



**CABINET**  
**Thursday, 11th April, 2019**

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

**Council Chamber, Civic Offices, High Street, Epping**  
**on Thursday, 11th April, 2019**  
**at 7.00 pm .**

**G. Blakemore**  
**Chief Executive**

**Democratic Services**  
**Officer**

A. Hendry (Democratic Services)  
Tel: (01992) 564246 Email:  
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Members:

Councillors C Whitbread (Leader of the Council) (Chairman), S Stavrou (Deputy Leader and Housing and Property Services 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**

This meeting is to be webcast and Members are reminded of the need to activate their microphones before speaking.

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 - 10)**

To confirm the minutes of the meeting of the Cabinet held on 7 March 2019.

**5. REPORTS OF PORTFOLIO HOLDERS**

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

**6. PUBLIC QUESTIONS AND REQUESTS TO ADDRESS THE CABINET**

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) 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 and 28).

**7. OVERVIEW AND SCRUTINY**

To consider any matters of concern to the Cabinet arising from the Council's Overview and Scrutiny function and to identify any matters that the Cabinet would like the Overview and Scrutiny Committee to examine as part of its work programme.

**8. ACCEPTANCE OF TENDERS - PLANNED INSTALLATION OF PVCU DOUBLE GLAZED WINDOW AND DOORS (Pages 11 - 22)**

To consider the attached report (C-039-2018/19).

**9. COUNCIL HOUSE BUILDING PROGRESS REPORT FOR PHASES 1-6 (Pages 23 - 44)**

To consider the attached report (C-041-2018/19).

**10. APPROACH TO MANAGING THE EFFECTS OF AIR QUALITY ON THE EPPING FOREST SPECIAL AREA OF CONSERVATION (Pages 45 - 72)**

To consider the attached report (C-043-2018/19).

**11. NORTH WEALD AIRFIELD MASTERPLAN (Pages 73 - 102)**

To consider the attached report (C-040-2018/19).

**12. ACCOMMODATION STRATEGY (Pages 103 - 122)**

To consider the attached report (C-044-2018/19).

**13. ASSET MANAGEMENT & ECONOMIC DEVELOPMENT CABINET COMMITTEE (Pages 123 - 132)**

(Commercial & Regulatory Services Portfolio Holder) To consider the minutes from the last meeting of the Asset Management & Economic Development Cabinet Committee held on 17 January 2019, and any recommendations therein.

**14. 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):

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
15	St John's Road Development – Progress Report	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.

**15. ST JOHN'S ROAD DEVELOPMENT - PROGRESS REPORT AND PROVISION OF NEW LEISURE CENTRE (Pages 133 - 154)**

To consider the attached report (C-042-2018/19).

**16. 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.

## EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

**Committee:** Cabinet **Date:** 7 March 2019

**Place:** Council Chamber - Civic Offices **Time:** 7.00 - 7.31 pm

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

**Other Councillors:** N Bedford, R Brookes, P Keska and M Sartin

**Apologies:** N Avey

**Officers Present:** D Macnab (Acting Chief Executive), G Blakemore (Strategic Director), P Maddock (Assistant Director (Accountancy)), Q Durrani (Service Director (Contracts & Technical Services)), T Carne (Corporate Communications Manager), A Hendry (Senior Democratic Services Officer) and A Rose (Marketing & Digital Content Officer)

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### 88. 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.

### 89. DECLARATIONS OF INTEREST

Pursuant to the Council's Member Code of Conduct, Councillor G Mohindra declared an interest in item 8 – Harlow and Gilston Garden Town Transport Strategy, by virtue of being a Cabinet Member of Essex County Council. The Councillor had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration of the item.

### 90. MINUTES

#### RESOLVED:

That the minutes of the meeting of the Cabinet held on 7 February 2019 be taken as read and signed by the Leader as a correct record.

### 91. REPORTS OF PORTFOLIO HOLDERS

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

### 92. PUBLIC QUESTIONS AND REQUESTS TO ADDRESS THE CABINET

The Cabinet noted that no public questions or requests to address the Cabinet had been received for consideration at the meeting.

### 93. OVERVIEW AND SCRUTINY

The Chairman of the Overview & Scrutiny Committee reported that their last their meeting had been held on 26 February 2019. They had received several Youth Councillors who gave a brief update on the work that the Youth Council had been involved in since their election in 2018.

Their training had included Dementia Friends Awareness, Hate Crime Ambassadors, Consequences of Crime, Drug Awareness, Basic First Aid, Diversity Awareness as well as training provided by Essex Police and the British Youth Council.

The Youth Council had also been involved in the Youth Council's 10th Anniversary celebrations at the Houses of Parliament, a drug report and Gateway Drugs project, MiLife, the Youth Activities Map and winning the National Crimebeat Awards 2018.

They ensured that the Youth Council were considering relevant topics by consulting young people through surveys, within their schools, holding youth conferences and the use of social media.

They had been involved in many consultations with external organisations and had successfully applied for and received £4830 of external funding in the past year. They had chosen to support CRY Cardiac Risk in the Young as their chosen charity to raise funds for.

Other issues considered were the conclusion of the call-in for the Accommodation Strategy, questions to be put to South East Local Enterprise Partnership who would be attending the Committee in April and the work programmes for the O&S Committee and Select Committees.

#### **94. HARLOW AND GILSTON GARDEN TOWN TRANSPORT STRATEGY**

The Planning Services Portfolio Holder introduced the report on the Harlow and Gilston Garden Town Transport Strategy. The Cabinet noted that Harlow and Gilston had been designated as a Garden Town by the Ministry for Homes, Communities and Local Government in January 2017 and would comprise new and existing communities in and around Harlow. East Herts, Epping Forest and Harlow District Councils were working together with Hertfordshire and Essex County Councils to ensure plans for the Garden Town supported sustainable living and a healthy economy; provided a good quality of life for existing and future residents; and responded to local landscape and character.

AECOM were commissioned in May 2018 to prepare a transport strategy working with the Councils across the Garden Town. Transport had a critical role to play in facilitating housing and employment growth. The Transport Strategy was intended to be a high level document which set out the key aims, objectives and principles in relation to movement, travel and transport in and around the Garden Town. The Draft Transport Strategy had now been agreed by the Harlow and Gilston Garden Town Member Board and the next stage was to seek agreement from this Council to publish the draft strategy for a period of consultation.

Once it has been through this it would come back to the Council for adoption as our own planning document.

Councillor Sartin said that she had been to a workshop in Harlow where they talked about transport corridors and asked if there were any circular routes under consideration. The Planning Portfolio Holder said that the corridors were to connect to the North, South, East and West of the Garden Town. If they made the routes

longer they may discourage people from using them; but the document will be out for consultation and if you felt that a circular route was better, please let us know.

Councillor Lion wanted to know if 'lift sharing' would be considered. He was told they were consulting on the current transport strategy, in the current hierarchy, only the fourth item was the private vehicle. If they could improve the use of private vehicles by using lift sharing, that would be a positive thing.

Councillor Grigg commented that some of the targets in the report were very challenging, like balancing the need for parking spaces and at the same time helping retail businesses. She would be interested in how this would work out. The Planning Services Portfolio Holder agreed it was a challenging balancing act; providing more car parking spaces would also encourage more cars and cause congestion. We would have to wait and see what the consultation comes up with.

Councillor Bedford said it was fair to say that looking at this survey we were comparing today's usage of motor vehicles to future travel modes. The Planning Services Portfolio Holder said that they were not comparing, just developing a strategy. They were also looking at rapid transit buses and trams and other options for the transport corridors. For the Garden Town the strategy would have to be something that was capable of evolving over time as there a lot of unknowns at this stage.

#### **DECISION:**

- (1) That the draft Harlow and Gilston Garden Town Transport Strategy (January 2019) be published for a six-week period of public consultation following the May elections; and
- (2) The Cabinet noted that, following consultation and any subsequent revisions to the document, it was intended that the final Transport Strategy would be agreed as a material planning consideration for the preparation of masterplans, the preparation of the Gilston Area Charter, pre-application advice, assessing planning applications and any other development management purposes.

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

To agree the Draft Transport Strategy to be published for a six week period of public consultation following the May elections. Following consultation and any subsequent revision to the document it was intended to give suitable planning weight to the strategy by endorsing it as a material planning consideration, to ensure that development proposals would achieve garden town ambitions, and that clear parameters were established for future masterplanning pre-application advice, assessing planning applications and any other development management purposes within the Harlow and Gilston Garden Town

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

Not to agree the Draft Transport Strategy for consultation would mean that there would be no agreed approach to ensure that development proposals would achieve Garden Town ambitions, and that clear parameters were established for future masterplanning and consideration of planning applications across the Garden Town in relation to movement, travel and transport

**95. WALTHAM ABBEY LEISURE CENTRE - OPTION TO TAX**

The Business Support Services Portfolio Holder introduced the report on the Waltham Abbey Leisure Centre – option to tax.

The Council currently enjoyed the protection of Section 33 of the VAT Act 1994 whereby it can reclaim all the Value Added Tax (VAT) paid on expenditure relating to its exempt supplies as long as VAT on costs relating to the exempt supplies was less than 5% of the total VAT incurred by the Council in any given financial year.

Leisure services were, in general, subject to exempt rates of VAT and the relevant expenditure of running sports centres was predominantly standard rated, it was requested that Waltham Abbey Leisure Centre be added to the list of properties “opted-to-tax” along with all other sports complexes.

As Leisure Services, were predominantly exempt from VAT the Council would be unable to recover any of the VAT incurred on any of its costs of maintaining the site. To remain consistent with the other Leisure Centres, opting to tax the land the Council could reclaim all VAT without it affecting their partial exemption limits. This practice was in place at present with formalities to be put in place.

**Decision:**

That in order to safeguard the Council’s financial position, the Cabinet agreed to “Opt-to-Tax” Waltham Abbey Leisure Centre.

**Reasons for Proposed Decision:**

To enable the Business Support Service Director to “Opt-to-Tax” Waltham Abbey Sports Centre after gaining relevant advice from VAT advisors thus ensuring the Council can reclaim all the VAT incurred on its exempt supplies.

**Other Options for Action:**

- (i) Do not “Opt-to-Tax” and do not reclaim any VAT on exempt supplies;
- (ii) Do not “Opt-to-Tax” and repay over £2m of reclaimed VAT to date;
- (iii) Do not “Opt-to-Tax” and do not reclaim VAT paid on construction costs.

**96. PETITION - PARKING TARIFF AT ONGAR CAR PARKS**

In the absence of the Contract and Technical Services Portfolio Holder, the Community and Partnership Services Portfolio Holder introduced the report on the recent petition to rescind Sunday off street car parking charges in Ongar.

The last tariff change was in 2015 however it did not include Ongar and Waltham Abbey. Parking charges had not changed in Ongar since 2008.

In September 2018 Cabinet agreed a new car parking tariff. The review sought to balance the needs of various users and was an attempt to simplify parking tariffs, 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 to enable reinvestment to improve and enhance user experience.

The petitioners sought for the Council to reconsider its earlier decision of an introduction of a £1 all day parking charge on a Sunday in Pleasance Car Park in Ongar, after an initial free one hour. The Petitioner's reasons included adverse impact on: members of the Petangue club, ramblers, dog walkers, visitors and vitality of local shops and businesses. Under the Council Constitution, Cabinet was obliged to consider the Petition and take appropriate action. However, the Cabinet noted that the report had recently been agreed (in September 2018) and had only just been implemented; and that it would be reviewed within a year.

Councillor Bedford as an Ongar Councillor asked why we needed these variations around the District; had a survey been carried out across all the car parks; and how much revenue was expected to be generated. He understood the need to support local businesses but why was the Council imposing charges on a Sunday when car parks in Ongar on Sundays were largely used for leisure pursuits. The Community and Partnership Services Portfolio Holder replied that the Council were attempting to bring all the car parks in the district up to the same standard, partly achieved by adjusting the rates. This Ongar car park would generate about £3k p.a. to help in this district wide upgrade as well as standardising car parking charges. If we made an exception for one car park then we could be called upon to make an exception to another and so on. We need to maintain a standard so we can move forward.

Councillor Keska speaking for the residents noted that there had been three separate petitions submitted as well as letters in support by the Ongar Town Forum, the Ongar Town Council, the Ongar Neighbourhood Plan Community Group and the Epping Ongar Railway. He noted that each town in the district was unique and you should not equate what happens in one town to what happens elsewhere in the District. It was said that the Council was introducing charges to support local businesses but how do you support local businesses by introducing car parking charges. And as for losing £3k per annum, as you have never had it how could you lose it, this was a new revenue stream. He had been told that a shop assistant on minimum wage would now have to pay £6 to park there, not something you could afford to lose on a small wage. He requested that the Cabinet think again about these charges.

The Community and Partnership Services Portfolio Holder replied that the petition was specifically about the £1 charge on a Sunday, the points just raised was about the entire tariff structure. But, he took the point and noted that there were still the old charges in force for the first two hours for shoppers and visitors. They were also looking towards more sustainable transport leading to less car parking. But with one hour free and a £1 all day parking charge on a Sunday, it was not considered to be excessive. Councillor Keska said that he thought it was not an unreasonable charge; it was the message it was sending that had gone down badly. He understood that it would be reviewed within a year, could this be reviewed in less than a year. He was told that this would be unlikely.

Councillor Philip understood that all ward Councillors thought that their wards were unique but as a District Council they could not treat all 24 local councils differently. They all had their own problems. It was disingenuous to say that the car parking charges had gone up by £6, that is what it costs now. £1 for Sunday parking was not excessive, given what the Council was putting back in return. He understood the concerns of residents and Councillors but he would not encourage a review in under 12 months as they would need proper data to assess and he would encourage the Portfolio Holder bring back a report in a 12 month period but not later.

Councillor C Whitbread noted that we had some of the lowest car parking charges in Essex and invested in our high street and car parks. We had also maintained an

element of free parking. He noted the concerns of the Members and that we would review it within 12 months.

**Decision:**

(1) That the Petition from Ongar residents seeking to rescind the Cabinet decision of September 2018 of a free one hour followed by £1 all day charge on Sunday in the Pleasance Car Park in Ongar be noted; and

(2) The Cabinet agreed that on the basis that the changes being introduced were agreed in September 2018 as part of parking tariff review it was too soon to make an amendment and that a full review of the impact of the new tariff would be carried out within a year of being implemented.

**Reasons for Proposed Decision:**

To consider a petition submitted by residents of the District.

**Other Options for Action:**

It was possible to rescind the earlier Cabinet decision of September 2018 and keep free Sunday parking in Pleasance Car Park in Ongar. There were four other car parks that will also see the introduction of new £1 charge, these are: Basons Lane Ongar, Cornmill, Quaker Lane and Darby Drive Waltham Abbey. It could be deemed unfair if only one car park remained free and others were chargeable.

**97. ANY OTHER BUSINESS**

It was noted that there was no other urgent business for consideration by the Cabinet.

**CHAIRMAN**

## **Report to the Cabinet**

**Report reference: C-039-2018/19**

**Date of meeting: 11 April 2019**



**Epping Forest  
District Council**

**Portfolio: Housing – Cllr S Stavrou,**

**Subject: Acceptance of Tenders - Planned Installation of PVCu Double-Glazed Windows and Doors to Council owned blocks of flats;**

**Responsible Officer: H Thorpe – Housing Assets Manager (01992 564162).**

**Democratic Services: A Hendry (01992 564246).**

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

- (1) That, Exterior Plas Ltd be awarded the 1-year contract renewable annually for up to a maximum of 4-further years, for the Planned Installation of PVCu Double-Glazed Windows and Doors to Council-owned blocks of flats in the sum of £2,017,444.20 with an overall weighted price and quality score of 87.8%;**
- (2) That, expenditure of the tendered sum £2,017,444.20, is programmed over a 5-year period commencing in the financial year 2019-20 and be capped to the sum included in the Capital Programme identified for Double Glazing installations on an annual basis; and**
- (3) That, this contract be designated as a serial contract to facilitate the annual adjustment to the tendered rates in accordance with the Royal Institution of Chartered Surveyors (RICS) BCIS ALLCOS Resource Cost Index of All Construction: All Repair and Maintenance Work #7419.**

### **Executive Summary:**

In order to undertake the Planned Installation of PVCu Double-Glazed Windows and Doors to Council-owned blocks of flats during the financial year 2019-20 and over the following 4-year period it was necessary to undertake a procurement exercise based on the Most Economically Advantageous Tender (MEAT) taking cost and quality into account to satisfy the Council's Procurement Rules.

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

The existing double-gazed windows and doors installed in Council-owned blocks of flats are in a poor condition and in need of replacement. Under the Decent Homes Standard windows and doors are listed as a "Key Building Component" and it is recognised that further deterioration could have an immediate impact on the integrity of the building plus adverse safety and security implications.

A 5-year contract is required for the Planned Installation of PVCu Double-Glazed Windows and Doors to Council-owned blocks of flats to ensure the properties remain in a decent condition. In order to undertake the procurement exercise all leaseholders were consulted in line with the

Commonhold and Leasehold Reform Act 2002.

**Other Options for Action:**

The main alternative options considered are:

- (1) To re-tender the contract on an annual basis. However, this would-be time consuming and inefficient. Re-tendering would not guarantee more competitive tenders.
- (2) To re-tender based on price alone. However, this would not necessarily return a more competitive tender and would not identify or quantify a quality commitment from the lowest tenderer.
- (3) To seek quotations on an individual adhoc basis for each block on the planned PVCu double-glazed windows and door installation programme. However, this is very time consuming and is not cost effective, and given the volume of works per annum, this would breach the Council's Procurement Rules C2 (9) with the works exceeding £25,000 in value during one financial year.

**Report:**

- 1. The existing contract for the Planned Installation of PVCu Double-Glazed Windows and Doors to Council-owned blocks of flats has reached the end of its term and therefore it is necessary to re-tender the works.
- 2. The total budget for Double-Glazing in the Capital Programme 2019-20 is £994,000, with expenditure split between Ad-hoc and Planned installation of double-gazed windows and doors.
- 3. A tender has been sought for the Planned Installation of PVCu Double-Glazed Windows and Doors to Council-owned blocks of flats and is based on a 5-year programme of work which includes 110-blocks of flats, with 102-individual flat designs set out in 792-schedule of rate items.
- 4. Incorporating the lessons learnt from previous contracts, the Council has undertaken a tender exercise in accordance with the Council's Procurement Rules, based on and assessed in terms of the MEAT with the criteria based on quality and cost. The qualitative responses made up 30% of the overall tender evaluation with cost representing 70%.
- 5. Tenderers were advised that the qualitative assessment would be based on a total possible score of 30% which is split across a set of weighted quality questions.

Quality Method Statement Questions;	Reference;	Maximum Score;
Management and Resources	1.1	10%
Service Delivery	1.2	10%
Staff Capability	1.3	10%
	Total	30%

6. Tenderers were also advised that the Cost Element Submission of the tender would be based on a total possible score of 70% which is split across the 4-Schedules of Rates which make up the price framework.

Schedule of Rate Description;	Reference;	Maximum Score;
Administration Preliminary Costs;	01	10%
Individual Pricing Designs for Manufacture and Installation Costs;	02	50%
First Floor Access;	03	5%
Second and Third Floor Access;	04	5%
	Total;	70%

7. Tenderers were required to provide individual costs for every schedule of rate item contained in the schedules of rates even if the value of the item is a £0.00 cost. This will ensure a level and transparent tender exercise and that the tenderer has considered and competitively priced every item.
8. The contract, initially for a period of one-year is renewable annually up to a maximum of five-years, subject to the budget allocation within the Capital Works Programme and the contractor's performance and quality of workmanship.
9. Invitations to tender were issued on 28<sup>th</sup> September 2018 to the following 6 contractors who are registered on Constructionline and are experienced in undertaking this type of work.

Contractor;	Constructionline Registration Number;	Tender List Criteria;
1. Asset Finline Ltd (A&B Glass);	70400	A
2. Ashford Commercial Ltd;	34149	A
3. Carmelcrest Ltd;	52144	A
4. Exterior Plas Ltd;	121766	D
5. Potton Windows Ltd;	6409	A
6. The Loughton Window Co Ltd;	00346756	*Nominated

10. It should be noted that following the Notice of Intention Under Regulation 5 (1) of Schedule 1 of The Service Charges (Consultation Requirements) (England) Regulations 2003 Section 20 Notice letter 1; where leaseholders have the right to nominate a person or company who they would like to be included in the tender process, the Council on the 19<sup>th</sup> February 2018 received a nomination for the Loughton Window Co Ltd.
11. The tenderers were advised that their tender submissions were to be returned to the Civic Offices not later than 12 noon on Friday 2<sup>nd</sup> November 2018.
12. The tenders were opened on the 8<sup>th</sup> November 2018 and present at the tender opening were four representatives of Epping Forest District Council, the Portfolio Holder

(Housing), the Director of Housing (Property), the Committee Officer and the Housing Officer.

13. A total of 6 tenders were invited and 4 were received before the return date and time. The results of the tender opening based on the tenderers cost submission are shown in the table below:

	Tendered Sums £;	Position;
Exterior Plas Ltd	2,017,444.20	1 <sup>st</sup>
Supplier A	2,223,224.65	2 <sup>nd</sup>
Supplier B	3,633,521.00	3 <sup>rd</sup>
Supplier C	3,867,000.00	4 <sup>th</sup>
Did Not Return;		
Did Not Return;		

14. A full Tender Evaluation Report was undertaken on all 4-tenders submitted. The Tender Evaluation Report included a weighted assessment of the tenderers' Quality Method Statement Questions and a weighted assessment of the tenderers' Cost Element Submission which included a full arithmetical check, a comparison of the tenderers' submitted schedule of rate items and the identification of any pricing inconsistencies or omissions.
15. The combined scores of the tenderers Quality Method Statement Questions and the tenderers Cost Element Submissions, which have been evaluated strictly in accordance with the MEAT criteria and the results are set out in the table below:

Overall Tender Evaluation Score					
	Company	Quality Assessment Total Weighted Score Percentage	Cost Element Total Weighted Score Percentage	ITT Evaluation Result Cost and Quality Submissions	Contractors Overall Position
Contractor 1	A&B Glass Company Ltd	0.00	0.00	0.00	Did Not return
Contractor 2	Ashford Commercial Ltd	13.25	62.47	75.72	2 <sup>nd</sup>
Contractor 3	Camelcrest Ltd	22.67	38.97	61.64	3 <sup>rd</sup>
Contractor 4	Exterior Plas Ltd	17.83	70.00	87.83	1 <sup>st</sup>
Contractor 5	Potton Windows Ltd	0.00	0.00	0.00	Did Not return
Contractor 6	The Loughton Window Company Ltd	5.42	33.44	38.86	4 <sup>th</sup>

16. It is therefore recommended that Exterior Plas Ltd, be awarded the contract for the Planned Installation of PVCu Double-Glazed Windows and Doors to Council owned blocks of flats with annual expenditure limited to the budget included in the Capital Programme, for up to a maximum of 5-years in the sum of £2,017,444.20 being the most economically advantageous tender received with overall percentage figures for Cost and Quality totalling 87.83%;

17. A review of the Constructionline Supplier Report has been undertaken on the 26<sup>th</sup> November 2018, which includes a financial credit check on Exterior Plas Ltd. The outcome revealed that in the latest set of financial accounts Exterior Plas Ltd has a turnover of £8.1m and a further review will be undertaken prior to the contract award.
18. Exterior Plas Ltd is an experienced contractor, with a local site set up within the Epping Forest District.
19. Exterior Plas Ltd was the successful contractor in the tender exercise for the Ad-Hoc Installation and Repair of PVCu Double-Glazed Windows, PVCu and Composite Doors to Council owned properties and has demonstrated their experience in this competitive tender exercise through their price and quality submission. Exterior Plas Ltd has a good track record working with the Council and has provided both a quality service and value for money on a consistent basis.
20. It should be noted that when the contract is extended beyond the first year, all tendered schedule of rate items are to be increased annually in accordance with the Royal Institution of Chartered Surveyors (RICS) BCIS ALLCOS Resource Cost Index of All Construction: All Repair and Maintenance Work #7419.

#### **Resource Implications:**

£894,000 is currently allocated within the existing Capital Programme for planned and ad-hoc double-glazing, with £994,000 allocated in 2019-20.

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

The financial expenditure is below that requiring an OJEU Procurement Exercise. Therefore, this tender complies with the requirements as set out in the Council's Procurement Rules

This tender also satisfies Section 20 of the Commonhold and Leasehold Act 2002.

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

This programme of work provides a safer environment for all Council tenants and leaseholders of Council owned and managed blocks of flats.

To maintain and improve the Council's properties and increase the property's energy efficiency.

To increase the average SAP rating of Council owned and managed property.

