

# Committee Agenda



**Epping Forest  
District Council**

## **Council Housebuilding Cabinet Committee Tuesday, 18th June, 2019**

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

**Council Chamber - Civic Offices**  
on **Tuesday, 18th June, 2019**  
at **7.00 pm** .

**Georgina Blakemore**  
Chief Executive

**Democratic Services  
Officer**

Jackie Leither Tel: 01992 564756  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

### **Members:**

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

### **WEBCASTING/FILMING NOTICE**

**Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.**

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

**Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.**

**If you have any queries regarding this, please contact the Public Relations Manager on 01992 564039.**

**1. WEBCASTING INTRODUCTION**

The Chairman will read the following announcement:

“This meeting is to be webcast.

I would like to remind everyone present that this 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. SUBSTITUTE MEMBERS**

To be announced at the meeting.

**4. DECLARATIONS OF INTEREST**

To declare interests in any item on this agenda.

**5. MINUTES (Pages 5 - 10)**

To confirm the minutes of the last meeting of the Cabinet Committee held on 30 August 2018.

**6. PROGRESS REPORT FOR PHASES 2-6 (Pages 11 - 30)**

To consider the attached report (CHB-001-2019/20).

**7. PROGRAMME AND EXPENDITURE UPDATE FOR THE COUNCIL HOUSEBUILDING PROGRAMME AND ITS IMPACT UPON 141 RECEIPTS (Pages 31 - 44)**

To consider the attached report (CHB-002-2019/20).

**8. SUBMISSION OF A NEW PLANNING APPLICATION FOR THE LADYFIELDS SITE, LOUGHTON (Pages 45 - 58)**

To consider the attached report (CHB-003-2019/20).

**9. COUNCIL HOUSEBUILDING PROGRAMME - RISK REGISTER (Pages 59 - 72)**

To consider the attached report (CHB-004-2019/20).

**10. ANY OTHER BUSINESS**

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

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

**11. EXCLUSION OF PUBLIC AND PRESS****Exclusion**

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

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
Nil	Nil	Nil

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

**Background Papers**

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

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

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

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Council Housebuilding Cabinet **Date:** Thursday, 30 August 2018  
Committee

**Place:** Council Chamber, Civic Offices, **Time:** 7.00 - 8.10 pm  
High Street, Epping

**Members Present:** S Stavrou (Chairman), S Kane, G Mohindra, J Philip and A Lion

**Other Councillors:** R Morgan, M Owen and C C Pond

**Apologies:** N Avey

**Officers Present:** A Hall (Director of Communities), P Pledger (Service Director (Housing & Property Services)), M Rudgyard, J Leither (Democratic Services Officer) and J Bell (Senior Account)

**Also in attendance:**

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### 1. WEBCASTING INTRODUCTION

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

### 2. SUBSTITUTE MEMBERS

The Cabinet Committee noted that Councillor A Lion would substitute for Councillor N Avey at the meeting.

### 3. DECLARATIONS OF INTEREST

Pursuant to the Council's Code of Member Conduct, Councillor G Mohindra declared a personal interest in Agenda Item 7, by virtue of being the Essex County Council Cabinet Member for Economic Development. The Councillor had determined that his interest was non-pecuniary and that he would remain in the meeting for the consideration of the item.

### 4. MINUTES

That the minutes of the meeting held on 5 April 2018 be taken as read and signed by the Chairman as a correct record subject to an error in minute item 28, Substitute Members. It was recorded that Councillor C Whitbread would substitute for Councillor G Mohindra, who was present at the meeting and that it was Councillor Breare-Hall who had given apologies.

**5. CHANGE OF ORDER**

The Chairman advised the Cabinet Committee that Item 8, Any Other Business would be moved to incorporate a verbal report from the Assistant Director (Housing Property & Development) with an update on the recent fire at Burton Road, Loughton.

**6. ANY OTHER BUSINESS**

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

- Burton Road, Loughton – Fire update.

**7. BURTON ROAD, LOUGHTON - FIRE UPDATE**

The Assistant Director (Housing Property & Development) updated the Cabinet Committee on the recent fire that had occurred at the Burton Road, Loughton Phase 2 development of the Council Housebuilding development. He stated that no report from the contractor had yet been received with regard to how the fire started.

He advised the Cabinet Committee that he was the first Officer from EFDC on the scene and the fire had looked more serious than it was. Six fire appliances attended from Essex and London. The reported explosions on site were thought to be fire extinguishers and it was known that there were gas bottles also on the site, which did not explode, and because of this the Police and Firefighters worked together to clear the area swiftly and it was reported that there were no casualties.

Burton Road was a development of 51 units, comprising of 17 town houses and 34 apartments. The site was still being constructed and none of the units had tenants living in them. The fire began on the third floor roof of the four storey block of 19 apartments and was contained in the third and fourth storey. A structural engineer had been to survey the site and had confirmed that the site was stable. The main damage was to the windows and doors of the third and fourth stories, none of the utility installations had any damage to them. One structural beam had buckled which would be replaced

The cause of the fire was still under investigation.

The Ward Members expressed concern over the insulation materials used and asked Officers if they were confident that the materials used were not toxic. The Assistant Director stated that after the tragic Grenfell Tower disaster all building materials used by the contractors had been checked and were of a standard approved and everything was fit for purpose. Building Control Officers had inspected the site at intervals and they had not flagged up any concerns.

Members were concerned with the likely delay the fire may have caused. The Assistant Director advised that there would be no delay to the 17 town houses and the block of 15 apartments which should continue to be completed by the end of December 2018. The block of 19 apartments with fire damage will fall slightly behind schedule, but should be ready by the end of March 2019. Consideration was being given to the possibility of letting the ground and first floor stories of the fire-damaged apartment block first.

## 8. BIDS TO MHCLG FOR ADDITIONAL HRA BORROWING

The Director of Communities presented a report to the Cabinet Committee. He advised that the report was not about borrowing any more money than the Council will otherwise need to borrow to complete Phases 4-6 of the Council Housebuilding programme and to purchase the completed affordable rented homes at the Pyrles Lane Nursery site.

The Council were unable to borrow money for Housing Revenue Account (HRA) purposes above the amount for which HRA borrowing approval(s) have been granted by the Government (MHCLG).

In 2012, the Council borrowed £185.456million from the Public Works Loan Board (PWLB) to fund the levy that had to be paid to the Government at that time in order to enable all stock-retained councils, and councils with arms-length management organisations (ALMOs), to leave the discredited former HRA Subsidy System – and to provide an internal loan between the HRA and the General Fund. As a result of this transaction, the Council was left with HRA Borrowing Headroom of £31.065million, set by the Government, which was the amount of additional borrowing that the Council could undertake for HRA purposes.

This HRA Borrowing Headroom was sufficient to cover the additional borrowing required by the Council to fund its current Housebuilding Programme, up to and including Phases 4-6 and the purchase of the affordable rented homes to be built by a private developer at the Pyrles Lane Nursery Site, Loughton.

However, the Council was one of a number of councils invited to bid by 7th September 2018 for additional HRA borrowing approvals from the MHCLG. If the Council submitted one or more bids for additional borrowing approvals and were successful, these additional approvals could be utilised to cover the borrowing requirements for Phases 4-6 and Pyrles Lane, enabling the Council's existing HRA Borrowing Headroom of £31.065million to be maintained. This would then provide scope to enable the Council to undertake further borrowing in the future if it wanted - to either extend the Housebuilding Programme or to fund expenditure for other HRA purposes.

