time and resource. The PPAs will provide a mechanism to manage the delivery of the Strategic Masterplans and Concept Frameworks, pre-application engagement with the Local Planning Authority, Members and local residents as well as subsequent submission and determination of planning applications for the site.
6. As part of the work for the Garden Town, EFDC is working with both Harlow Council and East Herts Council. Appendix 2 sets out the proposed governance arrangements for agreement of the documents associated with the Garden Town. Given the fact that the Garden Town straddles three local authority boundaries, this is an important step towards ensuring consistency across the Garden Town as a whole and is an essential step towards securing the delivery of high quality design through a robust planning framework.

Strategic Masterplans and Concept Frameworks

7. The Local Plan Submission Version 2017 promotes a joined-up, collaborative, cohesive and proactive approach to the planning and implementation of key strategic sites across the District. The production of the Masterplans will ensure that development proposals are brought forward in accordance with the Council's priorities and policies and facilitate the delivery of the appropriate infrastructure. Such an approach is an important step towards boosting the timely delivery of high quality development and infrastructure within the district, a key requirement of Government Policy and therefore the Local Plan.
8. The LPSV has identified the following site allocations as being subject to the Strategic Masterplanning approach (see LPSV paragraph 2.90 and 2.91):
 - East of Harlow
 - Latton Priory
 - Water Lane Area
 - South Epping
 - Waltham Abbey North
 - North Weald Bassett; and

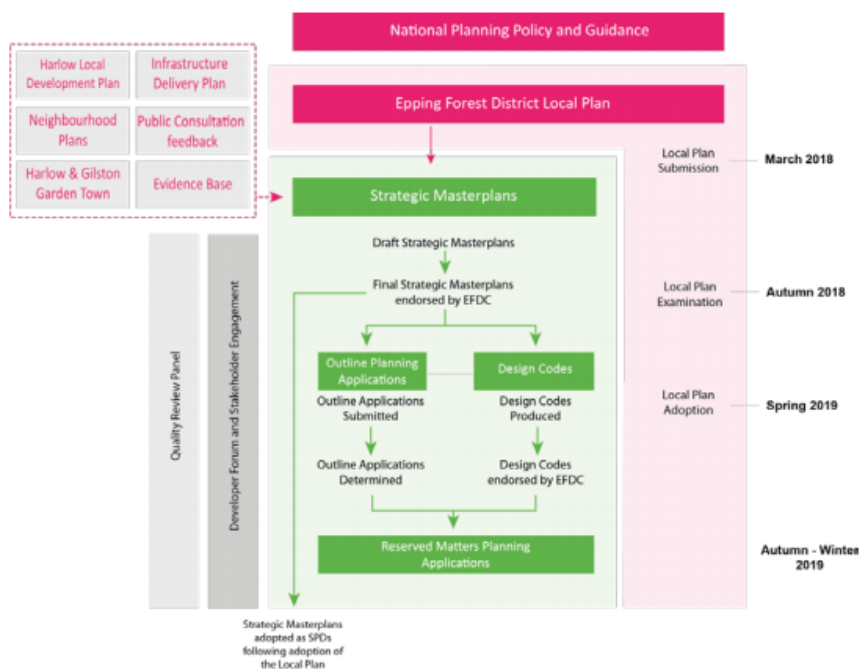
Concept Frameworks (see LPSV paragraphs 2.99 and 2.100) will be required for sites in West Ongar and South Nazeing. Work has started on the above masterplans and South Nazeing Concept Framework (see Appendix 1 which provides an update on progress).

The Council will look to progress the following Masterplans towards the end of the plan period:

- Jessel Green;
 - Limes Farm; and
 - North Weald Airfield.
9. Policy SP 3 of the Local Plan Submission Version 2017 sets out the place shaping principles against which the Strategic Masterplans and Concept Frameworks must conform.

10. Figure 2.1 of the Local Plan (reproduced below) shows the Strategic Masterplanning and Concept Framework process. As illustrated by the diagram, an integral part of the process will be consultation with the community and stakeholder engagement. Prior to any informal community and stakeholder engagement, it is proposed that Members are engaged. As a minimum, it is expected that Ward Members, Cabinet Members and relevant town and parish councils would be fully briefed (see Stage 6, Para 2.1, Appendix 4). The briefing would provide an overview of work undertaken to date by the site promoter(s) and outline the option that had been identified for the community and stakeholder engagement. A full programme of informal community and stakeholder engagement would be planned in accordance with the adopted Statement of Community Involvement. This engagement would be used to inform the development and production of the Draft Strategic Masterplan which would be reported to Cabinet/Local Plans Cabinet Committee to agree the formal consultation. This will ensure that the voice of the community is heard, and their comments will help shape the final masterplan. The consultation requirements are set out in more detail in Appendix 4. The proposed arrangements are designed to meet the regulations so that Masterplans and Concept Frameworks are capable of adoption as Supplementary Planning Documents (SPD) if the Council considers this to be appropriate. In order to align with the relevant legal requirements for SPDs, a formal six week consultation exercise will therefore be undertaken.

11. The Strategic Masterplanning Briefing Note and Concept Framework Note (see Appendix 4) provides guidance on the nature and extent of the community and



stakeholder engagement that the Council will expect each Masterplan and Concept Framework to undertake, whilst also setting out the key principles that should be followed. Members will be expected to play a key role throughout this process, and regular briefings will be held. It is not proposed to utilise the Council's Development Management Forum through the preparation of the Masterplan itself, though the

forum will have an important role once proposals are firmed up at pre-application stage

12. Endorsement of the Strategic Masterplans and Concept Frameworks (and potential adoption as SPDs) is an essential stage if the documents are to be a material planning considerations against which future planning applications will be assessed. The Local Plan Submission Version makes it clear that sites identified as requiring a Strategic Masterplan must have the Masterplan completed and endorsed by the Council prior to the submission of a planning application. The Strategic Masterplans and Concept Frameworks therefore set the fundamental parameters that each subsequent planning application will need to adhere to.
13. At present, responsibility for approving Strategic Masterplans and Concept Frameworks lies with the Cabinet, which meets on a monthly basis.
14. As set out in paragraph 6, the Strategic Masterplans and Concept Frameworks are firmly linked to the timely delivery of high quality development and infrastructure, a key requirement of central government policy and the Local Plan. It will therefore be critical that the Council can move quickly and can commit to endorsing a finalised masterplan in a timely manner. This will be essential so as not to introduce an unnecessary delay to the submission of planning applications by ensuring that the Masterplans can be endorsed without having to wait until the next meeting of the Cabinet. It is therefore essential that the Council identifies a defined procedure for the endorsement (and potential adoption) of Strategic Masterplans and Concept Frameworks.
15. The Council's Local Plan Cabinet Committee (LPCC) could provide a suitable option that could be utilised to fulfil this role. It is proposed that this committee is given the necessary authority to approve Draft Strategic Masterplans and Concept Frameworks for consultation. It is intended that Cabinet would be responsible for final endorsement as a material planning consideration. As part of this process the Implementation Team will commit to providing regular updates to the committee on progress in the preparation of masterplans and concept frameworks to ensure that Members are kept fully up-to-date with the progression of each plan. Upon completion of the final draft document for consultation, it is proposed that this is taken to the LPCC to agree consultation on the draft Strategic Masterplan. Following a six week consultation period, and subsequent amendments made to address issues arising, it is proposed that the Masterplan will then be taken to Cabinet for formal endorsement as a material planning consideration. The Cabinet would also adopt the masterplan as a SPD should this be required after the adoption of the Local Plan. The process would be broadly similar for a Concept Framework, however owing to their smaller scale, it is envisaged that these will only be taken to LPCC once for final endorsement only. This would require an adjustment to the Terms of Reference for the Cabinet Committee. A suggested form of words is outlined within the recommendations.

Planning Performance Agreements (PPAs)

16. A key component of the PPA is the provision of a 'front-loaded', project managed approach to the delivery of development proposals with landowners/site promoters, together with the resources required to achieve this. Through the agreement of PPAs. The Council is seeking to ensure that planning proposals are developed as appropriate in coordination with other Council services, as well as with key stakeholders such as Essex County Council wherever possible. By putting in place PPAs at the earliest possible stage in the process, the Council is able to provide the services required to provide clarity to landowners/site promoters through the planning process, whilst also seeking to ensure that the production of proposals for sites identified for allocation within the Local Plan are high quality, reflecting both the policy requirements of the Council, and the requirements and aspirations of the local community.
17. Members will recall that a key tenet of PPAs is the associated cost recovery mechanism, through which the Council (and Harlow District Council and Essex County Council where they are party to the Agreement) can recoup reasonable costs for officer time. As stated within the 7 December 2017 report to Cabinet (C-036-2017/18), the revenue received from the signed Agreements in EFDC will be an important step in providing funding for the Implementation Team and input from the relevant disciplines across the Council.
18. The signing of a PPA and associated cost recovery formally commits the Council to the provision of an agreed level of resource. The Council therefore needs to be able to demonstrate that it is able to provide this level of resource; if it is not in a position to act quickly when it comes to the signing of an agreement, this represents a potential reputational risk and could jeopardise the willingness of promoters and developments to enter into an agreement. For each PPA, the Project Team (with officer and promoter leads) is identified within each Agreement, with specific specialisms identified on a site by site and call-off basis.
19. The Council's constitution and standing orders currently do not include explicit provision to delegate the signing of PPAs to Service Director level (or other officer duly authorised by a Service Director to do so). The only officer currently able to undertake this role is the Acting Chief Executive. Given that the Council has publicly stated its support for the PPA process for complex schemes, it is likely that site promoters will seek to utilise PPAs in the promotion and delivery of their sites with increased frequency. In order to service this anticipated increase in requests, it is therefore recommended that appropriate delegated decision making authority is granted to the Service Director Planning (or other Service Director or other officer duly authorised by the Service Director for Planning). This will ensure that Agreements can be signed quickly, thereby underlining the Council's commitment to the PPA process.
20. As part of this process it is envisaged that the Local Plans Cabinet Committee ('LPCC') will be kept fully briefed on the numbers of PPAs that the Council has

entered into, and the associated resourcing requirements that each agreement entails.

Development Management Forum

21. The Development Management Forum allows the local community to contribute to shaping development proposals and aims to ensure input from local residents on large or difficult proposals for development. Comments received through the Development Management Forum are made available to the Quality Review Panel ahead of their own review of the scheme.
22. Forum meetings occur mostly at the pre-application stage and occasionally once the application has been made but before the Committee meeting. They do not remove the opportunity for objectors, supporters and applicants to submit representations once an application is submitted or address the Committee when an application is to be determined.
23. A short briefing note setting out how the Development Management Forum will operate and what circumstances development proposals will be subject to discussions is included at Appendix 5.

Quality Review Panel

24. Quality Review Panels ('QRP') were established in April 2018 for both EFDC and the Harlow and Gilston Garden Town. The panels comprise 18 built environment professionals who provide independent advice to support the delivery of high quality developments. They are independent and managed by Frame Projects. The Terms of Reference for the EFDC Quality Review Panel are available as Appendix 6.
25. It is the Council's expectation that schemes comprising 50 or more residential units or 5,000 sqm of commercial/other floorspace to be considered by the QRP. Smaller schemes that are complex, contentious or locally significant may also be deemed appropriate for review. Reports from the Quality Review Panel will be appended to applications when reported to the relevant Committee and will be a material planning consideration.

Approach and proposed governance arrangements for documentation associated with the Harlow and Gilston Garden Town

26. Members should note that a review of governance arrangements is being undertaken by Harlow and East Herts Councils for their own administrative areas. This is seen as an essential step in supporting the delivery of the Garden Town and is currently being overseen by the Garden Town delivery workstream. The proposed approach for this authority for the endorsement of documents is appended to this report (Appendix 2).
27. Given the Garden Town's cross boundary nature, it will be important to ensure that endorsement and adoption processes both align and are streamlined as far as possible. There will be a number of policy documents produced for the Garden Town

which will need to be endorsed by the three Districts in order that they can be used as material planning considerations and thus have equal weight and standing across each local authority area. The first of these will be the Spatial Vision and Design Charter, which is due to go to the Garden Town Board on 12 November 2018.

28. At the site specific level, aligning a consistent approach across each local authority area is particularly important. From an EFDC perspective this is vital to shape the delivery of the East of Harlow site, where a single masterplan will straddle both Harlow and EFDC's administrative boundary. A report considering the approach to the determination of planning applications on the East of Harlow site was taken to the Garden Town Member Board on 18 June 2018 (see Appendix 3), and concluded that it would be preferable for two separate (but otherwise identical) planning applications to be submitted to each respective local authority. It is therefore important that the Strategic Masterplan is given equal status and weight in each authority area to enable planning decisions to be made that are consistent.
29. It should be noted that for applications within the EFDC administrative area, due to their size and scale they would be determined by the EFDC DDMC. However, whilst EFDC would only be considering applications within its own administrative area, it would still need to take account of the impact on adjoining districts.

Resource Implications:

The successful delivery of the Garden Town and several other Strategic sites within the EFDC district require a significant commitment of EFDC Officer time. It has previously been agreed that the Council will utilise PPAs to enable cost recovery for this resource commitment. The Council has already agreed that this will also provide funding towards the dedicated Implementation Team.

Whilst the approval of the recommendations contained within this report will not give rise to additional resource implications, it should be noted that failure to approve the report recommendations could deter promoters from entering into PPAs and thus jeopardise the Implementation Team's ability to recover its costs.

Legal and Governance Implications:

The Local Plan, together with the emerging Strategic Masterplans and Concept Frameworks, has been developed in accordance with Government Policy (NPPF) and Planning Law. Planning Performance Agreements will be required to be developed between the Council and promoters. These will be contractually binding.

Safer, Cleaner, and Greener Implications:

The Local Plan contains a policy designed to promote the notion of making good places to live, work and visit. This will include safer by design principles, sustainable development, the provision of alternatives to the car, energy efficiency and environmental considerations as well as sustainable drainage systems and quality green infrastructure. Strategic

Masterplans and Concept Frameworks will be the mechanism for these place-making measures to be delivered in identified Masterplan Areas.

Consultation Undertaken:

The Local Plan has been developed in partnership with other Local Authorities under the Duty to Co-operate, Local Stakeholders and in consultation with residents.

