



***CABINET***  
***Monday, 13th March, 2023***

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

**Council Chamber, Civic Offices, High Street, Epping**  
on **Monday, 13th March, 2023**  
at **7.00 pm** .

**G. Blakemore**  
Chief Executive

**Democratic Services**  
**Officer**

A. Hendry (Democratic Services)  
DD Tel: (01992) 564246

Members:

Councillors C Whitbread (Leader of the Council & Leader of the Conservative Group) (Chairman), N Bedford (Deputy Leader & Place Portfolio Holder) (Vice-Chairman), N Avey, L Burrows, S Kane, A Lion, A Patel, J Philip, H Whitbread and K Williamson

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

**1. WEBCASTING INTRODUCTION**

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

The Chairman will read the following announcement:

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

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

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

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

**2. APOLOGIES FOR ABSENCE**

To be announced at the meeting.

Please use the Members Portal webpage to report non-attendance at meetings [https://eppingforestdc-self.achieveservice.com/service/Member\\_Contact](https://eppingforestdc-self.achieveservice.com/service/Member_Contact) to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the Council’s website, at the bottom under ‘Contact Us’ <https://www.eppingforestdc.gov.uk/your-council/members-portal/>

**3. DECLARATIONS OF INTEREST**

To declare interests in any item on this agenda.

**4. MINUTES (Pages 7 - 16)**

To confirm the minutes of the meeting of the Cabinet held on 06 February 2023.

**5. REPORTS OF PORTFOLIO HOLDERS**

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

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

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

**(a) Public Questions**

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

**(b) Requests to Address the Cabinet**

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

**7. OVERVIEW AND SCRUTINY**

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

**8. OFF STREET CIVIL PARKING ENFORCEMENT POLICY (Pages 17 - 64)**

(Internal Resources Portfolio - Councillor S Kane) To adopt the updated Off-street Civil Parking Enforcement Policy – (C-039-2022-23).

**9. NORTH WEALD AIRFIELD DEVELOPMENT (Pages 65 - 86)**

(Finance – Cllr. J Philip) - Recommendation on the future of the North Weald Airfield (C-041-2022-23).

**10. NORTH WEALD AIRFIELD STRATEGIC MASTERPLAN (Pages 87 - 132)**

(Place – Cllr. N Bedford) - Report on the North Weald Airfield Strategic Masterplan – (C-042-2022-23).

**11. HOUSING & PROPERTY - ASSET WORKS (Pages 133 - 152)**

(Housing and Communities – Cllr. H Whitbread) - To approve the commissioning of a third party to write the housing asset management strategy (C-044-2022-23).

**12. DOMESTIC ABUSE AND DOMESTIC ABUSE WORKPLACE POLICIES (Pages 153 - 164)**

(Housing & Communities – Cllr. H Whitbread) - To note and agree The Domestic Abuse and Domestic Abuse Workplace Policies – (C-043-2022-23).

**13. DRAFT AIR QUALITY ACTION PLAN (Pages 165 - 178)**

(Technical Services- Cllr. K Williamson) -To endorse the adoption of the draft Air Quality Action Plan 2023-2028 – (C-045-2022-23).

**14. PROCUREMENT OF WASTE FLEET VEHICLES (Pages 179 - 188)**

(Contracts and Commissioning - Cllr N Avey) To agree to proceed with the procurement of Waste Fleet Vehicles (C-046-2022-23).

**15. QUARTERLY MONITORING REPORT - Q1 (YEAR 4) 2022/23 (Pages 189 - 196)**

(Finance – Cllr.J Philip) - This report presents the first Quarter’s monitoring report for the 4th Qualis trading year 2022/23 and covers the period from 30 September 2022 to 31 December 2023 (C-048-2022/23).

#### 16. CONSTRUCTION OF THE NEW EPPING LEISURE CENTRE (Pages 197 - 212)

(Contract and Commissioning – Cllr. N Avey) - To agree the delivery of the new Epping Leisure Centre project – (C-040-2022-23).

#### 17. EXCLUSION OF PUBLIC AND PRESS

##### Exclusion

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

Agenda Item No	Subject	Exempt Information Paragraph Number
16	<i>Appendix 1</i> – Construction of New Epping Leisure Centre	3
18	Commercial Asset Disposal	3

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

##### Background Papers

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

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

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

**18. COMMERCIAL ASSET DISPOSAL (Pages 213 - 218)**

(Finance – Cllr J Philip) – sale of land to a third party – (C-047-2022-23).

**19. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 24 of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

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

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

<b>Committee:</b>	Cabinet	<b>Date:</b>	Monday, 6 February 2023
<b>Place:</b>	Council Chamber, Civic Offices, High Street, Epping	<b>Time:</b>	7.00 - 8.13 pm
<b>Members Present:</b>	Councillors C Whitbread (Chairman), N Bedford (Vice-Chairman), N Avey, S Kane, A Lion, A Patel, J Philip, H Whitbread and K Williamson		
<b>Members Present (Virtually):</b>	Councillors		
<b>Other Councillors:</b>	Councillors H Kane, J McIvor and J H Whitehouse		
<b>Other Councillors (Virtual):</b>	Councillors R Brookes, S Heap, C McCredie and S Murray		
<b>Apologies:</b>	L Burrows		
<b>Officers Present:</b>	G Blakemore (Chief Executive), A Hendry (Democratic Services Officer), T Carne (Corporate Communications Team Manager), C Hartgrove (Interim Chief Financial Officer), D Haslam (Economic Development Assistant), J Houston (Specialist Partnerships & Economic Development), R Moreton (Corporate Communications Officer) and J Warwick (Interim Acting Service Director (Contracts))		
<b>Officers Present (Virtually):</b>	A Small (Section 151 Officer) and V Messenger (Democratic Services Officer)		

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### 77. Webcasting Introduction

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

### 78. Declarations of Interest

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

### 79. Minutes

#### Decision:

That the minutes of the Cabinet meeting held on 20 December 2022 be taken as read and would be signed by the Leader as a correct record.

**80. Reports of Portfolio Holders**

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

**81. Public Questions and Requests to Address the Cabinet**

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

**82. Overview and Scrutiny**

The Chairman of the Overview & Scrutiny Committee reported that their last meeting on 31 January 2023 they received B Johnson and S Jevans, from Qualis Management who gave them a presentation on the work of Qualis. They also reviewed the Quarter 3 Corporate Performance report and the Cabinet's work programme.

**83. Exclusion of Public and Press****Decision:**

That, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the items of business set out below as they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12(A) of the Act indicated, and the exemption was considered to outweigh the potential public interest in disclosing the information:

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Agenda Item No	Subject	Exempt Information Paragraph Number
9	North Weald Depot	3

**84. North Weald Depot**

The Contracts and Commissioning Portfolio Holder, Cllr Nigel Avey, introduced the report on the North Weald Depot.

EFDC commissioned RPS Consulting to produce a feasibility study to determine if an EFDC Vehicle Depot and the Essex County Council (ECC) Highways Maintenance Depot could be relocated and operated on a suitable site within the boundary of North Weald Airfield. It was recommended that the ECC Highways Maintenance Depot was not pursued at this stage but there was the option to progress this option at a later date.

The Cabinet considered the number of vehicle movements and its effect on the near by settlements which would be less than at present and vehicle movements could be conditioned to not go through the villages. The council would also consult the local parish council and could provide the local schools with suitable educational materials on recycling.



**Decision:**

- (1) Cabinet approved the provision of £4.167m within the Capital Programme for 2023/24 and associated revenue costs and agreed to proceed with this project to develop a Vehicle Depot at North Weald Airfield.
- (2) Officers to prepare and develop planning application and relevant documents for a North Weald Vehicle Depot and appoint consultants to lead on this work.