The Director of Communities had worked with the Council's HRA Business Planning Consultant and senior housing and finance officers to assess the additional borrowing requirement to fund the remainder of the Council's existing Housebuilding Programme, bearing in mind that 30% of the costs would be funded from One-for-One Replacement RTB Receipts ("141 Receipts").

As a result, it was proposed that four bids covering the three Broad Market Rental Areas (BRMAs) in the District and the development of the Pyrles Lane Nursery site, Loughton, totalling additional borrowing approvals for £8.052million, in year 2021/22, be submitted to Homes England (which was acting on behalf of the MHCLG), in accordance with the bidding strategy as set out in the main report to the agenda, summarised as follows:

Bid 1 – Ongar	£204,319
Bid 2 – Waltham Abbey	£1,497,368
Bid 3 – Loughton (excluding Pyrles Lane)	£5,884,227
Bid 4 – Pyrles Lane, Loughton.	£466,168

If all four bids were successful, they would increase the Council's HRA Borrowing Headroom by £8.052million. If less than the four bids were successful, the HRA

Borrowing Headroom would not be increased by so much. Although this report only relates to borrowing approvals, obviously, there will be resource implications when the required borrowing was undertaken which would be reported to Members at that time.

The Terms of Reference of the Council Housebuilding Cabinet Committee did not empower Members of the Cabinet Committee to make the final decision on the recommendations and the Committee was therefore asked to agree the recommendations to be made to the Cabinet on the 6 September 2018. Due to the timescales involved, the Vice-Chairman of Council had agreed and signed the Overview and Scrutiny Rule 53 (Special Urgency) to waive the call-in period so that the Council can submit a bid by the 7 September 2018.

**Decision:**

That the following be recommended to the Cabinet:

- (1) That, subject to any minor amendments agreed with the Housing Portfolio Holder (including bid amounts and borrowing profiles), the Director of Communities be authorised to submit four separate bids to Homes England for additional Housing Revenue Account (HRA) borrowing approvals, for four separate “schemes” totalling £8.052million in year 2021/22, with the borrowing profiles as set out in the report;
- (2) That the Council’s Chief Financial Officer reports to a future meeting of the Finance and Performance Cabinet Committee on the most appropriate way to arrange the additional HRA borrowing when required; and
- (3) That the Cabinet noted that, due to the deadline for bids being 7<sup>th</sup> September 2018, the Chairman of Council had been requested to determine that the call-in provisions of Rule 53 of the Overview and Scrutiny Rules (Special Urgency), contained within the Council’s Constitution, can be disregarded for this decision – the Chairman’s decision will be reported orally.

**Reasons for Decision:**

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

**Other Options Considered and Rejected:**

The main alternative options were:

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

## 9. APPROPRIATION OF LAND AT VARIOUS SITES

The Assistant Director (Housing Property & Development) presented a report to the Cabinet Committee. He advised that, at its meeting in June 2015, the Council Housebuilding Cabinet Committee had approved the principle of development of land at Pound Close and Palmers Grove, Nazeing, the land at Colvers, Matching Green and land at Parkfields (Site A), Roydon..

Due to an administrative oversight the recommendation for the appropriation of these sites under the Local Government Act 1972 and Town and Country Planning Act 1990 to change the purpose for which the land was held from one statutory purpose to another was not presented to the Cabinet Committee as part of the decision to progress to detailed planning stage as previously agreed by the Cabinet Committee.

It was therefore recommended that the former garage sites and associated amenity land listed above and that had been previously considered and agreed by the Cabinet Committee at its meeting in June 2015 as viable for the development of Council House Building, be appropriated for planning purposes under provisions laid out in the Local Government Act 1972 and Town and Country Planning Act 1990 on the grounds that the land was no longer required for the purposes in which it was currently held.

### **Decision:**

- (1) That the former garage sites and associated amenity land at the following former garage sites, namely:
- a. Pound Close, Nazeing;
  - b. Palmers Grove, Nazeing;
  - c. Colvers, Matching Green; and
  - d. Parkfields (Site A), Roydon

and that had been previously considered and agreed by the Cabinet Committee at its meeting in June 2015 as viable for the development of Council House Building, be appropriated for planning purposes under provisions laid out in the Local Government Act 1972 and Town and Country Planning Act 1990 on the grounds that the land was no longer required for the purposes for which it was currently held in the Housing Revenue Account.

### **Reasons for Decision:**

Appropriation of the land cannot take place after a planning application has been submitted otherwise there was a risk that the proposed re-development scheme may be frustrated by third party rights, which would in turn frustrate the Council's regeneration objectives for the site. By appropriating land, once planning permission was obtained, the rights of affected third parties can be overridden to the extent that they become an entitlement to compensation rather than a right to obtain an injunction to prevent the scheme.

### **Other Options Considered and Rejected:**

Not to appropriate the land and take the risk that a third party will not try to prevent the development by laying claim to a long established right of access across the land.

**10. 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**

## **Report to the Council Housebuilding Cabinet Committee**



**Epping Forest  
District Council**

**Report reference: CHB-001-2019/20**  
**Date of meeting: 18 June 2019**

**Portfolio: Housing and Property Services**

**Subject: Progress Report for Phases 2 - 6**

**Responsible Officer: Matt Rudgyard (01992 562363)**

**Democratic Services: J Leither (01992 564756)**

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

That the contents of this Progress Report on Phases 2 - 6 of the Council Housebuilding Programme be noted, and presented to the Cabinet in line with the Terms of Reference.

### **Executive Summary:**

This report sets out the progress that has been made across each of the two phases of the Housebuilding programme that are on site (Phases 2 and 3), and the developments that will make up future phases 4-6.

### **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 Housebuilding Programme. This report sets out the progress made over the last 12-months.

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

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

### **Report:**

**Phase 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>
13 <sup>th</sup> September 2019	+ 80 weeks	£9,847,179.00	£10,864,287.00	£1,017,108.00

- This development is behind programme and has encountered several 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.
- 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.
- Handovers at Burton Road have now commenced and the 17 houses are all occupied. The flats at Davis Court are due to be handed over on the 12<sup>th</sup> and 13<sup>th</sup> June 2019 with the flats at Churchill Court handing over in September 2019.

### **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

- 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.
- 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

6. 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.
7. 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

8. The home was handed over having reached practical completion on the 7<sup>th</sup> March 2018 which was as per the agreed programme
9. 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

10. 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.
11. 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

12. 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.
13. 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

14. 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.
15. 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	£2,710,357.00	£389,864.00

16. 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.
17. 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.
18. 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.
19. In terms of project costs, we are already forecasting an overspend of £388,864.00 above the originally agreed contract sum, an increase of 17%. The cost increases are mainly 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.