Background Papers:

- C-001-2017/18: Epping Forest District Local Plan – Implementation, 15 June 2017
- C-036-2017/18: Resourcing The Delivery of the Local Plan, 7 December 2017

Risk Management:

If the Council was not to take a pro-active stance on the delivery of Masterplans and major applications arising from the Local Plan, there is a real risk of being found unsound at Examination and/or development occurring of a type that does not extract maximum value for the provision of social infrastructure and poor quality development may occur.

Section 1: Identifying details

Your function, service area and team: Planning Policy, Neighbourhoods

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: Governance arrangements for Local Plan Implementation

Officer completing the EqIA: Tel: Alison Blom-Cooper Email: ablomcooper@eppingforestdc.gov.uk

Date of completing the assessment: 11 September 2018

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? Yes – new policy
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p><i>The main aims of the report are to agree and endorse a number of protocols regarding the implementation of the Local Plan. These arrangements are necessary in order to implement processes that have already been agreed by Cabinet.</i></p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <p><i>To agree the necessary processes to implement the Local Plan</i></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><i>Endorsement of the Strategic Masterplanning Briefing Note (Appendix 4) provides guidance on the minimum standards of consultation that the Council will expect to see undertaken through the Strategic Masterplans. This will assist in ensuring that the community will have a say in how these Masterplans will be shaped.</i></p> <p><i>Will the policy or decision influence how organisations operate?</i></p> <p><i>The decisions will provide the necessary authority to the Service Director (or any authorised officer) to sign and</i></p>

	<i>behalf of the District Council .</i>
2.4	<p>Will the policy or decision involve substantial changes in resources?</p> <p><i>No – The Council has already committed at 7 December 2017 Cabinet Meeting to the creation of an Implementation Team. Agreement of these processes will enable the Implementation Team to undertake their roles and responsibilities more effectively and efficiently.</i></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><i>The decision supports the implementation of policies within the Council's Local Plan, the adoption of which is a key corporate priority as set out in the Council Plan</i></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><i>Throughout the production of the Local Plan, a significant body of evidence has been amassed which considers the population likely to be affected by the implementation of the recommendations in the Governance report.</i></p> <p><i>The decisions requested will inform the delivery and implementation of the Local Plan. Throughout the production of the Local Plan, no actual or likely adverse impacts have come to light, just needs based assessments guiding the Planning Policy team to ensure that demands of the people working, living and visiting the district are met over the Plan period to 2033. The Local Plan must plan positively for future needs around housing and employment and is required to meet the needs that have been identified in the evidence base, including the consultations. Given that the focus of this report relates to the measures necessary to implement the Local Plan, which has itself been subject to detailed EqlA, it is not considered that the recommendations within this report will give rise to actual or likely adverse impacts to groups identified as potentially being affected.</i></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><i>Yes – through the Council’s Local Plan process.</i></p> <p><i>As set out in the Epping Forest District Local Plan – Implementation Report to Cabinet (15 June 2017) and the Resourcing The Delivery of the Local Plan Report to Cabinet (7 December 2017) an informal consultation with site promoters regarding the nature and arrangements of the Masterplanning process was held in early summer 2017. This has been supplemented by a number of discussions have been held with site promoters through the Masterplan process, who have also provided input.</i></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><i>As above and section 3.1</i></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	None	N/A
Disability	None	N/A
Gender	None	N/A
Gender reassignment	None	N/A
Marriage/civil partnership	None	N/A
Pregnancy/maternity	None	N/A
Race	None	N/A
Religion/belief	None	N/A
Sexual orientation	None	N/A

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 checked="" 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.

No actual or likely adverse impacts have come to light.

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.

Section 7: Sign off

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

Signature of Head of Service: Alison Blom-Cooper

Date: 11 September 2018

Signature of person completing the EqIA:

Date: 11 September 2018

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.

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APPENDIX 1: MASTERPLANNING/CONCEPT FRAMEWORK UPDATE

Garden Town Masterplan Areas	
Latton Priory Masterplan Area	<ul style="list-style-type: none"> • PPA agreed and signed by EFDC, HDC and ECC. • Series of masterplanning meetings have been agreed, and the initial meetings have commenced – 1 October session will be on school provision with ECC. • A community/member engagement programme is being prepared. • Quality Review Panel on 11 October 2018 to consider emerging options
Water Lane Masterplan Area	<ul style="list-style-type: none"> • West Sumners site has signed PPA. • Next step is to set out a programme of topic based meetings • West Katherines have provided comments on PPA . • Forward programme of meetings to be arranged
East of Harlow Masterplan Area	<ul style="list-style-type: none"> • Discussions ongoing re PPA • Preferred option for location of Princess Alexandra Hospital likely to be agreed in October 2018
Other Masterplanning Areas	
North Weald Bassett Masterplan Area	<ul style="list-style-type: none"> • 2 initial masterplanning meetings have been held; • Site walkover with promoters and officers (August 2018); • Meeting with Parish Council and site promoters programmed for 19 September; further meeting likely to be late Sept • PPA still to be signed but pre-application charges have been agreed for initial meetings
North Weald Airfield	<ul style="list-style-type: none"> • Not yet started – programmed for 2019

APPENDIX 1: MASTERPLANNING/CONCEPT FRAMEWORK UPDATE

South Epping Masterplan Area	<ul style="list-style-type: none"> • 2 masterplanning meetings held to agree process going forward. • A PPA has been prepared, but not yet signed. • Engagement has been had with all landowners and Epping Town Council. • Timetable of topic based meetings has been agreed • Meeting on 25 September 2018 to discuss proposed engagement strategy
Waltham Abbey Masterplan Area	<ul style="list-style-type: none"> • Meeting held with promoters end of June. A PPA is under discussion.
Limes Farm Masterplan Area	<ul style="list-style-type: none"> • Not yet required
Jessel Green Masterplan Area	<ul style="list-style-type: none"> • Not yet required
Concept Framework Plans	
West Ongar Concept Framework	<ul style="list-style-type: none"> • Draft PPA issued
South Nazeing Concept Framework	<ul style="list-style-type: none"> • Discussions ongoing with landowners, PPA has been issued

Organisation / body		Garden Town Documentation										Masterplan Documentation					
		Transport Strategy	Spatial Vision	Design Charter	Sustainable Transport Corridor Study	Delivery Model Report	Consultation & Engagement Framework and Programme	Housing Plan	Epping Forest SAC Mitigation Strategy	Economic Development Plan	Stewardship Arrangements	Water Lane Area Strategic Masterplan - Draft for Consultation	Water Lane Area Strategic Masterplan - Final Document	Latton Priors Strategic Masterplan - Draft for Consultation	Latton Priors Strategic Masterplan - Final Document	East Harlow Strategic Masterplan - Draft for Consultation	East Harlow Strategic Masterplan - Final Document
Cooperation for Sustainable Development	Cooperation for Sustainable Development Officer Group	x	x	x	x	x	x	✓	✓	✓	x	x	x	x	x	x	
	Cooperation for Sustainable Development Member Board	x	x	x	x	x	x	✓	✓	✓	x	x	x	x	x	x	
Harlow and Gilston Garden Town	Garden Town Officer Group	✓	✓	✓	✓	✓	✓	✓	x	✓	✓	✓	✓	✓	✓	✓	
	Garden Town Board	✓	✓	✓	✓	✓	✓	✓	x	✓	✓	✓	✓	✓	✓	✓	
District Council	Epping Forest District Council (Local Plan Cabinet Committee)	x	x	x	x	x	x	x	✓	x	x	✓	x	✓	x	✓	
	Epping Forest District Council (Cabinet)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	x	✓	x	✓	✓	

NB. Documentation to be endorsed by Cooperation for Sustainable Development Board and / or Harlow and Gilston Garden Town Board (as indicated) prior to endorsement by the District

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Harlow and Gilston Garden Town Member Board

Approach to Cross-Boundary Planning Applications at East of Harlow

18 June 2018

1 Background:

Located within the Harlow and Gilston Garden Town, the East of Harlow site spans both the administrative areas of Harlow Council and Epping Forest District Council. Land located within the Harlow Council administrative area comprises the authority's only strategic site.

National guidance cautions against determining cross-boundary applications without joint working as it does not promote a coordinated approach to development management. Such an approach could risk inconsistency between the permissions granted by each LPA. It is therefore the purpose of this paper to consider the various determination options for cross-boundary applications, and to establish a mechanism for the East of Harlow site. This will play a key role in mitigating risk by ensuring a joined up approach is taken between Harlow Council and Epping Forest District Council. To this end, a brief is currently being prepared to procure external support to provide advice on ensuring that S106 negotiations undertaken by the developer and each respective local authority are coordinated.

2 Potential Options

The options set out below have been provided by Homes England and are based on strategic scale, cross boundary planning applications elsewhere in the country.

- **Option One:** Applicant submits two distinct planning applications to each LPA. Each application seeks consent for the development proposed within each LPA's administrative area.
- **Option Two:** One over-arching proposal is prepared within two identical applications submitted to each LPA. The LPAs then determine the part of the proposal relating to the land within their respective administrative boundaries.
- **Option Three:** Development Management functions are delegated to the LPA with the largest site area within their administrative boundary.
- **Option Four:** Joint Development Management Committee. As a further alternative, two or more authorities could decide to exercise functions jointly such as via a joint Development Management Committee.

3 The Preferred Option

Having discussed the various options set out above with representatives from Harlow Council at the April 2018 Garden Town Delivery Workstream meeting, colleagues from both Epping Forest District Council and Harlow Council stated a preference for Option Two. Broadly, the justification for pursuing this approach is:

- Whilst Option One is lawful it is not necessarily consistent with the paragraph 178 of the NPPF, or Paragraph 011 Reference ID: 14-011-20140306 of the Planning Practice Guidance, which states that for cross-border applications between LPAs identical applications should be submitted, one to each LPA, seeking planning permission for the development of land falling within each LPA's administrative area and identifying the relevant area on a site plan (as with Option 2).
- Local decision making: delegating decision making to a neighbouring authority may not be considered locally acceptable, and given the complexity of the site, Members may wish to exercise control in decision making.
- Establishing a Joint Development Management Committee would provide considerable consistency in decision making, however this may be challenging within the relatively limited time available before planning applications are submitted. There may also be some resource implications. There may be a role for such a committee in the future subject to ongoing work being undertaken through the Governance workstream.

In order to implement this approach, the following key considerations should be taken into account:

- The LPA which has the larger application boundary would receive the planning fee so the LPAs will need to consider how the fee will be allocated between Councils to reflect resources required and costs incurred.
- Both authorities should jointly prepare reports/material that can be used by both LPAs
- Both LPAs should seek to undertake joint meetings with the promoters to avoid duplication and assist in resolving potential conflicts.
- Both LPAs should seek to ensure that the conditions are common to both consents where possible to aid the developer through the discharge process.

4 Proposed arrangements

Recommendations:

It is recommended that the Garden Town Board notes and endorses the following approach:

- One over-arching proposal is prepared by the applicant for the East of Harlow site with two identical applications submitted to each local planning authority. The local planning authorities then determine the part of the proposal relating to the land within their respective administrative boundaries.

David Coleman, Garden Town Delivery Workstream Lead

Strategic Masterplanning Briefing Note

August 2018

This Briefing Note is in 'draft' format and subject to formal endorsement prior to publication.

1. Introduction

- 1.1 The purpose of this note is to provide guidance on the processes and minimum requirements that Strategic Masterplans must undertake. A separate note has been produced which provides guidance for Concept Frameworks. The guidance note covers the Masterplan Areas identified within the Epping Forest District Local Plan, including relevant sites within the Harlow and Gilston Garden Town. The note therefore applies to sites which will be subject to a Strategic Masterplan which includes land in both Epping Forest District and Harlow District. The guidance note is not intended to apply to development planned at Gilston which is located in East Herts District.
- 1.2 This note consolidates the guidance as set out in the Local Plan, Planning Performance Agreements and other key documents into a single note in order to ensure consistency in the overall approach for each Strategic Masterplan. It also supplements and updates guidance provided on the Strategic Masterplan Process in [May 2017](#) and January 2018 (see Appendix 1). The briefing note is not intended to be prescriptive, and where Planning Performance Agreements are in place, these should also be referred to.
- 1.3 In order to ensure that a comprehensive approach is taken to the planning and delivery of Strategic Masterplan Areas and associated infrastructure across the District (and where appropriate the Harlow and Gilston Garden Town), development proposals will be required to be in accordance with Policy SP 3 ('Place Shaping'), and where relevant SP 4 ('Development and Delivery of Garden Communities in the Harlow and Gilston Garden Town') and SP 5 ('Garden Town Communities') of the Local Plan Submission Version 2017 (LPSV).
- 1.4 Where the Masterplan Area comprises more than one allocation site, the Strategic Masterplan should be undertaken jointly between all promoters of the site allocations with oversight by EFDC (and where applicable Harlow District Council and the Harlow and Gilston Garden Town team).
- 1.5 The Strategic Masterplan shall be produced in accordance with the site specific requirements set out in Appendix 6 of the LPSV 2017 along with all other relevant Local Plan policies. Site areas located within Harlow District must be in accordance with policy requirements in the emerging Harlow Local Development Plan.