To achieve 'Secure by Design' standards on replacement PVCu double-glazed windows and doors.

#### **Consultation Undertaken:**

Notice of Intention Under Regulation 5 (1) of Schedule 1 of The Service Charges (Consultation Requirements) (England) Regulations 2003 Notice of intention to enter into a long-term agreement. Pre-tender consultation (Section 20 notice no.1) was undertaken on the leaseholders of the blocks of flats prior to issuing the Invitation To Tender.

#### **Background Papers:**

A Commercial in Confidence Tender Evaluation Report for Contract 689 - Planned Installation of PVCu Double-Glazed Windows and Doors to Council-owned blocks of flats 2019-24 is available to Members on request.

**Risk Management:**

A risk assessment has been undertaken which includes performance, quality, and health and safety risks.

A review of the Constructionline Supplier Report has been undertaken on the current membership of Exterior Plas Ltd; Registration Number; 121766 has been completed and a further review will be undertaken prior to the contract award.

As all of these works are issued under low value individual HRP Works Orders which are not invoiced and settled until the works have been inspected and completed these works are considered to be a low risk.

# Equality Impact Assessment

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

## Section 1: Identifying details

Your function, service area and team: Communities, Housing Property and Development, Housing Assets

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: Acceptance of Tenders - Planned Installation of PVCu Double-Glazed Windows and Doors to Council-owned blocks of flats 2018-23;

Officer completing the EqlA: Tel: Haydn Thorpe X4162 Email: [hthorpe@eppingforestdc.gov.uk](mailto:hthorpe@eppingforestdc.gov.uk)

Date of completing the assessment: 29<sup>th</sup> November 2018

## Section 2: Policy to be analysed

2.1	<p>Is this a new policy (or decision) or a change to an existing policy, practice or project?</p> <p>This new policy is required for the acceptance of tenders for undertaking planned installations of PVCu double-glazed windows and doors to Council owned and managed blocks of flats.</p>
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p>The main aim is for the Council to enter into a Framework Agreement with a contractor for undertaking the installation of PVCu double-glazed windows and doors to Council owned and managed blocks of flats in line with the Councils Procurement Rules.</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <p>For the successful contractors to be able to undertake the installation of PVCu double-glazed windows and doors in Council owned and managed blocks of flats it should be noted that windows and doors are listed as a “Key Building Component” under the Decent Homes Standard and these works will ensure that the Council continues to meet this statutory requirement.</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none"><li>• service users</li><li>• employees</li><li>• the wider community or groups of people, particularly where there are areas of known inequalities?</li></ul> <p>Yes – it will provide decent, safe and secure homes for Council tenants and leaseholders of Council owned and managed blocks of flats.</p> <p>Will the policy or decision influence how organisations operate?</p> <p>No</p>

2.4	<p>Will the policy or decision involve substantial changes in resources?</p> <p>No</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>The Councils Procurement Rules dictates the procedures the Council needs to follow concerning the award of contracts.</p> <p>The Council has to undertake planned installations of PVCu windows and doors to maintain Council owned and managed blocks of flats to meet the Decent Home Standard. These works are essential to maintain the safety and security of the property and ensure they continue to meet the Decent Home Standard and;</p> <ul style="list-style-type: none"> <li>• Meet the <a href="#">HHSRS minimum safety standards for housing</a></li> <li>• Ensure windows and doors which are a “Key Building Component” under the Decent Homes Standard are in a reasonable state of repair.</li> </ul> <p>Well maintained Council housing is essential to meet legislative requirements that are imposed on all landlords and this work ensures Council properties continue to meet the Decent Home Standard.</p>

### **Section 3: Evidence/data about the user population and consultation<sup>1</sup>**

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>The works are undertaken on individual Council properties and will not affect groups of the population.</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p>Not required.</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>Community engagement is not required as the work is undertaken on individual Council owned and managed blocks of flats.</p>

## Section 4: Impact of policy or decision

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

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Positive; The work will have a positive effect on all of the identified equality groups as tenants, leaseholders and visitors to the block will benefit from safe and secure windows and doors.	M
Disability		M
Gender		M
Gender reassignment		M
Marriage/civil partnership		M
Pregnancy/maternity		M
Race		M
Religion/belief		M
Sexual orientation		M

## 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 ' <b>YES</b> ', use the action plan at <b>Section 6</b> to describe the adverse impacts and what mitigating actions you could put in place.



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**Epping Forest  
District Council**

## **Report to the Cabinet**

**Report reference: C-041-2018/19**

**Date of meeting: 11<sup>th</sup> April 2019**

**Portfolio: Housing & Property Services**

**Subject: Council House Building - Progress Report for Phases 1-6**

**Responsible Officer: Matt Rudgyard - Development Manager (01992 562363)**

**Democratic Services: Adrian Hendry (01992 564756)**

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

**That the contents of this Progress Report on Phases 1 - 6 of the Council House-building Programme be noted, and presented to the Cabinet in line with the Terms of Reference of the Council House Building Cabinet Committee.**

### **Executive Summary:**

This report sets out the progress that has been made across each of the six phases of the House-building programme that have either completed, are on site or are currently being procured. Since the programme began a total of 45 new homes for affordable rent have been completed and a further 63 are expected to be delivered under Phases 1,2 and 3. Phases 4,5 and 6 will deliver another 73 homes over the next three years with more homes in the pipeline subject to planning consents.

There have been some time delays and cost increases against the original programme. These have been caused by different reasons including non-performance of contractor, unforeseen asbestos, land contamination issues, and an undetected electricity cable. The full details on each phase are set out in the report.

An internal audit of the council house-building programme was undertaken in February 2019 and has identified some lessons to be learnt from phases 1, 2, and 3. Actions are now being put into place to improve future programme delivery including a new set of contractor performance indicators.

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

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

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

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

### **Phase 1 (Recovery Phase)**

1. Further to the determination of the contract with Broadway Construction Ltd, a contract was awarded to P.A. Finlay and Company Ltd to complete the works on Phase1 as approved by the Committee on the 22<sup>nd</sup> September 2016.
2. The Phase 1 recovery work was completed on the 31<sup>st</sup> October 2017 with the last two homes on the Red Cross site being handed over and occupied. The homes built are now in the defects liability period (a 2-year period where the Contractor retains responsibility for contractual defects reported). The defects liability period for Phase 1 will end on the 31<sup>st</sup> October 2019.
3. The original contract with Broadway Construction Ltd was let on the 27<sup>th</sup> October 2014 with completion expected on the 13<sup>th</sup> November 2015. With the delays that built up under the contract with Broadway Construction, together with the Council determining the contract and the subsequent procurement of a new contract with P.A. Finlay and Company Limited meant an overall delay of 102 weeks on the original anticipated handovers.
4. The determination of the contract with Broadway Construction Limited also led to a significant increase in costs with the works costs rising from £2,214,611.52 to £5,787,343.84. Overall, the recovery project was 62% more expensive than the original contract. The increased costs were mainly due to remediation works, additional drainage works and utility works. In these circumstances a premium is also paid for appointing a contractor to take on another contractor's unfinished work and all the risks associated with the project.

### **Notice of Adjudication from Broadway Construction Ltd**

5. On 22 November 2017 the Council received a notice of Adjudication, which was referred by Broadway Construction Ltd (BCL). The dispute concerns the termination of the contract by the Council on 1st June 2016. BCL maintains and claims that the termination was wrongful and constituted a repudiatory breach of contract.
6. In April 2016, the Council served a default notice on BCL claiming that BCL was not proceeding with the contract works regularly and diligently. Later on 1 June terminated the Contract on the ground that BCL had continued with the default specified in its notice served in April 2016. BCL assert that this is contrary to the true facts and progress of the works on the Project, and that they do not accept the validity of the default notice or the termination of the Contract.
7. BCL have therefore given notice to refer the dispute to adjudication in accordance with the Contract.
8. BCL are seeking the following relief and decision from the Adjudicator:
  - That the Council wrongfully terminated the Contract;
  - That the Council is liable for repudiatory breach of contract;

- That the Council is liable to pay Broadway the costs, damages and expenses that are proven to have been incurred by Broadway as a result of the wrongful termination of the Contract and repudiatory breach of contract;
- That the Council has no entitlement to retain or withhold liquidated damages improperly withheld prior to and following the termination of the Contract because no demand for payment of liquidated damages has been made in accordance with the Contract; and
- That the Council shall pay the Adjudicator's costs and expenses incurred in this adjudication.

9. The Council appointed Trowers and Hamblins as its expert Solicitors to defend the adjudication. The Adjudicator indicated that he should reach his decision by 2 February 2018.

10. The Adjudicator's decision was made on the 2<sup>nd</sup> February 2018 and found in favour of the Council on all matters as follows;

- Epping was entitled to terminate the Contract in accordance with Clause 8.4.2 of the Contract.
- Epping is entitled to any sum due from Broadway pursuant to Clause 8.7.4 of the Contract.
- Epping was not obliged to issue a demand for payment pursuant to Clause 2.29.5 in order to withhold or deduct liquidated damages from Broadway and Epping's rights in this regard are unaffected by the termination (howsoever caused) in accordance with Clause 8.3.1 of the Contract.
- Broadway shall be primarily liable for my fees and expenses, which in total amount to £23,062.50 + VAT of £4,612.50 making a total of £27,675.00. In the event that Epping has paid any portion of my fees and expenses for which Broadway is primarily liable, such portion shall be immediately reimbursed. Until payment in full has been received in respect of my fees and expenses, the parties shall remain jointly and severally liable for all fees and expenses incurred by me pursuant to this adjudication, together with any accruable interest. I will inform the parties when this liability has been discharged.

11. Further to the Adjudicator's decision the Council received a cheque from the Supervisor of BCL in the sum of £66,162.65. This is the final settlement and there is no other opportunity to recover any further costs.

**Phase 2 - Burton Road, Loughton – 15 x 3 bed houses, 2 x 2 bed houses, 23 x 3 bed flats & 11 x 1 bed flats**

<b>Scheme</b>	<b>Contractor</b>	<b>Start on site date</b>	<b>Contract Period</b>	<b>Contract comp. date</b>
Burton Road	Mulalley	23 <sup>rd</sup> February 2016	104 weeks	26 <sup>th</sup> February 2018
<b>Anticipated completion date</b>	<b>Variation</b>	<b>Contract Sum</b>	<b>Anticipated Final Account</b>	<b>Variation</b>

19 <sup>th</sup> July 2019	+ 72 weeks	£9,847,179.00	£10,861,015.00	£1,013,836.00
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12. This development is behind programme and has encountered a number of delays due to the following:

- The discovery of an unidentified live cable running across the site.
- Additional time spent remediating contamination across the site that had not previously been identified.
- The fire in August 2018 to the upper floors of Block B which has extended completion to July 2019. There will be a phased handover of all of the houses and flats in Block A through April and May 2019.

13. The anticipated final account is currently £10,861,015.00 which represents a 10% increase upon the originally agreed contract sum. The additional costs relate to the diversion of the live electric cable, additional remediation costs, and additional offsite works that have been instructed on the main highway. The costs relating to the fire will be covered by the Contractor and their insurers with no implications for the Council.

### Phase 3

#### **Bluemans End - 2 x 3b houses, 1 x 2b Flat & 1 x 2b flat**

	<b>Contractor</b>	<b>Start on site date</b>	<b>Contract Period</b>	<b>Contract comp. date</b>
Bluemans End	TSG Building Services Ltd	2 <sup>nd</sup> May 2018	36 weeks	17 <sup>th</sup> January 18
<b>Actual completion date</b>	<b>Variation</b>	<b>Contract Sum</b>	<b>Final Account</b>	<b>Variation</b>
26 <sup>th</sup> March 2018	+ 8 weeks	£753,034.23	£839,170.77	+£86,136.54

14. The homes were handed over on the 26<sup>th</sup> March 2018 which was a total of 8 weeks behind programme. This was due to Thames Water delays in providing their connection.

15. The Final Account was agreed at £839,170.77 which is 11% above the originally agreed contract sum. These additional costs are made up of variations mostly relating to boundary treatments, the removal of unforeseen contaminated waste and removal of asbestos.

#### **Stewards Green Road - 4 x 2b houses**

<b>Scheme</b>	<b>Contractor</b>	<b>Start on site date</b>	<b>Contract Period</b>	<b>Contract comp. date</b>
Stewards Green Road	TSG Building Services Ltd	22 <sup>nd</sup> May 2017	34 weeks	24 <sup>th</sup> January 18
<b>Actual completion date</b>	<b>Variation</b>	<b>Contract Sum</b>	<b>Anticipated Final Account</b>	<b>Variation</b>
13 <sup>th</sup> December 2018	+ 46 weeks	£752,340.41	£852,921.00	+£100,580.59

16. The homes were handed over on the 13<sup>th</sup> December 2018 which was a total of 46 weeks behind programme. This delay was due to the discovery of asbestos in the hardcore material that had been used to form the sub-base of the new entrance road.

17. The Final Account is yet to be agreed but is anticipated at £852,921.00 which is 13% above the originally agreed contract sum. These additional costs are made up of variations mostly relating to boundary treatments and the removal of contaminated waste over and above what had been allowed for. The Council intends to pursue the Consultant for costs in relation to the additional works that were required to clear the previously unidentified hazardous materials.

#### **London Road – 1 x 3b House**

<b>Scheme</b>	<b>Contractor</b>	<b>Start on site date</b>	<b>Contract Period</b>	<b>Contract comp. date</b>
London Road	VSN Enterprises Ltd	19 <sup>th</sup> June 2017	36 weeks	7 <sup>th</sup> March 2018
<b>Actual completion date</b>	<b>Variation</b>	<b>Contract Sum</b>	<b>Final Account</b>	<b>Variation</b>
7 <sup>th</sup> March 2018	Nil	£235,695.00	£262,507.93	+£26,812.93

18. The home was handed over having reached practical completion on the 7<sup>th</sup> March 2018 which was as per the agreed programme

19. The Final Account was agreed at £262,507.93 which is 11% above the originally agreed contract sum. These additional costs were because of variations to the specification, the most significant additional costs being the change in heating system required and PV installation.

#### **Parklands, Coopersale – 2 x 2b Houses & 1 x 1b Flats**

<b>Scheme</b>	<b>Contractor</b>	<b>Start on site date</b>	<b>Contract Period</b>	<b>Contract comp. date</b>
Parklands	Denmark and White Ltd	18 <sup>th</sup> April 2017	56 weeks	24 <sup>th</sup> May 2018
<b>Actual completion date</b>	<b>Variation</b>	<b>Contract Sum</b>	<b>Final Account</b>	<b>Variation</b>
10 <sup>th</sup> October 2018	+ 20 weeks	£716,756.74	£763,848.98	+£47,092.24

20. The homes were handed over having reached practical completion on the 10<sup>th</sup> October 2018 which was a total of 20 weeks behind programme. The delays were due to the design of the gravity fed drainage system and associated increase in ground levels.

21. The Final Account was agreed at £763,848.98 which is 7% above the originally agreed contract sum. These additional costs are made up of variations, the most significant being

the increase in levels across the whole of the development to allow for a gravity fed drainage system.

**Springfield and Centre Avenue – 1 x 3b House, 5 x 2b Houses & 2 x 1b Bungalows**

<b>Scheme</b>	<b>Contractor</b>	<b>Start on site date</b>	<b>Contract Period</b>	<b>Contract comp. date</b>
Springfield and Centre Avenue	Denmark and White Ltd	18 <sup>th</sup> April 2017	60 weeks	21 <sup>st</sup> June 2018
<b>Actual completion date</b>	<b>Variation</b>	<b>Contract Sum</b>	<b>Final Account</b>	<b>Variation</b>
7 <sup>th</sup> January 2019	+ 28 weeks	£1,408,126.30	£1,650,655.23	+£242,528.93

22. The homes were handed over having reached practical completion on the 7<sup>th</sup> January 2019 which was a total of 28 weeks behind programme. This was due to delays at the end of the programme where external works and boundary treatments took far longer than had previously been anticipated.

23. The Final Account was agreed at £1,650,655.23 which is 17% above the originally agreed contract sum. These additional costs are made up of variations, the most significant being the provision of a gravity fed drainage system and treatments to the site boundaries.

**Centre Drive – 1 x 3b House**

<b>Scheme</b>	<b>Contractor</b>	<b>Start on site date</b>	<b>Contract Period</b>	<b>Contract comp. date</b>
Centre Drive	VSN Enterprises Ltd	30 <sup>th</sup> October 2017	36 weeks	27 <sup>th</sup> June 2018
<b>Actual completion date</b>	<b>Variation</b>	<b>Contract Sum</b>	<b>Final Account</b>	<b>Variation</b>
8 <sup>th</sup> November 2018	+ 19 weeks	£300,285.00	£355,188.00	+£54,903.00

24. The homes were handed over having reached practical completion on the 8<sup>th</sup> November 2018 which was a total of 19 weeks behind programme. This was due to delays at the end of the programme where additional surface water drainage works had to be undertaken.

25. The Final Account was agreed at £355,188.00 which is 18% above the originally agreed contract sum. These additional costs are made up of variations, the most significant being the additional surface water drainage works required.

## Queens Road, North Weald – 10 x 3b Houses & 2 x 2b Houses

<b>Scheme</b>	<b>Contractor</b>	<b>Start on site date</b>	<b>Contract Period</b>	<b>Contract comp. date</b>
Queens Road	Storm Building Ltd	7 <sup>th</sup> January 2019	83 weeks	7 <sup>th</sup> August 2020
<b>Anticipated completion date</b>	<b>Variation</b>	<b>Contract Sum</b>	<b>Anticipated Final Account</b>	<b>Variation</b>
7 <sup>th</sup> August 2020	Nil	£2,320,493.00	£2,706,115.00	£385,622.00

26. Due to the nature of the site a package of initial enabling works needs to be completed, including the relocation of a UKPN substation before construction works can commence.

27. A letter of intent was issued to Storm Building Ltd up to a works value of £250K to undertake the enabling works. The enabling works were expected to take three months to complete.

28. The main construction works were originally expected to commence on the 5<sup>th</sup> March 2018. However, due to several factors including the discovery of a significant volume of asbestos under the concrete slabs to the garages and delays in completing the relocation of the substation the start on site this was delayed until the 7<sup>th</sup> January 2019. Anticipated completion of the project has been delayed until August 2020.

29. In terms of project costs, we are already forecasting an overspend of £385,622.00 above the originally agreed contract sum, an increase of 16%. The cost increases are due to:

- The discovery of asbestos for which an additional £125,000.00 was negotiated with the Contractor for removal costs
- Delay to the start date post tender to the sum of £157,532.41. The contractors original tender was based on a start date in October 2016 and commenced in August 2017.

### **Phase 4 – 6**

30. Further to the end of the Development Agents (East Thames) involvement in the Council House Building Programme on the 9<sup>th</sup> March 2018 the Council has undertaken the following actions;

- Novated the appointment of Pellings LLP for each of the contracts that are currently on site, which makes up Phases 1-3 inclusive (Pellings LLP have acted as Employers Agent across the Council House Building Programme since its inception).
- Amended each of the Building Contracts that are currently in existence across each of the sites making up Phases 1-3 inclusive, removing East Thames and substituting with the Council.
- Engaged site inspection (Clerk of Works) services to undertake weekly site visits to ensure that the Contract Specification and Employers Requirements are being adhered to, as well as monitoring progress on site and advising the Employers Agent/EFDC on construction and programme matters requiring intervention.

- Ensured that there are procedures in place to manage the Defects Liability Period on each contract. It is important that the Council can provide a good level of service to its customers moving into their new homes and the management of defects is crucial to this as it is likely to be one of the first interactions that customers have with the Council.
  - Set up OJEU compliant Frameworks to allow for the selection of Contractors and Consultants on Phases 4, 5 and 6 and any future developments yet to be identified. The new Framework was commenced in October 2018 and runs for four years.
33. The Council is now working closely with its new Framework partners on the sites that make up Phases 4,5 and 6 of the Council House Building Programme and have recently commenced demolition of the first six garage sites to clear the way for construction of the first homes to be developed under this new arrangement.
34. The intention is to clear the sites and undertake site investigations which will inform the design development of the new homes before tendering the construction packages to our Contractor partners. This approach will reduce the risks that have led to the delays and cost increases experienced in Phases 1, 2 and 3 of the programme.

#### **Internal Audit**

35. An internal audit of the Council House Building Programme was undertaken in late February 2019. The audit covered a review of the programme information, and arrangements to assess whether there are effective working processes to deliver the Programme on time and on budget. The audit has also sought to verify whether lessons learnt from previous phases of the Programme to improve delivery of future phases.
36. The audit achieved a moderate assurance rating and made recommendations to;
- implement contractor key performance indicators (KPI) performance reporting,
  - to increase the frequency of Programme reporting to Council House Building Cabinet Committee,
  - To include the Right to Buy (RTB) 1-4-1 income as a standing agenda item at team meetings,
  - Update the Programme risk register to incorporate the risks of having to repay RTB 1-4-1 receipts.

#### **Resource Implications:**

Estimated expenditure for Phase 1 (inc. fees) - £6,263,985  
 Estimated expenditure for Phase 2 (inc fees) - £11,438,325  
 Estimated expenditure for Phase 3 (inc fees) - £7,451,175  
 Estimated expenditure for Phase 4 - 6 (inc fees) - £16,500,000

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

It is set out in its Terms of Reference that the Cabinet Committee is to monitor progress and expenditure in relation to the Council House-building Programme and report to the Cabinet on an annual basis.

**Safer, Cleaner and Greener Implications:**

None

**Consultation Undertaken:**

- Ward Councillors have been consulted on each feasibility study that falls within their respective Ward.
- Local Residents, Town and Parish Councils and other statutory bodies have been consulted as part of the planning process where planning applications have been submitted.

**Background Papers:**

- Decisions of the Cabinet committee associated with the feasibility studies for each of the sites that make up Phases 1-6 inclusive.
- Decisions of the relevant Area Planning Sub-Committee, Cabinet, District Development Management Committee or Council associated with the Planning process for each site already approved up to and including Phases 1-6 inclusive.
- Decisions of the Cabinet Committee in respect of Policies or progress monitoring for each of the phases.

**Risk Management:**

There is a comprehensive risk register that has been compiled and is being monitored in respect of the house-building programme. Each risk, where appropriate has a risk mitigation action plan. A programme wide risk register is included for information at Appendix 1.

**Equality Analysis**

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

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# Equality Impact Assessment

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  - age
  - disability
  - gender
  - gender reassignment
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  - Factsheet 5: Frequently asked questions
  - Factsheet 6: Reporting equality analysis to a committee or other decision making body

## Section 1: Identifying details

Your function, service area and team: **Housing Development Manager, Housebuilding Team, Housing and Property**

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

Title of policy or decision: **Progress Report for Phases 1-6**

Officer completing the EqlA: Tel: **x2363** Email: **mrudgyard@eppingforestdc.gov.uk**

Date of completing the assessment: **14 March 2019**

## Section 2: Policy to be analysed

2.1	<p>Is this a new policy (or decision) or a change to an existing policy, practice or project?</p> <p>No</p>
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p>This paper is for information only – no decisions required.</p> <p>What outcome(s) are you hoping to achieve (i.e. decommissioning or commissioning a service)?</p> <p>That the contents of the paper be noted.</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none"><li>• service users</li><li>• employees</li><li>• the wider community or groups of people, particularly where there are areas of known inequalities?</li></ul> <p>N/A</p> <p>Will the policy or decision influence how organisations operate?</p> <p>N/A</p>
2.4	<p>Will the policy or decision involve substantial changes in resources?</p> <p>N/A</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>N/A</p>

### **Section 3: Evidence/data about the user population and consultation<sup>1</sup>**

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

3.1	What does the information tell you about those groups identified?  N/A
3.2	Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?  N/A
3.3	If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:  N/A

## Section 4: Impact of policy or decision

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

<b>Description of impact</b>	<b>Nature of impact</b> Positive, neutral, adverse (explain why)	<b>Extent of impact</b> Low, medium, high (use L, M or H)
Age	N/A	N/A
Disability	N/A	N/A
Gender	N/A	N/A
Gender reassignment	N/A	N/A
Marriage/civil partnership	N/A	N/A
Pregnancy/maternity	N/A	N/A
Race	N/A	N/A
Religion/belief	N/A	N/A
Sexual orientation	N/A	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 ' <b>YES</b> ', use the action plan at <b>Section 6</b> 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.