### **Phases 4,5 and 6**

20. Work has now commenced on the delivery of Phases 4,5 and 6 with a number of planning permissions already enacted, garages demolished and planning conditions relating to contamination being approved.
21. In considering how best to approach the procurement of the construction contracts it was agreed to package up the sites in terms of size and geography to take advantage of economies of scale. This has meant that Phases 4,5 and 6 has been broken down into 9 packages. A schedule of these packages is attached at Appendix 1 to this paper.
22. Detailed design development is currently progressing on all 9 of these packages with the furthest progressed (Packages 1,2 and 3) expected to be tendered in July 2019 with start on site anticipated in September 2019.
23. The design development period is longer than would normally be expected as we have asked the Architect to undertake further work to de-risk the scheme to takes into account the lessons learnt from Phases 1,2 and 3. This additional design period will also give us more cost certainty on each development.

### **Resource Implications:**

Estimated expenditure for Phase 2 (inc fees) - £1,097,044.00  
Estimated expenditure for Phase 3 (inc fees) - £1,664,146.00  
Estimated expenditure for Phase 4 - 6 (inc fees) - £18,200,000

### **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 Housebuilding 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 housebuilding programme. Each risk, where appropriate has a risk mitigation action plan. A programme wide risk register is included for information at Appendix 2.

**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 at Appendix 3.

# Appendix 1

## Epping Forest District Council House Building Programme Phase 4 (Previously Phases 4-6)

AIREMILLER

### Proposed Packages for Programme of Works

04/08/2019 v5

Previous Designated Phase	New Phase 4	Address	Postcode	Ward	Planning Approval Date	Planning Approval Expiry Date	Unit Mix	Unit Number	Works Value Revised Dec 2015 Updated to 2Q 2019 using BCIS All-in TPI
Phase 4	Phase 4	Chequers Road, (Site A), Loughton	IG10 3QF	Loughton Alderton	05/02/2016	05/02/2019	3 x 3b5p	3	£ 828,600
Phase 4	Phase 4	Bushfields, Loughton	IG10 3JR	Loughton Alderton	03/05/2016	03/05/2019	2 x 2b4p	2	£ 556,697
		Package 1						5	£ 1,385,387
Phase 4	Phase 4	Chequers Road, (Site B), Loughton (2)	IG10 3QF	Loughton Alderton	08/02/2016	08/02/2019	5 x 2b4p	5	£ 1,636,993
		Package 1A						5	£ 1,636,993
Phase 4	Phase 4	Chester Road, Loughton	IG10 2LR	Loughton Broadway	04/03/2016	04/03/2019	3 x 2b4p	3	£ 718,238
		Package 2						3	£ 718,238
Phase 5	Phase 4	Queensway, Ongar	CM5 0BP	Ongar	20/06/2016	20/06/2019	4 x 1b	4	£ 1,120,351
Phase 5	Phase 4	Millfield	CM5 9RJ	High Ongar	20/06/2016	20/06/2019	2 x 1b	2	£ 351,024
		Package 3						6	£ 1,471,375
Phase 4	Phase 4	Lower Alderton Hall Lane, Loughton	IG10 3HA	Loughton Alderton	04/03/2016	04/03/2019	2 x 2b4p	2	£ 507,768
Phase 5	Phase 4	Hornbeam Close, (Site B), Buckhurst Hill	IG9 6JS	Buckhurst Hill East	04/08/2016	04/08/2019	3 x 3b5p	3	£ 804,225
Phase 5	Phase 4	Hornbeam House, Buckhurst Hill	IG9 6JT	Buckhurst Hill East	04/08/2016	04/08/2019	2 x 2b4p	2	£ 447,445
Phase 5	Phase 4	Bourne House Buckhurst Hill	IG9 6JY	Buckhurst Hill East	04/08/2016	04/08/2019	2 x 3b5p	2	£ 597,832
		Package 4						9	£ 2,357,269
Phase 4	Phase 4	Etheridge Road, Debden	IG10 2HY	Loughton Broadway	30/08/2016	30/08/2019	1 x 2b4p, 2 x 3b5p	3	£ 852,555
Phase 4	Phase 4	Ladyfields, Loughton Alternative Design	IG10 3RP	Loughton Alderton	21/09/2016	21/09/2019	6 x 2b4p	6	£ 1,275,876
Phase 4	Phase 4	Whitehills Road, Loughton (Alternative Design)	IG10 1TU	Loughton St Mary's	21/09/2016	21/09/2019	2 x 2b3p bung	2	£ 446,200
		Package 5						11	£ 2,574,634.20
Phase 6	Phase 4	Denny Avenue	EN9 1NS	Waltham Abbey	25/01/2017	25/01/2020	1 x 2b, 2 x 3b	3	£ 771,605
Phase 6	Phase 4	Pick Hill	EN9 9LB	Waltham Abbey	25/01/2017	25/01/2020	2 x 3b5p	2	£ 625,415
Phase 6	Phase 4	Beechfield Walk, option B (5 units)	EN9 3AA	Waltham Abbey	22/03/2017	22/03/2020	5 x 2b4p	5	£ 1,087,011
Phase 6	Phase 4	Woolford Street (Alternative design)	EN9 1HD	Waltham Abbey	13/12/2017	13/12/2020	9 x 1b2p	9	£ 1,399,539
		Package 6						19	£ 3,883,570
Phase 4	Phase 4	Kirby Close, Loughton	IG10 3BA	Loughton Roding	21/09/2016	21/09/2019	4 x 2b4p	4	£ 911,559
Phase 5	Phase 4	Pentlow Way, Buckhurst Hill (Alternative design)	IG9 6BZ	Buckhurst Hill East	20/12/2017	20/12/2020	5 x 1b2p, 2 x 2b4p	7	£ 1,588,896
		Package 7						11	£ 2,500,455
Phase 4	Phase 4	Thatchers Close, Loughton	IG10 2JH	Loughton Fairmead	27/04/2016	26/04/2019	1 x 3b5p	1	£ 286,716
Phase 6	Phase 4	Bromefield Court	EN9 3HA	Waltham Abbey	25/01/2017	24/01/2020	1 x 2b4p	1	£ 252,685
Phase 6	Phase 4	Shingle Court	EN9 3HD	Waltham Abbey	25/01/2017	24/01/2020	1 x 2b4p bungalow	1	£ 341,430
Phase 6	Phase 4	Stonyshotts	EN9 3DF	Waltham Abbey	22/02/2017	21/02/2020	1 x 2b4p bungalow	1	£ 228,100
Phase 6	Phase 4	Wrangley Court	EN9 3HN	Waltham Abbey	22/02/2017	21/02/2020	1 x 1b2p	1	£ 200,756
		Package 8						23	£ 1,269,688
		Package 1 to 8 Total including 1A						92	
		OVERALL TOTAL						92	

Appendix 2 – Programme 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	31-May-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	31-May-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	31-May-19	Compliance with public procurement regulations	Procurement process etc. not followed.	Procurement process may need to be halted / aborted / repeated / extended.	C	2	C2	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	31-May-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	31-May-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.	Monthly
6	31-May-19	Design parameters	Design criteria and parameters not established and/or established late.	Increase in cost(s) and delay to programme.	C	2	C2	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	31-May-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.	Monthly
8	31-May-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	31-May-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	2	C2	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	31-May-19	Volatile construction market/rising construction costs.	Setting/meeting preliminary budgets.	Tender returns over budget.	B	2	B2	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
<b>SOCIAL</b>														
11	31-May-19	Resistance from local community.	Planning application.	Increase in cost(s) and delay to programme.	C	2	C2	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.	Monthly
12	31-May-19	Resistance from local community.	Post Planning	Increase in cost(s) and delay to programme.	C	2	C2	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.	Monthly