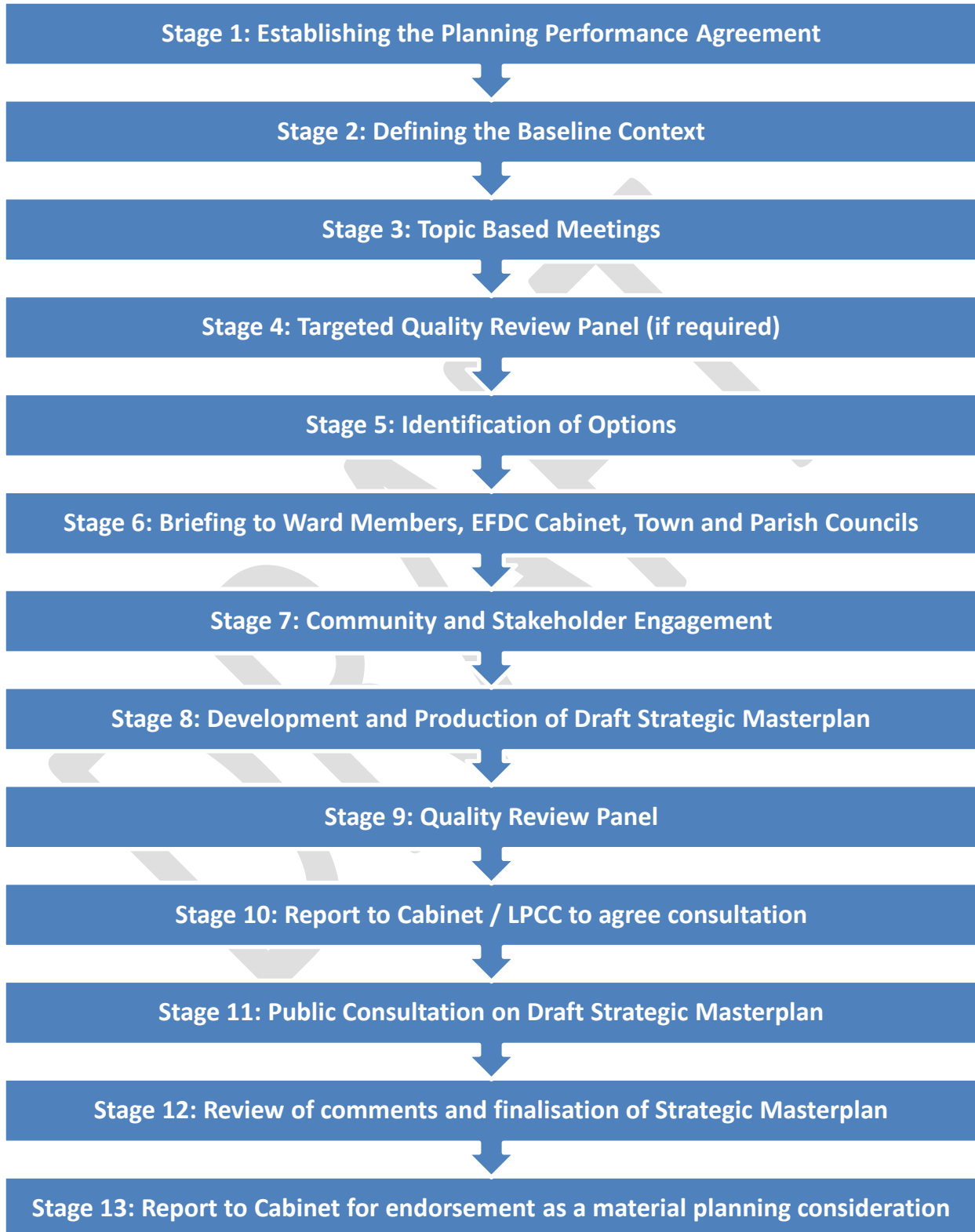
1.6 Where the Masterplan Area extends beyond Epping Forest District into Harlow, a joint approach will be taken with Harlow Council to ensure that the Masterplanning process will be coordinated, and to reduce the potential for duplication.

1.7 The Strategic Masterplanning process seeks to achieve the following outcomes:

- establish a Development Framework/Outline Scoping for the site;
- set out the broad distribution of different types of development across the site;
- provide a high level overarching framework to ensure that planning and delivery of development and infrastructure is properly coordinated, distributed and timed across the Masterplan area;
- ensure that the development is ‘front-loaded’ and where possible accelerated, so that key planning issues are considered and where possible resolved jointly by all relevant parties prior to the submission of planning applications;
- provide the spatial vision and development objectives for the area at the outset, complementing the Local Plan allocations/spatial strategy and vision;
- incorporate appropriate effective engagement and consultation with stakeholders and the local community, including town and parish councils, in order to build a sense of community ownership and inform the progress of the preparation of the Strategic Masterplan;
- incorporate appropriate and effective engagement with elected Members, including through regular update reporting to the Local Plan Cabinet Committee;
- be informed through review by the Quality Review Panel;
- set out the rationale and structure for the Site’s planning and delivery as a comprehensive development;
- incorporate placemaking principles and guidance for individual phases of development; and
- enable the Council to endorse the Masterplan as a material planning consideration and reflect the relevant requirements so that it can be adopted in future as a Supplementary Planning Document if required.

2. Stages in Strategic Masterplan Process

2.1 The key stages in the Masterplanning process are as follows:



- 2.2 The Key stages in the Masterplanning process summarised above are based upon the Strategic Masterplan milestones and indicative Project Plan stages as set out in the PPA templates issued to developers. The stages provide further detail on the timing of community and stakeholder engagement as well as the Council's approach to Member consultation and Cabinet/Committee reporting and endorsement.
- 2.3 The above stages will not always be sequential. For instance, it is likely that topic based meetings will continue beyond stage 3, and equally community and stakeholder engagement should be ongoing through the Strategic Masterplan process. However, the diagram provides a visual illustration of the various stages which will be followed in order to arrive at a final endorsed Strategic Masterplan. The following section provides further clarity and guidance on each of the stages presented above.

Stage 1: Establishing the Planning Performance Agreement

- 2.4 EFDC will work with site promoters to scope and agree the broad level of support each Strategic Masterplan requires. The Agreement will identify named officers to lead the delivery of each workstream. Time for input from Harlow Council / Essex County Council will be incorporated as required.

Stage 2: Defining the Baseline Context

- 2.5 At Stage 2 the Strategic Masterplan will need to undertake a full baselining exercise to consider site specific context. This should include as a minimum the identification of site constraints, local character, movement and policy considerations. From this a series of opportunities should be identified.

Stage 3: Topic Based Meetings

- 2.6 At Stage 3 EFDC and site promoters will have agreed through contextual analysis the specific issues that the Masterplan will need to address. Stage 3 will therefore focus upon the identification of the forward support that EFDC, Essex County Council and Harlow Council (as appropriate) will need to provide. This will culminate in agreeing a forward programme of topic based meetings. The output of each meeting will be documented and will shape the emerging Strategic Masterplan.
- 2.7 As a guide, it is envisaged that meetings may be required to cover the following topics to inform the production of Strategic Masterplans (in addition to outline planning applications where possible). The following topics are not listed sequentially - for example it is anticipated that '10 - Infrastructure Delivery' will be a key consideration throughout the Masterplanning process to ensure the delivery of infrastructure to support the planned level of housing and employment is considered on an ongoing basis from the outset:

1. Constraints and Opportunities

- Review of baseline information / evidence
- Scoping of additional evidence where required. Eg:
 - Ecological surveys
 - Topographic surveys
 - Flood modelling
 - Transport surveys
 - Contamination risk assessment (high level)
 - Heritage and archaeology assessment
 - Housing need

2. Landscape, levels strategy and SuDS – High Level

- Flooding
- Drainage
- Landscape sensitivity
- Views

3. Natural Environment

- Green and Blue Infrastructure
- Ecology
- SANGs where applicable

4. Transport and Movement – key principles and access

- Highways impacts
- Parking standards

5. Stakeholder and Community Engagement

- Agree a strategy and programme

6. Social Infrastructure

- Education
- Health
- Local Centre

7. Housing Needs

- Specialist housing need – older people, accessible homes
- Affordable Housing
- Community Led Housing
- Self-build and Custom-build

8. Physical Infrastructure

- Utilities
- Public Transport
- Highways
- Active Transport – cycling / PROWs / Bridleways
- Playing Pitches and Sports Facilities

9. Urban Design

- Land Uses
- Density and character
- Key spaces and routes – public realm and street scape

- Views
- Development parameters
- Precedent Case Studies

10. Infrastructure Delivery

- Phasing
- Viability
- Apportionment

NB. Green relates to meetings agreeing process / principles

Turquoise is for meetings relating to establishing spatial principles

2.8 The above list is intended to provide an indicative sequence and priority order starting point for discussion. It is not intended to be prescriptive. The actual sequencing and content of topic based meetings will vary, taking into account site specific circumstances.

2.9 Wherever possible, topic based meetings should be programmed and sequenced to enable wider joint consideration of cross-cutting issues with other Strategic Masterplan processes. This will reduce the potential for duplication, ensuring the cross-cutting issues are considered effectively and comprehensively across wider areas. This will be particularly important for issues of infrastructure planning and delivery across the Garden Town.

Stage 4: Targeted Quality Review Panel

2.10 Depending upon the complexity and nature of the Spatial Masterplan being produced, it may be prudent for the site promoter and / or Council(s) to utilise the Quality Review Panel (QRP) at an early stage to explore issues which will be fundamental to the Strategic Masterplan. For instance, the QRP may be utilised to review options for providing access into the site, or options for the locations of key infrastructure within the site. Depending upon the nature of the issue to be explored, it may be beneficial for the Council(s) to seek the views of the QRP directly. For instance, where there is a potential conflict between what is desirable in transport planning and land-use planning / urban design terms.

Stage 5: Identification of Options

2.11 As part of the early stages of Strategic Masterplan production it is anticipated that options will be developed. These options will be informed by the early contextual / baseline work undertaken, topic based meetings and potentially QRP. Following review, the initial set of options may then be consolidated in consultation with Council Officers in preparation for Community and Stakeholder Engagement. Options produced should all be in compliance with emerging Local Plans, and should be presented in a clear and accessible format.

Stage 6: Briefing to Ward Members, EFDC Cabinet, Town and Parish Councils

2.12 It is anticipated that the site promoter(s), together the relevant Council Officers, would provide a briefing to relevant ward Members, the Cabinet and relevant Parish and Town Councils. The briefing would provide an overview of work undertaken to date by the site promoter(s), and outline the options that have been identified for further community and

stakeholder engagement. Attendance at the briefing should be by invitation only. The briefings are not intended to be open to attendance by members of the public.

- 2.13 It may be beneficial to hold separate briefings for different audiences at this stage. It would be advisable to extend the invitation to attend the briefing to all relevant Town and Parish Councils, including those neighbouring or adjacent to the Masterplan Area. Suitable venues and times for the briefing(s) should be discussed and agreed with the Implementation Team Manager, Democratic Services Manager and Planning and Governance Portfolio Holder in advance.
- 2.14 For sites within the Harlow and Gilston Garden Town, the nature and timings for briefings required to the Harlow and Gilston Garden Town Board and Harlow District Councillors should be considered and agreed at the earliest possible opportunity. Opportunities to hold joint briefings for relevant Councillors and stakeholders representing Epping Forest District and Harlow District should be pursued wherever possible.
- 2.15 In addition to briefings held at Stage 6, regular progress reports will also be provided to the Local Plan Cabinet Committee. The reports will be produced by the Implementation Manager, in consultation with relevant Masterplan lead officers.

Stage 7: Community and Stakeholder Engagement

- 2.16 Community and stakeholder engagement must be planned in accordance with the adopted [Statement of Community Involvement](#). In addition, for sites within the Harlow and Gilston Garden Town, community and stakeholder engagement must be planned in accordance with the [Harlow Council Statement of Community Involvement](#), and the emerging Harlow and Gilston Garden Town Stakeholder Engagement Strategy.

- 2.17 Key principles for all engagement activities include:

- Any consultation and engagement events will be advertised widely to ensure they reach their target audience;
- Any communication or engagement activity will be easily accessible to the community, both through how it's shared and in the way it is written. At each stage it will be made clear whether there is an opportunity to provide comments/feedback and how these comments will be used or responded to;
- Should engagement be face to face, it will take place within close proximity of the community/stakeholders, such as in a village hall or community centre;
- Timing will to be considered to ensure information is supplied with enough notice; and
- Communication and engagement will be co-ordinated across the Council(s) and with developers in advance of making arrangements to ensure this can be delivered effectively and does not compete with other planned engagement on the Garden Town or Strategic Masterplanning / Concept Framework areas.
- The scope, nature and location of consultation and engagement events (including consultation and engagement materials) must be agreed in advance by the Council(s).

- 2.18 The Council will assist promoters in undertaking a stakeholder mapping exercise. This will ensure that full consideration is given to identifying all stakeholders who should be

consulted through the masterplanning process. Target groups will include relevant Town and Parish Councils, community groups, resident associations, statutory consultees, youth groups, local business and commerce representatives and hard to reach groups.

- 2.19 It is expected that at least one public engagement event, and one formal stakeholder engagement event should be undertaken to inform the production of each Strategic Masterplan.
- 2.20 The public engagement event may take the form of an exhibition in a local community hall or other accessible and appropriate venue. A key benefit of an exhibition is that they are able to reach large numbers of people if well- advertised and they can facilitate face to face feedback of information. In addition they can be particularly useful for targeting those who might have difficulties in responding to other approaches, (e.g. a mobile road show could enable those with mobility difficulties to attend). For these reasons the Council will require promoters to undertake at least one formal exhibition. Exhibitions will be jointly branded as EFDC/Promoter and could be either mobile or stationary. This will assist in creating community buy-in. The Council will make staff available to attend events where necessary. The site promoter(s) will be responsible for producing materials required for the exhibition, such as banners or boards. The use of feedback forms should be encouraged where appropriate. The promoter(s) will also be responsible for collating and analysing any feedback received through the public engagement. The Council(s) will be responsible for the cost of venue hire.
- 2.21 Care must be taken to ensure that the scope and purpose of public engagement is clearly articulated in order to avoid confusion or 'consultation fatigue' within the local community. The Public Relations Manager should be consulted from the outset, and a Press Release will be prepared and agreed in order to publicise the event appropriately, together with any other measures deemed necessary. The site promoter(s) and Council(s) must give consideration as to how the public engagement event is to be managed to ensure that feedback received will be as productive as possible, whilst ensuring that resources are utilised as effectively as possible, and that health and safety measures are appropriately planned for. Depending upon the level of interest, it may be prudent to ensure that attendees are required to register their attendance.
- 2.22 Promoters will be expected to undertake at least one targeted stakeholder workshop with key target groups (that will as a minimum comprise the Parish and Town Council). The workshop will be used to seek feedback on options presented for the Strategic Masterplan, and to inform the production and development of the Strategic Masterplan itself. Findings from the workshop will be written up by the site promoter(s) and agreed with the Council(s). This will then be used as a key piece of evidence moving forward towards Masterplan preparation. Where a Masterplan Area extends beyond Epping Forest District into Harlow District, the requirement for separate consultation arrangements will need to be considered and agreed as appropriate.
- 2.23 The Council will welcome alternative innovative methods of consultation in addition to those set out above. This may include the utilisation of Higher Education researchers to undertake bespoke elements of community engagement, focussing on a particular topic area. Where a

new innovative method is being proposed, this should be agreed with the Council in advance.