**Section 7: Sign off**

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

Signature of Head of Service:

Date:

Signature of person completing the EqIA:

Date:

**Advice**

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

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# Appendix 1 – Risk register

Risk ID	Date	Vulnerability	Trigger	Consequence	Likelihood (A, B, C, D)	Impact (1, 2, 3, 4)	Rating	Risk Owner	Existing Controls / Actions to Address Risk	Effectiveness of Controls / Actions	Required further Management Action	Responsibility for Action	Critical Success Factors and Measures	Review Frequency
<b>POLITICAL</b>														
1	05-Mar-19	Basis of house building programme.	Change in Government and/or Local Plan.	Reputational risk.	C	1	C1	EFDC	Establishment of high level demand, design, and financial parameters on which to base the programme together with clear and defined outputs.	Scheme proceeds to comply with Local Plan.	Ongoing review and monitoring.	EFDC	Scheme is completed to Local Plan.	Quarterly
2	05-Mar-19	Land availability.	Land not available within required timeframe.	Scheme may not be able to go ahead. Increase in cost(s) and delay to programme.	C	1	C1	EFDC	Initial appraisals of existing garage sites demand and opportunity for development undertaken by EFDC.	Land is available within required timeframe and budget.	Ongoing review and monitoring.	EFDC	Land is obtained to enable scheme to proceed.	Quarterly
3	05-Mar-19	Compliance with public procurement regulations	Procurement process etc. not followed.	Procurement process may need to be halted / aborted / repeated / extended.	D	3	D3	EFDC	Proposed use of Contractor Framework - OJEU compliant and ensure processes are consistent with EFDC standing orders.	Contractor Framework used and implemented.	Ongoing review and monitoring.	EFDC	Scheme complies with all necessary procurement regulation.	Quarterly
<b>ECONOMICAL</b>														
4	05-Mar-19	Funding availability.	Decrease in funding for the scheme.	Insufficient funds for scheme to proceed as intended.	C	1	C1	EFDC	Continuous monitoring of available funding from a) 1 to 1 RTB replacement, b) Section 106 contributions, c) Sale of sites, and d) Third Party funding.	Sufficient funds are available for the scheme to proceed.	Ongoing review and monitoring.	EFDC	Sufficient funds are obtained for the scheme to proceed.	Quarterly
5	05-Mar-19	Loss of available funding.	Payments not made in time (e.g. 1:1 monies after 3 years).	Loss of funding.	B	1	B1	EFDC	Acceleration of programme, other sources of housing procurement/expenditure considered.	Funding receipts committed, programme maximised.	Continual review of programme/ expenditure. Programme accelerated as far as possible.	EFDC	All funding receipts expanded.	Six-Weekly
6	05-Mar-19	Design parameters	Design criteria and parameters not established and/or established late.	Increase in cost(s) and delay to programme.	C	1	C1	Architect / Principal Designer / EFDC	Early meeting and engagement with local planning authority to establish design criteria and parameters. Review of ETG Design Brief/ER document at each phase.	Design criteria and parameters established in good time to enable programme to be met.	Ongoing review and monitoring.	Architect / Principal Designer / EFDC	Design criteria and parameters established within required timeframe to enable programme to be met.	At each phase
7	05-Mar-19	Financial control	Unknown or unexpected costs. (Pre-contract)	Insufficient funds for scheme and/or budget overspend.	B	2	B2	EFDC	Undertake financial gateway review at each stage of feasibility / design / procurement.	Ensuring sufficient funds are available for the scheme.	Continuous monitoring of anticipated cost(s) against budget.	EFDC	Ensuring scheme is within budget.	Six-Weekly
8	05-Mar-19	Financial control	Unknown or unexpected costs. (Post-contract)	Insufficient funds for scheme and/or budget overspend.	C	1	C1	EA	Implement Change Control mechanism - ensure the effects of any changes / variations are known to the team ahead of instruction. Agree levels of retention and insurance. Agree wording for performance bond / parent company guarantee provision.	Ensuring sufficient funds are available for the scheme.	Continuous monitoring of anticipated cost(s) against budget.	EA	Ensuring scheme is within budget.	Ongoing
9	05-Mar-19	Contractor financial failure	Contractor may cease trading during the course of the scheme and/or not be able to finance the works.	Scheme may halted / stopped.	C	1	C1	EA	Updated financial references and checks to be undertaken. Ensure adequate financial surety included in build contract, including provision of Performance Bond.	Financial standing of contractor is known. Recovery of any losses is maximised.	Ongoing review and monitoring.	EA	Contractor is able to finance / complete the scheme and provide all necessary resources.	Each contract
10	05-Mar-19	Volatile construction market/rising construction costs.	Setting/meeting preliminary budgets.	Tender returns over budget.	B	1	B1	EA	Soft market testing and analysis of tender/cost data.	Accurate budget forecasts.	Continuous monitoring of anticipated cost(s) against budget.	EA	Schemes procured to budget.	At each phase

# Appendix 1 – Risk register

SOCIAL														
11	05-Mar-19	Resistance from local community.	Planning application.	Increase in cost(s) and delay to programme.	B	2	B2	EFDC	Engage local community. Encourage use of local labour by contractors and encourage provision of training and apprenticeships. Undertake resident consultation and formulate a publicity strategy.	Local Community are receptive to scheme.	Ongoing review and monitoring.	EFDC	Local Community accept the completed scheme.	Six-Weekly
12	05-Mar-19	Resistance from local community.	Post Planning	Increase in cost(s) and delay to programme.	B	2	B2	EFDC	Engage local community. Encourage use of local labour by contractors and encourage provision of training and apprenticeships. Undertake resident consultation and formulate a publicity strategy.	Local Community are receptive to scheme.	Ongoing review and monitoring.	EFDC	Local Community accept the completed scheme.	Six-Weekly
TECHNICAL														
13	05-Mar-19	Appetite of contractors to undertake the works.	Procurement.	Inadequate tender returns.	B	2	B2	EFDC	Soft market testing undertaken to gauge interest from market. Consideration of traditional procurement to enable engagement of local SME contractors.	Confirmation from market that they are willing to engage/tender.	Agreement of procurement/contractor list.	EA	Correct size and type of contractor are engaged.	At each phase
14	05-Mar-19	Programme management - impact on programme of site specific reports not being commissioned until post planning permission.	Late and/or untimely commissioning and/or receipt of site specific reports.	Increase in cost(s) and delay to programme.	B	2	C2	EA	Provide early feasibilities to formulate the whole of the six year programme. Undertake site specific report ahead of or as part of planning application to mitigate delays between planning consent and tender action.	Early identification to site specific risks / issues.	Ongoing review and monitoring.	EA	Site specific risks and issues are identified early on in the project to minimise any increase in costs and/or delay to programme.	Six-Weekly
15	05-Mar-19	Planning consents not secured or delayed.	Planning applications rejected or delayed.	Development programme reduced or delayed.	C	1	C1	Architect / Principal Designer / EFDC	Preliminary designs prepared, pre-application discussions held to inform applications. All required reports submitted to meet requirements.	Planning applications to meet design and policy criteria.	Meeting to be considered with planning team leaders.	Architect / Principal Designer / EFDC	Planning consents secured to meet programme requirements.	At each phase
16	05-Mar-19	Accurate design at planning application stage	Unknown topography of existing site.	Scheme not designed to accommodate existing topography.	C	2	C2	Architect / Principal Designer / EFDC	Commission topographical surveys.	Existing topography is established early and in good time. Tender documents are accurate.	Ongoing review and monitoring.	Architect / Principal Designer / EFDC	Scheme is designed to take into account existing topography where appropriate.	Monthly
17	05-Mar-19	Clarity of design parameters	Unclear and/or non-existent design parameters.	Scheme not designed to meet Employer's Requirements.	C	2	C2	Architect / Principal Designer / EFDC/EA	Establish consistent set of Employer's Requirements - reference to East Thames Group Design Guidance and requirements of the Essex Design Guide.	Clear design parameters are established early on in the project.	Ongoing review and monitoring.	Architect / Principal Designer / EFDC/EA	Design able to proceed with clear design parameters in place.	At each phase
18	05-Mar-19	Inexperienced contractor design team	Appointment of inexperienced contractor.	Contractor design team not able to fulfil their duties and meet the Employer's Requirements.	C	1	C1	EA	Include a requirement for the contractor's design team to be clarified at tender stage of each project / phase.	Experienced Design Team.	Ongoing review and monitoring.	EA	Contractor's Design Team is able to produce a design that is compliant with the Employer's Requirements.	At each phase
19	05-Mar-19	Effect on design of site risks	Unknown or unexpected site risks.	Increase in cost(s) and delay to programme.	A	1	A1	EA	Commission surveys early.	Site risks established early which contractor can price.	Ongoing review and monitoring.	EA	Site risks identified can be eliminated or minimised.	At each phase
20	05-Mar-19	Loss of control of design through Design & Build procurement	Poorly defined Employer's Requirements.	Increase in cost(s) and delay to programme.	B	2	B2	EA	Develop robust set of Employer's Requirements that control design to meet Client's brief.	Employer's Requirements are clearly defined.	Ongoing review and monitoring.	EA	Employer's Requirements are fulfilled.	At each phase
21	05-Mar-19	Poor durability of materials	Materials do not perform as expected.	Increase in future maintenance and life cycle costs.	C	2	C2	EA /Contractor	Using basis of East Thames Group Design Guidance, complement with cost and use exercises where required.	Acceptable results from Cost and Use exercises undertaken (where required)	Ongoing review and monitoring.	EA/Contractor	Future maintenance and life cycle costs are minimised.	At each phase
22	05-Mar-19	Design liability provided to end user	Collateral warranties with sufficient cover not in place.	End user liable for design as a result of actions / inactions by the design team.	C	2	C2	EA	Ensure that collateral warranties are required from the contractor's design team to end user clients and establish level of professional indemnity insurance.	Collateral warranties obtained from contractor's design team.	Ongoing review and monitoring.	EA	End user is not responsible for any design liability.	At each phase
23	05-Mar-19	Ensure that sustainability criteria supports effective capital cost versus cost in use analysis	Sustainability criteria does not support capital cost versus cost in use analysis.	Scheme is not sustainable and may not achieve relevant compliance.	C	2	C2	Architect / Principal Designer / EFDC/EA	Ensure that Employer's Requirements require the contractor to consider a fabric first approach to thermal performance with bolt-on technologies minimised. Environmental assessments commissioned early.	Fabric first approach undertaken by contractor.	Ongoing review and monitoring.	Architect / Principal Designer / EFDC/EA	Sustainability criteria achieved. Costs in use minimised.	At each phase
24	05-Mar-19	Contractor performance	Lack of KPIs / incentives for contractor to complete the scheme.	Increase in cost(s) and delay to programme.	C	2	C2	EA	Establish KPIs, monitor and incentivise.	Monitoring of contractor's performance against KPIs can take place.	Ongoing review and monitoring.	EA	Contractor's performance meets or exceeds KPIs.	Three-Monthly

# Appendix 1 – Risk register

LEGAL														
25	05-Mar-19	Impact on programme of party wall issues.	Proposed scheme design.	Increase in cost(s) and delay to programme.	C	2	C2	EFDC	Establish ownership of properties adjacent to or affected by proposed development. Ensure that party wall notices are issued promptly (possibly outside of the build contract requirements).	Early identification of any party wall issues.	Ongoing review and monitoring.	EFDC	Any party wall risks and issues are identified early on in the project to minimise any increase in costs and/or delay to programme.	At each phase
26	05-Mar-19	Overlooking to/from adjoining residents.	Design affects adjoining owner's Right to Light and/or view.	Adjoining owner's Right to Light affected. Possible complaints from adjoining owners. Increase in cost(s) and delay to programme.	C	1	C1	Architect / Principal Designer / Contractor	Consideration of appropriate screening or single storey development. Insurances taken out against any ROL injury risk.	Adjoining owner's Right to Light not affected.	Ongoing review and monitoring.	Architect / Principal Designer / Contractor	Adjoining Owner's Right to Light and/or views not adversely affected.	At each phase
27	05-Mar-19	Legal issues including rights of title, boundary ownership, easements on or over the site.	Proposed scheme design.	Increase in cost(s) and delay to programme.	B	1	B1	EFDC	Establish clear line of responsibility for each of the legal issues and engagement of EFDC Legal Directorate.	Early identification of legal issues and rights.	Ongoing review and monitoring.	EFDC	Any legal issues and rights are identified early on in the project to minimise any increase in costs and/or delay to programme.	At each phase
ENVIRONMENTAL														
28	05-Mar-19	Impact of existing trees	Existing trees may affect the design and/or below ground works.	Increase in cost(s) and delay to programme.	C	2	C2	EFDC	Commissioning of Arboricultural report - site specific.	Review Arboricultural report before proceeding with detailed design.	Ongoing review and monitoring.	EFDC	Substructure works are designed and installed to budget/programme.	At each phase
29	05-Mar-19	Impact of ground conditions and contamination.	Ground contamination present. Ground conditions not suitable.	Increase in cost(s) and delay to programme.	B	1	B1	EFDC	Assessment of initial reports to be undertaken by EFDC to inform desktop study and commissioning of the site investigation requirements.	Review site / ground investigations report before proceeding with detailed design. All SI reports to be included in contract documents.	Ongoing review and monitoring.	EFDC	Substructure works are designed and installed to budget/programme.	At each phase
30	05-Mar-19	Flood risk	Site may lie within / on a flood risk zone.	Increase in flood prevention measures as part of scheme. Increase in cost(s) and delay to programme.	C	1	C1	EA	Consider advice of local planning authority and Environment Agency. Ensure such advice taken forward to tender documents.	Advice from planning authority and Environment Agency taken on-board and reviewed.	Ongoing review and monitoring.	EA	Scheme is completed to minimise any potential affects of flooding (within acceptable limits).	Quarterly
31	05-Mar-19	Transport / traffic / parking assessment	Transport / traffic / parking assessments not undertaken.	Planning application cannot be submitted without transport statements. Delay in programme.	C	2	C2	Architect / Principal Designer / EFDC	Commission transport statements to support planning application.	Transport Statement is able to be prepared and submitted with planning application. Highways Authority supports application.	Ongoing review and monitoring.	Architect / Principal Designer / EFDC	Planning application submitted with suitable transport statement.	At each phase
32	05-Mar-19	Closing off existing footpaths necessary to facilitate the works.	Existing Rights of Way etc. affected. Objections from residents.	Unknown route for pedestrians and/or persons not connected with these works. Objections from residents.	B	2	B2	Contractor	Principal Contractor to undertake risk assessment and implement a safe system of work. Item included in ERs. Principal Contractor to apply for relevant permits and submit applications / notices etc. in good time..	Footpaths can be closed off / rerouted in good time with minimal inconvenience to local community.	Ongoing review and monitor.	Contractor	Works can proceed safely and access for residents maintained.	At each phase

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## ***Report to the Cabinet***

***Report reference: C-043-2019/20***

***Date of Meeting: 11 April 2019***



**Epping Forest  
District Council**

**Subject: Approach to Managing the Effects of Air Quality on the Epping Forest Special Area of Conservation**

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

**Democratic Services: Adrian Hendry (01992 564246)**

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

- (1) That the adoption of an Approach to Managing the Effects of Air Quality on the Epping Forest Special Area of Conservation, to include indicative costs for the monitoring and monitoring of Air Quality within the Epping Forest Special Area of Conservation is delegated to the Portfolio Holder for Planning.**
- (2) That upon adoption the Approach to Managing the Effects of Air Quality on the Epping Forest Special Area of Conservation is adopted as a material consideration in the determination of planning applications and permitted development right proposals within the Epping Forest District Council administrative area.**

### **Executive Summary:**

Special Areas of Conservation 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 2018 (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.

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 development 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, EFDC, as a Competent Authority under the Conservation of Habitats and Species Regulations 2018, is required 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.

This report sets out the proposed approach to managing and mitigating the effects of new development on the Epping Forest SAC in relation to air quality.

**Reasons for Proposed Decision:**

To comply with the Council's general obligations as a competent authority under the Habitats Directive [article 6(3)] and the Species and Habitats Regulations 2018 [Regulation 9(1)] and to support the Examination of the Council's Local Plan Submission Version.

**Other Options for Action:**

Not to develop and adopt an Approach to Managing the Effects of Air Quality on the Epping Forest Special Area of Conservation as a material consideration in the determination of planning applications and permitted development rights schemes which result in a net increase traffic (based on Annual Average Daily Traffic levels). 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 is to ensure that the parties named, work 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 Epping Forest 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 As Members are aware the Mitigation Strategy for the Epping Forest SAC will comprise two elements as follows:

- (a) Addressing recreational impacts; and
- (b) Addressing the air quality impacts.

The approach to the mitigation of recreational pressures, by way of access management projects, is set out in the Interim Approach to Managing Recreational Pressure agreed by Cabinet on 18 October 2018 and adopted by the Council. The projects, proposals and costs set out in the Interim Approach were provided by the Conservators of Epping Forest (as the Forest's custodians) and have been supported by Natural England (as confirmed in their letter dated 1 October 2018). This includes the proposition that opportunities for SANG provision will be investigated further, recognising that such provision is already being sought as part of the masterplanning of some strategic site allocations in the LPSV. This investigation may include recognition of existing Natural Green Space, which could be effective in absorbing additional visitors if supported by appropriate investment. Further work is being undertaken to finalise the strategy and it is anticipated that this will be completed by December 2019. The final strategy will be determined by the completion and analysis of a further Visitor Survey to be undertaken during Summer 2019 followed by any necessary review of the projects set out in the current Interim Approach. This will then need to be agreed by key stakeholders, including Natural England and the Conservators of Epping Forest.

3. Policy DM 2 of the Local Plan Submission Version 2017 (LPSV) sets out the approach to considering development proposals in respect of their likely significant effect on both the Epping Forest SAC and the Lee Valley Ramsar, and Policy DM 22 of the LPSV provides the approach with respect to Air Quality considerations, including on the Epping Forest SAC. The proposed approach is being developed in response to the Memorandum of Understanding, to support the implementation of Policy DM 2 and Policy DM 22 and in order to comply with the Council's general obligations as a competent authority under the Habitats Directive [article 6(3)] and the Species and Habitats Regulations 2018 [Regulation 9(1)].

4. 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'. This approach will form part of that evidence.

5. In order to develop the Strategy to mitigate any likely significant effects on the health of the Epping Forest Special Area of Conservation (SAC) from air quality arising from new development further work has been undertaken to:

- a) Update the Council's Habitats Regulations Assessment to support the Examination of the LPSV, to take account of recent European Court of Justice rulings on the interpretation of the Habitats Directive, including to respond to requests from Natural England, as the statutory body responsible for such matters, to review and update the Council's Epping Forest SAC specific air quality modelling work;
- b) Undertaken air quality monitoring across the Epping Forest SAC in collaboration with the Conservators of Epping Forest; and
- c) Included policies within the Local Plan which will support the achievement of improvements to air quality over the period of the Local Plan.

6. The objective of the strategy is to provide a framework for providing reasonable certainty that there will be no adverse effects on the integrity of the Epping Forest SAC air quality over the course of the Plan period as a result of development, taken alone and in combination with other plans and projects.

7. The 'approach' will seek to pull together the different elements of the planning policy framework contained in the LPSV, together with other activities undertaken by the Council in respect of its environmental protection responsibilities (including actions identified in relation to the Bell Common Air Quality Management Area). These will be supported by a number of specific measures ranging from the application of planning conditions where appropriate, to secure, amongst other things, the provision of electric vehicle charging points, travel information packs for new occupiers of development, through to a commitment to develop a Sustainable Transport Strategy, to maximise opportunities for travelling by means other than the car. The 'approach' will also provide details relating to the need to secure on-going monitoring of air quality within the Epping Forest SAC through financial contributions from development. It should be noted that the framework to inform all of these matters is already provided for in published EFDC documents. The benefit of the approach will be to provide all of the information needed to support the objective as set out in paragraph 6 above in one place. In addition, a number of the elements proposed to be contained within the 'approach' would support the achievement of reducing the need to use the private car which is a key component to support the delivery of development proposed in the LPSV.

8. It should be noted that Epping Forest District Council (EFDC) has been advised by Natural England that it is currently unable to issue any planning permissions for development resulting in a net increase in Annual Average Daily Traffic movements. The Council is currently awaiting Natural England's response to the findings of the updated Habitats Regulations Assessment January 2019 with respect to its conclusions on air quality effects. It is anticipated that this response will be provided by the end of April 2019. It is therefore important that the Council is in a position to adopt the 'approach' as soon as possible after this date and, if at all possible, before the Local Plan Hearing Session scheduled for 21 May 2019. This session will be examining the Habitats Regulations Assessment in terms of its legal compliance, together with Policies DM 2 and DM 22 of the LPSV.

9. As the next meeting of Cabinet is not until 13 June 2019, and the content of the 'approach' will primarily be based on policies already agreed by the Council, in order to maintain progress and certainty on this matter, it is proposed that the adoption of the 'approach' be delegated to the Portfolio Holder for Planning.

#### **Resource Implications:**

The approach is proposed to include a requirement for contributions towards the costs of undertaking air quality monitoring across the period of the Local Plan. This will include the costs for collection of diffusion tubes. Consequently, there would be no cost burden to the Council in this regard. There would be a limited cost to the Council to develop a Sustainable Transport Strategy. This would build on work already undertaken by the Council and promoters of strategic sites within the LPSV and consequently it is considered that the likely

costs to the Council would be limited and there is sufficient provision in the 2019/20 budget to undertake this.

**Legal and Governance Implications:**

The Local Plan, the 'approach' and the level of contributions likely to be sought have been, or will be, 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 'approach' and contributions being sought would contribute to 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 Approach to Managing Air Quality Effects on the Epping Forest Special Area of Conservation itself is being developed with Natural England and the City of London Corporation (as Conservators of Epping Forest) in particular.

**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

Epping Forest District Local Plan Submission Version December 2017

Updated Habitats Regulations Assessment of Epping Forest District Council Local Plan January 2019

Letter from Natural England dated 15 June 2018

**Risk Management:**

If the Council does not demonstrate that it is taking a pro-active approach to developing and implementing an approach to managing the effects of air quality arising from development on the Epping Forest Special Area of Conservation there is a risk of being found unsound at Examination. Notwithstanding this the Council, as local planning authority, could be prevented from determining planning applications and permitted development right prior approval schemes which result in a net increase in Annual Average Daily Traffic flows. This would have an adverse effect on the Council's five year housing land supply position and how it will perform against the government's newly introduced Housing Delivery Test.

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# Equality Impact Assessment for Approach to Managing the Effects of Air Quality on the Epping Forest Special Area of Conservation

## Section 1: Identifying details

Your function, service area and team: Planning Policy

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: Approach to Managing Air Quality Effects on the Epping Forest Special Area of Conservation

Officer completing the EqIA: Alison Blom-Cooper  
Tel: 01992 564066 Email: ablomcooper@eppingforestdc.gov.uk

Date of completing the assessment: 15 March 2019.

## 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.
2.2	Describe the main aims, objectives and purpose of the policy (or decision): To agree an approach to managing the effects of air quality arising from new development 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 management of air quality effects through a range of measures.
2.3	Does or will the policy or decision affect: <ul style="list-style-type: none"> <li>• service users</li> <li>• employees</li> <li>• the wider community or groups of people, particularly where there are areas of known inequalities?</li> </ul> <p>The wider community.</p> <p>Will the policy or decision influence how organisations operate? Yes.</p>
2.4	Will the policy or decision involve substantial changes in resources? No
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 consultation<sup>1</sup>

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>N/A</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>N/A</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.

<b>Description of impact</b>	<b>Nature of impact</b> Positive, neutral, adverse (explain why)	<b>Extent of impact</b> 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 ' <b>YES</b> ', use the action plan at <b>Section 6</b> to describe the adverse impacts and what mitigating actions you could put in place.

## Section 6: Action plan to address and monitor adverse impacts

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

## **Section 7: Sign off**

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

Signature of Head of Service: Nigel Richardson

Date: 15 March 2019

Signature of person completing the EqIA: Alison Blom-Cooper

Date: 15 March 2019

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

The logo for Natural England, featuring the words "NATURAL ENGLAND" in white, uppercase, sans-serif font on a dark green rectangular background.

Nigel Richardson Assistant Director Governance (Development Management) - [NRichardson@eppingforestdc.gov.uk](mailto:NRichardson@eppingforestdc.gov.uk)  
Cc: Nicky Linihan - [nicky@fortismere-associates.co.uk](mailto:nicky@fortismere-associates.co.uk)  
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**By email only**

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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 21<sup>st</sup> 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,

A blacked-out signature, likely of Aidan Lonergan, used to redact the name in the email signature block.