**Reasons for Proposed Decision:**

The reason for the decision was to provide vital resilience and business continuity to the waste contract. There was a very high risk that no waste contractor would submit tenders on the new waste contract without the provision of an Epping Forest District Council (EFDC) vehicle depot. Potential waste contractors would factor in higher risks and higher costs without an EFDC depot. An EFDC depot would also give greater flexibility for future waste contract options and provide greater opportunities to achieve EFDC's zero net carbon targets by 2030.

**Other Options for Action:**

Do nothing, which could mean EFDC receives no tender submissions for the new waste contract and lead to difficulty in securing a waste contractor for the new waste contract. Also increases EFDC's exposure to risk and vulnerability to higher costs of the waste contract and limits the ability to resolve any issues with the waste contract that may arise in the future. Other locations had been considered for a Waste Depot and rejected by Epping Forest District Council.

**85. Inclusion of Public and Press****Decision:**

That the public and press be invited back into the meeting for the remaining items of business.

**86. The UK Government's Shared Prosperity Fund Programme**

The Finance Portfolio Holder, Councillor Philip introduced this report.

He noted that the UK Government had put in place a series of funds to support local economies and communities following the withdrawal of European Union funds and national support to businesses and local areas throughout the Covid pandemic and national lockdowns.

The UK Shared Prosperity Fund (UKSPF) was announced on 13 April 2022. It allocated a potential fund of £1 million (the bulk of which can be used for revenue spend) to Epping Forest District with funds to be drawn down in this financial year and the next two, with the largest allocation of funding in year three. The EFDC bid, following extensive consultation, was approved by Cabinet on 18 July 2022 and was then submitted to government. This submission focused on four key themes: Investment in deprived areas and communities, rural regeneration, supporting local business and establishing pathways to work/skills education and training. An initial

technical approval of the Council's bid was received in August. Formal approval of the Council's investment plan as well as clarity over timescales for funding provision were expected to have been received by early October. Final approval and additional guidance from government was received on the 5th of December. Unlike a number of other areas, the Epping Forest submission was agreed in full. The late approval, however, has caused disruption to planning and delivery in the remainder of this year. Officers are taking steps to ensure in year delivery is compliant and funds are spent.

**Decision:**

1. The Cabinet endorsed the approach taken on the Rural Prosperity Fund and the submission as defined in the appendix to the report (attached).
2. The Cabinet noted the current position of the UK Shared Prosperity Fund £1 million investment bid submitted at the end of July 2022.

**Reasons for Proposed Decision:**

UK Shared Prosperity funds have extensive rules and regulations which define purpose and delivery. The programmes identified meet these criteria while also focusing on member priorities and responses to consultation undertaken.

**Other Options for Action:**

To decline to participate in these funding programmes which would mean the district would lose out on a potential £1.5 million in central government funding. Progress on member priorities would therefore have to be met from EFDC revenue and capital funds.

**87. Risk Management**

The Leader of the Council, Councillor C Whitbread introduced the report on Risk Management.

The Corporate Risk Register was reviewed and updated by Council's Officer Risk Management Group at their meeting on 1 November 2022 and a new risk, 'non-compliance with health & safety regulations' was added to the risk register.

Possible emerging risks discussed included the repayment of Right to Buy receipts.

The Cabinet suggested that the risk management group should also look in depth at the council's waste management contract.

**Decision:**

- (1) The Cabinet considered and approved the current Corporate Risk Register including whether the risks were scored appropriately
- (2) The Cabinet considered whether there were any new or emerging risks that were not on the Corporate Risk Register that should be referred to the officer Risk Management Group. They agreed that the Waste Management Contract should be considered in more depth.

**Reasons for Proposed Decision:**

To enhance the Council's risk management framework.

**Other Options for Action:**

Not to agree the current corporate risks.

**88. Qualis Quarterly Monitoring Report - Q4 - 2021/22**

The Finance Portfolio Holder, Councillor Philip introduced the Qualis quarter 4 monitoring report, noting that their overall performance was better than last year.

The Governance framework for Qualis, as agreed by Cabinet in February 2020, included the requirement that Qualis should report to Epping Forest District Council on its performance Quarterly.

This report presents the fourth Quarter's monitoring report for the Qualis trading year 2021/22 and covers the period from 1 July 2022 to 30 September 2022. This also effectively represents the Qualis 3rd trading year outturn report.

The Cabinet noted that the unexpected and significant shift in economic factors occurring over the past 9 months has had a huge impact on the finances of the Council and this was also replicated on the plans of Qualis. Not all elements of the Qualis business model were impacted to the same extent, and probably the development arm was experiencing (and likely to continue experiencing), the greatest impacts due to its dependency on borrowing, construction cost inflation and movement in housing prices. These issues are addressed in the single year Business Plan recently presented to the Council, covering the period 1st October 2022 to 30th September 2023.

Despite this, overall Qualis has only reported a small and greatly reduced loss on previous years. The loss is attributable to a downwards revaluation of investment property, which is linked to market turbulence, and the underlying position is that of a profitable trading position. All Qualis companies had reported profits, with the exception of Qualis Living (the investment company that carries all development costs), which was impacted by historic planning delays and construction price inflation.

**Decision:**

The Cabinet discussed and noted this report.

**89. Quarter 3 Budget Monitoring Report 2023/24**

The Finance Portfolio Holder, Councillor Philip introduced the quarter 3 budget monitoring report.

This report set out the 2022/23 General Fund and Housing Revenue Account positions, for both revenue and capital, as at 31st December 2022 ("Quarter 3").

In terms of General Fund revenue expenditure – at the Quarter 3 stage – a budget overspend of £1.313 million, with projected net expenditure of £16.944 million against an overall budget provision of £15.631 million, was forecast.

As with Quarters 1 and 2, the Q3 position was dominated by a range of substantial spending pressures.

The current economic difficulties are also creating a range of other problems with inflation impacting on energy and contract costs, with rising interest rates also working against the Council.

**Resolved:**

1. The Cabinet noted the General Fund revenue position at the end of Quarter 3 (31st December 2022) for 2022/23, including actions being undertaken or proposed to improve the position, where significant variances have been identified;
2. The Cabinet noted the General Fund capital position at the end of Quarter 3 (31st December 2022) for 2022/23;
3. The Cabinet noted the Housing Revenue Account revenue position at the end of Quarter 3 (31st December 2022) for 2022/23, including actions proposed to ameliorate the position, where significant variances have been identified; and
4. The Cabinet noted the Housing Revenue Account capital position at the end of Quarter 3 (31st December 2022) for 2022/23.

**Reason for Decision:**

This report facilitates the scrutiny of the Council's financial position for 2022/23.

**Other Options for Action:**

There are no matters for decision in this report. The Cabinet is asked to note the contents but may choose to take further action depending on the matters reported.

**90. Any Other Business: Draft Budget 2023/24**

The Finance Portfolio Holder introduced the draft budget report for 2023/24. The Cabinet had approved an updated Financial Planning Framework (FPF) 2023/24 to 2027/28 at its meeting on 30th September 2022, which was the first step in preparing the 2023/24 budget.

The first major milestone in the FPF was reached on 10<sup>th</sup> October 2022, with Cabinet receiving and considering an updated Medium-Term Financial Plan (MTFP) for 2023/24 to 2027/28. The MTFP revealed a projected deficit of £4.126 million for 2023/24 on the General Fund; it is a deficit that required eliminating in full for the Council to fulfil its legal obligation to set a balanced budget for the forthcoming financial year.