Stage 8: Development and Production of Draft Strategic Masterplan

2.24 Following Community and Stakeholder Engagement, the promoter(s) will develop and produce the Draft Strategic Masterplan document. This will require analysis and consideration of the findings from engagement, as well as further ongoing discussions with Council Officers.

2.25 A number of plans shall be prepared as part of the Strategic Masterplanning process and shall include but not be limited to:

Context Plans	Parameter Plans ¹
<ul style="list-style-type: none"> - Site constraints and opportunities - Contextual analysis - Vision and development objectives - Key strategic design principles (informed by QRP input as appropriate) - Development concept plans(s) - Character areas plan 	<ul style="list-style-type: none"> - Land use plan - Movement plan (including main access points, road hierarchy and non-vehicular routes) - Indicative phasing plan - Landscape and ecology framework - Green infrastructure plan - Drainage plan - Development and infrastructure phasing and delivery plan - Overall indicative strategic masterplan

2.26 Site promoters should work collaboratively to produce a Masterplan that broadly accords with the structure set out below. Whilst this is not prescriptive, the Council will expect to see the each of the following stages addressed within the completed document as a minimum.

Indicative Content Structure

- I. **Introduction** – Overview / purpose and status of the document / scope of document / collaborative working / planning policy context / local plan site selection justification
- II. **Vision** – The vision for the Site / key objectives
- III. **The masterplan site(s)** – The site’s and context description / designations / flood risk / topography / landscape / transport and access / responding to the constraints / utilities / land ownership
- IV. **Consultation and engagement** – a summary of the engagement and consultation that has helped to shape the Strategic Masterplan
- V. **Movement and access** – Self-contained and walkable neighbourhoods / main access arrangements / pedestrian and cycle routes / PROWs / street hierarchy / car parking / public transport
- VI. **Landscape strategy** – Landscape and biodiversity strategy / proposed planting areas / sensitive edges / public open spaces / lighting strategy (if necessary for ecology) / play strategy / drainage strategy and biodiversity enhancement / Mitigation of impact upon Epping Forest
- VII. **Framework masterplan** – Framework Masterplan / land use
- VIII. **Urban form** – Urban form principles / character areas / building heights / block structure /

¹ where appropriate will form part of a subsequent planning application)

- IX. **Infrastructure delivery** – including infrastructure phasing plan
- X. **Application** – Application check list

Stage 9: Quality Review Panel

- 2.27 A Quality Review Panel (QRP) for EFDC and for the Garden Town has been established and is managed by Frame Projects. The QRP is a multi-disciplinary panel of 18 Members and is chaired by Peter Maxwell, Director of Design at the London Legacy Development Corporation. Up to 5 members are drawn from the Panel for each review, with panel members selected in accordance with the issues raised by the scheme.
- 2.28 The Principles of Design Review are: independent; expert; multidisciplinary; accountable; transparent; proportionate; timely; advisory; objective; and accessible.
- 2.29 All Strategic Masterplans are expected to be subject to formal review by the panel on at least one occasion, and where appropriate a subsequent Chair’s review. Developers may wish to utilise surgery reviews to consider specific issues in more detail.
- 2.30 In advance of reviews Frame will make available:
- an agenda providing briefing on scheme(s)
 - potential conflicts of interest identified
- 2.31 The full review will comprise:
- site visit;
 - briefing by planning officers on planning context;
 - client introduction;
 - design team presentation and questions; and
 - discussion and summing up by chair.
- 2.32 After the review a report will be drafted by Frame Projects and approved by chair.

Formal Review	Chair’s review	Surgery review
Formal Review: Chair + four panel members <ul style="list-style-type: none"> - For major development proposals, one or more ‘formal review’ meeting is likely to be needed at a pre-application stage. - First Formal Review - £5,500 + VAT per scheme - Second formal review - £4,000 + VAT per scheme 	Chair + one panel member <ul style="list-style-type: none"> - This type of review could be suitable for assessing planning application schemes which have already been to a formal review at pre-application stage, depending on the issues to be addressed - £2,500 + VAT per scheme 	Chair + one panel member <ul style="list-style-type: none"> - This type of review might be used for the discharge of planning conditions, where required - £1,300 + VAT per scheme

- 2.33 Further information is available at the links below:

- EFDC Districtwide QRP: http://www.efdclocalplan.org/wp-content/uploads/2018/04/Epping-Forest-District-QRP_Terms-of-Reference.pdf
- Harlow & Gilston Garden Town QRP: http://www.efdclocalplan.org/wp-content/uploads/2018/04/Harlow-and-Gilston-Garden-Town-QRP_Terms-of-Reference.pdf

Stage 10: Report to Cabinet / LPCC to agree consultation

- 2.34 Following the QRP amendments will be made to reflect feedback received, before the Draft Strategic Masterplan is finalised. Once finalised, the Draft Strategic Masterplan will be considered by the Local Plan Cabinet Committee and / or Cabinet as appropriate for agreement that the public consultation can commence. Draft consultation materials should also be provided for agreement at this stage. For Strategic Masterplans within the Harlow and Gilston Garden Town, the Draft Strategic Masterplans and consultation materials will also need to be agreed by Harlow District Councils Cabinet and the Harlow and Gilston Garden Town Board as appropriate.

Stage 11: Public Consultation on Draft Strategic Masterplan

- 2.35 Following agreement by the respective Council(s), the draft Strategic Masterplan will be published for public consultation in accordance with relevant Statement(s) of Community Involvement and Regulations. It is anticipated that public consultation should last for a minimum of six weeks, and incorporate a variety of methods to maximise participation and feedback. As a minimum copies of documentation should be made available at the reception of respective Council(s), on Council(s) website(s), in local libraries, and at local Parish / Town Council offices. The use of a static and / or staffed exhibition will be encouraged.
- 2.36 The site promoter(s) will be responsible for designing and printing materials required for the public consultation, such as leaflets, banners or boards. The use of feedback forms should be encouraged where appropriate. The Council(s) will be responsible for collating and analysing any feedback received through consultation. All consultation materials should be approved and signed off by Officers from respective Council(s) (and where necessary the Harlow and Gilston Garden Town team) as required prior to the commencement of public consultation. It is important that sufficient time is incorporated into the programme to enable this.
- 2.37 Care must be taken to ensure that the scope and purpose of public engagement is clearly articulated in order to avoid confusion or 'consultation fatigue' within the local community. The Public Relations Manager should be consulted from the outset, and a Press Release will be prepared and agreed in order to publicise the event appropriately, together with any other measures deemed necessary. The site promoter(s) and Council(s) must give consideration as to how the public engagement event is to be managed to ensure that feedback received will be as productive as possible, whilst ensuring that resources are utilised as effectively as possible, and that health and safety measures are appropriately planned for.

- 2.38 It is the intention of the Councils that the Strategic Masterplans will be formally endorsed to become a material planning consideration in the consideration of pre-application proposals and the determination of subsequent Planning Applications. The Council(s) may also choose to adopt the Masterplans as a Supplementary Planning Document ('SPD') at a future point in time. To that effect, the Council require the Strategic Masterplan to be prepared in a form and manner that will allow future adoption as a SPD (ref: para 2.96, LPSV 2017).

DRAFT

Requirements for Supplementary Planning Documents

Supplementary Planning Documents (SPDs) can be prepared to build upon and provide more detailed advice or guidance on the policies within the Local Plan. The National Planning Policy Framework (NPPF) states:

“Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development” (paragraph 153 of 2018 NPPF).

LPSV policies have already been subject to Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA). There is no legal requirement for Supplementary Planning Documents to be accompanied by Sustainability Appraisal, and this is reinforced in Planning Practice Guidance (PPG ref: 11-008-20140306). However, “in exceptional circumstances” there may be a requirement for SPDs to undertake Strategic Environmental Assessment “where it is felt they may have a likely significant effect on the environment that has not been assessed within the SEA/SA of the Local Plan”.

If the Council is to adopt the Masterplans as SPD public consultation will therefore be required under Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 before the Masterplan can be formally adopted.

Notwithstanding the statutory requirements for SPD consultation being not less than four weeks, as set out in Regulation 13 – the Council has set out a requirement for Masterplan SPD consultation period of 6 weeks.

Stage 12: Review of comments and finalisation of Strategic Masterplan

- 2.39 Following conclusion of the public consultation, the site promoter(s) will consider all responses received and agree with the Council(s) where amendments are required to the Strategic Masterplan.
- 2.40 On completion of the amendments, the final Strategic Masterplan will then be submitted to the Council(s) for formal endorsement.

Stage 13: Report to Cabinet for endorsement as material planning consideration

- 2.41 On receipt of the final Strategic Masterplan, the Implementation Manager will prepare a report to the Local Plan Cabinet Committee and / or Cabinet to seek formal endorsement of the Strategic Masterplan as a material planning consideration. For Strategic Masterplans within the Garden Town, endorsement should be sought from the Harlow and Gilston Garden Town Board prior to EFDC / Harlow Cabinet.
- 2.42 Briefings for Ward Members, Cabinet, Town and Parish Councils should be considered in consultation with the Implementation Manager, Garden Town Director and relevant Planning and Governance Portfolio Holder(s) as required.

Branding and Corporate Guidelines for Consultation and SPD Production

It is expected that Strategic Masterplans will adhere to corporate branding and design guidelines. Documents should be formatted to be landscape in layout, with text font size 12 and should avoid the use of ornate serif fonts. Underlining should be avoided as this can be confused for hyperlinks. Emboldened text should instead be used for emphasis. In all cases it should be ensured that there is a clear contrast between the page background colour and the text colour. EFDC will provide a front cover template for each masterplan (for sites in the Harlow and Gilston Garden Town the Garden Town team will provide the cover template). This will ensure that upon completion, each masterplan is consistent. Consultant's Quality Assurance verification sheets should not be included within the final document.

As a minimum it will be expected that the Epping Forest District Council logo (and where appropriate the logos for Harlow District Council and the Harlow and Gilston Garden Town) is included at appropriate locations throughout the documents. It is expected that this will appear on the front and rear covers, however there may be opportunities for appropriate usage at other locations within the masterplan document.

The Strategic Masterplan should feature a location plan early within the document, and make use of colour photographs at key locations. Whilst the masterplan may include pages of text, it is expected that these will be punctuated with imagery as frequently as possible. Text heavy pages should be avoided.

The Council will provide an appropriate paragraph that should be included within the inside cover to provide guidance for document users who wish to request copies of the masterplan in alternative formats (e.g. languages, braille etc). Costs associated with the provision of alternative formats will be borne by the Council.

Links to Further Information Sources and Case Studies

Town and Country Planning Association – Creating Garden Cities and Suburbs Today:

<https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=5cf68359-ae59-4d2c-bd3c-bee52e531017>

Town and Country Planning Association – Garden City Standards for the 21st Century – Design and Masterplanning: <https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=79f031bb-14de-496c-b8dd-0ce34c4801f9>

Creating Successful Masterplans – CABE:

<http://webarchive.nationalarchives.gov.uk/20110118095517/http://www.cabe.org.uk/masterplans>

Design Reviewed Masterplans – CABE:

<http://webarchive.nationalarchives.gov.uk/20110118155352/http://www.cabe.org.uk/files/design-review-ed-masterplans.pdf>

South Maldon and North Heybridge Strategic Masterplan Frameworks:

https://www.maldon.gov.uk/info/20048/planning_policy/9226/urban_design/4

Hackney Wick Fish Island Masterplan SPD, LLDC: <http://www.queenelizabetholympicpark.co.uk/-/media/lldc/planning/supplementary-planning-documents/hwfi-spd-adopted-march-2018.ashx?la=en>

Accordia, Cambridge (CABE Case study):

<http://webarchive.nationalarchives.gov.uk/20110118101705/http://www.cabe.org.uk/case-studies/accordia>

Woodbury Down Design Code, Hackney (CABE case study):

<http://webarchive.nationalarchives.gov.uk/20110118122429/http://www.cabe.org.uk/masterplans/woodberry-down-hackney>

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EPPING FOREST DISTRICT QUALITY REVIEW PANEL

Terms of Reference 2018

In partnership with

Frame Projects
6/7 Hatton Garden
London EC1N 8AD
020 7405 1697



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Cover image: North Weald Railway Station © Epping Forest District Council