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>TECHNICAL</b>														
13	31-May-19	Appetite of contractors to undertake the works.	Procurement.	Inadequate tender returns.	C	2	C2	EFDC	Established framework of Contractors being given due notice of tenders and ample time to resource tender returns. 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	31-May-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	B2	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.	Monthly
15	31-May-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	31-May-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	31-May-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	31-May-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	Established framework of Contractors who have all demonstrated their experience through the tender process.	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	31-May-19	Effect on design of site risks	Unknown or unexpected site risks.	Increase in cost(s) and delay to programme.	A	2	A2	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	31-May-19	Loss of control of design through Design & Build procurement	Poorly defined Employer's Requirements.	Increase in cost(s) and delay to programme.	C	2	C2	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	31-May-19	Poor durability of materials	Materials do not perform as expected.	Increase in future maintenance and life cycle costs.	C	2	C2	EA /Contractor	Develop robust technical specification, 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	31-May-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	31-May-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	31-May-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

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>LEGAL</b>														
25	31-May-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	31-May-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	31-May-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	2	B2	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
<b>ENVIRONMENTAL</b>														
28	31-May-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	31-May-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	31-May-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	31-May-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	31-May-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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## Appendix 3 - 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: **Development Manager / Housing and Property / Development**

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 2 - 6**

Officer completing the EqlA: **Matthew Rudgyard** Tel: **x2362**  
Email: **mrudgyard@eppingforestdc.gov.uk**

Date of completing the assessment: **3<sup>rd</sup> June 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? <b>No.</b>
2.2	Describe the main aims, objectives and purpose of the policy (or decision): <b>N/A</b>  What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)? <b>N/A</b>
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> <b>No.</b>  Will the policy or decision influence how organisations operate? <b>No.</b>
2.4	Will the policy or decision involve substantial changes in resources? <b>No – budgets are already approved for the housebuilding programme.</b>
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? <b>No.</b>

### 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? <b>That the only significant impact will be the reduction in the number of local residents on the Council House waiting list.</b>
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? <b>Consultation has been undertaken with members during the feasibility process and with the public through the planning process. Their views will have been considered by the planners and may have influenced the planning conditions that will need to be discharged.</b>
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: <b>N/A</b>

## Section 4: Impact of policy or decision

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

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

## Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the 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:

Date: 19<sup>th</sup> May 2019

Signature of person completing the EqIA:

Date: 19<sup>th</sup> May 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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## **Report to the Council Housebuilding Cabinet Committee**



**Report reference:** CHB-002-2019/20  
**Date of meeting:** 18 June 2019

**Epping Forest District Council**

**Portfolio:** Housing and Property Services

**Subject:** Programme and expenditure update for the Council House Building Programme and its impact upon 141 receipts.

**Responsible Officer:** M Rudgyard (01992 562623)

**Democratic Services:** J Leither (01992 564756)

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

- (1) That the contents of this programme and expenditure update for the Council House Building Programme and its impact upon 141 receipts be noted, and presented to the Cabinet in line with the Terms of Reference.
- (2) That the recommendations proposed for taking up future 141 receipts are approved by the Cabinet in line with the Terms of Reference.

### **Executive Summary:**

This report considers the current construction expenditure profile for the Council House Building Programme against the "Replacement Right to Buy (RTB) Receipts" and considers various interventions to take up the shortfall in expenditure where identified.

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

Set out in the Cabinet Committee's Terms of Reference is to monitor expenditure on the Housing Capital Programme Budget for the Council Housebuilding Programme, ensuring the use (within the required deadlines) of the capital receipts made available through the Council's Agreement with the Department of Communities and Local Government (DCLG) allowing the use of additional RTB Receipts received as a result of the Government's increase in the maximum RTB Discount to be spent on housebuilding.

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

Taking no action to ensure that construction spending is increased to meet the known level of 141 receipts could lead to a significant repayment of this funding for the supply of new affordable homes being repaid to the Government.

### **Report:**

1. The current profile of construction expenditure and fees for the Council House Building Programme considers the anticipated delivery programme of each of the construction packages and associated spending. The profile of expenditure is attached at Appendix 1.

2. Taking the profile of construction expenditure as described we can compare this against the level of RTB Receipts and from this we can see where a shortfall in construction expenditure means we have a deficit against the required spending to take up the RTB receipts. A table illustrating construction expenditure against RTB receipts is attached at Appendix 2.
3. If the construction expenditure profile proposed is maintained we will first see a deficit in the required construction expenditure in Q4 2020/21 when we will see a shortfall of £1,976,872.00. This equates to £593,061.16 in RTB Receipts. Overall in 2020/21 our construction expenditure is in deficit by £3,281,851.37 against a requirement of £15,430,707.37.
4. This position becomes progressively worse over the course of 2021/22 when a deficit in construction expenditure of £6,352,077.55 against a requirement of £9,869,497.55 means that we are £8,328,949.00 behind our construction expenditure target by the end of 2021/22.
5. Without intervention this could mean that the Council would need to repay £2,498,684.70 in RTB receipts back to the Government by the end of 2021/22.
6. In considering suitable intervention which would take up the required construction expenditure deficit we are making the following proposals in priority order;
  - To proceed with planning applications on the following sites;
    - Vere Road, Loughton – 4 no. 1 bed flats and 6 no. 2 bed flats;
    - Hillyfields, Loughton – 2 no. 2 bed houses;
    - Pyrles Lane (Site A), Loughton – 2 no. 2 bed houses;
    - Pyrles Lane (Site B), Loughton – 3 no. 3 bed houses;
    - Colvers, Matching Green – 3 no. 2 bed houses;
    - Hansell Mead, Roydon – 2 no. 3 bed houses;
    - Pound Close, Nazeing, 2 no 2 bed houses and 2 no 3 bed houses;
    - St Thomas’s Close, Waltham Abbey – 1 no. 2 bed house and 2 no. 3 bed houses and
    - Springfield (Site B), Epping – 2 no. 1 bed bungalows.
  - To reconsider the criteria for the selection of garage sites for development particularly regarding occupancy levels. This provides a fresh pipeline of sites for development as well as potentially dealing with issues of fly tipping and anti-social behaviour that is still evident on some Council owned garage sites.
  - To consider the purchase of affordable homes provided through S106 agreements by private developers. The Council already has experience of this procurement method and are currently negotiating with developers on sites across the District.
  - To consider purchasing land owned privately for development rather than remaining solely reliant on land that we currently own.
  - To consider the purchase of suitable commercial premises that with a change of planning use could be redeveloped for affordable housing.
  - To establish a ‘street property purchase’ programme.
7. Our preferred intervention is to develop land that we already own as these present less

risk and lower development costs. Members support for the proposed planning applications and for revising the criteria for the selection of garage sites for development would be the first step in enabling us to develop a strong pipeline of properties to take up RTB receipts now and in the future.