Aidan Lonergan  
Area Manager – West Anglia Team

## Annex 1

### Natural England's Additional Advice for Consideration When Undertaking a Habitats Regulations Assessment for Development Affecting Epping Forest SAC

#### 1. Epping Forest SSSI

A helpful description of the SSSI area and features is provided in the [Epping Forest SSSI citation](#)

Many of the SAC features are also SSSI interest features, for example: the listed woodland types, heathlands and greater stag beetle. In addition to this, the SAC feature transitions and mosaics include grasslands, freshwater habitats (including bogs) and other woodland types that are SSSI features. This mosaic of forest-wood pasture habitats supports a nationally important assemblage of ancient and veteran trees, bryophytes, fungi, invertebrates (including dragonflies and saproxylics such as stag beetle), amphibians, breeding birds and nationally notable lichens. In addition to this, the Forest supports features of significant interest that contribute to its overall character and quality, including natural sections of spring-fed watercourses; archaeological sites, ancient soils with seedbanks and complex communities, and many species of national and county significance.

Not all of the SSSI is also notified as SAC, and so it is recommended that the above links are used to confirm which legislation applies, and what assessment criteria apply. Further information on the Habitats Regulations tests is provided below. Preferably, the application (or request for pre-application advice) should reference the SSSI / SAC and include sufficient information to enable an assessment of impacts and mitigation requirements to be made. The range of most likely impacts are outlined below, along with mitigation measures which may be appropriate.

Further background information on the Epping Forest SAC, SSSI; its notified interest features and conservation objectives can be found on the MAGIC website

#### 2. Epping Forest SAC

The Conservation Objectives for Epping Forest SAC can be viewed at <http://publications.naturalengland.org.uk/category/6490068894089216>

For the purposes of preparing for or undertaking an assessment required by the Conservation of Habitats and Species Regulations 2010 (as amended), all of the qualifying features listed below must all be treated equally.

##### 2.1 The following Annex I natural habitat types and/or Annex II species of European importance were the primary reason for the initial selection of this SAC:

- **H9120. Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrublayer (*Quercion robori-petraeae* or *Illici-Fagenion*); Beech forests on acid soils**

This qualifying habitat comprises beech *Fagus sylvatica* forests with holly *Ilex*, growing on acid soils, in a humid Atlantic climate. Epping Forest is within the north-eastern part of the habitat's UK range. Sites of this habitat type often are, or were, managed as wood-pasture systems, in which pollarding of beech and oak *Quercus* spp. was common. This is known to prolong the life of these trees.

The vegetation which comprises this habitat falls within three UK National Vegetation Classification (NVC) community types:

- W14 *Fagus sylvatica* – *Rubus fruticosus* woodland

- W15 *Fagus sylvatica* – *Deschampsia flexuosa* woodland
- W10 *Quercus robur* – *Pteridium aquilinum* – *Rubus fruticosus* woodland

Typical species include holly *Ilex aquifolium*, bracken *Pteridium aquilinum* and bramble *Rubus fruticosus*, with wavy hair-grass *Deschampsia flexuosa* in the most acidic areas.

Epping Forest SAC contains an extensive area of former beech *Fagus sylvatica* wood-pasture with many old pollards and associated beech and oak *Quercus* spp. Holly *Ilex aquifolium* and honeysuckle *Lonicera periclymenum* are significant components of the shrub layer of the woodlands, with occasional Yew *Taxus baccata* and presence of *Ruscus aculeatus*. The ground flora is frequently dominated by Bracken *Pteridium aquilinum* and brambles *Rubus fruticosus* agg., but more varied mosaics and transitions include scattered patches of wavy hair-grass *Deschampsia flexuosa*; cushions of the distinctive moss *Leucobryum glaucum*; and acid grassland-heathland plants such as *Teucrium scorodonia* and *Calluna vulgaris*.

Although the epiphytes at this site have declined, largely as a result of air pollution, it remains important for a range of rare species, including the Knothole moss *Zygodon forsteri*. The long history of pollarding, and resultant large number of veteran trees, ensures that the site is also rich in fungi, dead-wood invertebrates and notable bryophytes and lichens.

- **S1083. *Lucanus cervus*; Stag beetle.**

The decaying timber in the large woodland area of *Epping Forest* supports a large population of stag beetle *Lucanus cervus*. The stag beetle requires decaying wood to complete its lifecycle. Its eggs are laid underground in the soil next to logs or the stumps of dead trees (typically apple *Malus* spp., elm *Ulmus* spp., lime *Tilia* spp., beech *Fagus sylvatica* and oak *Quercus* spp.). The beetle larva (or grub) will spend up to seven years in the wood, slowly growing in size. Timber is also utilised, especially sunken fence posts.

Adult stag beetles emerge from mid-May until late July. Males emerge earlier to actively search for females to mate, and can often be seen flying on sultry summer evenings an hour or two before dusk. As adults they are short-lived and generally die after mating, although occasionally some may over-winter in sheltered warm places.

Epping Forest SAC has a large number of ancient trees with decaying timber and a diversity of tree species, habitat structure and canopy conditions characteristic of former royal forests and wood-pasture. The site straddles the Essex and east London population centres of the species and records are widespread and frequent in the SAC. Epping Forest is a site of national importance for the conservation of the fauna of invertebrates associated with the decaying timber of ancient trees.

**2.2 The following natural habitat types and/or Annex II species of European importance form important qualifying features of the site and added further justification for the selection of the Epping Forest as a SAC within the Natura 2000 network;**

- **H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath**

Wet heath usually occurs on acidic, nutrient-poor substrates, such as shallow peats or sandy soils with impeded drainage. The vegetation is typically dominated by mixtures of cross-leaved heath *Erica tetralix*, heather *Calluna vulgaris*, grasses, sedges and *Sphagnum* bog-mosses.

At this site, this Annex 1 habitat feature is known to predominantly comprise the following UK National Vegetation Classification (NVC) community; *M16 Erica tetralix - Sphagnum compactum*

wet heath.

- **H4030. European dry heaths**

European dry heaths typically occur on freely-draining, acidic to circumneutral soils with generally low nutrient content. Ericaceous dwarf-shrubs dominate the vegetation. The most common is heather *Calluna vulgaris*, which often occurs in combination with gorse *Ulex* spp., bilberry *Vaccinium* spp. or bell heather *Erica cinerea*, though other dwarf-shrubs are important locally. Nearly all dry heath is semi-natural, being derived from woodland through a long history of grazing and burning. Most dry heaths are managed as extensive grazing for livestock or, in upland areas, as grouse moors.

At this site, this Annex 1 habitat feature is known to predominantly comprise the following UK National Vegetation Classification (NVC) community; *H1 Calluna vulgaris - Festuca ovina heathland*.

- **Additional Site Notes**

The habitat features will comprise a number of associated semi-natural vegetation types and their transitional zones, reflecting the geographical location of the site, altitude, aspect, soil conditions (especially base-status and drainage) and vegetation management. In the UK the core habitats have been broadly categorised by the National Vegetation Classification (NVC) but it should be acknowledged within assessments that conserving the transitions and mosaics with other habitat-types and NVC communities may be important component of favourable conservation status. Maintaining or restoring these characteristic and distinctive vegetation types, and the range of types as appropriate, will be important to sustaining the overall habitat feature and the biodiversity it supports. For example, Wet Heathland (M16) may include transitions and mosaics with *Sphagnum* bogs (M-type) and wet acid grasslands. Dry Heathland (H1) may include transitions and mosaics with dry acid grasslands (U1 –types).

This SAC classified area within Epping Forest includes three of the main wood pasture types in Britain namely Beech-Oak, Hornbeam–Oak and mixed Oak. The H9120 community and the broader mosaics and transitions characteristic of ancient forests and wood-pastures are well-represented within the site. Maintaining this characteristic diversity and range is critical for the conservation of site features (e.g., H9120 and stag beetles) and site integrity.

### **3.0 Assessing Recreational Pressure and Urbanisation Impacts**

Epping Forest SAC features are vulnerable to impacts from recreational pressure, including:

- 3.1 Trampling pressure** – many SAC habitats (e.g., woodland, heathlands – grasslands/wetlands) support typical and character species that are sensitive to direct damage by trampling, excessive soil compaction and erosion. The Forest is a mosaic of habitats with areas that are subject to a range of recreational pressures. Whilst these are managed overall by City of London Epping Forest, some of these areas are currently experiencing prolonged exceedances of recreational pressure and/or are vulnerable to further increases to the detriment of notable SAC features.
- 3.2 Dog waste** – many SAC habitats (e.g., woodland, heathlands – grasslands) support typical and character species that can establish and survive in low nutrient soil conditions. Dog faeces adds a significant input of phosphate and nitrate into these Forest soils, locally impacting on ancient soil quality, its seedbank, ground flora and soil fungi. This can change the character vegetation and the overall resilience of the SAC habitat. This is particularly relevant to the root health of

ancient trees in areas of high daily visitor access with the increase in daily visits from the proposed increases in local residential populations

- 3.3 Vandalism** – many SAC habitats (e.g., woodlands, heathlands – grasslands/wetlands) support typical and character features that are vulnerable to physical damage (e.g., breaking tree branches, breaking up old stumps, smothering, digging etc.). Other vandalism can adversely impact on infrastructure necessary for conservation management (e.g., interpretation promotes best practice, bridges/culverts/dams manage water flow, fencing manages livestock & access), and/or resources (e.g., repair costs and staff time)
- 3.4 Erosion and soil compaction** – many SAC habitats (e.g., woodlands, heathlands – grasslands/wetlands) support typical and character features that are vulnerable to excessive soil erosion (e.g., mountain biking trails can impact on moss habitats, veteran tree roots and heathlands). The Forest is a mosaic of habitats with areas that are subject to a range of recreational pressures. Whilst these are managed overall by City of London Epping Forest, some of these areas are currently experiencing prolonged exceedances of recreational pressure and/or are vulnerable to further increases to the detriment of notable SAC features. The impacts of erosion and compaction are very difficult to ameliorate or reverse or mitigate and avoidance is most important.
- 3.5 Disturbance** – many SAC habitats (e.g.- woodlands, heathlands – grasslands/wetlands) support typical and character species (e.g., breeding birds, reptiles) that are vulnerable to excessive disturbance from noise, dogs and people. Whilst these may not be SAC listed features, they may be either listed SSSI features and/or S41 species, and therefore notable within a statutory planning context.
- 3.6 Litter & Pollution** – many SAC habitats (e.g., woodlands, heathlands – grasslands/wetlands) support typical and character features that are vulnerable to litter/pollution. The litter may be non-biodegradable thus cumulatively altering local niches (e.g., affecting soil/water quality, trapping small animals) and/or leach contaminants that can impact on habitats/species either acutely or chronically (e.g. affecting soil/water quality) to the detriment of the overall quality of the SAC feature. Whilst some vulnerable species may not be SAC listed features, they may be either listed SSSI features and/or S41 species, and therefore notable within a statutory planning context.
- 3.7 Fire** - many SAC habitats (e.g., woodlands, heathlands – grasslands/wetlands) support typical and character features that are vulnerable to fire. For example, these habitats with constituent soils and wildlife they support may be adversely impacted by fires. For example, some veteran trees may be centuries old with nationally significant rarities associated with them (e.g., saproxylic invertebrates, lichens, mosses etc.) and arguably irreplaceable. Fires can also adversely impact on the character of the topsoil causing impacts to the vegetation and fungal communities.
- 3.8 Increase in access by vehicle or Foot** Where the application shares a boundary with the SSSI / SAC, our default position is that no new access should be created into the Forest. Boundaries (see below) should not include any gated access or driveways, and the Forest should not be used temporarily by construction vehicles to access a development site (neither should the Forest be used to store construction materials or waste products (such as skips etc.), or erect, assemble or maintain related equipment.

Where appropriate for the location and agreed with City of London Epping Forest, a suitably robust boundary fence of suitable design should be installed (for example, full height fencing, light penetrating where necessary), with monitoring and maintenance responsibilities (in perpetuity) described. For larger sites which may be passed to a grounds maintenance

company, the specification of their responsibilities should include any boundary treatment monitoring and maintenance

There may be additional recreational activities that adversely impact on Epping Forest SAC, that have been identified by City of London Epping Forest as part of their site management and management plan consultations. Individual applications need to be considered based on the information available and the risks they may pose. Some generic information about the impacts of recreation on woodland may be available via

[https://www.forestry.gov.uk/pdf/FCRP020.pdf/\\$FILE/FCRP020.pdf](https://www.forestry.gov.uk/pdf/FCRP020.pdf/$FILE/FCRP020.pdf)

#### 4.0 Assessing air quality impacts

Epping Forest SAC features are considered sensitive to changes in air quality. Exceedance of these critical values for air pollutants may modify the chemical status of its substrate, accelerating or damaging plant growth, altering its vegetation structure and composition and causing the loss of sensitive typical species associated with it. Critical Loads and Levels are recognised thresholds below which such harmful effects on sensitive UK habitats are not likely to occur to a significant level, according to current levels of scientific understanding. There are critical levels for ammonia (NH<sub>3</sub>), oxides of nitrogen (NO<sub>x</sub>) and sulphur dioxide (SO<sub>2</sub>), and critical loads for nutrient nitrogen deposition and acid deposition. There are currently no critical loads or levels for other pollutants such as Halogens, Heavy Metals, POPs, VOCs or Dusts. These should be considered as appropriate on a case-by-case basis. Ground level ozone is regionally important as a toxic air pollutant but flux-based critical levels for the protection of semi-natural habitats are still under development. More information about site-relevant Critical Loads and Levels for this SAC is available by using the 'search by site' tool on the Air Pollution Information System (see [www.apis.ac.uk](http://www.apis.ac.uk)). It is recognised that achieving this target may be subject to the development, availability and effectiveness of abatement technology and measures to tackle diffuse air pollution, within realistic timescales.

##### 4.1 H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath

The critical levels for NH<sub>3</sub> and critical loads for Nitrogen deposition are being exceeded for the wet heath habitats (and their transitional communities). In addition to this, site-based evidence indicates that the Critical Levels for NO<sub>x</sub> are also being exceeded. The relevant Critical Levels and Critical Loads for the H4010 wet heath feature at Epping Forest are as follows:

1) NO<sub>x</sub> – Critical Level: 30ug NO<sub>x</sub> m<sup>-3</sup> for an annual mean and 75ug µg NO<sub>x</sub> m<sup>-3</sup> for a 24 hour mean

This level is linked to effects that are mainly on growth, photosynthesis and nitrogen assimilation/metabolism within photosynthetic plants. The level is also regard as likely to cause direct damage to the mosses, liverworts and lichens of the wet heath community (and mosaic communities) because they receive nutrients from atmospheric deposition leading to reduced species diversity and an increase in nitrogen-loving species. Furthermore, the wet heath community (and its mosaic/ transitional communities including bog pools etc.) is vulnerable to adverse changes in vegetation composition such as reduced species diversity and an increase in nitrogen-loving species. There is also an increased risk of heather beetles infesting *Calluna vulgaris*, encouraged by higher N levels in plants

2) NH<sub>3</sub> – Critical Level: 1 µg NH<sub>3</sub> m<sup>-3</sup> for an annual mean.

This level is linked to a loss of sensitive mosses and lichens communities. Communities become dominated by robust nitrogen-liking plants at the expense of typical and character

lichens and mosses of an open sward.

3) Nitrogen Deposition – Critical Loads: maximum 10kg N/ha/year (see comments)

This level is linked to changes in species composition with a marked decline in *Calluna vulgaris* and ericoids and an increased dominance of grasses. There are also likely to be losses of bryophytes and lichens as per (2) above. There may also be negative effects on ericoid mycorrhiza and an increase in drought sensitivity. There is an increased risk of heather beetle infestation and vulnerability to insect pests and frost.

It should be noted that the bog pools and transitional bog communities supporting *Sphagnum* moss species may be more vulnerable to Nitrogen deposition than the overall M16 habitat and require a lower critical load of between 5 – 10kg N/ha/year. This should be taken into account when making judgments about the restoration and conservation of the wet heath mosaic, either on a unit basis where detailed survey based information exists or on a precautionary basis for the whole wet heath resource.

4) Sulphur Dioxide – Critical Level: 10 µg SO<sub>2</sub> m<sup>-3</sup> for an annual mean

This level is linked to the vulnerability of lichens (and possibly bryophytes) within the wet heath community. SO<sub>2</sub> dissolves in water to produce acidic ions which are readily absorbed through the lichen thalli disrupting photosynthesis. SO<sub>2</sub> has also been shown to inhibit the activity of nitrogenase, which is used by cyanobacterial photobionts to fix atmospheric nitrogen.

#### 4.2 H4030. European dry heaths

The critical levels for NH<sub>3</sub> and critical loads for Nitrogen deposition are being exceeded for the dry heath habitats (and their transitional communities). In addition to this, site-based evidence indicates that the Critical Levels for NO<sub>x</sub> are also being exceeded. The relevant Critical Levels and Critical Loads for the H4030 dry heath feature at Epping Forest are as follows:

1) NO<sub>x</sub> – Critical Level: 30ug NO<sub>x</sub> m<sup>-3</sup> for an annual mean and 75ug µg NO<sub>x</sub> m<sup>-3</sup> for a 24 hour mean

This level is linked to effects that are mainly on growth, photosynthesis and nitrogen assimilation/metabolism within photosynthetic plants. The level is also regarded as likely to cause direct damage to the mosses, liverworts and lichens of the dry heath community (and mosaic communities) because they receive nutrients from atmospheric deposition leading to reduced species diversity and an increase in nitrogen-loving species. Furthermore, the dry heath community (and its mosaic/ transitional communities) is vulnerable to adverse changes in vegetation composition such as reduced species diversity and an increase in nitrogen-loving species. There is also an increased risk of heather beetles infesting *Calluna vulgaris*, encouraged by higher N levels in plants

2) NH<sub>3</sub> – Critical Level: 1 µg NH<sub>3</sub> m<sup>-3</sup> for an annual mean.

This level is linked to a loss of sensitive mosses and lichens communities. Communities become dominated by robust nitrogen-liking plants at the expense of typical and character lichens and mosses of an open sward.

3) Nitrogen Deposition – Critical Loads: maximum 10kg N/ha/year (max – see comments)

This level is linked to changes in species composition with a marked decline in *Calluna*

*vulgaris* and ericoids and an increased dominance of grasses. There are also likely to be losses of bryophytes and lichens as per (2) above. There may also be negative effects on ericoid mycorrhiza and an increase in drought sensitivity. There is an increased risk of heather beetle infestation and vulnerability to insect pests and frost.

It should be noted that the bog pools and transitional bog communities supporting *Sphagnum* moss species of the H1/M16 mosaic may be more vulnerable to Nitrogen deposition than the overall dry heath habitat and therefore require a lower critical load of between 5 – 10kg N/ha/year. Furthermore, areas where transitions include acid grasslands may also require a lower critical load of 8 kg N/ha/year. This should be taken into account when making judgments about the restoration and conservation of the H1/M16 mosaic and H1/acid grassland areas, either on a unit basis where detailed survey based information exists or on a precautionary basis for the whole heathland resource.

4) Sulphur Dioxide – Critical Level 10  $\mu\text{g SO}_2 \text{ m}^{-3}$  for an annual mean

This level is linked to the vulnerability of lichens (and possibly bryophytes) within the dry heath community.  $\text{SO}_2$  dissolves in water to produce acidic ions which are readily absorbed through the lichen thalli disrupting photosynthesis.  $\text{SO}_2$  has also been shown to inhibit the activity of nitrogenase, which is used by cyanobacterial photobionts to fix atmospheric nitrogen.

#### **4.3 H9120. Atlantic acidophilous beech forests with Ilex and sometimes also Taxus in the shrub layer (Quercion robori-petraeae or Ilici-Fagenion); Beech forests on acid soils**

The critical levels for  $\text{NH}_3$  and critical loads for Nitrogen deposition are being exceeded for the H9120 woodland feature (and the defined mosaic). In addition to this, site-based evidence indicates that the Critical Levels for  $\text{NO}_x$  are also being exceeded. The relevant Critical Levels and Critical Loads for the H9120 woodland feature at Epping Forest are as follows:

1)  $\text{NO}_x$  – Critical Level: 30 $\mu\text{g NO}_x \text{ m}^{-3}$  for an annual mean and 75 $\mu\text{g NO}_x \text{ m}^{-3}$  for a 24 hour mean

This level is linked to effects that are mainly on growth, photosynthesis and nitrogen assimilation/metabolism within photosynthetic plants. The level is also regarded as likely to cause direct damage to the mosses, liverworts and lichens of the dry heath community (and mosaic communities) because they receive nutrients from atmospheric deposition leading to reduced species diversity and an increase in nitrogen-loving species.

Responses to nitrogenous pollutants can be further modified and exacerbated by interactions with other environmental factors, including frost, drought and pest organisms. These interactions generally include increased susceptibility to these factors, which may in turn lead to major ecological changes. Nitrogen oxides are known to have greater adverse effects in the presence of  $\text{SO}_2$  or  $\text{O}_3$ , and hence the critical level should apply where these pollutants are also close to their critical level.

2)  $\text{NH}_3$  – Critical Level: 1 $\mu\text{g NH}_3 \text{ m}^{-3}$  for an annual mean.

This level is linked to a loss of sensitive mosses and lichens communities. Communities become dominated by robust nitrogen-loving species at the expense and virtual loss of acidic-loving species, as bark pH becomes less acidic. The threshold needs to ensure there is a suitable air quality for significant species such as Knothole moss and nationally scarce lichens. Prolonged exceedances may cause direct damage to foliage, (e.g. leaf discoloration, premature senescence and loss) and reduce the ability of stomata to close

under drought conditions, leading to plant water stress. There may be increased sensitivity to drought and spring frost and increased risk of pest and pathogens attack. There may also be a loss of mycorrhiza and fungal fruit bodies and through stimulated nitrification, an increasing soil acidity. Furthermore, there may be changes in the composition of the ground flora, bryophyte and lichen communities and an increase in grasses and ruderal species within the understorey. Collectively, these factors are likely to reduce the H9120 feature's resilience against the pressures of climate change and increasing recreation.

### 3) Nitrogen Deposition – Critical Loads: 10kg N/ha/year (max – see comments)

This level is linked to changes in ground vegetation and mycorrhiza; nutrient imbalance and changes in soil fauna. Prolonged exceedances may cause a change in mycorrhizal flora and reduction in the numbers of large sporocarps, fruiting bodies, which appear particularly sensitive to  $\text{NH}_4^+$ . Sensitive mycorrhizas are replaced by those preferring rich conditions, which tend to be those that are efficient at taking up Phosphate. The characteristic tree species may also develop increased sensitivity to abiotic and biotic stress - reduced frost hardiness, associated with effects on late growth cessation and early bud burst, as young tissue is highly frost sensitive. Notably, Beech may be vulnerable to winter desiccation; increased defoliation by leaf feeders; increased pathogen infection. There may also be a loss of species diversity in the understorey and ground flora (including forbs and mosses), with increased abundance of nitrophilous plants especially grasses. Epiphytes growing on Oak are particularly vulnerable due to their high sensitivity (notably to ammonia) and this is probably brought about by increases in bark pH. Furthermore, pleurococcoid algae can be stimulated and outcompete other epiphytes in areas subject to elevated nitrogen deposition, particularly if P and K are available. Prolonged exceedances of Nitrogen deposition may also affect the composition of leaf litter through changes in species composition and changes in leaf litter chemistry. For example, cellulose activity may be stimulated and the level of lignins and phenol compounds can restrict fungal activity. Additionally, the activity of phenol oxidase often goes down, leading to increased rates of decomposition. Overall mineralisation tends to be increased by N deposition, potentially increasing nutrient availability.

It should be noted that the transitional wetlands and bog communities supporting *Sphagnum* moss species within the ancient Forest - wood pasture mosaic may be more vulnerable to Nitrogen deposition than a typical H9120 woodland community and therefore require a lower critical load of between 5 – 10kg N/ha/year. Similarly, areas of acid grassland/lowland heathland within Forest Wood pasture may be regarded as requiring a critical load of 8kg N/ha/year. It would be nonsensical to deal with the ancient Forest mosaic as isolated community types, so the most sensitive features should be taken into account when making judgments about the restoration and conservation of compartments within the SAC. This may be best achieved by considering thresholds on a unit basis where detailed survey based information exists or on a precautionary basis for the whole ancient Forest – Wood Pasture resource.

### 4) Sulphur Dioxide – Critical Level: 10 $\mu\text{g SO}_2 \text{ m}^{-3}$ for an annual mean

This level is linked to the vulnerability of lichens (and possibly bryophytes) within the H9120 feature (for example, these include species growing on trees, dead wood and on the ground). Prolonged exceedances above these levels may impact on tree health in a number of ways. There may be visible decline symptoms (e.g., abnormal branching patterns, reduced crown density and leaf discoloration); poor general health and subtle changes in morphology, physiology and biochemistry which do not affect tree growth but

increase the sensitivity of trees to environmental factors such as wind, frost, drought and pests. The most sensitive component is often the epiphytic lichen flora. A large number of foliose and fruticose lichens are particularly sensitive to SO<sub>2</sub> exposure leading to the use of lichens as bio indicators for SO<sub>2</sub>.