1 INTRODUCTION

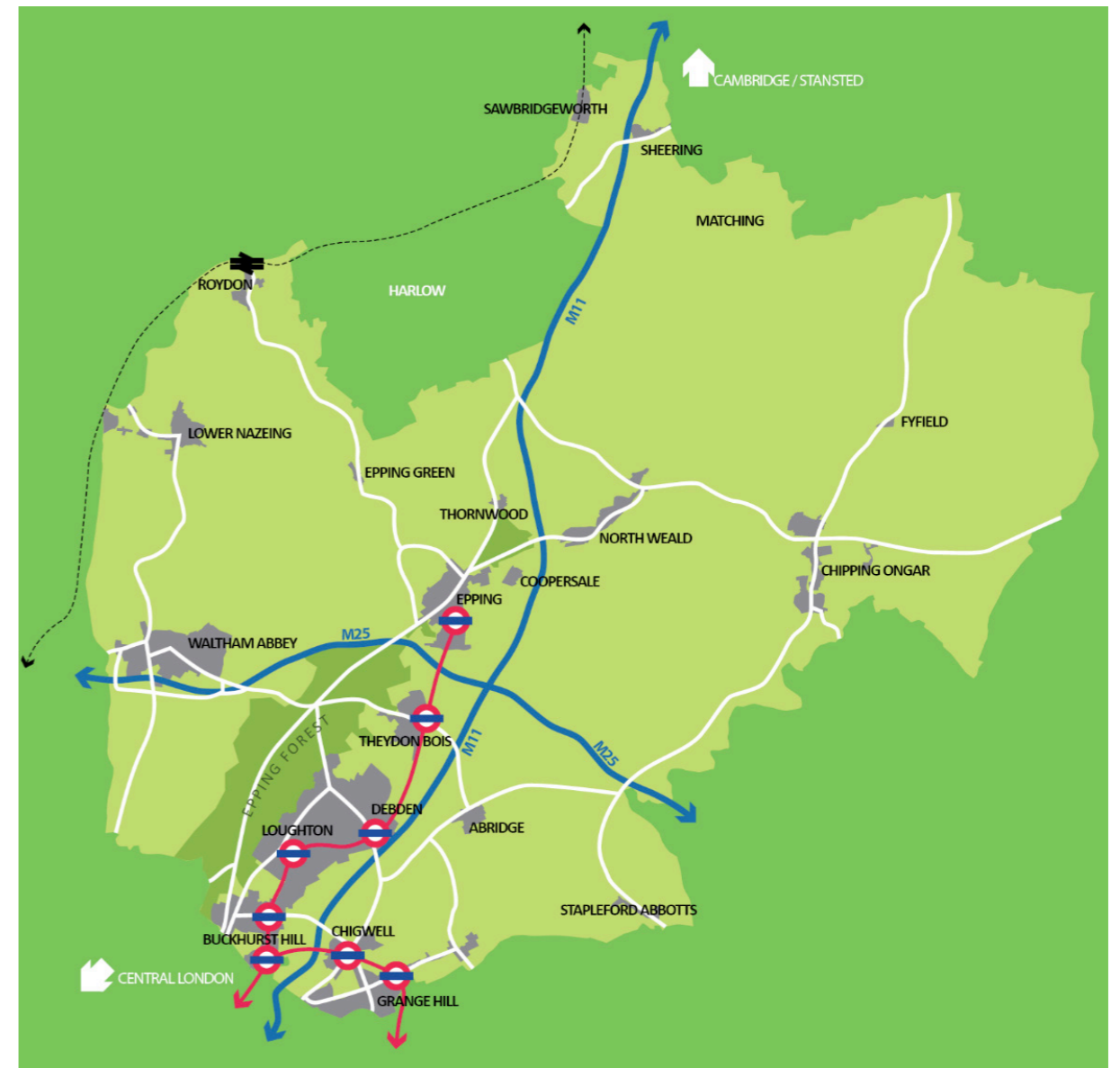
1.1 Epping Forest District Council's vision is for a place where residents enjoy a good quality of life, with new homes of an appropriate mix of sizes, types and tenures, as part of well integrated communities. Development will be in sustainable locations, and respecting the attributes of the different towns and villages, and conserving its natural and historic assets.

1.2 The District Council is committed to ensuring that development, including the realisation of strategic, masterplan and major schemes, is of the highest standard. It is committed to high quality design - in its broadest sense: architectural, urban and landscape design, planning, transport, environment and deliverability will all be essential elements.

1.3 To help ensure that these aspirations are fulfilled, the Epping Forest District Council has established a Quality Review Panel – to provide 'critical friend' advice and design guidance to support the delivery of strategic sites, including masterplan review, and other major projects within the District.

1.4 The Quality Review Panel process will require a broad range of expertise. The panel brings together leading practitioners across those disciplines that have a particular relevance to the area.

1.5 The composition and remit of the panel reflects a review process that is multidisciplinary, collaborative and enabling. As well as formal reviews, the panel will provide support to Council officers through chair's reviews and surgery reviews.



Epping forest district map © Epping forest District Council

2 PRINCIPLES OF QUALITY REVIEW

Independent – it is conducted by people who are unconnected with the scheme’s promoters and decision makers and it ensures that conflicts of interest do not arise.

Expert - the advice is delivered by suitably trained people who are experienced in design, who know how to criticise constructively and whose standing and expertise is widely acknowledged.

Multidisciplinary – the advice combines the different perspectives of architects, urban designers, town planners, landscape architects, engineers and other specialist experts to provide a complete, rounded assessment.

Accountable – the design review panel and its advice must be clearly seen to work for the benefit of the public. This should be ingrained within the panel’s terms of reference.

Transparent – the panel’s remit, membership, governance processes and funding should always be in the public domain.

Proportionate – it is used on projects whose significance, either at local or national level, warrants the investment needed to provide the service.

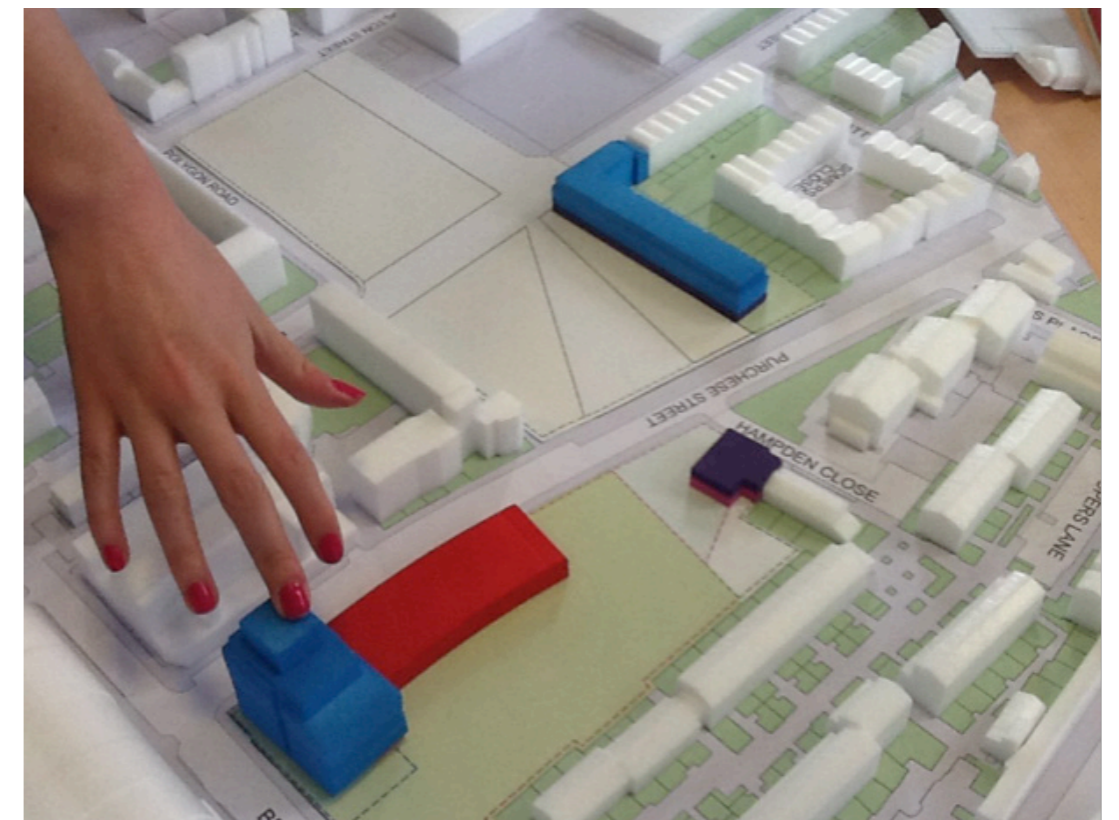
Timely – the advice is conveyed as early as possible in the design process, because this can avoid a great deal of wasted time. It also costs less to make changes at an early stage.

Advisory – a design review panel does not make decisions, but offers impartial advice for the people who do.

Objective – it appraises schemes according to reasoned, objective criteria rather than the stylistic tastes of individual panel members.

Accessible – its findings and advice are clearly expressed in terms that design teams, decision makers and clients can all understand and make use of.

Design Review: Principles and Practice, Design Council CBE / Landscape Institute / RTPI / RIBA (2013).





St John's in Epping © Steve Cadman, Wikimedia Commons

3 PANEL COMPOSITION

3.1 The Epping Forest District Quality Review Panel brings together leading professionals, working at the highest level in their field. It is made up of around 18 panel members, including the chair.

3.2 Panel members are chosen to provide a broad range of expertise including:

- urban design / town planning
- landscape architecture
- transport infrastructure
- social infrastructure
- sustainability
- development delivery
- heritage

3.3 Many of those appointed to the panel will have expertise and experience in more than one of these areas. The composition of the panel for each review is chosen as far as possible to suit the project / issue being reviewed.

3.4 Membership of the panel is reviewed regularly, at least once a year, to ensure that it provides all the necessary expertise and experience to undertake the panel's work effectively.

3.5 From time to time, it may also be of benefit for specialist advice to be provided beyond the panel membership. In such cases, a professional with the relevant expertise may be invited to attend a review meeting, participating in the discussion with the status of an adviser to the panel.

3.6 In support of the District Council's commitment towards community engagement, there may also be potential, on occasion, to invite the chair of a community group to attend panel review meetings as an observer.

4 PANEL REMIT

4.1 The Quality Review Panel has been established to support Epping Forest District Council in achieving high quality, innovative and sustainable placemaking. The panel provides independent and objective advice during the policy development, planning application and delivery programme.

4.2 The panel supports the District Council by advising on masterplans, pre-application development proposals, and planning applications. Officers are encouraged to refer schemes, including masterplans, to the panel at an early stage in the design process to identify and test the proposed design's key assumptions.

4.3 Advice is likely to be most effective before a scheme becomes too fixed. Early engagement with the panel should reduce the risk of delay at application stage by supporting the development of schemes of a high quality. The planning authority may also request a review once an application is submitted.

4.4 The panel's advice to District Council officers will support sound planning decisions in respect of design quality. It may assist officers in negotiating design improvements and support planning committee decisions, where design quality is a key consideration.

4.5 Where possible, the review process will be informed by briefings on consultation and engagement by the District Council, so that local views can be taken into consideration in the panel's comments.

4.6 The panel considers significant development proposals at the request of the District Council. The Council's Local Plan (submission version) sets out that schemes of more than 50 homes or 5000 sqm of commercial/other floorspace should generally be informed by review. Other smaller schemes which are complex or contentious, may also be appropriate for review.

4.7 Significance is not necessarily only related to scale – but may also fall into the following categories.

- any scheme developed as part of a masterplan, this includes outline application stage and reserved matters
- large buildings or groups of buildings
- infrastructure projects such as bridges or transport hubs
- large public realm proposals
- design codes or design guidance



Epping High Street © Epping Forest District Council

4.8 The panel will also comment on proposals that are significant because of their site, for example:

- proposals affecting sensitive views
- developments with a major impact on their context
- schemes involving significant public investment

4.9 The District Council may also refer projects to the panel where, for example, they require advice on:

- building typologies, for example, single aspect units
- environmental sustainability
- design for climate change adaptation and mitigation
- accessibility and inclusive design
- proposals likely to establish a precedent for future development
- developments out of the ordinary in their context
- schemes with significant impacts on the quality of everyday life
- landscape / public space design
- supplementary planning documents and other policy related documents, including those providing design related guidance
- strategies or feasibility studies on area wide projects, such as connectivity

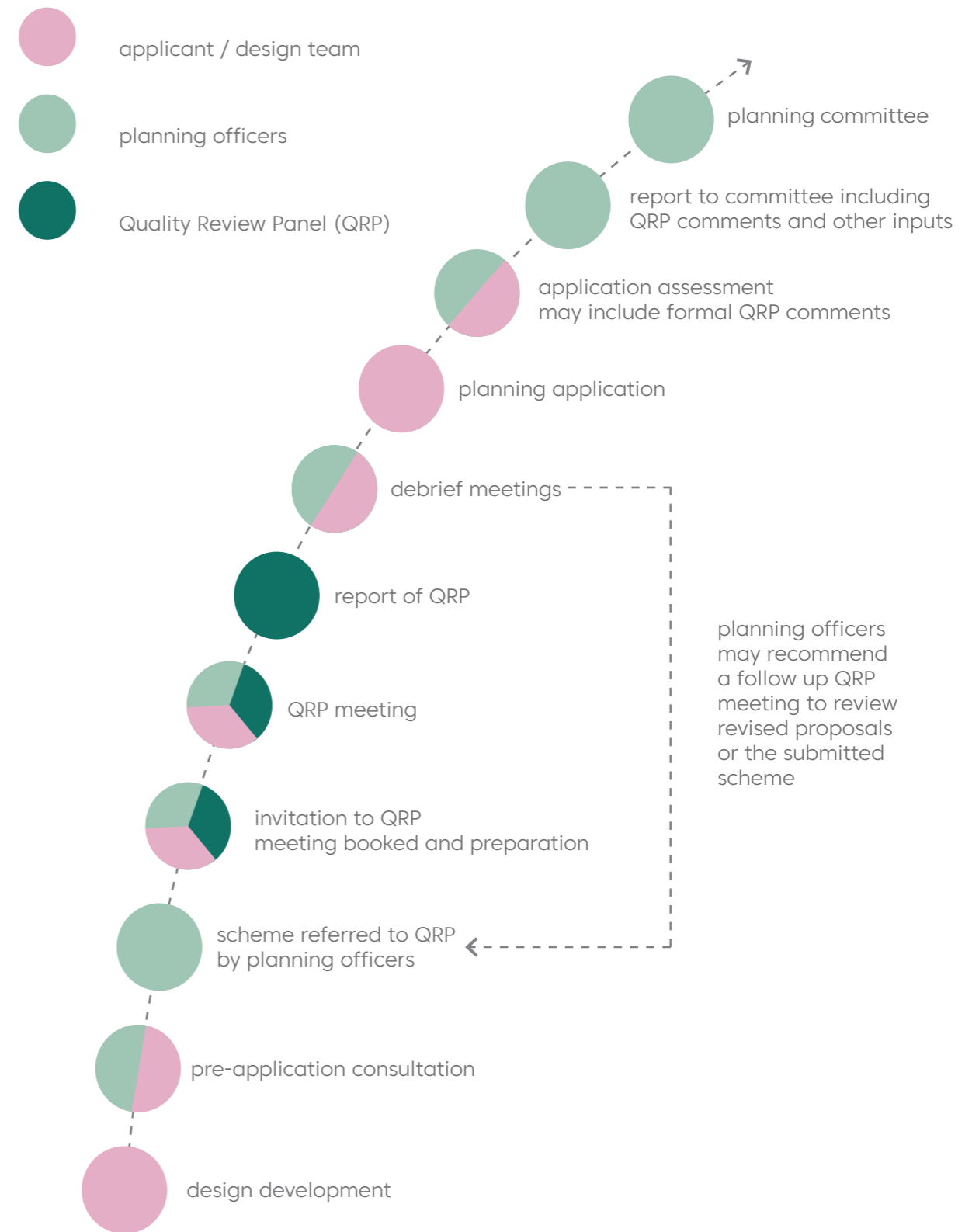
4.10 As with normal pre-application procedure, Quality Review Panel advice before an application is submitted remains confidential with the applicant and the District Council. This encourages applicants to share proposals openly and honestly with the panel – and ensures that they receive the most useful advice.