The MTFP identified a projected surplus of £0.682 million on the Housing Revenue Account (HRA) for 2023/24, with a breakeven position anticipated over the five-year period.

Acting on the strategic direction provided by Cabinet on 10th October 2021, officers provisionally bridged the General Fund deficit, and further developed the other revenue and capital elements of the wider budget for 2023/24, presenting an initial draft – balanced – budget to Cabinet on 20th December 2022. The Local Government Finance Settlement 2023/24 was also announced in December 2022, and the initial draft budget was scrutinised by the Stronger Council Select Committee on 24th January 2023.

The Budget had now been re-balanced following the announcement of the provisional Local Government Finance Settlement 2023/24, and the need for other minor adjustments, and was presented to Cabinet for consideration and draft approval, prior to full Council on 28th February 2023.

The Portfolio Holder reported that this was a most difficult budget to do, but they had balanced the budget and the Council was not in deficit and was not cutting any services, this was in part due to the council, for many years having had well run finances. He thanked the officers and cabinet colleagues for helping to make this possible. He noted that the impact on the budget next year and the following years would be significant. However, Qualis made a significant contribution to our budget and was a benefit to the council. He noted that Council Tax would be set at 2.98% and would remain the lowest in Essex.

**Decision:**

- 1) The Cabinet considered the final revenue and capital budget proposals for 2023/24 as presented in Appendices A to D of the report, together with the comments received from the Stronger Council Select Committee; and
- 2) The Cabinet recommend to Council:
  - a. The budget for 2023/24 and the updated Medium-Term Financial Plan; and
  - b. The level of Council Tax increase for 2023/24.

**Reasons for Proposed Decision:**

To enable Cabinet to recommend a final budget for 2023/24 to the Council on 28th February 2023.

**Other Options for Action:**

N/A.

**CHAIRMAN**

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**Rural England Prosperity Fund: £437,136 (25% Spend Year 1)**

**Sustainable Rural Grant Programme**

**Discover Rural**



Page 05.

**Proposed Budget Allocation:**

£387,136

**Aims:**

- Support long term viability of key rural hubs, with a significant emphasis on expansion of rural EV charging points, on public or private assets, and investments to reduce energy usage and carbon footprint in buildings.

**Actions:**

- Establish a cash limited grant programme for rural facilities and partners to bid into to carry out renovation works that are critical to the long-term viability of that asset. A priority given to match funded bids.
- Establish a rural EV Charging challenge project to deploy the maximum number of EV Chargers into rural areas.
- Enable local rural communities and businesses to acquire high level mobile connectivity speeds and digital infrastructure. A priority given to match funded bids.

**Proposed budget allocation:**

£50,000

**Aims:**

- To increase visitor footfall spend from existing and new staycation traffic, to other commercial assets.
- To establish new linkages with neighbouring authorities into rural areas.

**Actions:**

- To renew and install effective directions signage (fingerposts, information boards at attractions, advertising other local amenities - pubs, restaurants, shops).
- Establish cross border trails that link assets and rural communities in the district to footfall to and from international hubs (e.g. London, Stansted to Cambridge).

**Submission Date: 30th November 2022**

**Detailed guidance received: 14th November 2022**

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## **Report to the Cabinet**

**Report reference: C-039-2022/23**

**Date of meeting: 13 March 2023**

**Portfolio: Internal Resources Portfolio (Councillor S Kane)**

**Subject: Off-Street Civil Parking Enforcement Policy**

**Responsible Officer: James Warwick (01992 564350).**

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



**Epping Forest  
District Council**

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

**To adopt the updated Off-street Civil Parking Enforcement Policy and the processing of Penalty Charge Notices for Epping Forest District Council.**

### **Executive Summary:**

The current Civil Parking Enforcement policy was adopted by Cabinet in 2016 and last updated in 2016. The Civil Parking Enforcement policy is an overarching policy outlining the broad legal framework and approach to parking enforcement in EFDC off-street car parks across the district, to ensure the way enforcement is applied is fair, transparent, and consistent.

Civil Parking Enforcement is subject to strict legislative and statutory guidance and requires processes to be put in place to enable transparency and accountability. For the Council to enforce against motorists for contraventions under the Traffic Management Act 2004 and statutory guidance, it is necessary to have a Civil Parking Enforcement Policy which sets the regulatory framework and how Penalty Charge Notices are processed. The Civil Parking Enforcement policy does not replace or replicate national guidance but rather provides transparency to motorists and those enforcing the guidance.

The updated policy will be made available on the Council's website under the district-wide policies, plans and strategies page. This is to provide transparency to the public on the Council's processes for Civil Parking Enforcement and processing of Penalty Charge Notices, including handling challenges, representations, and appeals.

### **Reasons for Proposed Decision**

For good governance and to ensure that the Council's Civil Parking Enforcement processes are up to date and promote the updated policy openly, as advised by the Department for Transport (statutory guidance for local authorities in England on civil enforcement of parking contraventions).

### **Other Options for Action**

The do-nothing option would result in no change to the existing policy. Regular policy reviews is important to keep the organisation up to date with industry best practices and therefore the do-nothing option is not recommended.

1. The updated policy does not introduce any new approach to Civil Parking Enforcement in EFDC off-street car parks across the district. Summary of changes to the updated policy is outlined below.
2. Summary of Changes:
  - Information on parking in Electric Vehicle (EV) bays and how challenges/representations regarding EV bays are assessed have been added.
  - The updated Policy adopts the same terminology as the Traffic Management Act 2004 to ensure that the policy remains relevant and up to date.
  - References to on-street parking have been removed as this does not fall within the Council's jurisdiction. It is clarified that on-street parking enforcement in the district is the responsibility of the North Essex Parking Partnership (NEPP).
  - Updated policy follows a new template and is split into four sections (Civil Parking Enforcement, Civil Enforcement Officers, Processing of Penalty Charge Notices and Enforcement of Penalty Charge Notices) for a simpler document structure.
  - An administration fee has been added to suspension requests in addition to standard suspension charges per bay. This fee is to cover officer time and resources required to arrange suspensions and will generate additional income to the Council.
  - Updated policy includes that periodic tariff reviews are to be conducted every three to five years, to demonstrate best practice car parking management.
  - Updates to legislation and statutory guidance, contravention codes, clarifying processes and wording generally.
3. The updated off-street Civil Parking Enforcement Policy was presented at Stronger Place on 16 January 2023 and was agreed to be adopted by the Select Committee.

**Resource Implications:** Resourced within existing service area budget.

**Legal and Governance Implications:** The policy complies with the relevant legislation.

**Safer, Cleaner and Greener Implications:** None.

**Consultation Undertaken:** Stronger Place – Select Committee – 16<sup>th</sup> January 2023.

**Background Papers:** Off-street Civil Parking Enforcement Policy.

**Risk Management:** The parking risk register includes an item to review the CPE policy periodically to ensure the policy remains up to date as having outdated policies may put the Council at risk if the policy is not compliant with changes in laws and regulations.