8. Purchasing affordable housing delivered through S106 provisions is generally more expensive than developing our own garage sites and can mean that the Councils development standards are compromised particularly where purchasing 'off the shelf' units. However, this procurement route can deliver a substantial number of units as part of a mixed delivery pipeline and thereby take up substantial expenditure. Unfortunately, at present there are few developments within the District delivering affordable housing through S106 agreements within the timescales that would mitigate the construction expenditure deficit we currently have.
9. The purchase of land for development is a viable option but of course does lead to increased development costs. It is also worth noting that demand for land is high and the competition for prime development sites will be intense and may well mean that the Council cannot compete for these sites.
10. The purchase of commercial premises for redevelopment into affordable dwellings is again viable but does again present increased development costs and can restrict the ability to deliver on the Councils space standards and is of course dependant on being granted a change of use by our colleagues in Planning.
11. A street property purchase programme would probably deliver the fastest expenditure and is worth consideration if we are unable to expend enough construction expenditure through other interventions. However, this approach will be by far the most expensive and most likely to lead to compromises on space and design standards. It is also worth noting that across the District the properties that are most likely to be priced suitably are ex Council stock and these means we would be paying market prices for properties that we have previously sold at a discount.

#### **Resource Implications:**

Estimated expenditure for Phase 2 (inc fees) - £1,097,044.00

Estimated expenditure for Phase 3 (inc fees) - £1,664,146.00

Estimated expenditure for Phase 4 - 6 (inc fees) - £18,200,000

Further construction expenditure required 2019 – 2022 (inc fees) - £8,328,949.00

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

One of the Cabinet Committee's Terms of Reference is to monitor expenditure on the Housing Capital Programme Budget for the Council Housebuilding Programme, ensuring the use (within the required deadlines) of the capital receipts made available through the Council's Agreement with the Department of Communities and Local Government (DCLG) allowing the use of additional "Replacement Right to Buy (RTB) Receipts" received as a result of the Government's increase in the maximum RTB Discount to be spent on housebuilding.

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

None.

**Consultation Undertaken:**

None.

**Background Papers:**

None

**Risk Management:**

The risk relating to a shortfall in construction expenditure and subsequent repayment of RTB receipts are discussed within the paper with management actions proposed in mitigation.

**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 at Appendix 3.

## Appendix 1 – Construction Expenditure

Construction expenditure (including fees)												
	Q1 2019/20	Q2 2019/20	Q3 2019/20	Q4 2019/20	Q1 2020/21	Q2 2020/21	Q3 2020/21	Q4 2020/21	Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22
Burton Road	£600,000	£479,570	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0
Queens Road	£327,500	£357,000	£480,000	£337,500	£252,500	£71,646	£0	£0	£0	£0	£0	£0
Norway House	£46,272	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0
Package 1	£0	£207,000	£862,500	£414,000	£85,797	£0	£0	£0	£0	£0	£0	£0
Package 1A	£0	£0	£0	£0	£448,500	£816,500	£460,000	£287,500	£71,804	£0	£0	£0
Package 2	£0	£253,000	£356,500	£92,000	£41,674	£0	£0	£0	£0	£0	£0	£0
Package 3	£238,306	£207,000	£862,500	£414,000	£183,200	£0	£0	£0	£0	£0	£0	£0
Package 4	£0	£143,750	£0	£172,500	£506,000	£701,500	£517,500	£230,000	£172,500	£370,197	£0	£0
Package 5	£0	£161,000	£0	£138,000	£759,000	£770,500	£517,500	£460,000	£156,416	£0	£0	£0
Package 6	£0	£196,650	£0	£264,500	£655,500	£690,000	£517,500	£506,000	£1,035,000	£316,613	£0	£0
Package 7	£0	£0	£0	£34,500	£0	£368,000	£724,500	£575,000	£345,000	£460,000	£517,500	£72,390
Package 8	£0	£0	£57,500	£414,000	£747,500	£276,000	£45,640	£0	£0	£0	£0	£0
Off the shelf purchase	£0	£0	£362,250	£0	£0	£0	£0	£0	£0	£0	£0	£0
<b>Totals</b>	<b>£1,212,078</b>	<b>£2,004,970</b>	<b>£2,981,250</b>	<b>£2,281,000</b>	<b>£3,679,670</b>	<b>£3,694,146</b>	<b>£2,782,640</b>	<b>£2,058,500</b>	<b>£1,780,720</b>	<b>£1,146,810</b>	<b>£517,500</b>	<b>£72,390</b>
30% 141 Useage	£363,624	£601,491	£894,375	£684,300	£1,103,901	£1,108,244	£834,792	£617,550	£534,216	£344,043	£155,250	£21,717