4.11 Once an application has been submitted, the panel’s comments on the submission are published on Epping Forest District Council’s website.

4.12 Exceptions may occur, however, where a review of a submitted application is not requested by the planning authority. In this case, the planning authority may ask for the report of the pre-application review to be made public as the panel’s formal response to the submitted application.

4.13 The panel’s role in the context of the overall planning process is shown in the diagram opposite.

Quality review in the planning process



5 ROLE OF THE PANEL

5.1 The Quality Review Panel provides independent and impartial advice to Epping Forest District Council at key stages of the planning process.

5.2 The panel plays an advisory role in the planning process. It is for planning officers and the planning committee to decide what weight to place on the panel's comments and recommendations – balanced with other planning considerations.

5.3 If any comments made by the panel require clarification, it is the responsibility of the applicant and their project team, as appropriate, to draw this to the attention of the panel chair (if during the meeting) or the panel project manager, Frame Projects, (if the report of the meeting requires clarification).

6 INDEPENDENCE, CONFIDENCE AND PROBITY

6.1 The Epping Forest District Quality Review Panel is an independent and impartial service provided to the District Council by Frame Projects, an external consultancy.

6.2 The processes for managing the panel, the appointment of panel members, including the selection of the chair, and the administration of meetings are agreed in partnership with the District Council.

6.3 Panel members shall keep confidential all information acquired in the course of their role on the panel, with the exception of reports that are in the public domain.

6.4 Further details are provided in the confidentiality procedure included at Appendix A.

North West Cambridge © Pollard Thomas Edwards Architects



7 CONFLICTS OF INTEREST

7.1 The Epping Forest District Quality Review Panel is intended to provide a constructive forum for applicants and their project teams and planning officers seeking advice and guidance on strategy, policy and design quality.

7.2 In order to ensure the panel's independence and professionalism, it is essential that panel members avoid any actual or perceived conflicts of interest that may arise in relation to schemes considered during the meetings that they attend. Minimising the potential for conflicts of interest will be important to the impartiality of the panel.

7.3 Panel members are asked to ensure that any possible conflicts of interest are identified at an early stage and that appropriate action is taken to resolve them. When panel members join the panel they are asked to complete a register of interests form.

7.4 Meeting agendas provided in advance of reviews will include sufficient project information to allow any potential conflicts of interest to be identified and declared.

7.5 In cases where there is a conflict, a panel member may be asked to step down from a review. In other cases, a declaration of interest may be sufficient. If in doubt, panel members should contact the panel project manager, Frame Projects, to discuss this.

7.6 The process for managing conflicts of interest is described at Appendix B.

8 FREEDOM OF INFORMATION

8.1 A public authority Epping Forest District Council is subject to the Freedom of Information Act 2000 (the Act). All requests made to the Council for information with regard to the Quality Review Panel will be handled according to the provisions of the Act. Legal advice may be required on a case by case basis to establish whether any exemptions apply under the Act.



Epping Forest District Museum, housed in a Grade II* listed Tudor building in Waltham Abbey

9 TYPES OF REVIEW

9.1 Three different formats of review are offered:

- formal reviews
- chair's reviews
- surgery reviews

9.2 Typically, the chair or vice chair and four panel members attend formal reviews; the chair and one panel member attend chair's and surgery reviews.

Formal reviews

9.3 Formal reviews take place for schemes from RIBA Stage 2 (concept design) onwards, providing advice to the applicant and to the planning authority – whether at pre-application or application stage.

9.4 Formal reviews usually take place at a stage when an applicant and design team have decided their preferred option for development of a site, and have sufficient drawings and models to inform a comprehensive discussion. There will often be a second pre-application review, to allow discussion of more detailed design matters, before submission of the planning application. The scheme will be presented by a member of the design team, normally the lead architect, following a brief introduction by the applicant.

9.5 Presentations may be made with drawings and / or pdf or PowerPoint and models as appropriate. At least one printed copy of the presentation should be provided, for ease of reference during the panel discussion.

9.6 Planning officers, and where appropriate, other relevant stakeholders / organisations will be invited to attend and asked to give their views after presentation of the project / issue.

9.7 A typical formal review will last 90 minutes: 10 minutes introductions and briefing by planning officers; 35 minutes presentation; 45 minutes discussion and summing up by the chair.

9.8 Large projects may be split into smaller elements for the purposes of review, to ensure each component receives adequate time for discussion e.g. schemes with several development plots.

Chair's reviews

9.9 In the case of smaller development proposals, or schemes previously presented at a formal review, a chair's review may be arranged to provide advice on the quality of proposals.

9.10 Chair's reviews may take place for schemes from RIBA Stage 2 (concept design) onwards. These meetings will be attended by a chair of the Quality Review Panel, and one other panel member.

9.11 Planning officers will be invited, but other stakeholders will not normally attend. However, the planning case officer may brief the panel on any comments made by other stakeholders.

9.12 For schemes that are the subject of a current planning application, the presentation should be based on the submitted drawings and documents, either paper copies or as a pdf or PowerPoint. At least one printed copy of the presentation should be provided, for ease of reference during the panel discussion.

9.13 A typical chair's review will last 60 minutes: 10 minutes introductions and briefing by planning officers; 20 minutes presentation; 30 minutes discussion and summing up by the chair.

Surgery reviews

9.14 Very small schemes, or schemes where planning officers request the panel's advice on discharge of planning conditions, may be more suited to a surgery review. A flexible approach to presentation methods will allow for pin up of drawings / discussions around a table / PowerPoint presentations as appropriate.

9.15 A typical surgery review will last 40 minutes: 10 minutes introductions and briefing by planning officers; 15 minutes presentation; 15 minutes discussion and summing up by the chair.

9.16 A surgery review will be summarised in a brief document, of up to two sides of A4, rather than a full report.



Epping town centre © Epping Forest District Council

10 SITE VISITS

10.1 Wherever possible, a site visit will be arranged for formal and chair's reviews (unless a site visit has already taken place before an earlier review). All panel members participating in the review are required to attend.

11 MEETINGS IN 2018

11.1 One Epping Forest District Quality Review Panel meeting is provisionally scheduled for each month. These meetings may be used for either a formal review, chair's review or surgery review, as appropriate. In the case of a surgery review a minimum of two schemes would be arranged per meeting.

11.2 Exceptionally, additional meetings may be required to respond to specific requirements for advice at key points in the masterplan, policy development, planning application and delivery programme.

11.3 The following dates are currently set for Quality Review Panel meetings during 2018:

- 26 April
- 24 May
- 21 June
- 19 July
- 16 August
- 27 September
- 11 October
- 22 November
- 20 December

12 REVIEW AGENDAS

12.1 Detailed agendas will be issued to panel members, with an aim that this should be one week in advance of each review.

12.2 For formal and chair's reviews, a detailed agenda will be provided that includes notes on the planning context, details of the project to be considered, the applicant and consultant team, and those presenting the project, as appropriate.

12.3 Information provided by planning officers will include relevant planning history and planning policy.

12.4 A project description provided by the design team will set out factual information about the project. Key plans and images will also be provided to help to give a sense of the scope and nature of the project under review.

12.5 For surgery reviews, the agenda will be briefer, providing details of the scheme(s) to be considered, applicant and consultant team.

12.6 Where a project returns for a second or subsequent review, the report of the previous review will be provided with the agenda.



St Chad's, Tilbury, Essex designed by Bell Phillips Architects for Thurrock Council © Kilian O'Sullivan



Connaught Gardens, designed by Pollard Thomas Edwards © Tim Crocker

13 PANEL REPORTS

13.1 During the Quality Review Panel meeting the panel manager, Frame Projects, will take notes of the discussion – these form the basis of panel reports. Reports will be drafted, approved by the panel chair and issued within 10 working days.

13.2 At pre-application stage, reports will provide clear, independent advice on ways in which the quality of projects could be improved, referring where appropriate to Epping Forest District Council policies and expectations of high quality placemaking and design. This may assist planning officers in negotiating amendments to the scheme.

13.3 The report at this stage is not normally made public and is shared only with the District Council, the applicant and design team, and any other stakeholders that have been involved in the project.

13.4 Once planning applications are submitted, the report may provide guidance to District Council planning officers in reviewing the planning application. This may include suggesting planning conditions or in some cases advising, that the panel does not support the planning application, if the placemaking and design quality is not of an acceptably high standard. This report becomes a public document and is published on the District Council's website.

14 QUALITY REVIEW PANEL CHARGES

14.1 Charges for Quality Review Panel meetings are benchmarked against comparable panels providing design review services. These include Design Council CABE, and design review panels for the London boroughs of Camden, Hackney, Newham and Waltham Forest.

14.2 Charges are reviewed every two years; from 1 January 2018 to 1 January 2020 charges are:

£5,500 + VAT	first formal review
£4,000 + VAT	second formal review
£2,500 + VAT	chair's review
£1,300 + VAT	surgery review

14.3 Applicants are referred to the Quality Review Panel by Epping Forest District Council as an external service and fees are paid by the applicant to Frame Projects for delivering this service.

14.4 Payment should be made in advance of the review, and the review may be cancelled if payment is not received five days in advance of the meeting. Full details will be provided when an invitation to present to the panel is confirmed.

14.5 Where a scheduled review is subsequently cancelled or postponed by the applicant, an administrative charge will be applied:

Full cost	less than 2 weeks in advance of the meeting
£600 + VAT	between 2 and 4 weeks in advance of the meeting
£300 + VAT	over 4 weeks in advance of the agreed meeting



A pigeoncote or dovecote on a cottage at Matching Tye, Essex © Acabashi, Wikimedia Commons

15 PANEL MEMBERSHIP

15.1 The panel brings together 18 professionals, covering a range of disciplines and expertise. Each review panel will be selected from the people listed below, according to the requirements of the project or issue being reviewed.

CHAIR



Peter Maxwell

Director of Design, London Legacy Development Corporation

Peter Maxwell is an architect, town planner and urban designer with over 15 years' senior level experience. He has led implementation of major projects in the UK, Middle East and New Zealand. He currently leads on masterplanning, architecture and public realm for redevelopment of Queen Elizabeth Olympic Park. www.queenelizabetholympicpark.co.uk



Peter Studdert

Director, Peter Studdert Planning

Peter is an independent adviser on city planning. Qualified as an architect as well as a town planner, he was formerly Director of Planning at Cambridge City Council where he played a leading role in developing the current growth strategy for Cambridge. He also has extensive experience of design review. www.peterstuddertplanning.co.uk



Sue Rowlands

Director, Tibbalds Planning and Urban Design

As an architect and town planner, Sue Rowlands brings planning and design together to deliver high quality development. Her expertise includes providing design advice on major planning applications and she has led multidisciplinary teams to deliver residential and mixed use masterplans. www.tibbalds.co.uk



Vivienne Ramsey OBE

Urban design consultant

Vivienne Ramsey has 40 years' experience as a town planner. In her previous role as Director of Planning, Policy and Decisions at the London Legacy Development Corporation she established and led the local planning authority and development of its Local Plan. As Director of Planning Decisions, she set up and led the Olympic Delivery Authority as a local planning authority.

LANDSCAPE ARCHITECTS



Frazer Ozment
Board Director, LDA Design

Frazer Ozment has 24 years' experience as an urban designer and landscape architect. He heads LDA Design's development and regeneration team and has particular expertise in the design and delivery of new settlements, including the 4,500 home Wichelstowe Urban Extension and the 6,000 home Welborne Garden Village. www.lda-design.co.uk



Jennette Emery-Wallis
Director of Landscape Architecture, LUC

Jennette Emery-Wallis has over 20 years' experience in landscape design, including historic landscapes, masterplanning, housing, mixed use development, play design and education. She has worked on complex design projects, often within sensitive sites, requiring creative solutions. www.landuse.co.uk

TRANSPORT EXPERTS



Derek Griffiths
Associate, Momentum

Derek Griffiths is a chartered civil engineer, and leads Momentum's engineering team, working on multidisciplinary engineering and urban realm design projects. He works with developers and local authorities to deliver schemes that are practical, within technical and budgetary constraints, and sustainable. www.momentum-transport.com



Richard Smith
Transport consultant

Richard Smith has some 45 years' experience as an expert in transport planning, appraisal and economics. As Director of Planning at Transport for London he developed the Mayor of London's transport strategy. He has also worked as a transport specialist advising HS2 Ltd and local planning authorities in east London.

SOCIAL INFRASTRUCTURE



Dr Jan Kattein
Founder, Jan Kattein Architects

Dr Jan Kattein has 15 years' experience working on regeneration, housing, and urban design projects, with his work helping to redefine how social and environmental policy is implemented. Jan Kattein Architects is an award-winning design studio that advocates socially engaged working methods. www.jankattein.com



Jayne Bird
Partner, Nicholas Hare Architects

Among Jayne Bird's broad spectrum of experience are education, arts and commercial projects. She was responsible for the award winning Golden Lane Campus in Islington and led the Somers Town masterplanning project – a residential, school and mixed use regeneration scheme – for the London Borough of Camden. www.nicholashare.co.uk

SUSTAINABILITY



Kirsten Henson
Director, KLH Sustainability

Kirsten Henson is the founding director of KLH Sustainability, a multidisciplinary consultancy practice specialising in sustainable development. She has extensive experience in development, integration and delivery of challenging sustainability objectives on complex construction projects. She also lectures at Cambridge University. www.klhsustainability.com



Tony Burton CBE
Consultant

Tony Burton works on community, design and environmental projects, including as a leading neighbourhood planner. Previous roles include Director of Strategy and External Affairs at the National Trust and Director of Policy and Communications at the Design Council. He is vice chair of the HS2 Independent Design Panel.