#### 4.4 S1083. *Lucanus cervus*; Stag beetle

The relevant Critical Levels and Critical Loads for the S1083 stag beetle feature at Epping Forest broadly align with the thresholds for the H9120 woodland feature and the defined habitat mosaic. Site-based evidence also indicates that the Critical Levels for NO<sub>x</sub> are being exceeded. Noting the principle reliance of stag beetles on the decaying wood of trees, it may be argued that the higher Critical Level threshold of 3µg NH<sub>3</sub> m<sup>-3</sup> for Ammonia is relevant for areas beyond the SAC and SSSI boundary. However, the prolonged effect of levels above 1µg NH<sub>3</sub> m<sup>-3</sup> on fungi mycorrhiza and host tree sustainability (when considered in combination with pests, climate change, recreational pressures) is unclear, so it is recommended that the relevant NH<sub>3</sub> threshold for this feature aligns with the precautionary position of 1µg NH<sub>3</sub> m<sup>-3</sup> to ensure a viable and resilient supporting habitat is maintained within the SAC and SSSI.

### 5.0 Other impacts

**5.1 Root Zone Protection** - Mature or veteran trees close to the boundary of the application site may have roots extending outwards crossing the red-line boundary. An appropriate root protection zone should be clearly marked on plans, and no buildings (or other operations likely to result in soil compaction) should be constructed within this zone. The root protection zone should be in accordance with British Standard BS 5837:2012 ("Trees in relation to design demolition and construction"). We recommend the advice of a suitably experienced arboriculturalist is sought. In some situations, where there are vulnerable veteran trees the root protection zone may need to be greater, perhaps fifteen times the trunk diameter (see <http://www.ancienttreeforum.co.uk/wp-content/uploads/2015/02/ancient-tree-guide-3-development.pdf> ).

**5.2 Tree Surgery Works** - Trees growing within the SSSI / SAC close to the boundary of the application site may also have boughs and branches extending within the red-line boundary. Our advice is that these should not be removed or cut back for aesthetic reasons (e.g. to increase light levels to a garden, or reduce leaf drop in Autumn), and might only be permitted for health and safety reasons. The advice of a professional arboriculturalist should be sought, and a full survey commissioned prior to permission being granted. The site layout may need to be adjusted to take account of both limitations on tree surgery works as well as the root protection zone.

**5.3 Drainage** - The application should confirm that drainage (foul and grey water) will be to mains sewer, or suitable alternative arrangements proposed (separate advice may be needed in this circumstance). Care should be taken to ensure that the development will adhere to Environment Agency best practice and avoid polluting local watercourses or clear pathways (e.g., surface run-off) that may enter the SSSI, SAC. This will be achieved through the implementation of an appropriate design and methodology during the construction phase and through activities enabled by the development (e.g., operations, occupancy etc.).

The application should ensure through appropriate design and methodology implemented that the proposed development (at construction phase and activities enabled) will not adversely impact on the natural drainage of the habitats within the adjacent SSSI, for example, by increasing flows to and/or impeding flows to the SSSI areas.

- 5.4 Dust** - Best practise measures should be deployed to minimise dust arising from construction, which in excess can smother leaves and hinder normal photosynthetic functioning of plants. It can also impact on lower plants (e.g., mosses, lichens, liverworts etc.) that grow on the trunk and branches of trees.
- 5.5 Soil and ground vegetation protection** - No cut vegetation, compost, soil or construction materials will be deposited into the SSSI or on the SSSI boundaries and if there is a need for temporary placement within the application site in adjacent areas this will require effective containment during the development works and disposal to an appropriate Council Waste facility outside the SSSI, as part of development completion.
- 5.6 Lighting** - Outside lighting should be directed into the boundaries of the property and should avoid illuminating areas within the SSSI. Light pollution has been shown to impact on bats, invertebrates and birds, and may have a detrimental affect on vegetation.
- 5.7 Stag Beetles** The SSSI / SAC is notified for stag beetles and land adjacent to the designated site may contain mature or veteran trees which provide valuable supplementary habitat for this species (whose larvae rely on dead wood for their growth and maturity to adulthood). Stag beetles are also a s41 species of principal importance for the purpose of conserving biodiversity under the NERC Act 2006. National planning policy<sup>1</sup> sets out that where these species are present and affected they are material planning considerations. We recommend that any trees within the red-line boundary are surveyed by an experienced arboriculturalist for their suitability to support stag beetle larvae, and advise on their retention where possible. In this scenario, it is beneficial for such trees to be integrated within a larger area of long grass to provide optimal habitat conditions, which could be designed into a landscaping scheme (see [Extant ODPM Circular: Biodiversity & Geological Conservation paragraph 84](#))

Advice should be sought on how standing / fallen / felled dead wood could be accommodated to provide a feature such as stag beetle pyramids etc. Further advice is available from [Peoples Trust for Endangered Species Stag Beetles](#) and additional pages.

## **6.0 Application of the Habitats Regulations Tests**

- 6.1** This applies to plans or projects affecting the Epping Forest SAC only. The planning authority is the competent authority under the Habitats Regulations, and must ascertain that the project will not adversely affect the integrity of the European site in question before granting planning permission, for any plan or project that is likely to have a significant effect on that site (Regulation 61). This process is preferably set within the framework of a Habitats Regulations Assessment (HRA), which covers all the necessary tests in a sequential manner. There is no set format for HRA assessment, however as the competent authority you may request any information you require from the applicant to complete this assessment.
- 6.2** Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website.
- 6.3** You should also take into account Natural England's advice (within these notes) when undertaking your HRA.
- 6.4** In most instances, the assessment of effects under the Habitats Regulations will also cover the assessment of impacts to nationally designated Sites of Special Scientific Interest (SSSI), under

the Wildlife & Countryside Act 1981 (as amended). However, this should not be presumed, and the SSSI notified interest features should be checked as part of the assessment process.

**6.5 Other Strategic Impacts to Epping Forest SSSI / SAC** Please note that Natural England's remit for this proposed development is specific and narrow with respect to the adjacent designated SSSI. The Council should ensure that it consults more widely with other parties and stakeholders with a wider interest in the Forest (in particular the City of London Corporation as the Conservators of Epping Forest), noting the Forest's additional non designated wildlife and biodiversity importance, as well as its local and historic landscape setting and context. In reaching its decision on any subsequent planning application, the Council should ensure that the full range of impacts to the Forest have been afforded due consideration, assessment and mitigation where appropriate.

If the developer requires substantive pre-application advice in addition to that provided above, Natural England advises that the applicant/developer consults Natural England directly, so that they have the opportunity to express an interest in using DAS. The first step is for the developer to fill out a simple form, so we can register their interest, and make sure they have the right adviser for their case. Please visit our website (<http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/das/default.aspx>) for more information and a downloadable request form here .

## **Report to the Cabinet**

**Report reference:** C-040-2018/19

**Date of meeting:** 11 April 2019



**Epping Forest  
District Council**

**Portfolio:** Commercial and Regulatory Services

**Subject:** North Weald Airfield Masterplan

**Responsible Officer:** J Nolan (01992 564083).

**Democratic Services:** A Hendry (01992 564246).

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

- (1) To agree the Planning Brief for the Airfield Masterplan.
- (2) To agree to seek expressions of interest from consultants to develop a Masterplan for the airfield in accordance with the requirements of the Local Plan Submission Version.
- (3) To delegate the authority to appoint a suitable consultant to the Chief Executive.

### **Executive Summary:**

North Weald Airfield is the Council's largest land asset and the Council has been seeking to maximise the potential of the site for a number of years. It has been identified in the in the Council's Local Plan Submission Version as a Strategic Master Planning site. This report seeks Members agreement to the adoption of a planning brief for the site and the appointment of consultants to undertake a full master planning exercise.

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

In accordance with the requirements of the Local Plan Submission Version, the Council is proposing to develop a Masterplan.

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

Not to carry out the Master Planning exercise now but to defer it to sometime in the future. This option has been discounted because any delay would mean a loss of potential income from any resulting development on the site.

### **Report:**

1. North Weald Airfield is a 150ha site which is currently used for general aviation and commercial purposes, as well as playing host to a programme of outdoor events and other sporting/leisure uses. The aviation related activity is concentrated on the west side of the main runway, with the land to the east being utilised for non-aviation uses.

2. The Epping Forest District Council Local Plan Submission Version identifies a Masterplan Area comprising of the operational airfield, including associated runways, taxiways and grassed areas, and a cluster of industrial, commercial and retail uses in the south east with associated car parks and hardstanding. Included in the area is an indicative development area of 40.8 ha (NWB.E4) within which is a specifically identified employment site that is allocated for a minimum floorspace of 10 ha of B1/B2/B8 class use (business use/general industrial/storage and warehousing).
3. Reference is also made to the potential provision of a new Leisure Centre. However, as a result of further feasibility work undertaken at the request of Sport England, the Council has adopted an alternative option of replacing Epping Sports Centre at St John's Road in Epping. Therefore, as a result, the requirement for a Leisure Centre will not be considered as part of the proposed Masterplanning exercise. It is recognised that appropriate additional community provision will still be required in North Weald to meet the needs of planned housing growth which will be considered as part of the Masterplan for North Weald Bassett.
4. A draft planning brief has been prepared the purpose of which is to inform potential consultants about the site and the Council's aspirations for it (Appendix I).
5. The planning brief outlines the Council's requirements for the site. Apart from the 10ha of industrial use already identified, Members have in the past, expressed a desire to see an intensification of aviation use to the west of the main runway. This has, in part, already been achieved with the National Police Air Service and the Herts and Essex Air Ambulance joining our existing aviation tenants. The planning brief highlights the potential for aviation related uses to be increased.
6. Members have traditionally expressed a desire for the historic nature of the airfield to be retained and the planning brief makes specific reference to this.
7. The Control Tower on the airfield is Grade II listed as one of only seven of this type of post-war control towers in the country. As such it will be retained going forward. There is a requirement within the Local Plan Submission Version for community uses to the east of the main runway and it is envisaged that these could be potentially incorporated into the future use of the Control Tower without impinging on its historical integrity.
8. The Local Plan Submission Version refers to the construction of a new access from Epping Road (B181) to service the west of the site which will facilitate the proper separation of air activities from the rest of the site.
9. If aviation intensification is to take place on the airfield there may be a need for a considerable investment in the current infrastructure. Previous survey reports have identified a deterioration in the main runway and a lack of more advanced aviation related infrastructure such as landing lights, air/ground radar etc. Currently the airfield is unlicensed and consideration will have to be given as to if it should continue to be so. The design brief highlights these problems and seeks innovative solutions to them.
10. As part of the Master planning exercise officers are investigating the possibility of re-locating our offices to the southern part of the site on a location previously identified for use as a works depot. The re-location of our offices could also present the opportunity to facilitate a work space for other partner organisations such as the Parish Council.

11. The Masterplan and subsequent proposals will be considered and informed by a Quality Review Panel followed by the normal planning application processes.

**Resource Implications:**

The cost of this exercise will be met from the existing local plan DDF budget.

**Legal and Governance Implications:**

The council has a duty to utilise its assets in the best way possible, this proposal paves the way for the maximisation of the income potential for the airfield. As part of its community leadership role the Council should demonstrate that it is using its assets in such a way as to achieve a good rate of return whilst being sensitive to the needs and desires of its community as a whole. The progress of the Master Planning process will be the subject of regular reports to the Commercial and Regulatory Services Portfolio Holder.

**Safer, Cleaner and Greener Implications:**

The Strategic masterplanning process provides a comprehensive framework to assess the site in its current form (including but not limited to natural environment, ecology, landscape, transport and movement), to appreciate the potential impact of development options and to stipulate requirements within the final Masterplan that development must adhere to.

**Consultation Undertaken:**

No consultation has been undertaken so far however, as part of the master planning process an examination will be carried out by a quality review panel. Any submission to such a panel will require a thorough consultation to be undertaken with key stakeholders including the public.

**Background Papers:**

Previous reports on North Weald Airfield.  
Draft Planning Brief.

**Risk Management:**

The main risk associated with this project is not progressing it in a timely fashion. It is proposed to mitigate this risk by developing a robust project planning framework using the councils Pentana system which will incorporate regular update reports to Members.

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# Equality Impact Assessment

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

## Section 1: Identifying details

Your function, service area and team: Commercial and Regulatory Services

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

Title of policy or decision:

Officer completing the EqlA: Jim Nolan Tel: 01992 564083 Email: [jnolan@eppingforestdc.gov.uk](mailto:jnolan@eppingforestdc.gov.uk)

Date of completing the assessment: 11<sup>th</sup> March 2019

## 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? New
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p>To agree a brief for a masterplan of North Weald Airfield in accordance with the submission version of the Local Plan.</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <p>The Production of a Masterplan.</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none"><li>• service users</li><li>• employees</li><li>• the wider community or groups of people, particularly where there are areas of known inequalities?</li></ul> <p>All of the above who may work in or use any new facilities resulting from the implementation of the masterplan.</p> <p>Will the policy or decision influence how organisations operate?</p> <p>There will be new opportunities for employment and the opportunity for local community organisations to re-locate.</p>

2.4	Will the policy or decision involve substantial changes in resources? Yes, but the quantum cannot be determined at present.
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? This supports the submission version of the Local Plan.

### **Section 3: Evidence/data about the user population and consultation<sup>1</sup>**

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

3.1	What does the information tell you about those groups identified? Possible benefits could be achieved.
3.2	Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision? The Master planning process will be subject to an examination by a quality review panel and wider public consultation.
3.3	If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary: N/A

## Section 4: Impact of policy or decision

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

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

## Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqlA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No <input checked="" type="checkbox"/>	
		Yes <input type="checkbox"/>	If ' <b>YES</b> ', use the action plan at <b>Section 6</b> 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.

**Section 7: Sign off**

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

Signature of Head of Service: Jim Nolan

Date: 11<sup>th</sup> March 2019

Signature of person completing the EqIA: Jim Nolan

Date: 11<sup>th</sup> March 2019**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.

Planning Brief for the preparation of a Masterplan  
For  
North Weald Airfield

## Executive Summary

North Weald Airfield is a 150ha site within Epping Forest District, Essex located close to Junction 7 (Harlow) of the M11. The site is currently used for general aviation and commercial purposes, as well as playing host to a programme of outdoor events and other sporting/leisure uses. The aviation related activity is concentrated on the west side of the main runway, with the land to the east being utilised for non-aviation uses.

Epping Forest District Council (EFDC) is seeking to commission suitably qualified consultants with a demonstrable track record to produce a Masterplan to guide the future development of this key site in accordance with the requirements set out in the Local Plan Submission Version (LPSV) Policy SP 3.

This Planning Brief sets out the parameters for the submission of proposals from third parties to prepare that Masterplan. This shall include the development of 10 ha of employment land together with the expansion of aviation related activities at the airfield and the provision of suitable community uses.

Site NWB.E4 extends over a significant portion of what is currently NWA along with land outside of the airfield perimeter which accommodates a number of separate plots let to third party occupiers, both on standard occupational leases and long-term ground leases. The detail of these leases will be made available to the selected party.

The chosen party will be required to:

- prepare a Masterplan detailing the most appropriate allocation of uses;
- design an indicative layout;
- prepare all necessary supplementary supporting documentation, including analysis of envisaged economic, employment, and social implications, along with a Traffic Impact Assessment.

The Strategic Masterplan will be produced in accordance with the site-specific requirements set out in Appendix 6 of the LPSV 2017 and all other relevant Local Plan policies. The Masterplan must also adhere to the Strategic Masterplan Briefing Note adopted by the Council on 18 October 2018. This will form a submission to the EFDC Local Plan team and consideration should have regard to the historic nature of the site and, to the extent possible, elements of this, designed in to the proposed scheme.

As part of this, key aviation related activities which are currently situated within the identified employment land would need to be relocated elsewhere and it is envisaged that these elements would be relocated to the western side of runway, which will become an aviation hub. The Planning Brief would therefore by necessity include a strategy for this area, the expansion of the western side of NWA for dedicated aviation uses, along with the creation of a new entrance from the B181 Epping Road and the construction of a new Airfield Control Tower. The current tower which is Grade II listed would remain in situ with the possibility of adaptation for alternative use. It is envisaged that the east-west runway (12/21) will be converted to a taxi-way, allowing additional development of aviation premises on either side.

Integral to the development of both site NWB.E4 and the aviation related western side of NWA, will be the expansion of services. Infrastructure upgrades including electricity and sewage will need to be undertaken due to the current services suffering from under capacity.

Assuming the adoption of the Local Plan Submission Version 2017 occurs, then there would likely be an alteration to the boundary of the Green Belt such that North Weald Airfield lies outside of it. However, any relocation of uses or development would need to be carefully considered as the site would still be surrounded by Green Belt land and there are likely to be significant landscape and visual impacts arising from developing what is largely a greenfield site. Such impacts must therefore form a key consideration of any Plan.

It is envisaged that the Masterplan will be prepared within no more than 6 months of the date of instruction.

## Background

### Location

North Weald Airfield is situated in Essex, approximately one mile South East of Junction 7 (Harlow) of the M11 Motorway and four miles North of Junction 27 (Theydon Garnon) of the M25 Motorway, providing excellent access to the site from North and East London, as well as Essex, Hertfordshire and Cambridgeshire. (See Appendix 1 - Location Plan). The Town of Epping, with a Central Line Tube Station and Bus Terminus, is less than 3 miles away.

### History and Current Uses

North Weald Airfield was established in 1916 and served with distinction as a front-line fighter station in both World Wars. The Airfield was purchased from the Ministry of Defence in 1979, when there was no longer an operational requirement by the Royal Air Force. The 150 ha site is now used for general aviation and commercial purposes, as well as playing host to a programme of outdoor events and other sporting/leisure uses. The west side of the main runway is principally, although not exclusively, for aviation related activity, with the land to the east of the Safety Line, being generally reserved for non-aviation activities.

The site currently accommodates a number of different uses, including both short term and long-term leases to third party tenants, a weekend market and operational premises such as the Grade II Listed control tower with ancillary office accommodation. There are ongoing indicative discussions regarding the possibility of the relocation of all non-aviation uses to the east side of the runway, with a new dedicated aviation access gate for the western side being created from the B181 Epping Road together with the construction of a new control tower.

The Airfield is managed on a day-to-day basis by the Council's Airfield Manager and Operations Staff, who not only provide a ground/air service to pilots, but also ensure the security and safety of the site.

Currently the airfield is unlicensed and consideration will have to be given as to if it should continue to be so.

Epping Forest District Council's LPSV allocates an employment site NWB.E4 (See Appendix 2 – North Weald Airfield Masterplan – Extract from Appendix 6 of Submission Version 2017). This covers a large part of the non-aviation area of the Airfield along with land to the south, outside of the Airfield perimeter. The land to the south accommodates a number of separate plots let to third party occupiers, both on standard occupational leases and long-term ground leases (detail of these leases will be made available to the selected party). The Local Plan Submission Version designates this existing employment land and allocates a further 10 hectares of employment land (B1, B2, B8 uses on the Airfield to the east of the main runway).

### Planning Policy Context

Epping Forest District Council's LPSV is currently undergoing Independent Examination. Full details can be found on the designated Examination website at <http://www.efdclocalplan.org/> . The Examination is expected to conclude in late May 2019 with the Council's current Local Development Scheme setting out the expected adoption and publication of the Plan in October 2019.

The LPSV 2017 promotes a joined-up, collaborative, cohesive and proactive approach to the planning and implementation of key strategic sites across the District such as North Weald Airfield as captured in Policy SP 3 of the LPSV. The production of 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. See 'Design and Developing the Masterplan' section for more detail.

As referenced, site NWB.E4 in the Council's LPSV designates 40.8 hectares of land on the airfield within which is 10 hectares of employment land (B1, B2, B8 uses) , to the east of the main runway. The Plan is not prescriptive on the precise location of the 10 hectares on new employment land within the site which is circa 40.8 ha in total (See Appendix 2 – North Weald Airfield Masterplan – Extract from Appendix 6 of Submission Version 2017).

In preparing the Masterplan, consideration must be given to the policies contained within the National Planning Policy Framework (2018), the policies contained within the existing adopted Local Plan, the LPSV 2017) and other relevant matters. The relevant policies of the LPSV would include:

- Policy SP 3
- Policies DM 7, DM 9, DM 18 – 22
- Policy E 1
- Policy T1
- Policy P6

The Masterplan must also have due regard to the infrastructure requirements contained within the Infrastructure Delivery Plan.

In preparing the Masterplan, the appointed consultants are required to consider all relevant evidence base documents to the Local Plan and appreciate NWA within its wider area context. Key evidence base documents will include:

- Evidence relating to employment need and supply:
  - [Employment Review – Hardisty Jones 2017 \(EB603\)](#)
  - [West Essex and East Hertfordshire Assessment of Employment Needs – Hardisty Jones Associates 2017 \(EB610\)](#)
  - [Employment Land Supply Assessment – Arup 2017 \(EB602\)](#)
- The Allies and Morrison North Weald Bassett 2014 Masterplanning Study (EB 1003. Successful consultants will be briefed on the latest position on the Masterplan at Inception)
  - <http://www.efdclocalplan.org/wp-content/uploads/2018/03/EB1003A-North-Weald-Bassett-Masterplanning-Study-2014-Part-A.pdf>
  - <http://www.efdclocalplan.org/wp-content/uploads/2018/03/EB1003B-North-Weald-Bassett-Masterplanning-Study-2015-Part-B.pdf>

- The interests of key stakeholders should also be considered, including the representations which North Weald Bassett Parish Council and others have made in the Local Plan process, along with being cognisant of ongoing work to prepare the Neighbourhood Plan.

A number of specific policy considerations will be further explored at the Inception meeting but to give an indication at this stage, these are some of the key matters:

- Infrastructure and sustainable transport
 

In its Regulation 20 representations on the Local Plan, Essex County Council (ECC) raised concerns regarding the potential transport (and sustainability) impacts of planned development in the North Weald Bassett Masterplan Areas. This remained an outstanding objection within the Draft Statement of Common Ground between EFDC and ECC ([ED10](#), [ED10A](#), [ED10B](#)) but attention is drawn to the EFDC and ECC Summary Update to Statement of Common Ground ([EB1508](#)) and Appendix ([EB1508A](#)). This outlines the revised position in which ECC has agreed to withdraw its objection to Policy 6 North Weald Bassett F on the basis of the proposed amendments to the LPSV as set out within the Appendix. In addition, as set out in the Summary Update EFDC will work with ECC and the site promoters to develop more detailed and effective sustainable transport measures for the North Weald Bassett Masterplan areas. This will include heightened requirements for the Masterplan areas to ensure provision is made for safe and convenient walking, cycling and bus routing; the development of co-ordinated travel plans; the provision of digital infrastructure; reduced single occupancy car parking provision at key destinations and HGV management plans. This Matter will be discussed at a Hearing Session within the Local Plan's Independent Examination in May 2019.
- Ensuring coordination between Masterplan Areas
 

There is a commitment to ensure joined-up approach between the development of Masterplans for NWA and the North Weald Bassett Masterplan.
- Historic Environment
 

NWA's considerable heritage should be embraced in the development of the Masterplan, including the sensitive and innovative potential new use for the Grade II Listed control tower.
- Green Belt
 

The LPSV 2017 is proposing an alteration to the Green Belt boundary such that North Weald Airfield is outside the Green Belt. However, any relocation of uses or development would need to be carefully considered as the site would still be surrounded by Green Belt land and there are likely to be significant landscape and visual impacts arising from developing what is largely a greenfield site. Such impacts must therefore form a key consideration of any Plan.

- Strategic Masterplanning approach

The LPSV promotes a proactive approach to the planning and implementation of key strategic sites such as NWA. This is set out in policy SP 3 and supporting text within the LPSV. In producing Strategic Masterplans, the Council requires ongoing widespread engagement with the local community and stakeholders. Strategic Masterplans must be produced in a form and manner which means that they are capable of adoption as Supplementary Planning Documents. The production of Strategic Masterplans should be informed at key stages by the Council's Quality Review Panel, To promote efficient and effective joint working and to front load the planning process, the use of Planning Performance Agreements will be strongly encouraged.

## Vision, Objectives and Opportunities & Constraints

### Vision

The regeneration of North Weald Airfield will create a vibrant and successful aviation and employment area for Epping Forest District for the 21<sup>st</sup> Century. The Masterplan will stimulate additional uses and activities on the Airfield, which will benefit residents and workers; excellent and safe connections for all modes of movement to North Weald Bassett and surrounding residential growth areas will ensure a sustainable and cohesive community. Well-designed and exemplary buildings, spaces and public realm will enhance the existing assets and character of the airfield and create a strong sense of place, where people will want to work and visit.