Appendix 2

RTB Receipts - Housebuilding Programme								4-Jun-2019					
Total 1-4-1 Receipts Received					Spend on Programme								
Year	Quarter	Amount Received	Amount Received (Cumulative)	Spend by Date	Year	Quarter	Required Spend To use 1-4-1's (Cumulative)	Actual / Estimated New Build Spend (per Quarter)	Actual / Est New Build Spend (Cumulative)	1-4-1 Used for Housebuilding	1-4-1 Used for G Fund	Difference between Actual Spend - Required Spend	
2012/13	1	£40,461	£40,461	30-Jun-15	2012/13	1			£0			£0	
	2	£34,941	£75,402	30-Sep-15		2			£0				£0
	3	£21,135	£54,266	31-Dec-15		3			£0				£0
	4	£185,840	£240,107	31-Mar-16		4			£48,599	£48,599			£48,599
	Total	£240,107	£240,107			Total			£48,599	£48,599			£48,599
2013/14	1	£647,374	£887,480	30-Jun-16	2013/14	1		£0	£48,599			£48,599	
	2	£92,968	£980,449	30-Sep-16		2			£0	£48,599			£48,599
	3	£1,201,933	£2,182,382	31-Dec-16		3			£74,393	£122,992			£122,992
	4	£1,473,076	£3,655,458	31-Mar-17		4			£10,893	£133,884			£133,884
	Total	£3,415,351	£3,655,458			Total			£85,286	£133,884			£133,884
2014/15	1	£415,795	£4,071,253	30-Jun-17	2014/15	1		£0	£133,884			£133,884	
	2	£526,885	£4,598,138	30-Sep-17		2			£0	£133,884			£133,884
	3	£646,816	£5,244,954	31-Dec-17		3			£307,753	£441,637			£441,637
	4	£1,125,775	£6,370,730	31-Mar-18		4			£353,628	£795,265			£795,265
	Total	£2,715,272	£6,370,730			Total			£661,381	£795,265			£795,265
2015/16	1	£499,942	£6,870,672	30-Jun-18	2015/16	1	£0.00	£229,111	£1,024,376			£1,024,376	
	2	£506,931	£7,377,603	30-Sep-18		2	£0.00	£660,096	£1,684,472			£1,684,472	
	3	£219,448	£7,597,052	31-Dec-18		3	£0.00	£858,199	£2,542,671			£2,542,671	
	4	£232,173	£7,829,225	31-Mar-19		4	£800,355.33	£1,158,585	£3,701,257			£2,900,901	
	Total	£1,458,495	£7,829,225			Total		£800,355.33	£2,905,991	£3,701,257			£2,900,901
2016/17	1	£477,273	£8,306,498	30-Jun-19	2016/17	1	£2,958,268.30	£975,761	£4,677,018			£1,718,749	
	2	£0	£8,306,498	30-Sep-19		2	£3,268,162.77	£1,762,933	£6,439,951			£3,171,788	
	3	£1,739,466	£10,045,964	31-Dec-19		3	£7,274,605.53	£1,829,232	£8,269,183			£994,577	
	4	£1,070,628	£11,116,592	31-Mar-20		4	£12,184,858.80	£3,312,684	£11,581,866			£-602,992	
	Total	£3,287,367	£11,116,592			Total		£12,184,858.80	£7,880,610	£11,581,866			£-602,992
2017/18	1	£1,216,299	£12,332,891	30-Jun-20	2017/18	1	£13,570,843.27	£2,555,321	£14,137,187			£566,344	
	2	£733,701	£13,066,592	30-Sep-20		2	£15,327,124.93	£3,242,447	£17,379,634			£2,052,509	
	3	£1,052,447	£14,119,039	31-Dec-20		3	£17,483,179.40	£2,637,940	£20,017,574			£2,534,395	
	4	£1,626,765	£15,745,804	31-Mar-21		4	£21,235,764.30	£2,454,255	£22,471,829			£1,236,065	
	Total	£4,629,212	£15,745,804			Total		£21,235,764.30	£10,889,963	£22,471,829	£6,741,549	£9,004,255	£1,236,065
2018/19	1	£763,778	£16,509,582	30-Jun-21	2018/19	1	£22,902,238.93	£2,607,654	£25,079,483			£2,177,244	
	2	£1,396,957	£17,906,540	30-Sep-21		2	£24,592,010.17	£1,750,932	£26,830,415			£2,238,405	
	3	£300,955	£18,207,495	31-Dec-21		3	£25,323,504.80	£1,136,162	£27,966,577			£2,643,072	
	4	£499,158	£18,706,653	31-Mar-22		4	£26,097,414.17	£1,848,409	£29,814,986	£2,202,947			£3,717,572
	Total	£2,960,849	£18,706,653			Total		£26,097,414.17	£7,343,156	£29,814,986	£8,944,496	£9,762,157	£3,717,572
2019/20	1			30-Jun-22	2019/20	1	£27,688,324.04	£1,212,078	£31,027,064			£3,338,740	
	2			30-Sep-22		2	£27,688,324.04	£2,004,970	£33,032,034			£5,343,710	
	3			31-Dec-22		3	£33,486,545.51	£2,981,250	£36,013,284			£2,526,739	
	4			31-Mar-23		4	£37,055,304.88	£2,281,000	£38,294,284	£2,543,790			£1,238,979
	Total					Total		£37,055,304.88	£8,479,298	£38,294,284	£11,488,285		£1,238,979
2020/21	1			30-Jun-23	2020/21	1	£41,109,633.78	£3,679,670	£41,973,954			£864,321	
	2			30-Sep-23		2	£43,555,304.61	£3,694,146	£45,668,100			£2,112,796	
	3			31-Dec-23		3	£47,063,460.98	£2,782,640	£48,450,740			£1,387,279	
	4			31-Mar-24		4	£52,486,012.25	£2,058,400	£50,509,140	£3,664,457			£-1,976,872
	Total					Total		£52,486,012.25	£12,214,856	£50,509,140	£15,152,742		£-1,976,872
2021/22	1			30-Jun-23	2021/22	1	£55,031,938.60	£1,780,720	£52,289,860			£-2,742,078	
	2			30-Sep-23		2	£59,688,465.07	£1,146,810	£53,436,670			£-6,251,795	
	3			31-Dec-23		3	£60,691,649.70	£517,500	£53,954,170			£-6,737,479	
	4			31-Mar-24		4	£62,355,509.80	£72,390	£54,026,560	£1,055,226			£-8,328,949
	Total					Total		£62,355,509.80	£3,517,420	£54,026,560	£16,207,968		£-8,328,949
2022/23	1			30-Jun-23	2022/23	1	£0.00	£0	£54,026,560			£54,026,560	
	2			30-Sep-23		2	£0.00	£0	£54,026,560			£54,026,560	
	3			31-Dec-23		3	£0.00	£0	£54,026,560			£54,026,560	
	4			31-Mar-24		4	£0.00	£0	£54,026,560	£0		£54,026,560	
	Total					Total		£0.00	£0	£54,026,560	£16,207,968		£54,026,560

## Appendix 2 - 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: **Development Manager / Housing and Property / Development**

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: **Programme and expenditure update for the Council House Building Programme and its impact upon 141 receipts.**

Officer completing the EqlA: **Matthew Rudgyard** Tel: **x2362**  
Email: **mrudgyard@eppingforestdc.gov.uk**

Date of completing the assessment: **3<sup>rd</sup> June 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? <b>No.</b>
2.2	Describe the main aims, objectives and purpose of the policy (or decision): <b>N/A</b>  What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)? <b>N/A</b>
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> <b>No.</b>  Will the policy or decision influence how organisations operate? <b>No.</b>
2.4	Will the policy or decision involve substantial changes in resources? <b>No – budgets are already approved for the housebuilding programme.</b>
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? <b>No.</b>

### 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? <b>That the only significant impact would be a reduction in the Council Housebuilding programme and thereby an extended wait for those people on the housing waiting list.</b>
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? <b>No consultation undertaken.</b>
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: <b>This paper is for information only and does not require consultation outside of the membership of the Council House Building Cabinet Committee.</b>

## Section 4: Impact of policy or decision

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

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

## Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the 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:

Date: 19<sup>th</sup> May 2019

Signature of person completing the EqIA:

Date: 19<sup>th</sup> May 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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## **Report to the Council Housebuilding Cabinet Committee**



**Epping Forest  
District Council**

**Report reference: CHB-003-2019/20**

**Date of meeting: 18 June 2019**

**Portfolio: Housing and Property Services**

**Subject: Submission of a new planning application for the Ladyfields Site, Loughton, with reduced parking / car free development to meet the requirements of the new Local Plan.**

**Responsible Officer: M Rudgyard (01992 562363)**

**Democratic Services: J Leither (01992 564756)**

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

(1) That a second planning application be submitted for an already approved development at Ladyfields, Loughton where the new Local Plan requires zero parking due to the developments proximity to a transport hub thereby enabling 4/5 additional affordable homes to be provided in lieu of car parking.

### **Executive Summary:**

This report seeks approval to submit a new planning application for the Ladyfields site in Loughton, which has an existing planning approval for six 2-bed affordable homes with 23 parking spaces. Through meeting the requirements of the new Local Plan, in relation to zero parking / car free developments located within 400m of a railway station, it will be possible to increase the number of affordable homes to between 10 or 11.

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

The Council has an ambition to develop 300 new affordable homes for Council tenants by 2025, making use of its 1-4-1 receipts to fund the programme. The Local Plan also sets out its ambition to deliver 11,400 new homes of all tenures across the district over the life of the plan. In its Terms of Reference, the Cabinet Committee is required to approve the submission of detailed planning applications, and/or if more appropriate, outline planning applications.

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

Not to progress with a second planning application and to enact the current scheme, which will deliver both new affordable homes and associated car parking, but not taking the opportunity to deliver a scheme in line with the new Local Plan Policy.

### **Report:**

1. The Ladyfields site has a current planning approval (EPF/1758/16), which delivers 6 x 2-bed affordable homes, 23 parking spaces and associated landscaping. A site plan showing the approved development is attached at Appendix 1.