ARCHITECTS



Chris Snow
Director, Chris Snow Architects

Before establishing his own practice in 2011, Chris Snow held senior positions in practices including Tony Fretton Architects and Allies and Morrison. He has lived in Harlow for 11 years, and is a member of the Hertfordshire design panel. He has taught in schools of architecture at Kingston and Nottingham universities. www.chrissnowarchitects.com



Hari Phillips
Director, Bell Phillips Architects

Hari Phillips and Tim Bell formed their award-winning practice in 2004 following success in an RIBA competition to regenerate a large housing estate in east London. The practice recently completed a new public space in Gasholder No. 8, King's Cross, and are at the forefront of architects delivering a new wave of council housing. www.bellphillips.com

ARCHITECTS



Richard Lavington
Director, Maccreanor Lavington Architects

Richard Lavington's expertise includes housing design, masterplanning, urban regeneration and social infrastructure. In 2008, Maccreanor Lavington was part of the team that won the RIBA Stirling Prize for Accordia in Cambridge. In 2017 he was appointed as a Mayor's Design Advocate. www.maccreanorlavington.com



Roland Karthaus
Director, Matter Architecture

Founded with Jonathan McDowell in 2016, Matter Architecture's work includes masterplanning, housing, education, commercial and bridge projects. Roland Karthaus has worked at a strategic level on complex regeneration projects as both a designer and a client. At the London Borough of Lewisham he oversaw a £50 million capital investment programme. www.matterarchitecture.uk

DEVELOPMENT DELIVERY



Andrew Beharrell

Senior Partner, Pollard Thomas Edwards

Andrew Beharrell has over 30 years' experience in housing, regeneration and mixed-use development, and has designed and delivered a series of award winning projects. He has expanded the practice's expertise to include masterplanning urban extensions, and new settlements in rural areas.
www.pollardthomasedwards.co.uk

HERITAGE EXPERT



Richard Wilson

Strategic Lead, Regeneration and Place, London Borough of Camden

With over 20 years' experience as a planner and urban designer, Richard Wilson has worked with seven local authorities – from major cities to shires. At the London Borough of Camden, he manages a multidisciplinary team of planners, urban designers, architects and conservation officers – and is strategic lead for heritage.



16 KEY REFERENCES

Epping Forest District Council

<http://www.efdclocalplan.org/>

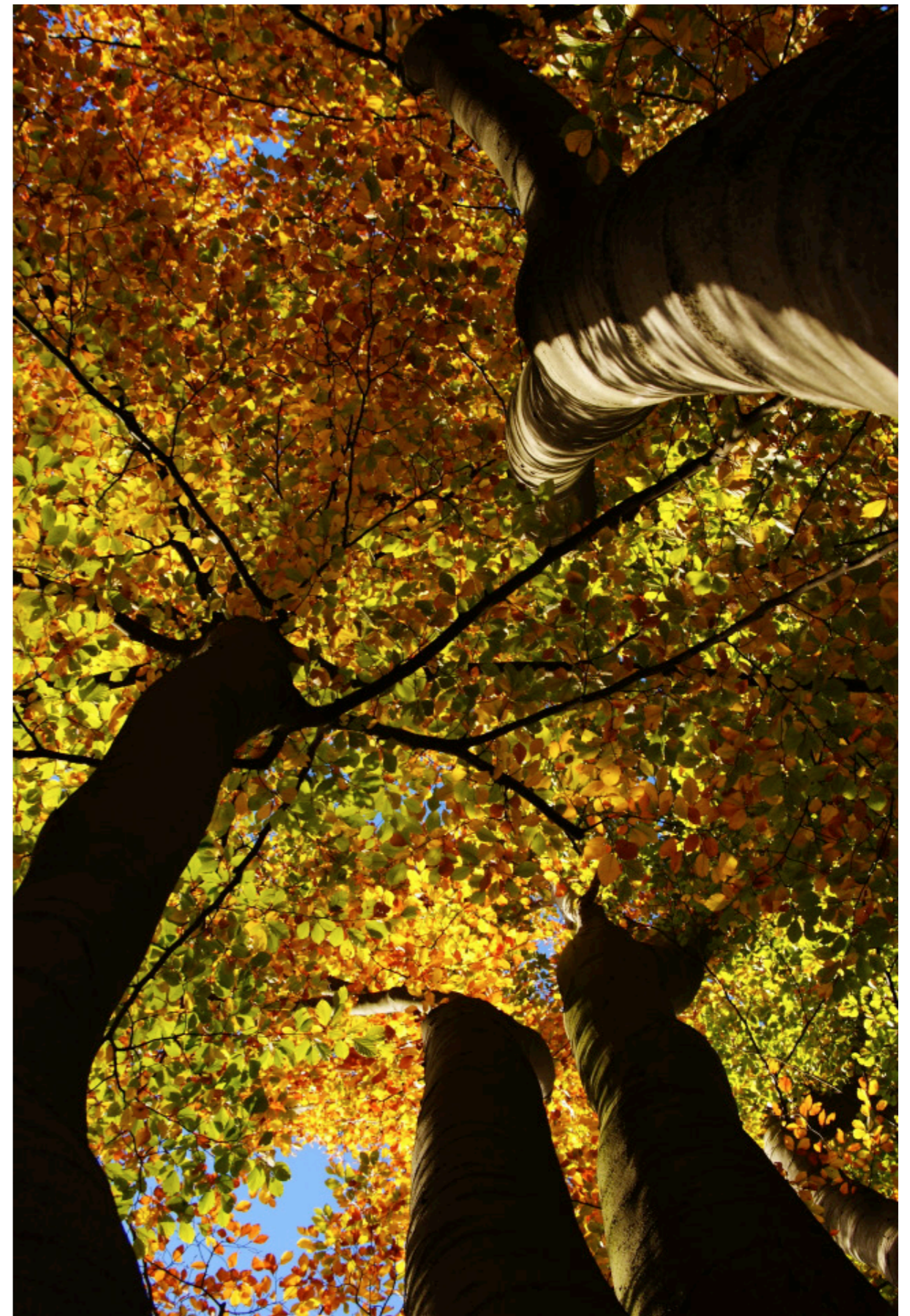
Essex Design Guide

<https://www.essexdesignguide.co.uk/>

Principles of design review

Design Review: Principles and Practice, Design Council CABI /
Landscape Institute / RTPI / RIBA (2013)

<http://www.designcouncil.org.uk/resources/guide/design-review-principles-and-practice>



Beech Trees in Epping Forest © Peter Trimming, Wikimedia Commons

APPENDIX A

Procedure regarding confidentiality

The Epping Forest District Quality Review Panel provides a constructive and reliable forum for advice and guidance to be provided at an early stage, when the panel's advice can have the most impact. It is therefore significant that appropriate levels of confidentiality are maintained. The following procedure shall apply.

1. Panel meetings are only to be attended by the panel members, District Council officers, and officers from stakeholder organisations involved in the project, as well as the applicant and their design team. If any additional individual is to attend, it should be approved by the panel chair and the panel manager.
2. Panel members shall keep confidential all information provided to them as part of their role on the panel and shall not use that information for their own benefit, nor disclose it to any third party (with the exception of reports that are in the public domain – see points 6 and 7).
3. The panel's advice is provided in the form of a report written by the panel manager, containing key points arrived at in discussion by the panel. If any applicant, architect or agent approaches a panel member for advice on a project subject to review (before, during or after), they should decline to comment and refer the inquiry to the panel manager. This should not restrict panel members from professionally working on projects within the area. However, if such a scheme comes up for review, that panel member should not be involved and must declare a conflict of interest.

4. Following the meeting, the panel manager writes a draft report, circulates it to the chair for comments and then makes any amendments. The panel project manager will then distribute it to all relevant stakeholders. Until that time, the report is confidential.

5. If the proposal is at the pre-application stage, the report is not made public and is only shared with the District Council, the applicant and design team, and any other stakeholder bodies that have involved in the project.

6. If the proposal is reviewed at the application stage or once a reviewed project is submitted as a planning application, the report becomes a public document, is kept within the proposal's case file and published on the relevant website. However, only the final report is made public. Any other information from the panel meeting that is not expressed in this report remains confidential.

7. If a panel member wishes to share a final report with a third party, they must seek approval from the panel manager, who will confirm whether or not the report is public.



APPENDIX B

Procedure regarding conflicts of interest

To ensure the integrity and impartiality of advice given by the panel, potential conflicts of interest will be checked before each panel meeting. The following process will apply:

1. All panel members will be required to declare any conflicts of interest, and these will be formally recorded at each meeting.
2. Panel members are notified of the schemes coming before the panel at least a week in advance. It is expected that at this time panel members should declare any possible interest in a project to the panel manager.
3. The panel manager, in collaboration with the panel chair and District Council officers, will determine if the conflict of interest is of a personal or prejudicial nature.
4. A panel member may have a prejudicial interest in a proposal if s/he has: a financial, commercial or professional interest in a project that will be reviewed, its client and / or its site; a financial, commercial or professional interest in a project, its client and / or a site that is adjacent to the project that will be reviewed or upon which the project being reviewed will have a material impact; a personal relationship with an individual or group involved in the project, or a related project, where that relationship prevents the panel member from being objective.
5. If the conflict of interest is of a prejudicial nature, the panel member should not participate in reviews for the proposal. S/he should also not take part in private discussions of the project and should not be in the room during the discussion of the project.
6. If the conflict of interest is personal, but not prejudicial, the panel member may be allowed to participate in the review. In this situation, the interest will be noted at the beginning of the review, discussed with the presenting teams and formally recorded in the review report.

APPENDIX C

Responding to media inquiries

Panel members should not speak to journalists on behalf of the panel, talk to them about their role as a panel member or discuss any project with which they are involved, without specific approval.

The chair of the panel may respond to media inquiries:

- to describe the role of the panel
- to confirm that the panel has been asked to comment on a particular project
- to reiterate the panel's public comments on planning applications (for pre-application schemes, no details of the project or panel's view should be given)





**Epping Forest District Council
Development Management Forum**

1. The Council believes that local people have a key role to play in shaping the quality of their environment and is committed to involving the community in planning proposals. The Development Management Forum allows the local community to contribute to shaping development proposals and aims to ensure input from local residents on large or difficult proposals for development.
2. This note:
 - a) Explains in what circumstances development proposals will be subject to discussions at the Development Management Forum
 - b) Explains how the Development Management Forum will operate
3. The Council holds Development Management Forums to facilitate the discussion of large-scale or contentious development proposals – generally the Council will expect schemes of more than 50 homes or 5,000 sq metres of commercial/other floorspace to be the subject of such discussions. The forum does not reach a decision about an application. Its purpose is to allow participants to raise issues of concern and obtain answers to questions about the particular proposal. Wherever possible this will be prior to the review of a development proposal by the Quality Review Panel and the submission of a formal application. The aim is to allow early discussion by Councillors and members of the public on planning issues related to these proposals and to explore the scope for amendments and agreement between all parties in a positive and constructive way prior to the later decision being made at the District Development Management Committee.
4. Forum meetings occur mostly at the pre-application stage and occasionally once the application has been made but before the Committee meeting. They do not remove the opportunity for objectors, supporters and applicants to submit representations once an application is submitted or address the Committee when an application is to be determined.

What applications does the forum consider?

5. Proposals that may be considered by the forum include major developments and those of significant local interest. It is not possible to prescribe the exact type of proposals but they may include the following:
 - Proposals which involve more than 50 residential units or over 5,000 sq m of floor space;
 - The Assistant Director, in consultation with the Portfolio Holder Planning and Governance considers that a forum would be beneficial in resolving issues on a particular development proposal.
 - Developments that will not be considered by the forum include:
 - Minor developments such as those to alter or extend houses

- Amendments to existing planning permissions or those which have already been the subject of a forum discussions

Who can attend?

6. Meetings are open to all Members of the Council including Ward Councillors, local businesses and residents. Notification will be given direct to Councillors, Parish/Town Councils and Community Groups and may also include notices around the site and leafleting of adjacent residential areas (as appropriate).

Time and Location

7. Forum meetings are normally scheduled in the evening in a suitable venue in the District close to the site. A Forum meeting is generally held for 1.5 hours with one proposal being considered.

Format of the meeting

8. To assist the running of the meeting an agenda is prepared and a short briefing note on the proposal is available.

The format of the meeting is as follows:

- A senior officer chairs the forum. They ensure that all planning issues arising from the proposal are raised but that there is no discussion on the merits of the application.
 - The applicant is invited to make a presentation of the proposal for a maximum of 15 minutes.
 - Planning officers provide information on the progress of the proposal
 - Local residents and organisations have an opportunity to present their views either for or against the proposal.
 - The applicant responds to questions from members, parish/town councillors and ward councillors and local businesses and residents.
9. An attendance record is kept and a note of the meeting is made which is reported to the Quality Review Panel and the Committee, together with the planning application, when it is submitted for decision.

Members Role

10. All members can attend Development Management Forum meetings which are called to promote early exploration of issues relevant to a particular development. They do not seek to reach any decision about the likely outcome of an application.
11. The particular role that members can play at the meetings is dependent on whether or not they are likely to sit on the Committee which will have a formal role in



determining a subsequent planning application for example are a member of District Development Management Committee or the Cabinet, but all members will need to take account of the generic guidelines for example, publicly clarifying their particular role.

12. All members can:
 - use the meeting to understand the development, the issues important to local people and to the developers, and how the relevant policies are being applied by asking questions;
 - give advice about adopted planning policies and local priorities and clarify or seek clarification of policies and priorities;
 - give advice about planning processes or direct those present to relevant officers or other sources of advice and information both present or outside the meeting;
 - refer local objectors or supporters to ward colleagues who are in a position to take a wider role if theirs is limited and further Member assistance is required; and
 - seek advice from officers as to the process to be followed, issues being reviewed and the likely policy position.
13. Members should not use the forum to undertake negotiations or appear to put undue pressure on the officers in relation to any future decision on the scheme. Members are however entitled to robustly question developers and officers in order to fully understand issues before the forum.
14. Ward Members who are not on the District Development Management Committee can greatly assist this process by taking an active part in the forum meeting, asking questions, commenting on planning policies and local priorities, and advising on the planning process. They can usefully draw attention to local circumstances and issues, and comment on the appropriate weight to be given to those. It will be important that ward members ensure that their remarks and advice are based on adopted Council planning policies as far as possible, or if not that the divergence is made clear. This is important to avoid creating any confusion in the minds of developers or local people about who speaks for the Council in negotiations or about the Council's negotiating position.