**Equality Impact Assessment:** See Appendix 1.

# 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: Leisure and Car Parking Team - Contracts

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

Title of policy or decision: Civil Parking Enforcement Policy and the processing of Penalty Charge Notices for Epping Forest District Council

Officer completing the EqIA: Amelia Hoke Tel: 0199256 4442 Email: adhoke@eppingforestdc.gov.uk

Date of completing the assessment: 20 December 2022

## Section 2: Policy to be analysed

2.1	<p>Is this a new policy (or decision) or a change to an existing policy, practice or project? Change to an existing policy.</p>
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision): To adopt the updated off-street Civil Parking Enforcement Policy and the processing of Penalty Charge Notices for Epping Forest District Council. The updated policy does not introduce any new approach to Civil Parking Enforcement</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)? Commissioning a service.</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none"><li>• service users</li><li>• employees</li><li>• the wider community or groups of people, particularly where there are areas of known inequalities?</li></ul> <p>The Civil Parking Enforcement Policy affects all EFDC off-street car park users, which can include service users, employees and the wider community or groups of people.</p> <p>Will the policy or decision influence how organisations operate? Yes, however it is important to note that the updated policy does not introduce any new approach to Civil Parking Enforcement.</p>
2.4	<p>Will the policy or decision involve substantial changes in resources? No.</p>
2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</p>

	<p>Yes, the policy is an update to the existing Civil Parking Enforcement Policy. It is necessary to have a Civil Parking Enforcement policy to discharge its duties to deliver off-street civil parking enforcement, which is mandated by statute. The updated policy ensures the policy remains relevant and accurate.</p>
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### **Section 3: Evidence/data about the user population and consultation<sup>1</sup>**

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

3.1	<p>What does the information tell you about those groups identified?</p> <p>Civil Parking Enforcement may relate to any member of the public seeking parking information or pay/challenge their Penalty Charge Notice (PCN) issued by the District Council. This can include members of public under the characteristics of the Equality Act. For example, disabled motorists/Blue Badge holders.</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p>No. The updated policy does not propose any new approach to Civil Parking Enforcement. The Council must comply with all statutory duties and requirements in exercising Civil Parking Enforcement. In addition to this, Council does make provisions in appreciation of car park users under the characteristics of the Equality Act and these remain in place. For example, Blue Badge holders park for free in all Council operated pay &amp; display car parks. Requests made for parking suspensions which may be made for those attending religious events are approved where possible.</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:</p> <p>We feel this is not necessary as the proposed policy is an update to the existing policy, there are no changes proposed that will affect car park users under the characteristics of the Equality Act.</p>

## Section 4: Impact of policy or decision

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

<b>Description of impact</b>	<b>Nature of impact</b> Positive, neutral, adverse (explain why)	<b>Extent of impact</b> Low, medium, high (use L, M or H)
Age	Neutral. There are no changes proposed that will affect this equality group.	L
Disability	Neutral. There are no changes proposed that will affect this equality group.	L
Gender	Neutral. There are no changes proposed that will affect this equality group.	L
Gender reassignment	Neutral. There are no changes proposed that will affect this equality group.	L
Marriage/civil partnership	Neutral. There are no changes proposed that will affect this equality group.	L
Pregnancy/maternity	Neutral. There are no changes proposed that will affect this equality group.	L
Race	Neutral. There are no changes proposed that will affect this equality group.	L
Religion/belief	Neutral. There are no changes proposed that will affect this equality group.	L
Sexual orientation	Neutral. There are no changes proposed that will affect this equality group.	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 type="checkbox"/>	
		<input type="checkbox"/>	If ' <b>YES</b> ', use the action plan at <b>Section 6</b> to describe the adverse impacts and what mitigating actions you could put in place.




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

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.

**Section 7: Sign off**

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

Signature of Head of Service: 	Date: 20/12/2022
Signature of person completing the EqIA: A.Hoke	Date: 20/12/2022

**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.

# CIVIL PARKING ENFORCEMENT

A Civil Parking Enforcement Policy  
and  
the Processing of Penalty Charge Notices  
for  
Epping Forest District Council

January 2023

Version 3

## TABLE OF CONTENTS

<b>INTRODUCTION .....</b>	<b>1</b>
LEGISLATION & STATUTORY GUIDANCE .....	1
<b>SECTION 1 – CIVIL PARKING ENFORCEMENT .....</b>	<b>2</b>
1.1 PARKING MANAGEMENT .....	2
1.2 BLUE BADGE HOLDERS .....	2
1.3 ACCESSIBLE BAYS .....	3
1.4 MOTORCYCLE BAYS.....	3
1.5 ELECTRIC VEHICLE PARKING BAYS.....	3
1.6 VEHICLE WEIGHT AND CLASS.....	3
1.7 PERMITS & SEASON TICKETS.....	4
1.8 CLAMPING AND REMOVAL .....	5
1.9 SUSPENSIONS.....	5
1.10 DISPENSATIONS .....	6
1.11 TARIFF REVIEWS.....	6
1.12 COMPLAINTS & ENQUIRIES.....	6
<b>SECTION 2 – CIVIL ENFORCEMENT OFFICERS.....</b>	<b>7</b>
2.1 CIVIL ENFORCEMENT OFFICERS .....	7
2.2 CEO DISCRETION .....	7
2.3 CEO UNIFORM.....	7
2.4 CLAIMS, COMPLAINTS AND ENQUIRIES .....	7
<b>SECTION 3 – PROCESSING OF PENALTY CHARGE NOTICES.....</b>	<b>8</b>
3.1 REGISTERED KEEPER’S LIABILITY .....	8
3.2 HOW TO PAY OR APPEAL PENALTY CHARGE NOTICE .....	8
3.3 PCN ADMINISTRATIVE PROCESS .....	8
3.3.1 REGULATION 9 PCN .....	8
3.3.2 REGULATION 10 PCN .....	10
3.3.3 TRAFFIC PENALTY TRIBUNAL APPEAL .....	11
3.4 INTERVENTION IN CHALLENGE & REPRESENTATION PROCESSES BY ELECTED MEMBERS AND OTHER OFFICERS .....	11
3.5 DISCRETION .....	11
3.6 CORRESPONDENCE .....	12
3.6.1 EMAIL ADDRESS.....	12
3.6.2 JUNK EMAIL .....	12
3.6.3 RESPONSE AWAITED.....	12
3.6.4 ADDRESS.....	12
3.7 PAYMENT .....	12
3.7.1 PENALTY CHARGE RATE.....	12
3.7.2 EFFECTS OF PAYMENT BEING RECEIVED AT ANY STAGE .....	12
3.7.3 CHALLENGES/REPRESENTATIONS ACCOMPANIED BY PAYMENT .....	13
3.7.4 TIME TO PAY/INSTALMENT PAYMENTS.....	13
3.8 REFUNDS .....	13
3.9 CCTV FOOTAGE .....	14
<b>SECTION 4 – ENFORCEMENT OF PENALTY CHARGE NOTICES.....</b>	<b>15</b>
4.1 CONTRAVENTION CODES.....	15
4.2 OBSERVATION & GRACE PERIODS .....	16
4.3 STATUTORY GROUNDS FOR APPEAL.....	16
4.4 MITIGATING CIRCUMSTANCES .....	19
4.4.1 ABANDONED VEHICLES .....	19
4.4.2 BANK HOLIDAYS – RESTRICTIONS APPLICATION .....	19
4.4.3 BANK VISITS.....	19
4.4.4 BAY MARKINGS/LINES .....	20
4.4.5 BLOCKED ACCESS.....	20
4.4.6 BLUE BADGES .....	20