2. The site is located within 400m of Debden Station on the London Underground Central Line and as such, under the new Local Plan, the development would not comply with Policy due to the level of car parking allowed for. Under the new Local Plan Policy, this scheme would only be approved if it complied with the reduced parking / car free development requirement.

An extract from the new Local Plan that details the reduced parking / car free development requirement is attached at Appendix 2.

3. By submitting a new planning application for the site, compliant with the intentions of the new Local Plan, the Council could increase the number of affordable homes by better utilising the land to enable the delivery of between 4 and 5 additional affordable homes for applicants on the Council's waiting list. Improving the districts housing offer, through building more Council-owned Affordable Housing, is a target in the Council's Corporate Plan.

4. It is therefore recommended that a new planning application be submitted for the site at Ladyfields, Loughton in line with the Local Plan Policy requirements, thereby increasing the development opportunity for the site to between 10 and 11 affordable homes for Council tenants. It should be noted that this recommendation does not override the existing planning consent on the site.

5. It should be noted that the Council will be required to submit a Type 1 contamination survey as part of a new planning application. However, this survey will need to be undertaken regardless of the decision required by this report and should not be considered as an abortive cost if the new planning application were to be refused.

#### **Resource Implications:**

Expected expenditure for a new planning application - £10,000.00 in Consultancy fees and planning application fees

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

It is set out in its Terms of Reference that the Cabinet Committee will approve the submission of detailed planning applications, and/or if more appropriate outline planning applications.

Since the number of homes will exceed 10, under the Council's constitution this application would be considered a major scheme and would therefore be presented to the District Development Management Committee and not the Area Planning Committee.

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

None.

#### **Consultation Undertaken:**

Consultation was undertaken on the original feasibility study considered by the Cabinet Committee where the local Ward Councillor was invited to take part in the discussion. Residents were consulted on the original scheme as part of the planning application process.

#### **Background Papers:**

Previous Cabinet Committee Report dated 24<sup>th</sup> March 2016, which considered the original

feasibility study for the site at Ladyfields, Loughton.

The previous Planning Application (EPF/1758/16) and subsequent Planning Committee decision for the site at Ladyfields, Loughton.

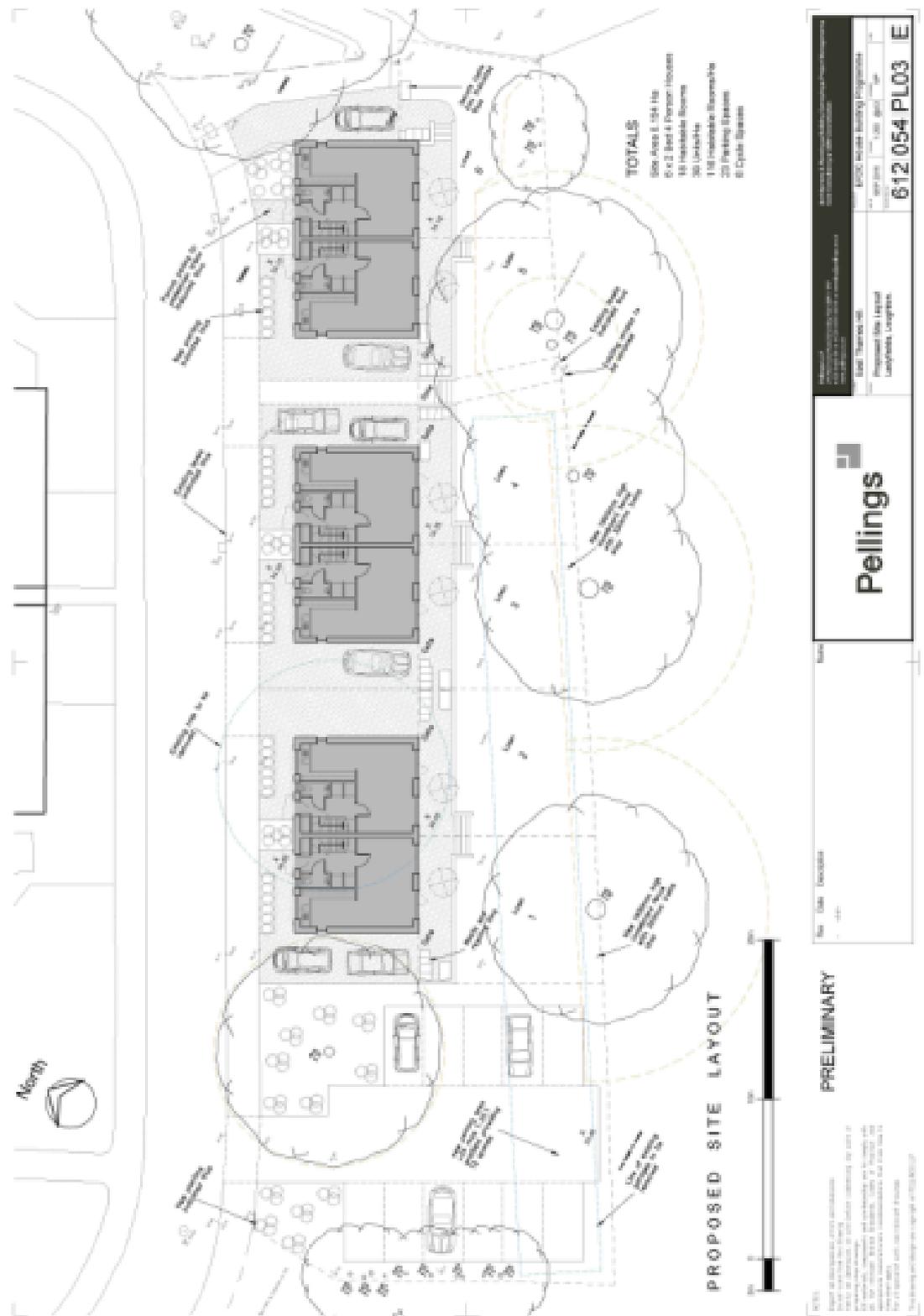
**Risk Management:**

The site already has planning permission for 6 x 2-bed homes. This decision could provide additionality to the site, thus increasing the Council's affordable housing delivery. A scheme specific risk register will be compiled as part of the detailed design process.

The risk of not obtaining planning consent is mitigated by the fact there is already consent in place for 6 x 2-bed homes on the site.

**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 3 to this report.



## Appendix 2

3.92 As set out above there are issues around the provision of car parking in new development. The Council believes that there are opportunities to take a more locally focused approach to car parking standards across the District. It is therefore proposing to develop specific residential car parking standards for Epping Forest District. These parking standards will be developed based on:

- an understanding of differing levels of car ownership across the District;
- the different levels of current and future access to services and facilities across the District; and
- making better use of land through widening the use of 'unallocated' car parking within larger developments and looking at the need for providing on-site garage provision.

Until such time as those standards are adopted, planning applications will use Essex County Council's adopted Parking Standards as the starting point. Where practicable and within 400m of a railway station, the Council will seek reduced car parking, including car free, development.