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Report to the Cabinet

Report reference: C-016-2018/19
Date of meeting: 18th October 2018



**Epping Forest
District Council**

Portfolio: Asset Management and Economic Development
– Cllr A. Grigg

Subject: Development of the Waltham Abbey Swimming
Pool site, Roundhills, Waltham Abbey

Responsible Officer: Alan Hall – Strategic Director (01992 564004)

Democratic Services: Adrian Hendry (01992 564246)

Recommendations:

(1) That Essex Housing, part of Essex County Council, be appointed as the development consultants for the preparation and submission of an outline planning application for, and for the demolition of, Waltham Abbey Swimming Pool, Roundhills, Waltham Abbey, including the appointment of all consultants and the demolition contractor – and that Section 10 of the Council's Procurement Rules be waived, in accordance with Section 2.8 of the Procurement Rules, accordingly;

(2) That a request for a Supplementary Capital Estimate in the sum of £275,000 be made to the Council for the preparation of the Outline Planning Application and the demolition of the Swimming Pool; and

(3) That the Asset Management and Economic Development Portfolio Holder agrees the proposed mix and other arrangements for the proposed development and authorises the submission of the Outline Planning Application on behalf of the Council.

Executive Summary:

The existing Waltham Abbey Swimming Pool will close in November 2018, when the new Waltham Abbey Leisure Centre will open. The future use of the site therefore needs to be considered.

In order to do this, it will be necessary to appoint a development consultant to appoint and co-ordinate the work of the various consultants and to work up an outline planning application for the Roundhills site, which has been allocated for residential accommodation within the Council's Local Plan Submission Version. In view of their successful and high quality approach to leading on the Hillhouse development in Waltham Abbey, Essex Housing have been invited to provide a Fee Submission to work up a proposal for residential accommodation on the site, submit an outline planning application, procure a demolition contractor and supervise the demolition of the Swimming Pool.

The total estimated cost of this work is £275,000. Essex Housing's proposed Development Fee is £12,000 (5.2%), which is considered to provide good value for money.

There is currently no budget provision to undertake this work. Therefore, in view of the need to commence the demolition works as quickly as possible, and to avoid delaying the outline planning application until next year, it is proposed that a request be made to the Council for a Supplementary Capital Estimate for £275,000, in order to commence the works and services as quickly as possible.

It is proposed that the Council enters into one contract with Essex Housing, for them to appoint the various consultants required, procure the contractor for the demolition works and supervise the demolition process. Where appropriate, the consultants and contractor would be appointed through competitive processes. Since the Total Contract Value will be in excess of £25,000, the appointment of Essex Housing will require a waiver from the Council's Procurement Rules.

Reasons for Proposed Decision:

Waltham Abbey Swimming Pool will close in November 2018 and the future use of the site needs to be determined. The existing swimming pool needs to be demolished as soon as possible in order to make way for the new development and to reduce holding costs in the meantime

Other Options for Action:

The main alternative options appear to be:

(1) Undertake a competitive procurement process for the appointment of the development consultants – however, this has been discounted due to the time and cost involved in procuring a development consultant, including the formulation of a detailed specification and the need to commence the demolition works as quickly as possible. In any event, Essex Housing's development fee is very reasonable and only forms a small part of the overall costs.

(2) Enter into a contract with Essex Housing to only act on behalf of the Council in procuring the various consultants and the demolition contractor, for the Council to enter into separate contracts with these third parties. This has been discounted, since it would involve the Council in additional work and costs, which is not considered to be necessary compared to the proposed approach therefore less effective.

Background

1. When the new Waltham Abbey Leisure Centre at Hillhouse, Waltham Abbey opens in November 2018, the Waltham Abbey Swimming Pool in Roundhills, Waltham Abbey will close. Therefore, consideration needs to be given to the future use of the site. When vacated, the site also needs to be secured as quickly as possible, to reduce holding costs (site security etc).

2. The Leisure Centre in Hillhouse is one of three components on the site, the others being an Independent Living Scheme to be provided by the County Council and a Health Centre to be provided by the doctors located at the current Maynard Court Surgery. The development at Hillhouse came about through the three main partners working together to develop and produce a Master Plan, which followed public consultation, and which then led on to the formulation of an Outline Planning Application and subsequent planning approval.

3. The development consultants appointed by the three parties involved with the development were Essex Housing, which is part of Essex County Council. Their responsibility was to appoint and then co-ordinate the work of all the various consultants,

including the masterplanning consultants. Essex Housing also oversaw the submission of the successful outline planning application. All parties involved were very happy with the work undertaken by Essex Housing, which was provided at a very reasonable cost.

4. In order to consider the future use of the site, it will be necessary to appoint a development consultant to appoint and co-ordinate the work of the various consultants and to work up an outline planning application for the Roundhills site. The site has been allocated for residential accommodation within the Council's Local Plan Submission Version. In view of their work in leading on the Hillhouse development, and the standard and quality of their work, Essex Housing have been invited to provide a fee submission to:

- Work up a proposal for residential accommodation on the site and submit an outline planning application; and
- Procure a demolition contractor and supervise the demolition of the Waltham Abbey Swimming Pool

5. Since the formulation and submission of an outline planning application will take some time to reach the point of achieving planning approval, and in order to demolish the swimming pool as quickly as possible to minimise holding costs, it is proposed that the required planning approvals are dealt with separately.

6. At the appropriate time, the future of the site at Roundhills will need to be considered. There are four main options that could be considered:

- Sell the site to a developer;
- Sell the site to a developer, with a requirement that the Council purchases the affordable homes on completion – in a similar way to the arrangement for the Pylles Lane nursery development, Loughton;
- The Council retains part of the site to build the affordable housing and sells the remainder of the site to a developer; or
- The Council develops the site itself – either for 100% affordable housing, or to include some market housing for sale

Fee Submission from Essex Housing

7. The Fee Submission from Essex Housing is in three parts to meet the above brief.

Demolition of Waltham Abbey Swimming Pool

8. In order to oversee the demolition of the site, the following work would be required:

- Physically secure the building
- Undertake all necessary surveys to include protected species, asbestos and locating all utilities.
- Prepare demolition specification.
- Undertake a procurement exercise for asbestos removal and demolition works.
- Prepare Section 80 notice for the demolition.
- Manage and oversee the demolition process.
- Provide full documentation of the cleared site to be available for any future contractor / purchaser.

9. Essex Housing would appoint the consultants and procure the contractor and then supervise the work. The estimated period to obtain all the required consents and to complete the demolition is around 8 months. The estimated cost of this work is £194,500, which includes Essex Housing's fee of £5,465.

10. It should be noted that the Council will be arranging the non-structural security of the site until the swimming pool is demolished.

Outline Planning Application for residential accommodation

11. Last year, Essex Housing gave some initial consideration to the development potential of the site, at their own risk, which they have re-visited to formulate their Fee Submission. At this early stage, they have identified three potential development mixes for the site, which would obviously need further work as part of the outline planning application process, including the views of planning officers. These 3 options are:

- Option 1 - 31 homes, comprising 10 houses and 21 apartments
- Option 2 - 21 houses
- Option 3 - 40 apartments

12. In order to work up and submit an Outline Planning Application, the following work would be required:

- Appointment of a planning consultant to advise upon and submit the outline planning application.
- Instruct architects to draw up indicative layouts, and attend pre-application meetings with planners and revise as necessary upon feedback received.
- Undertake various required survey reports to support the planning application, including:
 - Topographical site survey
 - Ground condition survey
 - Noise survey
 - Air quality impact assessment
 - Ecology and arboricultural survey
 - Viability assessment

13. Again, Essex Housing would appoint and co-ordinate the work of the consultants and oversee the planning application process. Essex Housing would report to the Asset Management and Economic Development Portfolio Holder on the proposed development mix, for it to be approved for the submission of the outline planning application. It is estimated that the process of seeking outline planning permission will take around 8 months. The estimated cost of this work is £48,000, including Essex Housing's Fee of £6,300.

Possible additional costs

14. The above costs represent the absolute minimum costs involved. Within their fee proposal, Essex Housing has identified potential additional work and associated costs that may be required as the two separate projects progress, which amount to £32,000. It is therefore suggested that the budget provision for the project includes this amount as a contingency.

Summary of costs

15. The following provides summary of the above costs (rounded), with Essex Housing's fee separated out:

Demolition of existing swimming pool	£189,000
Obtaining outline planning permission	£42,000
Essex Housing Development Fee	£12,000
Contingencies	£32,000
Total	£275,000

16. It is considered that Essex Housing's proposed Development Fee of £12,000 (around 5.2%) provides good value for money, and also avoids the need, associated cost and additional time that would be required if this service was to be procured competitively.

Budget provision

17. There is currently no budget provision to undertake this work. In view of the need to commence the demolition works as quickly as possible, and to avoid delaying the outline planning application until next year, it is proposed that a request be made to the Council for a Supplementary Capital Estimate for £275,000 in order to commence the works and services as quickly as possible.

Procurement issues

18. It is proposed that the Council enters into one contract with Essex Housing, for Essex Housing to appoint the various consultants required and to procure the contractor for the demolition works. Where appropriate, these would be appointed through competitive processes. Since the Total Contract Value will be in excess of £25,000, the appointment of Essex Housing will require a waiver from the Council's Procurement Rules.

19. The Council's Procurement Manager has been consulted on the applicability of the EU Procurement Regulations and the associated Public Contracts Regulations 2015. Since the contract will involve a combination of services and works, with the works costs for the demolition comprising the largest element (estimated at around £189,000), the EU procurement threshold relating to "Works" prevails. Since this limit is currently £4,551,413, the contract value will be well within this threshold.

Resource Implications

A Supplementary Capital Estimate of £275,000 is required, which needs to be approved by Full Council.

Legal and Governance Implications

EFDC's Procurement Rules
Public Contracts Regulations 2015

Safer, Cleaner and Greener Implications

When the Waltham Abbey Swimming Pool is vacated, the demolition works need to be undertaken as quickly as possible to ensure that the site is made safe as quickly as possible.

Consultation Undertaken

None

Background Papers

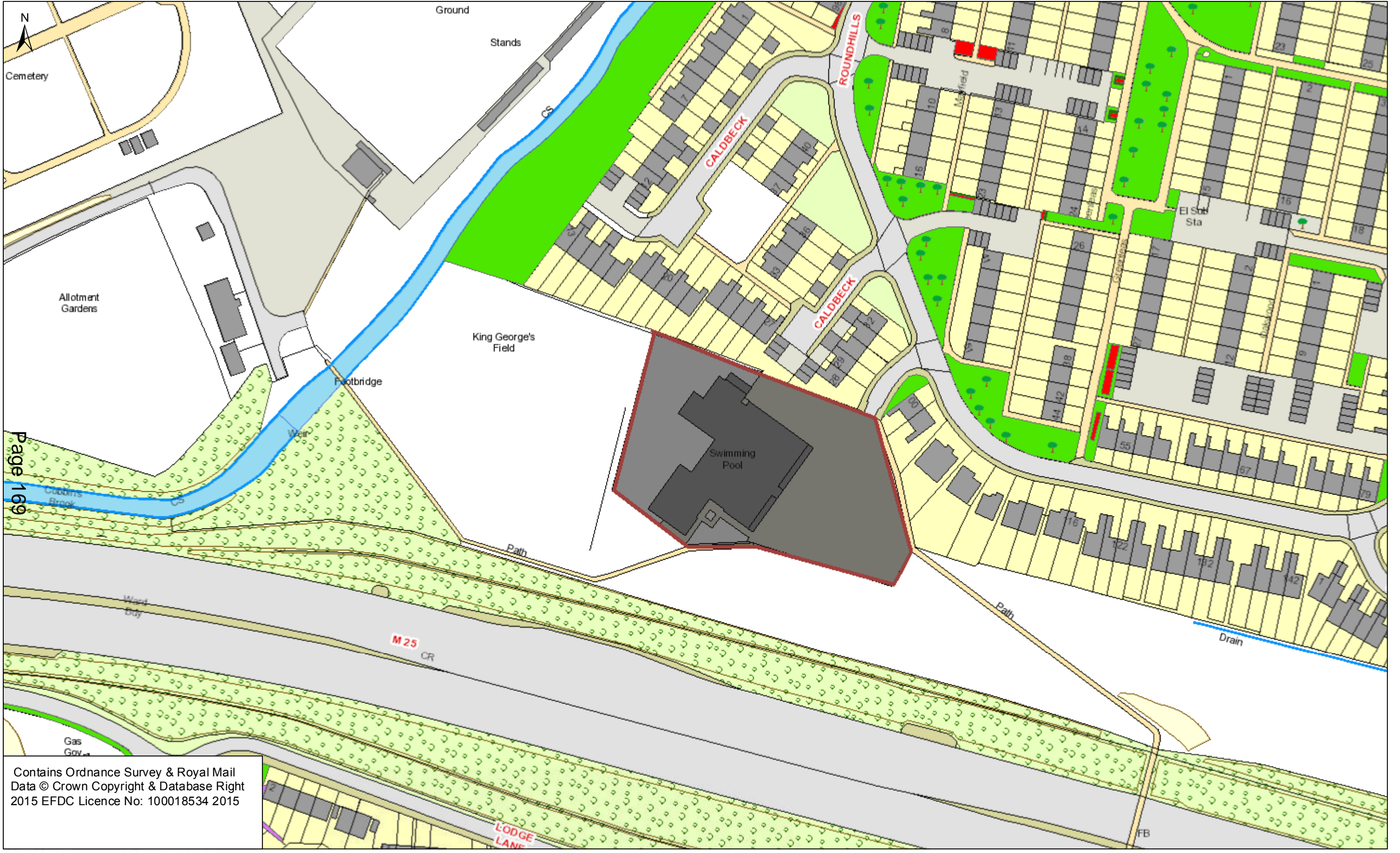
None

Risk Management

The main risk to the Council is for the cost of the services and works to be higher than estimated. However, this has been mitigated by the inclusion of an appropriate contingency allowance.

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. However, since the decision only relates to the demolition of the swimming pool and obtaining of outline planning permission, no equality issues arises at this stage.



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