4.4.7 BROKEN DOWN VEHICLES .....	20
4.4.8 CHILDREN/ELDERLY PEOPLE .....	22
4.4.9 CLONED VEHICLES .....	22
4.4.10 COUNCIL OFFICERS AND MEMBERS ON DUTY .....	22
4.4.11 COURT ATTENDANCE - DEFENDANTS .....	22
4.4.12 COURT ATTENDANCE – JURY SERVICE OF WITNESS .....	22
4.4.13 DELAYS.....	23
4.4.14 DENTAL/DOCTORS APPOINTMENTS.....	23
4.4.15 DESCRIPTION OF VEHICLE ON PCN .....	23
4.4.16 DIPLOMATIC VEHICLES .....	23
4.4.17 DRINK DRIVING OR OTHER ARREST .....	24
4.4.18 DROPPING OFF – PICKING UP PASSENGERS .....	24
4.4.19 ELECTRIC VEHICLE BAYS.....	24
4.4.20 ENFORCEMENT AGENTS.....	24
4.4.21 EMERGENCIES .....	25
4.4.22 EMERGENCY CALL OUT.....	25
4.4.23 EMERGENCY DUTIES.....	25
4.4.24 EXEMPT VEHICLES .....	25
4.4.25 FUNERALS AND WEDDINGS.....	26
4.4.26 GLAZIERS .....	26
4.4.27 GOVERNMENT DEPARTMENT VEHICLES .....	26
4.4.28 HAZARDOUS CHEMICALS/SUBSTANCES .....	26
4.4.29 HEALTH EMERGENCY BADGE SCHEME .....	27
4.4.30 HEAVY EQUIPMENT .....	27
4.4.31 HIRE AGREEMENT.....	27
4.4.32 HOLIDAYS .....	27
4.4.33 HOSPITAL CAR SERVICE .....	27
4.4.34 LEGISLATION.....	28
4.4.35 LOADING/UNLOADING .....	28
4.4.36 LOCATION - INCORRECT .....	28
4.4.37 LOST KEYS .....	29
4.4.38 MISSPELLING OF KEEPER’S NAME .....	29
4.4.39 MOTORCYCLE BAYS .....	29
4.4.40 MOTORIST WAS ISSUED A PCN AND HAD A VALID SUSPENSION ISSUED FROM THE APPROPRIATE LOCAL AUTHORITY.....	29
4.4.41 PAY & DISPLAY MACHINES – DID NOT REALISE THERE WAS ONE THERE .....	29
4.4.42 PAY & DISPLAY MACHINES – NOT WORKING .....	29
4.4.43 PAY & DISPLAY TICKETS .....	30
4.4.44 PENALTY CHARGE NOTICE WAS NEVER SERVED ON THE VEHICLE .....	31
4.4.45 PENALTY CHARGE NOTICE, EARLY ISSUE OF .....	31
4.4.46 PERMITS .....	31
4.4.47 POLICE OFFICERS ON DUTY .....	31
4.4.48 POLICE OFFICER GAVE PERMISSION TO PARK .....	31
4.4.49 PREGNANCY OR PARENTS/GUARDIANS WITH YOUNG CHILDREN .....	32
4.4.50 PRIVATE PROPERTY .....	32
4.4.51 PUBLIC UTILITY VEHICLES .....	32
4.4.52 REGISTRATION NUMBER IS INCORRECT .....	32
4.4.53 ROYAL MAIL AND UNIVERSAL SERVICE PROVIDER VEHICLES .....	33
4.4.54 SECURITY VANS .....	33
4.4.55 SIGNS/TARIFF BOARDS .....	33
4.4.56 SUSPENSIONS .....	33
4.4.57 UNAUTHORISED MOVEMENT OF A VEHICLE .....	33
4.4.58 VANDALISED VEHICLE.....	34
4.4.59 VEHICLES LEFT UNATTENDED TO GAIN ACCESS .....	34
4.4.60 VEHICLE NOT AT SCENE .....	34
4.4.61 VISITOR TO BRITAIN.....	34

## INTRODUCTION

Epping Forest District Council's Civil Parking Enforcement Policy is a policy statement, designed to help to manage off-street parking by providing a clear framework for effective parking enforcement in Epping Forest District Council (EFDC) off-street car parks.

This policy covers off-street parking enforcement only. On-street parking enforcement in the district is the responsibility of the North Essex Parking Partnership (NEPP). Essex County Council (ECC), as Highway Authority, transferred delegated authority to NEPP in respect of on-street civil parking enforcement. EFDC only has the powers for enforcement in its operated off-street areas.

The advice contained within this document is intended to assist in understanding how off-street parking is enforced in the district and to support both Council and contracted employees when undertaking civil parking enforcement and in particular when assessing informal challenges/formal representations.

EFDC is committed to making sure that it provides Equality of Opportunity in how its services are delivered. This commitment has been translated into its core values by ensuring that different groups and individual needs are reflected in the delivery of service. The policy seeks to meet the needs of road users eligible for parking in EFDC car parks and to clearly prioritise different parking enforcement needs in the EFDC car parks. The aim is to manage parking enforcement in EFDC car parks on a fair and consistent basis.

This policy will be subject to rigorous and frequent review to ensure that it reflects current best practice nationally. This in turn will enable enforcement to be carried out consistently and clearly across the district.

## LEGISLATION & STATUTORY GUIDANCE

The statutory acts governing parking enforcement are the Traffic Management Act (2004) and The Road Traffic Regulation Act (1984). There are also a number of accompanying Regulations:

- The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022
- The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022
- The Civil Enforcement Officers (Wearing of Uniforms) (England) Regulations 2007.

The statutory guidance for civil parking enforcement by local authorities, as regulated by the Traffic Management Act 2004:

- Statutory guidance for local authorities in England on civil enforcement of parking contraventions (Secretary of State, August 2022).

This local policy is not intended to replace or replicate legislation or statutory guidance. If there is any conflict between this enforcement policy and statutory guidance or any other legislation, then the relevant legal requirements take precedence.

## **SECTION 1 – CIVIL PARKING ENFORCEMENT**

### **1.1 PARKING MANAGEMENT**

Parking management includes the enforcement of off-street parking regulations in Epping Forest District Council car parks.

Illegal parking is inconsiderate, and it can be dangerous. Under civil enforcement, the District Council is directly responsible for all off-street parking enforcement in EFDC car parks.

The policy supports effective parking management by;

- Coordinating off-street parking enforcement management to ensure a comprehensive and complementary approach.
- Allocating parking permits/season tickets with clear conditions of use based on transparent and consistent principles.
- Maximising the potential of the Council's information technology system to support an effective and efficient parking management operation.

Sensible and safe parking within Epping Forest District Council car parks will be encouraged, as will greater compliance with the Off-street Regulations and Traffic Regulations as regards parking.

Parking provision is becoming more responsive to the public's needs because EFDC control both the provision and management of off-street parking in their car parks.

The policy focuses on customer needs by:

- Ensuring an efficient, robust and customer-friendly parking system.
- Effective tackling of parking fraud, and abuse of the Blue Badge Scheme.
- Ensuring an effective, fair and consistent enforcement operation to maximise compliance with EFDC's parking regulations.
- Consulting and communicating with both internal and external stakeholders to inform parking management issues.
- Take into account the needs of local residents, shops and businesses, thereby sustaining the District Council's economic growth.
- Ensure that people with disabilities are able to have equal access to all facilities within the EFDC car parks
- Actively discourage indiscriminate parking that causes obstruction to other motorists.

### **1.2 BLUE BADGE HOLDERS**

Blue Badges are issued to either a disabled driver or a disabled passenger. They can only be used when the vehicle is being used to transport that disabled person. It is not permitted to use the badge for any other purpose e.g., shopping for the disabled person when they, themselves, are not being transported in the vehicle.

Blue badges must be clearly and properly displayed whilst the vehicle is parked.

Failure to do so will result in a PCN being issued for the contravention of the appropriate parking condition. Further details on how any representations will be

addressed by the Council are covered in Section 4.