The new development will build upon the best aspects of the existing historic character of the airfield, and will be accessible, integrated and connected with the surrounding area and wider district. In broad terms the vision for the future of North Weald Airfield is to have activities broadly split on either side of the north-south runway. To the east would be employment land, focused predominantly around site NWB.E4, designed in keeping with the historic nature of the Airfield and maximising the value of heritage buildings including the existing Control Tower. To the west of the runway would be all aviation related activities, including ancillary and support services, with their own dedicated entrance from the B181 Epping Road and a new Control Tower

This Vision is consistent with the wider vision for North Weald Bassett, as detailed in the LPSV.

### Objectives

EFDC have drawn up the following objectives for NWA and site NWB.E4:

- Create a long lasting and sustainable commercial development with excellent placemaking and increased economic value, for the local area and district;
- Create an area with a vibrant mix of employment uses (B1, B2, B8), adding value and increased employment options for the local community of North Weald Bassett, the wider Epping District and beyond;
- Use Masterplanning to promote the creation of high quality places, spaces and buildings with robust stakeholder engagement - prioritise the human-scale, whilst understanding the wider context of the development now and into the future. The Masterplan will provide clarity for landowners, developers, investors, operators, the Council and other public-sector agencies as to the appropriate scale, location, mix and form of development at North Weald Airfield;

- The possibility accommodating high quality and sustainable new offices for Epping Forest District Council within site NWB.E4;
- Allow for future growth and expansion of aviation uses, through improving and developing further facilities and access, including increasing the capacity of infrastructure and utilities for the enhanced site and any future growth;
- Provide convenient ancillary services to serve the enhanced site and those working there;
- Promote sustainable travel and movement by improving access to and connectivity of the site with the surrounding area. Encourage walking, cycling and public transport usage, while considering the security requirements of an operational airfield;
- Sensitively integrate parking and services to the site;
- Integrate existing green spaces and heritage buildings to optimise their usage, and enhance landscaping and biodiversity across the proposal;
- The runway and associated aviation related facilities are dated and in many cases in need of repair and/or modernisation, with night landings currently not possible. As a result of the Masterplanning process it is hoped that additional capital will become available to modernise the airfield, whether from the public or private sectors, or a combination of both.

## Opportunities & Constraints

The following development opportunities and constraints have been identified. It is EFDC’s aim that opportunities are maximised to ensure the most appropriate development of the area, whilst respecting and being aware of the site’s constraints:

Opportunities
<ul style="list-style-type: none"> <li>• Optimal use of a key designated employment site to maximise both income and value to EFDC and the district. The LPSV affords flexibility in its allocation of NWB.E4 for B1, B2 or B8 uses. The Masterplan process should determine through appropriate market assessment the correct mix of employment uses to satisfy market demand while maximising the rental value of the site in the best interests of the residents of Epping Forest District;</li> <li>• Development of a currently underutilised site, to generate valuable income for the wider District;</li> <li>• Creation of employment use via the development process itself, along with long term job creation on site to benefit residents;</li> <li>• Additional generation of income from the aviation element of NWA will allow re-investment into the runway and other facilities, so further enhancing the site;</li> </ul> <p>A number of possible “anchor tenants” have been identified for site NWB.E4, including both EFDC itself (office use), existing occupiers at NWA; and expressions of interest from B2 and B8 occupiers seeking space at NWA. These anchor tenants, via pre-lets, could significantly reduce the risks typically associated with developments of this type;</p> <ul style="list-style-type: none"> <li>• Creation and expansion of a vibrant mix of community uses and events, including the North Weald Market;</li> <li>• The expansion of the western side of the airfield for dedicated aviation uses. This has already commenced, with a lease having been signed with the National Police Air Service and another in the process of being documented with the Essex &amp; Herts Air Ambulance. These are envisaged to act as a catalyst for further occupier interest, and will generate revenue which can be reinvested in NWA. It is envisaged that the east-west runway (12/21) will be converted to a taxi-way, allowing additional development of aviation premises on either side;</li> <li>• Via the separation of aviation and non-aviation uses, along with the creation of a new aviation entrance on the B181, it is envisaged there will be economic and other synergies, including enhanced safety on site and ease of traffic movement; and</li> <li>• The sensitive and innovative uses to which the Grade II listed control tower could be put.</li> </ul>

## Development Constraints

- Road access to site NWB.E4. While the proximity to the M11 and M25 is a major strength of the site, the current road network, in particular the turning arrangement on Merlin Way to access the existing entrance is a constraint. Access and Traffic Impact, by necessity, will have to be a key focus of the Planning Brief.
- The location of NWA within the Green Belt will need to be considered in the development of NWA, along with the maximisation of green space.
- Listed buildings and other issues of historic importance will need to be respected in designing any scheme.
- The weekend market may wish to be retained on part of site NWB.E4, depending upon the viability of the same given the changing nature of the retail landscape. While the market is unlikely to generate the highest rental income on a per m<sup>2</sup> basis, if correctly designed it may enable maximum use of parking areas which would otherwise be underutilised on the weekends.
- The historic nature of the site as an operational World War II Airfield may mean that items of historic interest are unearthed during development. ordinance and other surveys will also be required.
- The Airfield itself also has certain civil emergency constraints such as the location for blue light services during times of emergency. These constraints will need to be considered as part of the Planning Brief
- The infrastructure at NWA is barely adequate for current use. The expansion of both the aviation and non-aviation elements would require the installation of new services including electricity, sewage and broadband.

## Developing the Design and Masterplan

The appointed Masterplanning team should review the Strategic Masterplan Briefing Note adopted by the Council on 18 October 2018 See Appendix 4) (August 2018). This document clearly sets out the design, engagement and output requirements for Masterplan areas. The team will need to cover the following topics and themes and ensure that they are fully integrated into the Masterplan framework document and final Masterplan:

### Approach

The elements highlighted within this section are initial thoughts on how this commission could be undertaken. However, proposals to undertake the work should not necessarily be tied to this methodology. If experience from undertaking similar studies suggests that an alternative approach may be more appropriate, please provide an alternative with reasons for suggesting this different approach to how we might consider the commission should be undertaken.

### Vision and Design

- Developing a Vision and guiding design principles: visualising main design objectives, Constraints and Opportunities diagrams, asset mapping, technical survey evidence, topographical information.
- Land-use: land-use framework to encourage coherent and joined-up development which supports vision and objectives; detailed consideration of land uses; adjacency diagrams.
- Transport and movement: key principles; sustainable and active travel; key routes, access and movement framework; parking;
- Place-making and character areas: volume and massing; heights; vistas and views; relationships and connectivity to existing areas; heritage assets; areas of different function, character and activity; approach to interim and meanwhile uses; identifying appropriate densities through a design-led approach; maintaining the scale and USP; a 'human scale' approach putting people and their needs, wants and preferences at the centre of placemaking.
- Landscaping and public realm: improvements to existing and creation of new public, private, and communal spaces including green spaces, formal and informal play spaces; hard landscaping; street lighting; signage.
- Physical and social infrastructure: utilities and services for proposed and future growth; green infrastructure; utilities including water, gas, electricity, telecommunications and internet; nodes and local centres, phasing of development; user-led and human scale consideration of infrastructure,
- Natural Environment, Climate and Sustainability: including biodiversity, air quality, noise, urban heat island, climate resilience, flooding and energy strategy, wind/microclimate, daylight/sunlight, (flooding) and drainage, ecology and pollution/contamination.

## Options and Design Development

- It is essential that the Masterplan be developed through an iterative process of assessing options to ultimately arrive at a preferred proposal. Options produced should all be in compliance with the emerging Local Plan, and should be presented in a clear and accessible format.
- However, new opportunities and constraints will arise in the future and the Masterplan must therefore retain flexibility to respond to an evolving context. It will also be important that the Masterplan demonstrates how a vibrant and economically active place can be created without relying on actions lying outside of EFDC's control.

## Relationship with Council and Stakeholder Engagement

- This will be a collaborative process. EFDC officers will be active participants in the Masterplan process, working closely with the consultant on the production of the content of the Masterplan. The external Masterplanning team will be expected to rely on the local knowledge and detailed understanding of aspirations held by the Council, and the Council will rely on the experience and expertise of the external Masterplanning team to turn that knowledge and those aspirations into deliverable plan.
- EFDC believes robust stakeholder engagement is critical and expect the Masterplanning team to engage and work collaboratively with all stakeholders who are integral to realising the vision for the North Weald Airfield Masterplan area including residents, landowners, businesses, Ward Members, EFDC Cabinet, Town and Parish Councils and the NWB Neighbourhood Plan Steering Group. Further detail on engagement and accompanying processes can be found in the Strategic Masterplan Briefing Note and should be agreed at an early stage with the Council and comply with the Council's Statement of Community Involvement.
- The Quality Review Panel (QRP) should be engaged at an early stage to explore issues which will be fundamental to the 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. All Strategic Masterplans are expected to be subject to formal review by the panel on at least one occasion, and where appropriate a subsequent second formal or Chair's review. Developers may wish to utilise surgery reviews to consider specific issues in more detail.
- Details of EFDC's Quality Review Panel, including the terms of reference with review types, process and panel members can be found on the Council's website: <https://www.eppingforestdc.gov.uk/planning-and-building/planning-policy/quality-review-panel>

## Appropriate Uses

This document does not seek to set out the appropriate breakdown of floorspace between the various business uses. This will be a key focus of the Masterplan which should give a view on an appropriate split in the current market in light of the desire to maximise the efficiency of the space to optimise rental income, while balancing these against factors of design, traffic impact and green space. The Plan should however retain flexibility to allow changes to occur later in light of varying market and occupier demand, along with the historical significance of NWA.

As part of this, key aviation related activities which are currently situated within the identified employment land would need to be relocated elsewhere and it is envisaged that these elements would be relocated to the western side of runway, which will become an aviation hub. The Planning Brief would therefore by necessity include a strategy for this area, the expansion of the western side of NWA for dedicated aviation uses, along with the creation of a new entrance from the B181 Epping Road and the construction of a new Airfield Control Tower. The current tower which is Grade II listed would remain in situ with the possibility of adaptation for alternative use. It is envisaged that the east-west runway (12/21) will be converted to a taxi-way, allowing additional development of aviation premises on either side

Uses which are envisaged on Site NWB.E4 are:

### **B1 (Business)**

It is desirable that this is a key focus of the site. Office, research and development, and light industrial is suitable adjacent to residential areas. Such uses tend to create highly skilled jobs with minimal heavy transport and/or pollution implications. If NWA can become a local hub for such occupiers, assisted by way of the provision of high specification modern premises, then this would be extremely positive for the local economy. The potential siting of EFDC offices at NWA will assist as a catalyst for the location to be recognised as an employment destination. Associated support services which fall outside of the B1/ B2/ B8 category may also have to be considered in order to enhance the desirability of the location – for example limited café and food outlets, and general community plus leisure uses.

### **B2 (General Industrial)**

It is likely that employment density (directly benefiting the local economy and residents) and rental income levels (maximising revenue for EFDC and so indirectly benefiting residents) will be higher in B2 use than they would be in B8 use.

In order to retain maximum flexibility over time it would be desirable for any scheme to be designed to allow a variety of unit sizes to be offered to the market, ranging from in the order of 1,000 ft<sup>2</sup> to 5,000 ft<sup>2</sup>. This could be done by way of terraces of units which can be subdivided as required. Larger units of up to 10,000 ft<sup>2</sup> should also be considered for single occupier requirements. The most appropriate design and configuration of these will be a key focus of the preparation of the Masterplan.

### **B8 (Storage and Distribution)**

The larger units typically associated with this use class usually results in both lower rental and employment rates on a per ft<sup>2</sup> basis, and as such are less attractive to EFDC.

### **Leisure, Cultural and Civic uses**

These uses are seen as highly desirable and could potentially be accommodated on both sides of the airfield. It is envisaged that EFDC offices will be located on site NWB.E4 and the viability of accommodating other uses such as a library for North Weald Bassett and a Police Station can also be explored. The listed Control Tower also has potential for community use.

The opportunity for education premises focused on aviation and potentially an exhibition detailing the history of the airfield should also be considered in the Masterplan.

## Submission Requirements

The submission is to include the following requirements:

- (i) Bidders are to provide a method statement consisting of no more than four sides of A4 text clearly detailing how they propose to undertake the commission;
- (ii) Bids are invited on a fixed fee basis including all reasonable travelling and other expenses.
- (iii) The Terms and Conditions of Appointment will be set out in the Contract between the Council and its Consultant which shall be under seal;
- (iv) Consultants will be required to submit comprehensive reports and attend meetings on a regular basis at a frequency to be agreed. As an extra duty Consultants may be required to attend evening meetings in order to present reports and respond to questions from Members. A separate fee, inclusive of all reasonable travelling and other expenses should be quoted on the basis of a rate per meeting for each evening meeting, for all attendees, required to attend;
- (v) The Council does not bind itself to accept the lowest or indeed any bid as a result of this invitation and any appointment offer will be made following a decision by the interview panel as to the consultant who has submitted the most economically advantageous offer in terms of price, relevant experience & method statement and presentation;
- (vi) Consultants should:
  - o Name the lead consultant(s) and the members of their team and provide CVs for all who will be engaged in the commission
  - o If the appointed Consultants intend to appoint additional and/or specialist sub-consultants at their own cost, to assist in the delivery of the commission, those additional and/or specialist Consultants shall be identified along with their lead consultant(s) and support teams and relevant CVs be provided
  - o In the event of being selected for interview, ensure that all relevant members of the lead Consultants and supporting Consultants are available to attend and take part in the interview process
  - o Be in a position to confirm that the consultancy team detailed in this submission should, as far as practicable, remain in place throughout the delivery of the commission.
- (vii) Consultants must be able to satisfy the Council that the Company is able to commit or engage sufficient, suitably experienced professional resources to meet all requirements of the commission.
- (viii) Consultants must be able to demonstrate independence from any third party that may wish to develop the site in the future.

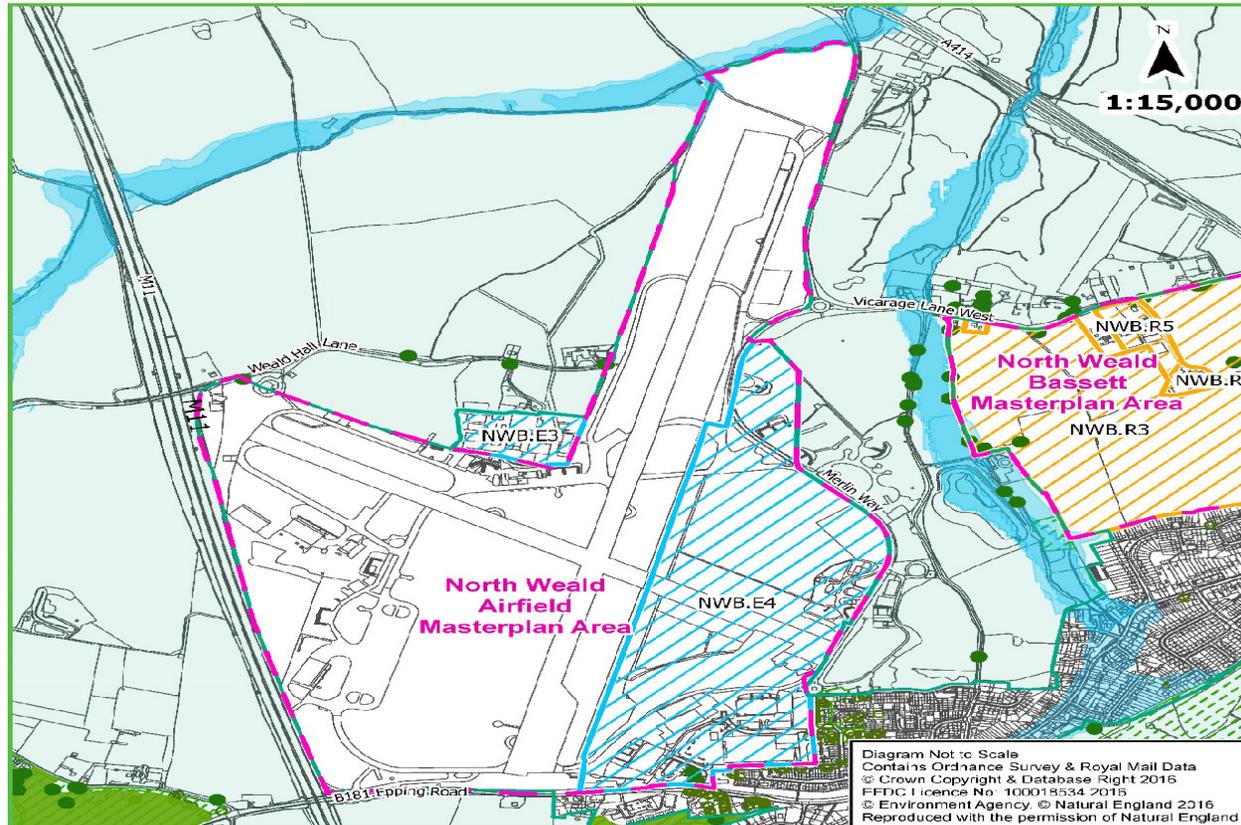
# Appendix 1

## Location Plan



## Appendix 2

### North Weald Airfield Masterplan – Extract from Appendix 6 of Local Plan Submission Version 2017



<b>Settlement:</b> North Weald Bassett		<b>Proposed Use:</b> Employment
<b>Masterplan Area (Ha)</b>	149.39	<b>Site Description:</b> The Masterplan Area comprises an operational airfield, including associated runways, taxiways and grassed areas, and a cluster of industrial, commercial and retail uses in the south east with associated car parks and hardstanding. It is bounded by residential development to the east and south and a separate employment site to the north and the M11 to the west.
<b>Indicative Development Area (Ha)</b>	40.8	
<b>Minimum New Employment Floorspace (B1/B2/BB)(sqm)</b>	10,000	
<b>Site Allocations included in Masterplan:</b> NWB.E4 North Weald Airfield		

## **Report to the Cabinet**

**Report reference:** C-044-2018/19  
**Date of meeting:** 11 April 2019



**Portfolio:** Leader (Councillor C. Whitbread)  
**Subject:** Accommodation Strategy  
**Responsible Officer:** G. Blakemore (01992 564233)  
**Democratic Services:** A. Hendry (01992 564243)

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

- (1) That Cabinet approve the formal marketing of Civic building areas inviting formal expressions of interest following on from the positive soft market test exercise approved by Cabinet in December 2018 and**
- (2) Cabinet agree the approach of interim development of the Civic building over the next 18 – 24 months to support and enable working in more efficient and effective ways.**
- (3) Cabinet are asked to note:**
  - 1. the overall progress made**
  - 2. the governance in place to ensure continued programme delivery**
  - 3. the timeline for future decision points**

### **Executive Summary:**

The accommodation programme continues to progress. The Accommodation Programme board has met monthly since December 2018 and a governance structure has been developed with four distinct projects:

- (i) Construction of New Building;
- (ii) Sale of Land at Back of Civic Offices;
- (iii) Refurbishment of Civic Offices; and
- (iv) Recruitment of Partners/Tenants for Civic Offices

Following on from December 2018 Cabinet decisions further assurances were documented on 14<sup>th</sup> January 2019 (appendix A) giving clarity around the detail of work required and steps to be taken prior to final decision making to award contracts, sell land and build new accommodation.

This report notes progress made under the four project areas and asks for a decision to move forward on (iv) Recruitment of Partners/Tenants for Civic Offices.

The business case for:

- a) the sale of the rear site

- b) a new build for EFDC staff and potential partners
- c) developing the Civic building into a Customer, Democratic and Civic hub in addition to a mixed use business hub.

remains valid as broadly cost neutral whilst meeting all strategic aims of the programme.

As laid out in the December 2018 Cabinet report the Civic Office building would retain up to 40 EFDC staff supporting Customer, Civic and Democratic activity. The aim for the number of occupants in the Civic building in total would be no less than the existing headcount (446 as at 2016) supporting high street footfall and the local economy. The Civic building would be open to Customers for multiple agencies, Businesses both established and incubation, and the Community with proposed high street access to local supplier food and beverage provision.

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

The decision to move to formal marketing of areas within the Civic building will enable officers to act upon the favourable responses from 'soft market testing'.

The accommodation project and supports the overall aspirations of the Council Corporate Plan – Stronger Council, Stronger Communities, Stronger Place.

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

Take no interim action within the Civic building and wait for the new build to be constructed. This is considered a less favourable option as an expedited new build would be 2-3 years of no change. The People Strategy is delivering on time and the creation of the new 4 layer management spine is well progressed. There are physical barriers to working in a collaborative way, there are also barriers to working in a digital way that can be overcome without listed consent; particularly the Council Chamber facilities. The interim changes go some way to opening up office spaces and reconfiguring alternative working space i.e. new café – 'work, rest, eat, meet'.

### **Report :**

Below is an update on progress by project (i – iv).

#### **1. Project: (i) Construction of New Building**

The North Weald Airfield masterplan process is underway (tender for a masterplan brief consultant April 19 Cabinet). The Local Plan examination is in progress. Communication between EFDC and North Weald Parish Council is ongoing with regard to potential requirements of the Parish Council. A full design and specification brief for a new build is underway but not yet tendered.

#### **2. Project: (ii) Sale of Land at Back of Civic Offices**

Further valuation work has been completed by an external consultancy on the development

site to the rear of the Civic building (Condor building area) in order to ensure that a continued appraisal of site value occurs as the market changes due to significant external factors. There are no significant variances and overall final figure differential between SD Smith Consultancy and EFDC make the overall scheme benefit broadly similar.

**2.1 Valuation of the Condor Building development site (rear of the Civic building):** Simon Smith of SD Smith Consultancy Ltd has prepared an independent external valuation appraisal for the proposed residential scheme. EFDC Estates Team, prior to this, prepared an internal desktop appraisal for the proposed scheme based on the Local Plan.

Simon Smith's figures vary slightly on individual elements of the valuation, for example build costs, gross development value, exact residential scheme/plots. However, there are no significant variances and overall final figure differential between Simon Smith and EFDC Estates is not significant, and it can be said that EFDC would be the best case scenario based on sale prices, with Simon Smith providing a more conservative set of assumptions but which nonetheless still lend themselves to the proposed development.

Headline comparisons are as follows:

<b>Element</b>	<b>S. Smith Independent Valuation</b>	<b>EFDC Estates Internal Appraisal</b>
<b>Sale Price Per Unit</b>	£285,000 / £445,000	£250,000 / £600,000
<b>Units/ Plots / Scheme</b>	25 one bed, 40 two bed	65 two bed, with affordable £250k
<b>Total Sale Price Achieved</b>	£20,600,500	£30,250,000
<b>Construction Costs per M2</b>	£1,500	£2,150
<b>Construction Costs Total</b>	£10,985,600	£10,204,900
<b>Gross Development Value</b>	£9,350,000	£10,200,580
<b>Net Land Value</b>	£7,500,000	£9,532,300
<b>Profit on Land Value</b>	24.7%	31.5%
<b>Total Benefit to EFDC</b>	£9,175,000	£9,532,320

The main area of difference between the valuations is the scheme adopted and sale price of the units.

EFDC have used the Old Court House on Hemnall St as the most direct comparable, consisting of the old police station conversion into a modern flat scheme. At the time of valuation the developer informed us that they expected to sell these units at £600,000, however these are now listed at £525,000. It should be noted that these are a conversion and not a new build so we may reasonably expect a premium to be paid for a new build.

If EFDC adopt the same figures for sale price as Simon Smith, we reach a figure of £24,925,000 total in comparison to our previous figure of £30,250,000. This new figure *does not include affordable housing*, which would also have to be factored in, further reducing the total sale price and bringing EFDCs indicative early figures much closer in line with the latter independent valuation by Simon Smith.

EFDCs construction costs adopted were also somewhat lower than Simon Smith in aggregate, albeit more per M2. This reflects the assumed size of the scheme and size of individual units, where EFDC have adopted a broad indicative scheme based on early indications from PwC whereas Simon Smith has gone into considerable depth and detail on a specific scheme based on others in the area, detailed planning considerations and other factors beyond the scope of the original early appraisal.

Both costs and sale price differentials therefore factor into the GDV, net land values, profits etc between the two appraisals.

The aim is to establish project costs for 20/21 budget setting process which will include further work on development options and from that a revised sale of land estimate.

### 3. Project: (iii) Refurbishment of Civic Offices

As the soft market test for partner organisations and potential letting of space to businesses has proved favourable the future demands on the Civic building are clearer. Briefs to engage expertise with mechanical and engineering (M&E), space planning and the development of conference facilities specialisms are underway.