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## Appendix 3 - 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: **Development Manager / Housing and Property / Development**

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: **Submission of a new planning application for the Ladyfields site with reduced parking / car free development to meet the requirements of the new Local Plan.**

Officer completing the EqlA: **Matthew Rudgyard** Tel: **x2362**  
Email: **mrudgyard@eppingforestdc.gov.uk**

Date of completing the assessment: **28<sup>th</sup> May 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? <b>No.</b>
2.2	Describe the main aims, objectives and purpose of the policy (or decision): <b>Approval for the submission of a planning application.</b>  What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)? <b>Receive approval to proceed with planning application.</b>
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> <b>No.</b>  Will the policy or decision influence how organisations operate? <b>No.</b>
2.4	Will the policy or decision involve substantial changes in resources? <b>No – budgets are already approved for the proposed development.</b>
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? <b>To improve the district Housing offer through building more Council-owned Affordable Housing is a target in the Corporate Plan Action Plan under Stronger Place.</b>

### 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? <b>That the only significant impact will be the reduction in the number of local residents on the Council House waiting list.</b>
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? <b>Consultation was undertaken on the original feasibility study considered by the Cabinet Committee where the local Ward Councillor was invited to take part in the discussion. Local residents were consulted on the original scheme as part of the planning application process.</b>
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: <b>N/A</b>

## 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	Neutral – the additional new homes will be let in accordance with the Councils letting policy which already considers these impacts.	L
Disability	As above.	L
Gender	As above.	L
Gender reassignment	As above.	L
Marriage/civil partnership	As above.	L
Pregnancy/maternity	As above.	L
Race	As above.	L
Religion/belief	As above.	L
Sexual orientation	As above.	L

## Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the 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:

Date: 19<sup>th</sup> May 2019

Signature of person completing the EqIA:

Date: 19<sup>th</sup> May 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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## **Report to the Council Housebuilding Cabinet Committee**



**Epping Forest  
District Council**

**Report reference: CHB-004-2019/20**

**Date of meeting: 18 June 2019**

**Portfolio: Housing and Property Services**

**Subject: Council Housebuilding Programme - Risk Register**

**Responsible Officer: M Rudgyard (01992 562363)**

**Democratic Services: J Leither (01992 564756)**

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

(1) That the contents of this paper on risk management in relation to the Council Housebuilding Programme be noted, and presented to the Cabinet in line with the Terms of Reference.

### **Executive Summary:**

Attached at Appendix 1 to this report is the programme wide risk register associated with the Council's Housebuilding Programme, which is for review, commenting or noting as appropriate.

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

The Council's Housebuilding Programme is a major undertaking, involving significant amounts of money and risks, it is essential that the Officer Project Team and the Cabinet Committee record, monitor and mitigate those risks.

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

(a) Not to have a Risk Register – but it would not be appropriate to contemplate such an option; and

(b) To request amendments to the format or content of the Programme-wide Risk Register.

### **Report:**

1. Since the Council's Housebuilding Programme is a major undertaking, involving significant amounts of money and risks, it is essential that the Officer Project Team and the Cabinet Committee record, monitor and mitigate those risks.
2. Pellings LLP, who are the Employers Agent appointed by the Council's Development Agent East Thames, produce and keep up to date the Risk Registers for the Housebuilding Programme.
3. Following approval by the Cabinet of individual developments and development packages, Pellings LLP produce and keep updated Risk Registers for each development/phase, which is monitored by the Project Team at Project Team Meetings.

4. In addition, a “Programme-wide” Risk Register, which is a “live document” for the Housebuilding Programme is also updated and monitored by the Cabinet Committee. The latest version is attached as an appendix to this report.

**Resource Implications:**

If risks are not properly identified or managed, it could result in additional costs to the Council, with the amounts dependent on the issue and its severity.

**Legal and Governance Implications:**

There is no legal requirement to have and maintain a Risk Register, but it is good governance practice to do so.

**Safer, Cleaner and Greener Implications:**

None.

**Consultation Undertaken:**

None.

**Background Papers:**

None.

**Risk Management:**

The purpose of the Risk Register is to record, monitor and mitigate risks.

**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 at Appendix 2 to this report.

Appendix 2 – Programme 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	31-May-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	31-May-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	31-May-19	Compliance with public procurement regulations	Procurement process etc. not followed.	Procurement process may need to be halted / aborted / repeated / extended.	C	2	C2	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	31-May-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	31-May-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.	Monthly
6	31-May-19	Design parameters	Design criteria and parameters not established and/or established late.	Increase in cost(s) and delay to programme.	C	2	C2	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	31-May-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.	Monthly
8	31-May-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	31-May-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	2	C2	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	31-May-19	Volatile construction market/rising construction costs.	Setting/meeting preliminary budgets.	Tender returns over budget.	B	2	B2	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
<b>SOCIAL</b>														
11	31-May-19	Resistance from local community.	Planning application.	Increase in cost(s) and delay to programme.	C	2	C2	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.	Monthly
12	31-May-19	Resistance from local community.	Post Planning	Increase in cost(s) and delay to programme.	C	2	C2	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.	Monthly

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>TECHNICAL</b>														
13	31-May-19	Appetite of contractors to undertake the works.	Procurement.	Inadequate tender returns.	C	2	C2	EFDC	Established framework of Contractors being given due notice of tenders and ample time to resource tender returns. 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	31-May-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	B2	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.	Monthly
15	31-May-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	31-May-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	31-May-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	31-May-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	Established framework of Contractors who have all demonstrated their experience through the tender process.	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	31-May-19	Effect on design of site risks	Unknown or unexpected site risks.	Increase in cost(s) and delay to programme.	A	2	A2	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	31-May-19	Loss of control of design through Design & Build procurement	Poorly defined Employer's Requirements.	Increase in cost(s) and delay to programme.	C	2	C2	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	31-May-19	Poor durability of materials	Materials do not perform as expected.	Increase in future maintenance and life cycle costs.	C	2	C2	EA /Contractor	Develop robust technical specification, 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	31-May-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	31-May-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	31-May-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

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>LEGAL</b>														
25	31-May-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	31-May-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	31-May-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	2	B2	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
<b>ENVIRONMENTAL</b>														
28	31-May-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	31-May-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	31-May-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	31-May-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	31-May-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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## Appendix 2 - 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: **Development Manager / Housing and Property / Development**

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: **Council House Building Programme - Risk Register**

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

Date of completing the assessment: **4th June 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? <b>No.</b>
2.2	Describe the main aims, objectives and purpose of the policy (or decision): <b>N/A</b>  What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)? <b>N/A</b>
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> <b>No.</b>  Will the policy or decision influence how organisations operate? <b>No.</b>
2.4	Will the policy or decision involve substantial changes in resources? <b>No.</b>
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? <b>No.</b>

### **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? <b>No impact on groups identified</b>
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? <b>No.</b>
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: <b>N/A</b>

## 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	Neutral – the paper is for information only and will not impact on any groups.	L
Disability	As above.	L
Gender	As above.	L
Gender reassignment	As above.	L
Marriage/civil partnership	As above.	L
Pregnancy/maternity	As above.	L
Race	As above.	L
Religion/belief	As above.	L
Sexual orientation	As above.	L

## Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the 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:

Date: 19<sup>th</sup> May 2019

Signature of person completing the EqIA:

Date: 19<sup>th</sup> May 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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