Providing the Blue Badge is clearly and properly displayed the Badge holder can park in EFDC car parks in accordance with details provided on the car park tariff boards.

Blue Badge holders are not allowed to park in any area where there is a loading restriction, reserved bays, motorcycle bays and a restricted area. Parking must always be in accordance with the Blue Badge Scheme.

Civil Enforcement Officers (CEO's) have the power to inspect a Blue Badge and confiscate it if they believe it is being misused. There is no amnesty or grace period for the use of an expired Blue Badge and therefore it is appropriate for an Officer or CEO to seize a Blue Badge if it has expired.

### **1.3 ACCESSIBLE BAYS**

Blue Badge holders can park for free in an accessible bay as long as the Blue Badge is valid, correctly displayed on the dashboard and the Blue Badge holder is present. Any vehicle without a valid Blue Badge displayed is parked in contravention of the surrounding restriction.

Blue Badge holders can also park free of charge in pay and display bays, provided that they are parked wholly within a marked bay only.

### **1.4 MOTORCYCLE BAYS**

Motorcycle bays are not mandatory bays but are exemptions to the normal restrictions in car parks. Consequently any vehicle, other than a motorcycle, parked in such a bay is parked in contravention of the surrounding restriction, not for being parked in a motorcycle bay.

Motorcycles can park for free in a dedicated motorcycle bay. Motorcycles can also park free of charge in pay and display bays.

### **1.5 ELECTRIC VEHICLE PARKING BAYS**

Electric Vehicle (EV) parking bay is provided specifically for charging electric vehicles. Where within a parking place there is a sign or surface marking indicating that a parking bay is an electric vehicle parking bay, no vehicle should be parked in that parking bay unless the vehicle is an electric vehicle. Parking in a charging bay with a non-electric car will be liable to a PCN. Electric vehicle parking is subject to existing car park tariffs and hours of operation within the public car parks and must be charging while in bay.

### **1.6 VEHICLE WEIGHT AND CLASS**

- Trailers or caravans are not permitted in EFDC off-street car parks.
- Any vehicle over 3.5T is not permitted in EFDC off-street car parks.



## **1.7 PERMITS & SEASON TICKETS**

EFDC car park permits and season tickets are virtual and are applied for online via the Epping Forest District Council MiPermit portal. The District Council does not issue paper permits. When purchasing a virtual permit/season ticket, it is the responsibility of the driver to ensure that the correct information is completed. This includes the location, date, duration of stay and vehicle registration mark prior to leaving the vehicle unattended. Having a permit does not guarantee a parking space.

All permits/season tickets are valid only in the specified car park as determined by the District Council.

The District Council will determine the eligible areas to purchase permits and also determine the maximum number of permits as it deems appropriate.

### **1.7.1 RESIDENTS PERMITS**

Residents permits are obtained by residents from the postal address of which is in the eligible areas specified. Please note evidence will be required upon application.

### **1.7.2 VISITOR PERMITS**

Visitor permits are obtained by residents and issued to genuine visitors to their homes. Please note evidence will be required upon application.

### **1.7.3 BUSINESS PERMITS**

Business permits are obtained by businesses or employee of a business or other corporate body that carries out business or provides a service from any premises the postal address of which is in the eligible areas specified. Please note evidence will be required upon application.

### **1.7.4 SEASON TICKETS**

The District Council may at its discretion issue Season Tickets for use at any parking place for issue to such persons, business or companies in respect of such car parks as the Council may specify and upon such terms and conditions as may be agreed.

A Season Ticket may be used only:

- By the person to whom it is issued
- In the case of a ticket issued to a business or company for the use of a named employee, by that employee
- In respect of the Vehicle or one of the Vehicles for which it is issued.

### **1.7.5 COMMERCIAL PERMITS**

The Council may at its discretion provide a duly appointed agent with Commercial Permits for issue to such persons, business or companies in respect of such car parks as the Council may specify and upon such terms and conditions as may be agreed between the Council and such agent, persons, business or companies.

## 1.8 CLAMPING AND REMOVAL

It is not the intention to carry out clamping & removal by Epping Forest District Council save for a circumstance where a case of an Epping Forest District Council debt is transferred to our enforcement agent. We reserve the right to instruct those agents to clamp and/or remove the vehicle in question, wherever that vehicle may be located.

## 1.9 SUSPENSIONS

The Council has the power to suspend parking within a designated parking bay(s). Designated parking bays off-street at a charge, may be suspended for the following reasons:

- To allow maintenance of adjacent property where access is required for deliveries, essential vehicles, skips, scaffolding etc. (Cars will not be considered as 'essential vehicles' and will be expected to park in accordance with parking restrictions)
- Maintenance to trees
- At the request of the Police
- For security reasons
- Any other reason accepted by the Council.

Applications for suspensions must be received at least 10 working days prior to the required date and must be made to the Council's Leisure and Parking Team. The Council's decision is final.

The District Council will display notices which will indicate the location and extent of the suspension with the start and finish dates and times. These signs will be displayed at least 5 days before the suspension comes into operation. Additionally, external communications may be issued via the Council's social media platforms. Furthermore, adjacent properties may receive advanced notice of the suspension if deemed appropriate.

Vehicles parked in contravention of a suspension will receive a PCN.

A suspension charge per bay and per day will be made and is payable upon application. The charge per bay will be as the daily pay & display fee of the relevant off-street car park. In addition to the suspension charge, each application will be subject to an administration fee of £50.00. The District Council's Leisure and Parking manager may exercise discretion and waive suspension charges or administration fees.

Upon application, Council may request copies of insurances and a risk assessment depending on the reason for suspension.

The onus is on the requestor to arrange the suspension of bays, as cones or barrier fencing will be required. The Council will not suspend bays and cannot guarantee that the space/s are available.

The car park must be left clean and tidy at the end of the suspension. It is the responsibility of the requestor to include arrangements for managing waste.

## **1.10 DISPENSATIONS**

Not applicable.

## **1.11 TARIFF REVIEWS**

Periodic tariff reviews are important to ensure the charging regime is appropriate and proportionate to help maintain and improve car parking facilities, whilst continuing to recognise their importance to our community and town centre economies. The Council will conduct an off-street car parking tariff review every three to five years to demonstrate best practice car parking management. The Council may use their discretion to conduct a tariff review as and when it is deemed necessary.

## **1.12 COMPLAINTS & ENQUIRIES**

Enquiries regarding EFDC off-street car parks should be directed to the District Council's Leisure and Parking Team. Complaints in relation to off-street civil parking enforcement will be investigated by the District Council's Leisure and Parking Manager. The findings of the investigation will be communicated to the complainant, in writing, within the stipulated timescale. Should the findings not be acceptable to the complainant advice of how to invoke the Council's Formal Complaints Procedure will be given.

On-street parking is the responsibility of Essex County Council and is delegated to the North Essex Parking Partnership (NEPP). Enquiries and complaints regarding on-street parking should be directed to the North Essex Parking Partnership.

## **SECTION 2 – CIVIL ENFORCEMENT OFFICERS**

### **2.1 CIVIL ENFORCEMENT OFFICERS**

Civil Enforcement Officers (CEOs) are deployed from the enforcement contractor by the District Council to enforce parking restrictions in off-street car parks.

The hours of operation and deployment hours are Monday to Sunday 8am – 6pm.

Requests from the public for targeted enforcement will be addressed where appropriate. Priority will be given to requests received from the Police.

### **2.2 CEO DISCRETION**

The exercise of discretion rest with the District Council's Leisure and Parking Team as part of considering challenges against PCNs and representations against Notice to Owners (NtO's). This is to protect CEO's from allegations of inconsistency, favoritism or suspicion of bribery. It also gives greater consistency in the enforcement of traffic regulations.