The initial development of specific areas of the Civic building are not planned to involve listed building consent or planning permission and are intended to support staff and members to work in efficient and effective ways.

Interim developments would include: new café provision, letting of 1<sup>st</sup> floor office space to external business, council chamber refurbishment to support digital working, maximisation of any open office space to enable more collaborative working.

Within 18 months a full refurbishment plan including changes requiring planning permission and listed building consent will begin delivery. This would include any building changes such as new public entrance to café and terrace, removal of some office partitions, new M&E, additional facilities such as toilets and kitchens, work on customer reception to include layout changes to accommodate partner services such as Library and registrars and refurbishment and repair of listed areas. The aim is to establish project costs for 20/21 budget setting process.

### 4. Project: (iv) Recruitment of Partners/Tenants for Civic Offices

The 'soft market testing' of areas within the Civic building has been positive and informative. The decision to test the market has built confidence in the opportunities for the Civic building, given a clearer picture of the requirements for a remodelled café area, and confirmed that there is interest from agents to act on EFDC behalf to let office space. Cabinet are asked to agree to formal marketing of Civic building following on from the 'soft

market test' approval in December 2018 Cabinet meeting.

The engagement of an agent and formal marketing of the Civic site will include the production of a prospectus laying out the vision of what the Civic Building will offer to customers, residents, visitors and businesses. This prospectus will reflect the interim opportunities available as well as the vision of the future.

**4.1 Marketing / Options for the Canteen Space:** Four independent commercial agents, with local knowledge and expertise, have been engaged by the Estates Team to provide initial marketing advice and costs:

- a. Kemsley LLP (Chelmsford Office);
- b. Fenn Wright Commercial (Chelmsford Office);
- c. GCW (London Office)
- d. Derrick Wade & Waters (DWW) (Harlow Office)

Currently, Kemsley, Fenn Wright and DWW have attended the Civic Offices and inspected the proposed space. GCW are inspecting 16 March. Kemsley have provided initial marketing advice, with Fenn Wright, GCW and DWW to confirm by 18/03/2019 with their written advice.

Indicative verbal and written advice from external agents indicates:

- i. The provision of a new entrance onto the High Street elevation adjacent to the canteen is essential.
- ii. Any occupier needs to be suitable both to the general public, the existing staff (particularly in the short term) and in keeping with the proposals for the mixed use business hub in the medium term;
- iii. Assumption of A3 (Café) / A4 (Restaurant) Use will be granted by Planning which would be essential to let the space;
- iv. Assume a Café operating 8am – 6pm Monday to Friday, but if also a restaurant offering this could be opened up to further hours and the weekend subject to Planning and the right occupier;
- v. A tenant would likely expect a rent free period, which would be dictated by both the market at the time and the extent to which EFDC have already stripped out the space or are offering the space 'as is'. We would expect a rent free period of 3-6 months.
- vi. Occupiers would likely be local occupiers similar to other independent operators on the High St in the short term. This may develop as the wider re-development (both of the Civic Office business hub and the Condor Building site residential scheme) comes to fruition which could potentially attract national occupiers if there is significantly increased footfall and more intensive use of the site. It will be impossible to know exactly however until formal marketing is commenced and we can clearly test the market.
- vii. Marketing would be undertaken by a hybrid approach of details issued to applicant databases, writing to local occupiers, local commercial agents, targeted mailing to suitable occupiers in a 15-20 mile radius, plus a prominent marketing 'to let' V board at the front elevation. This is in addition to an online

marketing campaign. The appointed agent would handle all of this and accompany any viewings. Additionally the details would be set out on the EFDC website.

- viii. An Energy Performance Certificate would be required, and would have to achieve a minimum rating of 'E' to legally market and let the space.

It should be noted that if an agent is appointed with 'sole letting rights' and EFDC separately found or was approached by a tenant independently and we subsequently agreed a letting independently to that occupier, a full letting fee would still be due to the sole agent. Generally any agent is going to expect 'sole letting rights' (whether a sole or jointly appointed agent i.e. one or two agents are instructed) to make the instruction worthwhile for them accepting.

We are aware that given the bespoke nature of the café requirement, there may also be suitable occupiers that prefer a more turnover/management based agreement where the capital costs/risks are borne by EFDC or shared between the parties with an agreed share of the resulting revenue/benefits.

It is proposed that the marketing exercise captures all of these requirements and ensures the most appropriate occupier and offer in keeping with our vision for the entire space.

Following on from formal marketing and upon receipt of expressions of interest Cabinet will be presented with options and a recommendation on any contract award which will include full appraisal (including financial) of the offers.

#### **4.2 Other potential partners – progress report**

Further meetings with Police, CCG and Essex County have been attended by relevant officers and the Project Sponsor in order to continue building good relationships and identifying the most appropriate opportunities for an excellent Customer Public Service Hub at the Civic Centre and other partnership options on other sites. Essex County Council Library and Registrar services continue to develop the plan to locate in the Epping Civic building.

The opportunities for 323 House continue to be negotiated separately from the remainder of the Civic building and a working group consisting of interested parties is in formation. The timeline for consideration of the 323 House proposal is June 2019 Cabinet. All dependencies with other programmes are fully considered and for April 19 and June 19 Cabinet are appraised of inter dependant programmes to ensure decisions are aligned.

#### **Resource Implications:**

The engagement of specialist resources will be funded from the £425,000 agreed in December 2018.

Soft market testing data has indicated Rental levels for A3/A4 space in the High Street ranges from £12 to £25 per square foot with the latter being for prime location space in the centre of the High St. As the Civic Offices are at the very end of the High St and set back

from the main road, we anticipate rental levels in the region of £15 per square foot. This equates to an offering at £37,500 assuming typical lease terms for say 3 years initially, assuming further negotiation would then achieve £30,000-35,000 per annum in practice.

For Civic building letting agent fees are expected to be in the region of 10% of the final negotiated rent subject to a minimum fee of circa £2,000+VAT assuming one agent is appointed (Sole Agent with sole letting rights).

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

Any professional consultancy services will be procured in line with the Council procurement rules. The Civic Offices site has a draft allocation of housing within the Local Plan to be bought forward in the early years. There will be a Governance Board in place and regular reports of progress back to Cabinet.

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

The new building and will be safer by design and energy efficient.

### **Consultation Undertaken:**

Since Sept 2018 a number of partners and agencies have been approached or have approached EFDC to discuss the opportunity of locating services in the Civic building. Interest continues to be expressed from Essex CC, Police and CCG.

Parish and Town Council opportunities working within EFDC estate are also being explored where this accommodation project could work for customers, residents and organisations.

Exploratory discussions with a variety of businesses are ongoing. The soft market testing with four agents has returned positive results hence the decision to move to formal marketing.

In addition there is ongoing dialogue with the lease holders of the canteen provision regarding future plans. Going forward the intention is for any opportunity to be open to any interested party including current providers.

### **Background Papers:**

Cabinet Report 10 December 2018

### **Risk Management:**

A full risk register will be produced at both programme and project level. The management of risk will be the responsibility of the Board.

Two risks have been identified by the project board relating to the decision and subsequent activity.

1. Having no provision in place for food and beverage from June 2019
2. Potential change to food and beverage offer being negatively received by some staff

Mitigation will be in place to minimise these risks.

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# Equality Impact Assessment

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

## Section 1: Identifying details

Your function, service area and team: Corporate

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: Accommodation Project

Officer completing the EqlA: Tel: 01992 564233 Email: gblakemore@eppingfdc.gov.uk

Date of completing the assessment: 20/03/2019

## 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? Change to existing practice.
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision): Maximise the beneficial use of Council land holdings. Catalyst for transformatinal change in working practice. Improve accommodation provision whilst realising ongoing running cost efficiencies</p> <p>What outcome(s) are you hoping to achieve (i.e. decommissioning or commissioning a service)?</p> <ul style="list-style-type: none"><li>(a) a focus on Customer Service, 'placing them at the heart of everything we do';</li><li>(b) create an improved, modern, affordable and value for money working environment that reflects positively on the image of the Council;</li><li>(c) a transformation and culture change across the Council involving new and agile ways of working across teams;</li><li>(d) a contribution to the economic development aspirations for the District, through the Local Plan, by releasing the rear of the Civic Building site as soon as possible and not later than 5 years' time; and</li><li>(e) minimised disruption to service delivery during refurbishment.</li></ul>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none"><li>• service users</li><li>• employees</li><li>• the wider community or groups of people, particularly where there are areas of known inequalities?</li></ul> <p>Yes</p> <p>Will the policy or decision influence how organisations operate? No expected service delivery reduction.</p>

2.4	Will the policy or decision involve substantial changes in resources? no
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? Decision links to the delivery of the Local Plan.

### **Section 3: Evidence/data about the user population and consultation<sup>1</sup>**

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>Background papers culminating in an outline case engaged staff and pilot areas are in operation regarding new ways of working. No adverse impacts on any group raised to this point.</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>Communities, customers and partners will be engaged formally and informally as each element of the programme is developed to feasibility</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>Communities, customers and partners will be engaged formally and informally as each element of the programme is developed to feasibility</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		M
Disability	Positive;	M
Gender	The work will have a positive effect on all of the identified equality groups as all accommodation changes will deliver an equal or improved offer.	M
Gender reassignment		M
Marriage/civil partnership		M
Pregnancy/maternity		M
Race		M
Religion/belief		M
Sexual orientation		M

## 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 ' <b>YES</b> ', use the action plan at <b>Section 6</b> 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.

**Section 7: Sign off**

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

Signature of Head of Service: G Blakemore

Date: 21/03/2019

Signature of person completing the EqIA: G Blakemore

Date: 21/03/2019

**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.

Notes from informal meeting held Monday 14 January 2019

RE: Cabinet decisions 10<sup>th</sup> Dec – accommodation review

## 1. Introduction

Officers and members met to discuss points of concern raised following the Cabinet decision. The notes below are a combination of summary discussion, responses and description of next steps (summary action plan) including the checks that are in place going forward (decision path).

Clarity over the background papers and the sources of information used to collate the recommended option has been achieved but for the purposes of record: the PwC reports and design briefs were only one input. Much of the information and proposal work has been revisited due to the age of the PwC work, recognition that the market has been affected by external changes, new opportunities and ideas being brought forward.

Other sources include the revisit and updating of costs and design of an existing North Weald site that has current planning permission for a Housing related depot and office accommodation. This is not the site contained in the PwC report and it has the benefit of not only planning consent but all other planning related considerations such as traffic movement, environmental impact assessment etc

The third source of information was EFDC estate and valuation expertise, this is the information contained as an appendix to the report.

The recommendation and decisions are the next steps to gaining clarity and certainty around costs and income. A budget of £425k has been allocated for feasibility and market testing and further detailed reports will come back to Cabinet for agreement before a commitment to spend on build.

There is a project team in place for this work and all of the comments, observations and challenges from this meeting will be fed into the work going forward. There will be a full project Risk register in place as work is progressed.

## 2. Notes and Actions – related to the decisions (*blue and italic indicates notes and actions going forward following the meeting*)

Copy of the Decisions:

### 7. ACCOMMODATION STRATEGY

Decision:

(1) That the Cabinet approved the accommodation option to maximise the Civic building use in Epping High Street by:

- (a) retaining Civic, Democratic and Customer Service functions on the Epping site;
- (b) delivering a combination of partner, community and business services from the Civic building;
- (c) refurbishing the areas of the Civic building to the standards appropriate for the use (subject to b) above);

Author: Georgina Blakemore, Strategic Director

- (d) the disposal of land to the rear of the Civic site in line with the Local Plan allocation;
- (e) building office accommodation on Council owned land in North Weald for occupation by the Council and potentially partner organisations;

**(2) That consequent to the approval of recommendation (1) above the following actions be taken:**

- (a) That the Council proceed to full design and build specification of a new build reporting back to the Cabinet before the end of the financial year 2018/2019 seeking agreement to proceed to the procurement of the new build process and its Capital requirement;

*Action following informal discussion 14-01-19:*

***New build Office proposal at North Weald***

*Carry out a detailed feasibility study ensuring any new development is in line with the new Local Plan and meets all the criteria in terms of planning and design. It should be noted that the final specification will be a Category A spec which will include the latest technologies and air conditioning but will not be to BREEAM excellent standard.*

*The report should include detailed development / build costs making allowance for building cost inflation and developer profits which may have changed since Brexit as developments are seen to carry more risk. Building costs to also include all fees and contingency.*

*Information on car parking, journey times and a traffic plan should also be provided and if available a consideration of alternative options in the district for relocation of staff from the Civic Offices.*

*The Cabinet are required to approve at a future meeting the procurement of any new build and the Capital sum required.*

- (b) Cabinet agreed £425,000 capital expenditure for professional services and programme resource to deliver year 1 of the programme met from the existing planned maintenance budget phased as follows: virements of £25,000 in 2018/19 and £400,000 in 2019/20;

- (c) That land allocated within the local plan to the rear of the civic site be marketed for sale, with the sale to be progressed before end of the financial year 2019/20;

*Action following informal discussion 14-01-19:*

***Civic Offices rear site***

*Appoint an agent / cost consultant with suitable residential development experience to carry out a detailed appraisal and feasibility report on a new build residential scheme taking into account current market conditions, the planning framework and viability of the site in terms of the proposed use. The aim would be to get a realistic residual valuation assuming residential consent and the appropriate level of affordable housing and what that mix would include.*

*The report should include detailed development / build costs making allowance for building cost inflation and developer profits which may have changed since Brexit as developments are seen to carry more risk. Building costs to also include all fees and contingency.*

- (d) That authority be given to the Chief Executive to 'soft' market test the letting of areas of the Civic building spaces as marked on appendix A of the report;

*Action following informal discussion 14-01-19:*

*Following an update on current position with partner organisations and commercial interest expressed there was little concern that a sound rental income could be achieved from tenants and partners occupying the Civic building. There was also assurance that the building would be occupied by sufficient numbers of 'employees' to have no detrimental effect on the high street economy.*

*All rental income streams will be modelled inclusive of rent free and void periods. The market test will give clarity and test partner commitment.*

- (3) That a further report be made to Cabinet on:
  - (a) the feasibility of the marketing of the part site before the end of the financial year 2018/2019;
  - (b) the revisions required to the accommodation programme to align it with these recommendations;
  - (c) the formation of a governance structure to support effective and efficient delivery across the programme; and
- (4) That the Cabinet receive regular updates on the programme to future meetings.

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Asset Management and Economic Development Cabinet Committee      **Date:** Thursday, 17 January 2019

**Place:** Council Chamber - Civic Offices      **Time:** 7.00 - 8.10 pm

**Members Present:** Councillors A Grigg (Chairman), N Avey, H Kane, S Kane and G Mohindra

**Other Councillors:** Councillors C Whitbread, M Owen, C C Pond, S Heap and J M Whitehouse

**Apologies:**

**Officers Present:** D Macnab (Acting Chief Executive), J Nolan (Service Director (Commercial & Regulatory Services)), M Warr (Economic Development Officer), K Pabani (Chief Estates Officer), K Milligan (Senior Asset Manager), J Leither (Democratic Services Officer) and A Rose (Marketing & Digital Content Officer)

**Also in attendance:** P Wilks (Lichfields)

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### 17. 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.

### 18. APPOINTMENT OF VICE-CHAIRMAN

The Chairman asked the Cabinet Committee for nominations for a vice-chairman, Councillor G Mohindra nominated Councillor N Avey which was seconded by Councillor H Kane.

#### **RESOLVED:**

That Councillor N Avey be vice-chairman of the Asset Management and Economic Development Cabinet Committee for the duration of the municipal year.

### 19. SUBSTITUTE MEMBERS

The Cabinet Committee noted that there were no substitute members.

### 20. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor G Mohindra declared an interest in agenda item 7, Economic Development Report by virtue of his role as Vice-Chairman of the Essex and Herts Digital Innovation Zone (DIZ). The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the item.

(b) Pursuant to the Council's Code of Member Conduct, Councillor G Mohindra declared an interest in agenda item 8, Asset Management Development Projects – Progress Report, item 6, Hillhouse Development, by virtue of being an Essex County Council Cabinet Member. The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the item.

(c) Pursuant to the Council's Code of Member Conduct, Councillor J M Whitehouse declared a personal interest in agenda item 9, St John's Road Update by virtue of being a member of Epping Town Council and living in St. John's Road. The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the item.

(d) Pursuant to the Council's Code of Member Conduct, Councillor N Avey declared an interest in agenda item 9, St John's Road Update by virtue of being the Chairman of Epping Town Council. The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the item.

## **21. MINUTES**

### **Resolved:**

That the minutes of the meeting held on 25 October 2018 be taken as read and signed by the Chairman as a correct record.

## **22. THE BROADWAY DEBDEN, IMPACT STUDY - PRESENTATION BY LICHFIELDS**

The Chairman introduced Mr Peter Wilks, Senior Director of Lichfields who gave a presentation of an impact study that they had produced regarding The Broadway, Debden.

P Wilks advised that Lichfields were commissioned to look into the impacts of the Epping Forest Shopping Park (EFSP) which was opened in December 2017, specifically looking back at how that application was determined in 2012. An impact assessment was prepared at that time which predicted the trade diversion and reduction in trade resulting from the shopping park. This had been established in the Council's own town centre study in May 2010 which had been based on:

- Visitor and household surveys;
- Land use survey; and
- Town centre health checks.

The historical evidence provided an opportunity to do a before and after comparison and we have looked at that data to see if there was any evidence of actual levels of impact on The Broadway.

### Methodology

In terms of the methodology and looking at the trading performance of centres proved to be very difficult as there had been no national published data since 1971. Therefore, we could only go on what changes had happened with the land use within the centre and how the health check undertaken in October 2018 compared with the same exercise done in 2010. Therefore if the visitor and household surveys were re-run, this would enable us to estimate the turnover and trading performance of the town centre the same way it was estimated back in 2010.

Measure of vitality and viability

The Central Government Planning Guidance set out what the measures of vitality and viability were:

- Diversity of uses;
- % of vacant street level property;
- Commercial property rents/yields;
- Retailer representation;
- Pedestrian flows;
- Accessibility;
- Perception of safety / occurrence of crime; and
- State of town centre environmental quality.

Looking at The Broadway it was found to be a relatively small centre servicing local people. There were 55 purpose built Class A units which were easy to access and navigate around. The Javelin Group rank over 3,500 retail destinations in the UK including town centres, malls, retail parks and factory outlet centres. In the Epping Forest district The Broadway was ranked third and compared favourably with other smaller centres in the district.

The number of units had reduced since 2010, this was due to the units in Torrington Drive being empty and derelict as Sainsbury's wanted to modernise and enlarge their store and utilise the units around the store to expand and become part of their car park. Therefore on balance the number of vacancies have predominantly stayed the same.

The representation in The Broadway in 2009 was largely the same as it was in 2018:

<b>2018</b>	<b>2009</b>
Martin's	Martin's
Sainsbury's	Sainsbury's
Boots	Boots
Iceland	Iceland
McColl's	McColl's
Superdrug	Superdrug
Barnardo's	Barnardo's
M&S Simply Food	Woolworths
Greggs	Clinton Cards
Factory Outlet	

The Broadway have the lowest rents in the district at £235 per sq.m with Loughton being the highest at £700 per sq.m.

Visitor Origin

The visitor and household survey that we undertook indicated the origin of the customers that visited the centre in 2009, 55% were local visitors with 45% coming from out of the area. The new survey data suggested that 85% were local visitors with 15% coming from out of the area. This also showed that the mode of travel used in 2009 more people were travelling to The Broadway by car, bus and the underground whilst in 2018 far more were walking to the centre which suggests the catchment area was more localised.

### Visitor satisfaction / dissatisfaction

The survey asked visitors to rate how satisfied they were with the centre in 2009 and again in 2018 so the results could be compared. The results were mixed with some liking the centre and others not.

The range and quality of the shops and dining locations scored higher in 2018 whereas the level of pubs and bars the satisfaction rating had gone down in 2018 as the centre had lost the only pub that was in The Broadway. In terms of the environmental elements things had not changed significantly. There was still dissatisfaction in not being able to shelter from the weather. On balance visitors views remain mostly the same now as back in 2009.

### Summary

The findings of the survey do not see any significant change in The Broadway since 2009 and therefore there was no clear evidence to suggest The Broadway has declined since 2009.

### Questions

Councillor G Mohindra asked if the local businesses should have been approached and asked to disclose their turnover figures.

P Wilks stated that with health checks he had never seen anyone release sales or turnover data as this was commercially sensitive material.

Councillor G Mohindra asked how The Broadway compared to other centres.

P Wilks replied that The Broadway was a very small centre and you would have to compare it with other centres of the same size. In general terms it had a good mix of businesses with 10% of vacancies. The national average across all town centres for vacancies was 12% and in some centres it rose to 20% and above.

The Chairman asked if internet sales could have an impact on The Broadway as you have major stores like Marks and Spencer and Debenhams etc. who offer an internet ordering and delivery service and therefore the small town centres blame this for their loss of turnover.

P Wilks advised that internet sales had grown quite steadily over the last 20 years and looking at the most recent Experian data, taking off the internet sales still showed positive growth in in-store expenditure.

Councillor M Owen stated that the scene on the ground seemed very different to when he visited The Broadway as there were hardly any customers about. Whilst he appreciated the outcome of the report, on speaking with traders, they did not feel that trade was steady or on the up. Do you think the report could have missed anything.

P Wilks explained that the available data they had based the impact study on was from Experian where the demographics were taken into account. He also advised that he had visited The Broadway many times during 2010-2012 and had never thought or seen that it was a very busy centre.

Councillor C Pond highlighted that The Broadway was very popular some years ago because of the range of shops. it was known as a fairly major centre but had declined

over the years. As the landlords, the Council need to make it more attractive looking so that it would attract people from outside of the district.

P Wilks stated that the days of fashion shopping had gone and the centre was more of a convenience centre which provided the facilities that people wanted.

Councillor C Pond added as the Council were the landlords should they not be more selective to who the units were rented to and were there any practical ways the Council could filter the traders.

K Pabani advised that the Council had an Estate Management policy and that very few units came on the market at the same time. He added that the Council did usually get more than one interested party per unit and over the last 18 months the type of tenants that have been successful in acquiring a unit were primarily local people with either a franchise or a different type of retail use that was already trading in The Broadway. Therefore, the Council were very conscious of the type of tenant mix, the affordability and competition, in terms of the pressure it would put on other tenants.

Councillor G Mohindra asked why the commercial rents in Loughton High Road were almost three times that amount of The Broadway.

P Wilks advised that Zone A commercial rents do vary from centre to centre and are largely based on the attractiveness of the centre.

D Macnab stated, without wanting to pre-empt or pre-judge the outcome of the Cabinet's Decision on the 7 February 2019, he highlighted a report regarding the Discretionary Business Rates. In the Government's Autumn Budget of 2018 it was announced that all eligible retailers with a rateable value below £51,000 are eligible to receive a one-third discount on their business rates bill. There are 34 Independent traders in The Broadway who would be eligible. The cost to the District Council was cost neutral as Central Government would be paying for this relief.

Councillor C Pond acknowledged that this was very good news for the traders of The Broadway.

## **23. ECONOMIC DEVELOPMENT - PROGRESS REPORT**

The Economic Development Officer (EDO) presented a report to the Cabinet Committee and updated them on projects and issues being explored by the Economic Development Team.

### **1. Digital Innovation Zone**

The Economic Development team recently organised, on behalf of the Essex & Herts Digital Innovation Zone (DIZ), a highly successful Smart Places Seminar on the subject of future-proofing new garden communities. The event was held at Chesterford Research Park in December 2018 and sponsored by Uttlesford District Council. The event attracted around 70 delegates representing eight local authorities and a number of voluntary community groups, health and education organisations plus local businesses and national organisations.

Officers were planning the next smart places seminar which was planned for Friday 5 April 2019. The seminar would explore issues around digital inclusion and the potential impact of moving to new digital platforms for public service delivery.

Officers were currently working with colleagues at Essex County Council on a multi-million pound bid to the DCMS Local Full Fibre Network programme, to boost connectivity in areas across the DIZ from hubs based at GP surgeries. The Council have now been asked to bring forward a full proposal to the scheme by the beginning of February 2019 and work was ongoing to meet that date.

**Resolved:**

That the current progress and work programme of the Council's Economic Development Section were noted.

**Reasons for Decision:**

To appraise the Committee on the progress made with regard to Economic Development issues.

**Other Options Considered and Rejected:**

None, as this monitoring report was for information not action.

**24. ASSET MANAGEMENT DEVELOPMENT PROJECTS - PROGRESS REPORT**

The Acting Chief Executive (ACE) presented a report to the Cabinet Committee and updated Members on further developments to the report since the agenda had been published.