### **2.3 CEO UNIFORM**

When exercising prescribed functions, a CEO must wear a uniform. This uniform should promote his or her visibility and be seen to be in the vicinity and operating overtly, and clearly show:

- The wearer is engaged in parking enforcement
- The name of the District Council
- A personal identity number
- High visibility outer garments
- Bodycam.

### **2.4 CLAIMS, COMPLAINTS AND ENQUIRIES**

The enforcement contractor maintains the procedure of dealing with any claims, complaints and enquiries direct from any member of the public or received from the District Council. The District Council's complaints protocols and timescales shall be complied with. The findings of the investigation will be communicated to the complainant, in writing, within the stipulated timescale. Should the findings not be acceptable to the complainant advice of how to invoke the Council's Formal Complaints Procedure will be given.

Allegations that a Civil Enforcement Officer has made an error whilst issuing a PCN will be investigated under the normal informal challenges or formal representation procedures and a formal written notice of acceptance or rejection will be sent within the stipulated timescale.

## SECTION 3 – PROCESSING OF PENALTY CHARGE NOTICES

Penalty Charge Notices issued under the Traffic Management Act (Part 6) are processed via a civil debt recovery process. In Epping Forest District Council, all Penalty Charge Notices (PCNs) issued are dealt with by the Leisure and Parking Team. This ensures a clear and consistent approach to processing across the District.

### 3.1 REGISTERED KEEPER'S LIABILITY

Under the Traffic Management Act 2004 the responsibility for any PCN rests with the Registered Keeper of the vehicle as recorded at the Driver & Vehicle Licensing Agency (DVLA). If the registered keeper was not the driver at the time of the offence it remains his/her responsibility to pay the PCN and any recompense from the driver should be obtained by the registered keeper.

### 3.2 HOW TO PAY OR APPEAL PENALTY CHARGE NOTICE

Instructions on how to pay or appeal PCNs is contained in all statutory documentation issued. Motorists must follow the information contained in the statutory documents. Challenges via email will not be accepted.

The processing of PCNs must be carried out in a transparent manner and well-evidenced. The Leisure and Parking Team do not accept telephone calls in relation to Penalty Charge Notices, at any stage, as there is no audit trail or evident process for ensuring what has been verbally stated and recorded is an accurate interpretation of what the motorist intended.

### 3.3 PCN ADMINISTRATIVE PROCESS

#### 3.3.1 REGULATION 9 PCN

##### 1. PENALTY CHARGE NOTICE ISSUE

The PCN (Regulation 9 PCN) served on the vehicle allows a period of 28 days to pay the charge or make an informal challenge against the issue of the PCN from the service date.

In accordance with statutory requirements, a discount amount of 50% of the penalty charge is available within 14 days from the service date and will be accepted in full settlement of the matter.

If a challenge is received from the registered keeper within 14 days from the service date, the discount amount will remain frozen until the enforcement authority responds. If the challenge is not accepted the District Council will generally restart the period of 14 days within which the reduced penalty charge may be paid and this should be included in the District Council's response. The District Council may request registered keeper details from the DVLA in the event of an unpaid PCN.

Should a PCN be issued on a vehicle with a diplomatic registration plate, then the Notice to Owner will not be sent but a record of the fine will be kept and passed to the Foreign and Commonwealth Office annually for pursuit.

## INFORMAL CHALLENGE

The keeper of the vehicle may make a written informal challenge against the issue of the PCN and within this challenge he/she can mention any mitigating circumstances as well as challenging the validity of the PCN. The Council must respond, in writing, within 10 working days of receipt of the challenge and must either give notification of acceptance of the challenge and cancellation of the PCN or rejection of the challenge.

If a challenge is rejected the written notification from the Council must give precise reasons why this decision has been reached. Providing the written challenge was received within fourteen (14) days of the PCN being issued the discounted rate will be restarted and last for fourteen (14) days from the date of the rejection notice.

The making of a challenge in no way detracts from the ability of the keeper to make a subsequent formal representation against the issue of the PCN to the Council or to the Traffic Penalty Tribunal (TPT).

## **2. NOTICE TO OWNER**

If the PCN remains unpaid after 28 days of the PCN service date, the statutory notice process is implemented and a Notice to Owner (NtO) is issued.

The NtO served allows a period of 28 days beginning with the date on which the notice is served to either pay the penalty charge in full or make a formal representation.

The Traffic Management Act 2004 sets out statutory ground on which the registered keeper can make a formal representation. This is detailed in Section 4 of this document.

Any representations received after the 28-day period may be disregarded by the enforcement authority.

If a NtO is sent to the keeper who subsequently states that the PCN was not received at the time of the offence the discounted amount will be accepted if paid within 14 days. This should be communicated in writing to the keeper with the restarted discount period starting from the date of the NtO. When it is claimed that the PCN was not received the notice processing system will be interrogated to ensure that previous such claims have not been made by the same person. If there is history of such claims the discounted period should not be restarted and the full amount paid.

## FORMAL REPRESENTATION

The keeper of the vehicle may make a written formal representation against a PCN within 28 days of receipt of the Notice to Owner. The vehicle owner will be provided with information on the statutory grounds for appeal. The statutory grounds for appeal are outlined in Section 4, Item 4.3. Information on how to submit a formal representation will be in the NtO issued by the District Council. Formal representations will not be accepted via email.

In addition to the statutory grounds for appeal the District Council is also obliged to consider any mitigating circumstances, and the owner/keeper is required to give full details and supporting evidence of any such circumstances. Mitigating circumstances are outlined in Section 4, Item 4.4. It is recognised that each case is different and

situations occur that are beyond the control of the motorist and in which cases it would be unreasonable to pursue the PCN. This is not an exhaustive list but does offer guidance on likely scenarios that would warrant cancellation of the PCN.

Within 10 working days of receipt of a formal representation the District Council must issue a written notice of acceptance or rejection:

- Notice of Acceptance: This will confirm that the representation has been accepted and that the person's liability for the PCN has been cancelled.
- Notice of Rejection: This formally rejects the representation and gives detailed reasons why the Council has come to this conclusion. The rejection is also accompanied with the necessary instruction on how a further representation can be made to the independent Traffic Penalty Tribunal (TPT). This representation must be made within twenty-eight (28) days of receipt of the notice of rejection.

### **3. CHARGE CERTIFICATE**

A Charge Certificate will be issued if the PCN has not been paid within 28 days of the NtO being issued and no representation is being considered. The penalty charge will increase by a further 50% of the original charge and payment is required within 14 days of the service date. At this stage there is no longer a formal right to appeal.

#### PRE-DEBT REGISTRATION LETTER

There is no requirement for the Council to send a further reminder once a Charge Certificate has been issued.

### **4. DEBT REGISTRATION**

If the PCN remains unpaid after 14 days of the service of the Charge Certificate, the District Council will apply to register the debt with the Traffic Enforcement Centre (TEC). A registration fee is applied to the debt. Once the debt is registered, the TEC will send the enforcement authority to issue an order to recover the debt. Within 7 days of receipt of TEC authority the Order for Recovery and Statutory Declaration must be sent to the debtor.

### **5. ENFORCEMENT AGENTS**

Failure to either pay or complete a Statutory Declaration after 21 days have elapsed since service of the registration order was effected will result in the authority applying for a Warrant of Control from the Traffic Enforcement Centre. Once a Warrant of Control is issued, the authority will instruct approved Enforcement Agents to collect the debt on their behalf. No communication can be made to the District Council at this stage.