**(1) Epping Forest Shopping Park**

The Epping Forest Shopping Park was now fully let and trading well. Some issues had been identified with parking and were being looked at with a view to improving access to the car park. It had been recognised that some people who worked in the area were covering their number plates upon exiting the car park and others were exiting via the entrance. Parking enforcement officers were now patrolling the site and issuing Parking Charge Notices (PCNs) to anyone that was parked longer than 3 hours.

There were also concerns with the build up of traffic which, at times, was sitting across the junction from Oakwood Hill waiting to enter the Shopping Park. This had been reported to Essex Highways with a view to them looking at a scheme to improve the flow of traffic and stop the queuing across the junction.

Councillor CC Pond advised that the entrance and exit to the shopping park was causing the traffic to build up and at times block the A1168 and stated that this should now be a priority. He asked how effective had the issuing of PCNs been and had this freed up some space in the car park.

The Chief Estates Officer advised since the introduction of PCNs the car park had been freed up of parking spaces. On the first day of Parking Enforcement there had been 28 PCNs issued and it would appear most of these were commuters or people that worked in the area. It had been noted that a car company that traded in Langston Road was known to be using the charging bays to charge their electric cars so that they could be test driven by clients. The car company had been advised that the car charging points were for the sole use of the clients of the Shopping Park and they were not to be used. Local businesses had also been advised to inform their staff that they should not park in the Shopping Park and that PCNs were now being issued.

**(2) Pyrles Lane Nursery**

Following a successful marketing campaign the site was now under offer to Durkan Estates and solicitors have been appointed to progress the sale. Durkan Estates have carried out site investigations and we were waiting for the results. The access road, which is not part of the EFDC land, but has substantial existing rights was being assessed. The existing Nursery was due to relocate to the Town Mead Depot in Waltham Abbey in early 2019 following a successful planning application to refurbish premises on the site.

**(3) St John's Road Redevelopment**

There was a separate report on the agenda.

**(4) North Weald Airfield**

An internal Officer project team had been set up to provide strategic direction in line with the requirements of the submission version of the Local Plan. A Planning Brief had been requested as the first stage in the process of engaging a third party consultant to assist EFDC Officers in the preparation and submission of a Masterplan for the land identified as site NWB.E4 in the Submission Version of the Local Plan dated December 2017, along with the aviation land to the western side of the runway and associated new access point.

Interim terms have been agreed with Saunders Markets for them to remain in occupation throughout 2019, while a tender process was being undertaken to assess market demand and to secure the best operator from January 2020.

Terms have been agreed and solicitors instructed for a new 25 year lease to the Essex & Herts Air Ambulance. The lease to the National Police Air Service had been completed and funding approved from the Home Office. Construction for the new base had commenced.

**(5) Landmark Building**

Following the withdrawal of interest from the Co-Op and Costa Coffee new marketing agents had been appointed. Both units were now under offer with the bulk of the former under offer to a local publican. The lease to the Mediterranean restaurant had now completed and the tenant was fitting out. The prospective tenants were submitting the necessary planning and building regulation applications. Two other units (one newly created via proposed sub-division) were available for letting and the agents were reporting interest.

Councillor C C Pond stated that the mix of premises in the Broadway were becoming competitive with the new Mediterranean restaurant and the one opposite on the corner of the Broadway both being Turkish.

The Chief Estates Officer replied that terms had already been agreed with the Mediterranean restaurant and at that time the premises opposite was a Café. In November 2018 the Café was sub-leased and EFDC had no control over the premises becoming another Turkish restaurant.

**(6) Hill House**Leisure Centre

The new Leisure Centre at Hillhouse opened on 17 November 2018 and was achieving membership take-up well beyond forecasts. The centre was now in its contractual six-month bedding in period.

The Roundhills Swimming Pool site had been physically secured pending demolition and redevelopment. Essex Housing were the management agents and demolition should take place early in 2019.

Independent Living Scheme

The Council were in receipt of a planning application from Essex Preferred Independent Living provider there has been some public consultation undertaken in the locality however we have been pressing the provider to enter into a PPA which would involve the scheme going in front of our Quality Review Panel who look at schemes of this nature.

Councillor S Kane asked how long would the demolition take place of the old leisure centre on Roundhills and what was the expected mix and affordability of the housing going on the site.

The ACE advised that the demolition of the site would expect to take 6-8 weeks and the site would consist of a minimum of 11 units of which the Council's Policy required that 40% would be affordable properties.

**Resolved:**

That the current progress on the Council's Asset Management and Development projects were noted.

**Reasons for Decision:**

To comply with the Cabinet Committee's previous request to monitor the development of the Council's Property Assets on a regular basis.

**Other Options Considered and Rejected:**

None, as this monitoring report was for information only not action.

**25. ST JOHN'S ROAD UPDATE**

The Acting Chief Executive (ACE) presented a report to the Cabinet Committee and updated Members on further developments to the report since the agenda had been published. He advised that following the failure to conclude the tri-partite agreement between the District and Town Council and their development partner, the Cabinet had agreed that the Council should proceed with an alternative scheme in accordance with the previously adopted Development and Design Brief and that EFDC should seek to enter into a partnership with Epping Town Council as part of any new scheme. Furthermore that in the event of a partnering arrangement not being possible with Epping Town Council, the District Council should proceed with the St John's Road Redevelopment project, on land within its ownership.

In addition, it was agreed that the site should become the preferred site for the re-provision of Epping Sports Centre and that it should be delivered by the existing

contractual arrangements with the Council's Leisure Management Partner, Places for People.

Following the decisions made by Cabinet in December 2018 a meeting was convened between officers of the council and representatives of Places Leisure (including Pozzoni Architecture and the Sports Consultancy).

As a result of this meeting and recognising that Pozzoni Architecture were developing the brief for the Leisure Centre (the anchor building on the site) officers made the decision to appoint Pozzoni Architecture as consultants to produce a master plan for the whole site, which incorporated the elements of the previous brief agreed by Full Council and the Submission Version of the Local Plan. The cost of this would be in the region of £10,000 which given that they were already undertaking work on the site was heavily discounted.

There had also been contact with two cinema operators who had both expressed an interest in the development and a future meeting would be set up to discuss options.

Councillor Avey asked when would discussions take place with Epping Town Council.

The ACE advised that he had recently spoken with the Town Council to establish the values and a formal meeting would be arranged within the next 2-3 weeks.

**Resolved:**

That the Committee noted the current position regarding the St John's Road site.

**Reasons for Decision:**

To appraise the Committee on the current progress of the project.

**Other Options Considered and Rejected:**

None, as this monitoring report was for information only not action.

**26. ANY OTHER BUSINESS**

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

**27. EXCLUSION OF PUBLIC AND PRESS**

The Cabinet Committee noted that there were no items of business on the agenda that necessitated the exclusion of the public and press from the meeting.

**CHAIRMAN**

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## **Report to the Cabinet**

**Report reference: C-042-2018/19**

**Date of meeting: 11 April 2019**



**Epping Forest  
District Council**

**Portfolio Holder: Leader of Council**

**St John's Road Development – Progress Report and Provision of New Leisure Centre**

**Responsible Officer: Derek Macnab (01992 564050).**

**Democratic Services: Adrian Hendry (01992 564246).**

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

- (1) That Members note the general progress on the St John's Road redevelopment scheme, and**
- (2) That on the basis that the estimated Capital Costs for the construction of the new Leisure Centre are recovered by an uplift in management fee from the Council's Leisure Management Partner and capital receipts from the sale of the current Epping Sports Centre, as contained in the Development Appraisal, that formal negotiations are entered into with Places Leisure to vary the Leisure Management Contract for the development of a new Leisure Centre at the St John's Road Site, on a Design, Build, Operate and Manage basis, and**
- (3) That in order to construct the new Leisure Centre in the optimum location, that the District Council enter into formal discussions with Epping Town Council to acquire Epping Hall, to include the potential relocation of the Town Council to 323 House at the Civic Offices, and**
- (4) That expressions of Interest are sought for suitable qualified Cinema operators to establish the viability of the conversion of the Centrepoint Building in St John's Road, Epping and identify the most favourable financial agreement that could be reached, and**
- (5) That the Council adopt a similar approach as utilised in the development of the Epping Forest Shopping Park, namely that a specialist project team is appointed to procure the construction and letting of the units and that a further report is received on costs, and**
- (6) That a future report be received on the most viable option to deliver the residential element of the project.**

## **Executive Summary**

The St John's Road development is an important strategic project for the Council. Negotiations on a tripartite agreement between the District Council, Epping Town Council and the previously appointed development partner, Frontier Estates, failed to reach a mutually acceptable conclusion and terminated in October 2018. On the 10 December 2018, the Cabinet agreed to proceed with an alternative scheme, still in accordance with the previously adopted Design and Development Brief, but incorporating a replacement Leisure Centre for Epping Sports Centre.

This report updates Members on general progress with the redevelopment of the site, and specifically seeks authority to proceed with the new Leisure Centre in partnership with Places Leisure. In addition it seeks agreement on an approach to the procurement of the Retail and Cinema provision.

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

The St John's Road development site in Epping, comprises of the former Junior School, Town Council Offices and Hall and the District Council's housing repairs depot. Located in an important town centre location, redevelopment could deliver considerable community and economic benefits for residents, businesses and visitors to Epping. As the former school buildings have not been utilised for a considerable number of years, it is imperative that the Council, as owners, bring forward a redevelopment scheme in the wider public interest.

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

There are a number of potential alternative options available to the Council to include the sale of the core site on the open market, to include the adjacent depot, or alternatively, the Council could seek another private sector development partner. Although the site does have an adopted Design and Development Brief and an allocation in the Submission Version of the Local Plan, these external marketing approaches would see a loss of direct control, potentially incurring further delay, and the risk that any new owner/partner would not produce a scheme, which fully realises the community benefits sought. As a result of the Council adopting any alternative options, the result would likely be a need to find an alternative site for the relocation of Epping Sports Centre. This is because community sports provision of the type envisaged, would not be attractive to potential private sector developers, who would wish to provide more commercial facilities.

### **Report:**

1. At their meeting on the 10 December 2018, the Cabinet noted the failure to conclude the tripartite agreement between the District and Town Council and Frontier Estates, for the redevelopment of the St John's Road site in Epping. On this basis, Cabinet agreed to proceed with an alternative scheme in accordance with the previously adopted Development and Design Brief. This was in order to seek to deliver the community and economic benefits sought. Acknowledging the split ownership of the site, Cabinet also agreed to enter into partnership with Epping Town Council as part of any new scheme to ensure a strategic approach to this important Town Centre location. However, in the event of a partnering arrangement not being possible with Epping Town Council, the Cabinet's intention would be to still proceed with the St John's Road Development project, on land within the District Council's ownership.
2. Members of Cabinet also agreed that as a result of the assessment undertaken by independent consultants, as required by Sport England, that the St John's Road site becomes the preferred site for the re-provision of Epping Sports Centre, in a final form to best meet the future leisure needs of the local community. Members sought further work on the business case for the replacement Leisure Facility which has now been undertaken.

## Business Case for Replacement Leisure Facility

3. As highlighted above, the District Council commissioned external consultants, to undertake the feasibility work. At the inception of the work by “The Sports Consultancy”, the focus was to explore alternative sites, to the proposed location identified at North Weald Airfield as part of the Local Plan North Weald Masterplan. However, with the collapse of the negotiations with Frontier, the St John’s Road was then included within the scope of the study, as an alternative location, which up until this point had not been available. The review exercise, which involved engagement with local Members as well as users of the existing Sports Centre in Epping, concluded that the most viable site for a new Leisure Centre is the St John’s Road site in Epping. In summary, the key reasons for this, are the sustainable location of the site in terms of access, that the facility mix proposed would drive increased participation, enhance financial viability of the Leisure Management Contract and that Epping Sports Centre users would suffer less displacement.

4. Having determined in principle that St John’s Road was the preferred location, a number of specialist technical studies were commissioned to include topographical, ecological, arboricultural and heritage assessments. These studies have concluded that there are no significant constraints present, that cannot be overcome by good quality planning and design.

5. Informed by the survey outcomes, external consultants appointed by the Council have undertaken some initial masterplanning of the site to develop indicative layout options. The key components of the mixed-use scheme outlined within the original Development and Design Brief and at the scale reflected in the overage agreement with Essex County Council, have been incorporated. These are the locally listed buildings, i.e. Centre Point Building (potentially future Cinema use), the Cookery School (potentially future food/beverage use) and the Headteacher/Caretaker’s House. In addition, 1310 sqm. of retail and 32 housing units have been included. The most significant change in the future scheme is the removal of the food store and the incorporation of a new wet and dry Leisure Centre with some associated parking.

6. The masterplanning options appraisal to date, albeit of an indicative stage, has clearly demonstrated that the site can accommodate the scale and mix of uses. However, this is on the basis that Epping Town Council make the area occupied by their offices and hall available for the new Leisure Centre. Whilst this is the best location in terms of topography, access and relationship to the protected heritage buildings, it would still be possible to provide the new Leisure Facility on land wholly owned by the District Council. However, this would compromise the remainder of the development.

7. The needs analysis, research and consultation undertaken by Sports Consultancy has recommended the following facility mix:

Core Facility Mix	Unit/Size
Main Pool	6 lane x 25m pool
Learner Pool	15m x 10m with moveable floor
Sauna & Steam Room	Sauna/steam room/spa
Sports Hall	4 courts
Health and Fitness Suite	120 stations
Spin Studio	1 x studio (64 sqm)
2 x Group Exercise Studio	160 and 250 sqm
Multi-purpose Community Room/Creche	70 sqm
Reception with Retail Area	Included
Café	145 sqm
Squash Courts	2 x courts
Soft Play	Included
Physiotherapy and Treatment Rooms	2 rooms
Car Parking	TBC*

*\*Car parking provision will be established as part of a detailed transport assessment and the exploration of sustainable transport options, which would be the preferred option.*

## **Funding and Affordability**

8. Based on initial quantity surveyor's cost estimates to provide the recommended facility mix, it has been estimated that a new Leisure Centre could be developed on the site at a capital cost of £18m. This would include demolition, public realm and car parking, an appropriate contingency, professional fees and an allowance for construction inflation.

9. In addition to the assessment of Capital costs, the Sports Consultancy have undertaken modelling on revenue projections for the new facility, to include savings from the operating costs and future maintenance costs associated with the existing Epping Sports Centre combined with the potential capital receipt from the sale of the existing Sports Centre, plus income generated by the new facility. This has been projected over the remaining length of the contract with Places Leisure, once the new Leisure Centre building is operational, i.e. 14 years. The revenue projections will form the basis of negotiation with Places Leisure, who will undertake the provision of the new Leisure Centre on a Design, Build, Operate and Maintain basis, (as successfully adopted for the construction of the new Waltham Abbey Leisure Centre). The conclusion reached to date, is that the uplift in the management fee paid to the Council by Places Leisure should be sufficient to significantly offset the Capital Costs of the new Leisure Centre over the life of the new facility.

10. The work to reach these conclusions was presented to the Leisure Management Partnership Board on the 13 February who had the opportunity to challenge a number of assumptions. Because of the commercial sensitivity of the Capital and Revenue Projections, given that this will form the basis of future procurement and negotiation with Places Leisure, the details are contained within the Development Appraisal attached at Appendix 1 in the Part II Confidential Section of the Agenda.

11. An indicative Strategic Programme, containing estimated timescales has also been developed. However, in summary, it is estimated that it would be possible, subject to Planning, to open the new Leisure Centre in March 2022.

## **Partnership with Epping Town Council**

12. Epping Town Council have agreed in principle to adopt a partnership approach with the District Council. However, as the Leisure Centre optimum location is on land owned by the Town Council, in order to proceed on this basis, then clearly the Town Council will need to relocate its offices and community facilities.

13. Initial informal discussions have resulted in independent valuations being undertaken for not only the Epping Hall, but also 323 House at the front of the Civic Offices in the High Street. The current 323 House, will be surplus to the District Council's requirements as part of the Accommodation Strategy and may be suitable to accommodate the Town Council in future. It is an aspiration of the District Council to create a public service hub at the Civic Offices, and relocating the Town Council would benefit customers of both authorities, and importantly, still allow the Town Council to maintain a degree of independence by virtue of 323 House having its own access on to the High Street. Another advantage is that 323 House is capable of hosting meetings of various sizes and could be internally reconfigured to accommodate some activity sessions. Any other current users of Epping Hall could be accommodated in the new Leisure Centre.

14. A joint member project board is already being established between the District and Town Councils to ensure co-ordination and communication around the project, reporting through their respective governance arrangements. It is hoped that the initial joint meeting can take place before the Cabinet meets to consider this report.

15. Notwithstanding there is a need to start to formally negotiate the purchase of the Epping Hall Site and potential relocation of the Town Council to 323 House, in order to move the project

forward.

### **Other Considerations for the St John's Road Site**

16. As part of the earlier public consultation undertaken in developing the original Development and Design Brief, the provision of a Cinema was cited by many respondents, particularly young people as a facility that would be welcomed as part of any future scheme. A cinema was one of the key elements that the previous Frontier proposal would have provided, albeit in a new building. However, the Council has been in informal discussions with a number of potential cinema developers and operators, who have identified that the Centrepont building would be capable of conversion. The advantage of this approach is that it would maintain the integrity of one of the locally listed buildings. No formal procurement process has commenced and it is unclear as to what potentially could be achieved either through a sale or lease arrangement. Permission is therefore being sought to move this component of the scheme forward.

17. With regard to the remaining elements of the scheme i.e. housing and retail, further development appraisal work will be required to establish the best delivery mechanism. With respect to the residential units, it may be that once a planning consent is achieved, that part of the site is sold to a private house builder. Alternatively, the Council is actively exploring the establishment of a locally owned Housing Company, which could bring forward the homes. The preferred option will be the subject of a future report.

18. Similarly, there are a number of approaches to the development of the retail food/beverage component of the redevelopment, to include partnering with a specialist retail developer. However, given the success of the Epping Forest Shopping Centre, where the Council established a consultant project team to procure the construction and letting of the retail units, this would be the recommended approach to St John's. The advantage of this approach is not only to retain control of the form of development and tenant mix but also to be able to generate ongoing revenue benefits, as opposed to a one-off capital receipts.

### **Summary and Decisions Required**

The report provides an insight into the history of the St John's Road Development Site and the key considerations and decisions up to this point. With the failure to proceed with the tripartite scheme with Frontier, the opportunity has now been taken to adopt an alternative approach. In planning terms, the site benefits from both the adopted Development and Design Brief and an allocation in the Submission Version of the Local Plan.

The Council has in principle, decided to replace Epping Sports Centre on the site by way of a new Leisure Centre to replace the Food Store component. The St John's Road site being assessed as the preferred location in terms of sustainability, participating and viability. The scheme could proceed without the land ownership of the Town Council, but this would not achieve the best form of development and compromise the economic and community benefits. A new joint committee is being formed, however, a legal agreement will need to be entered with the Town Council which satisfies the needs and aspirations of both Councils, with respect to land acquisition by the District Council and relocation of the Town Council to 323 House.

An initial master-planning exercise of the site has been undertaken along with a considerable amount of technical feasibility work. Similarly, a full cost and development appraisal has been undertaken to establish the capital costs of a new Leisure Centre and the potential revenue benefits/consequences for the Council.

A decision is required to enter formal negotiations with Places Leisure on this basis with the objective of achieving an uplift of the existing management fee to offset the construction costs of £18m estimated for the provision of the new Leisure Centre. It should be noted that under the terms of the current contract with Places Leisure the Council is responsible for the future maintenance costs at both Epping and Ongar Leisure Centres after year five of the current contract. Given the age and condition of these two Leisure Centres the costs are significant.

A new Leisure Centre at St John's Road would mitigate this future maintenance risk with respect to Epping Sports Centre. Similarly, the Council has taken the decision to remove the Ongar Leisure Centre site from the Submission Version of the Local Plan, therefore removing the possibility of the Centre being redeveloped for housing. The Council has also embarked on further work to assess the building's current condition and develop options for the ongoing provision of community sports and leisure facilities to serve the residents of Ongar and neighbouring villages.

In order to establish the viability of the Centrepont Building being converted for Cinema use, it is recommended that a formal Expressions of Interest exercise is undertaken to include a comparison of a freehold disposal or a leasehold approach.

Finally, a steer is required on the approach to the development of the retail offer and to seek further reports on how best the residential element of the scheme can be delivered.

### **Resource Implications:**

Development Appraisals are required to be undertaken identifying the potential capital costs and revenue returns achievable through any preferred form of development of any of the elements of the project. These should include the value of investment by other partners and reflect the risks involved. The costs of external consulting support will also need to be identified and included

The estimated £18m capital costs of the potential new leisure centre have been developed based on the outcome of site surveys, masterplanning, site specific location and facility mix. The current contractual arrangements with Places Leisure allow for the Council to lend the contractor capital, which is repaid through the management fee. This approach has been successfully applied in the construction of Waltham Abbey Swimming Pool. A full appraisal of capital costs and revenue consequences of the new Leisure Centre are contained at App1 in the Confidential Part of the agenda.

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

A new governance structure will be put in place around the management of the project in accordance with the Council's adopted project management systems. This will include regular reporting to the Asset Management and Economic Development Cabinet Committee. Some legal support will be required with respect to the completion of development agreements and leases/licences to prospective future tenants.

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

The current St John's Road site is subject to anti-social behaviour. The new structure will address this through producing a vibrant town centre leisure and retail venue. A considerable positive environmental impact could be achieved with additional public open space provided. A new leisure

centre would be built to high energy efficiency standards.

**Consultation Undertaken:**

With shareholders and public as part of the Development and Design Brief.  
Leisure Management Partnership Board February 2019.

**Background Papers:**

Sports Consulting Appraisals  
Cabinet 10 December 2018

**Risk Management:**

A formal risk management appraisal and management plan as for all Capital Projects will be developed. As highlighted in the report, there is a significant risk to the Council of maintenance liabilities associated with Epping Sports Centre. As part of the procurement of the current Leisure Management Contract, bidders were unwilling to undertake this risk themselves after year five of the contract, without large reductions in the management fees payable to the Council. In the case of Epping Sports Centre, the maintenance liability could be in excess of £300k p.a.

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# Equality Impact Assessment

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

## Section 1: Identifying details

Your function, service area and team: Corporate

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: St John's Road Development Site

Officer completing the EqlA: Derek Macnab, Acting Chief Executive Tel: 01992 564051  
Email: [dmacnab@eppingforestdc.gov.uk](mailto:dmacnab@eppingforestdc.gov.uk)

Date of completing the assessment: 27 November 2018

## Section 2: Policy to be analysed

2.1	<p>Is this a new policy (or decision) or a change to an existing policy, practice or project? Change in existing policy.</p>
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p>To determine the future scope and delivery of the St John's Road Development and Design Brief.</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <p>Improved Community Provision</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none"><li>• service users</li><li>• employees</li><li>• the wider community or groups of people, particularly where there are areas of known inequalities?</li></ul> <p>All of above, who may access in future new Leisure opportunities.</p> <p>Will the policy or decision influence how organisations operate?</p> <p>Town Council may be required to relocate.</p>
2.4	<p>Will the policy or decision involve substantial changes in resources?</p> <p>New Leisure Centre could cost in the region of £16-18m.</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>Supports Submission Version 1.1 Plan and Health and Wellbeing Strategy.</p>

### **Section 3: Evidence/data about the user population and consultation<sup>1</sup>**

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

3.1	What does the information tell you about those groups identified?  Possible Benefits could be achieved.
3.2	Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?  Users of existing Sports Centre in Epping were keen to keep provision local.
3.3	If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:  Initial consultation through Sports Consultancy. Further consultation will be undertaken as part of the planning application.

## Section 4: Impact of policy or decision

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

<b>Description of impact</b>	<b>Nature of impact</b> Positive, neutral, adverse (explain why)  Positive	<b>Extent of impact</b> Low, medium, high (use L, M or H)
Age	All protected groups will benefit from the provision of high quality accessible Leisure Facilities as proposed.	Detailed Equality Assessment be undertaken as part of the further development of the project
Disability	Epping Sports Centre is not fully accessible	New Centre would be fully accessible
Gender	All protected groups will benefit from the provision of high quality accessible Leisure Facilities as proposed.	Detailed Equality Assessment be undertaken as part of the further development of the project
Gender reassignment	Ditto	Ditto
Marriage/civil partnership	Ditto	Ditto
Pregnancy/maternity	Ditto	Ditto
Race	Ditto	Ditto
Religion/belief	Ditto	Ditto
Sexual orientation	Ditto	Ditto



**Section 7: Sign off**

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

Signature of Head of Service: Derek Macnab

Date: 19 March 2019

Signature of person completing the EqIA: Derek Macnab

Date: 19 March 2019

**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.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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