#### **3.3.2 REGULATION 10 PCN**

A Regulation 10 PCN is the service of a PCN by post. There are two circumstances in which a PCN (a Regulation 10 PCN) may be served:

- The PCN was prevented from being served due to threat of violence
- There has been a prevention of service by drive away.

In any of these circumstances a PCN is served by post on the registered keeper

(whose identity is ascertained from the DVLA), and also acts as the Notice to Owner. Postal PCNs should be sent within 14 days of the contravention. In these circumstances, the motorist gets a 14 day discount period.

In circumstances where the vehicle was driven away and the CEO had begun to issue the PCN or finished issuing the PCN but been unable to serve it, the CEO should cancel the Regulation 9 PCN and a Regulation 10 PCN should be served by post. The District Council should ensure that they have sufficient primary and supporting evidence to deal with any subsequent representations and appeals and obtain a witness statement from the CEO.

The PCN, which serves as the NtO, must be served using first class post.

A PCN may not be served by post if the motorist returns to the vehicle before the CEO has started to issue the PCN. It is only when the CEO starts to create a PCN and would otherwise have to formally cancel it.

### **3.3.3 TRAFFIC PENALTY TRIBUNAL APPEAL**

All motorists have the ultimate right to refer the matter to an independent arbitrator, the Traffic Penalty Tribunal (TPT). The District Council is responsible for determining any formal appeal to the TPT and is involved accordingly. Should the appellant decide to progress the appeal to the Traffic Penalty Tribunal (TPT), they will be able to decide whether to proceed with a written appeal or attend a telephone, virtual or in person hearing to put their case. An independent adjudicator from TPT will consider the case in due course and his or her decision is considered final. Further information on the appeals procedure can be found on the TPT website at [www.parking-appeals.gov.uk](http://www.parking-appeals.gov.uk).

### **3.4 INTERVENTION IN CHALLENGE & REPRESENTATION PROCESSES BY ELECTED MEMBERS AND OTHER OFFICERS**

The process of dealing with challenges and representations against the issue of PCNs is well documented and will be carried out in a fair, unbiased and equal manner. These procedures include the ultimate right of all motorists to refer the matter to an independent arbitrator (TPT).

To preserve the integrity of these procedures they will be managed and carried out by the Leisure and Parking Team and no undue external pressure shall be brought, by either members of the Council or other senior officers, designed to unduly influence the decisions by virtue of their position alone.

For the avoidance of doubt, Civil Enforcement Officers cannot cancel PCNs due to requests from Members and other Officers. The PCN process must be followed and the motorist must submit a challenge/representation if they believe the penalty should not be paid.

### **3.5 DISCRETION**

The District Council will approach the exercise of discretion objectively. The Council has the power of discretion to cancel the PCN at any point in the process even if it is established that a contravention did occur. The District Council's Leisure and Parking



Manager is the nominated officer within the authority delegated to them via standing orders and the discretion to cancel PCNs. Such discretion should be exercised in conjunction with the content of this document.

### **3.6 CORRESPONDENCE**

#### **3.6.1 EMAIL ADDRESS**

The person completing the challenge must ensure they enter a correct email address at the time of submission as the Council does not have the ability to change this when responding. The system will automatically infill the email address provided.

#### **3.6.2 JUNK EMAIL**

If providing an email address for the response to be provided by the Council by email, the person awaiting a response should ensure they check their junk email for any correspondence in relation to the informal challenge submitted.

#### **3.6.3 RESPONSE AWAITED**

It is the responsibility of the person submitting an informal challenge to check a response from the Council to an informal challenge or formal representation has been received within the required time. If no response has been received, after checking junk email in respect of an informal challenge, then they should contact the Council to enquire if their informal challenge/formal representation has been received and responded to.

#### **3.6.4 ADDRESS**

If an informal challenge is sent to the Council at their offices by post, the letter must contain their name and full postal address. Without this information, the informal challenge cannot be responded to and the case will progress and a Notice to Owner will be sent to the DVLA registered keeper.

### **3.7 PAYMENT**

#### **3.7.1 PENALTY CHARGE RATE**

The PCN charge in the District for off-street contraventions is set by the Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations. Epping Forest District Council have set penalty charges in accordance with Price Band 2 under the legislation. The higher or lower charge is dictated by the contravention and code used and is not at the discretion of the District Council.

Any increase in PCN rate will only be possible by guidance from Central Government and will require proper advertisement prior to introduction.

#### **3.7.2 EFFECTS OF PAYMENT BEING RECEIVED AT ANY STAGE**

Once full payment of a PCN is made at any stage, the rules of Traffic Penalty Tribunal apply, where no more challenges/representations can be submitted and the case will

be closed. Payment is reasoned the motorist has accepted liability and therefore the case will be closed. All further enforcement action ceases.

### **3.7.3 CHALLENGES/REPRESENTATIONS ACCOMPANIED BY PAYMENT**

To avoid the loss of the discount period or to avoid County Court action keepers may opt to enclose settlement of the PCN with a challenge or formal representation. In such circumstances the District Council must act in good faith and deal with the challenge/representation in a fair and equitable manner. At the same time the District Council must comply with its own financial regulation regarding the banking of cheques as agreed with the District Council's Internal Audit Department.

Challenges and representations accompanied by a payment will be separately logged, will be dealt with as a priority. If the challenge/representation is successful, the District Council would immediately make arrangements for a refund to be issued to the keeper the letter of acceptance. If the challenge is unsuccessful the payment will be immediately banked and the keeper duly notified that we have accepted it in full or part settlement as part of the rejection notice.

Any letter of acceptance or rejection sent to the keeper must make specific reference to the fate of the payment.

### **3.7.4 TIME TO PAY/INSTALMENT PAYMENTS**

As a general rule, the District Council does not offer extended time in which to pay PCNs. Exceptions to this are only made in cases of demonstrated, genuine financial hardship agreed with the Leisure and Parking Team. Applications for time to pay must be in made to the Leisure and Parking Team in writing and must contain any evidence supporting the claim of financial hardship. Applications will be responded to within 8 working days. The Council's response will signify acceptance or rejection of the proposal.

The Council will not consider such arrangements if Enforcement Agent warrant(s) have been issued for recovery of the amount due although the enforcement agent may enter into such an arrangement.

For all cases, the District Council expects the PCN(s) to be paid in full and will not enter into any instalment payment arrangements.

### **3.8 REFUNDS**

The District Council does not offer refunds in relation to paid parking tickets, however the Leisure and Parking Team may use their discretion to offer a free alternative stay for the value of the purchase where it is deemed reasonable. Requests should be made to the Leisure and Parking Team via email ([parking@eppingforestdc.gov.uk](mailto:parking@eppingforestdc.gov.uk)) with the following details:

- Reason for request/Issue
- Name of Car Park
- Date of Incident
- Vehicle Registration Number
- How much was paid
- Proof of payment of stay purchased.

Arranging an alternative stage may be deemed reasonable if money has been paid into a pay & display machine but it did not issue a ticket and has taken the motorists money.

The Leisure and Parking Team will assess the information provided and determine whether free parking up to the value of the equivalent stay can be arranged.

A free stay can be arranged up to the value of the parking stay that was paid in any EFDC operated pay & display car park, as long as it is taken within 3 months. Requests to use a free stay must be made to the Leisure and Parking Team via email ([parking@eppingforestdc.gov.uk](mailto:parking@eppingforestdc.gov.uk)) and must include the following information:

- Date and time they wish to make use of the free stay
- The car park
- Vehicle registration number

This information must be provided within 24 hours prior to when the parking session is required. If the parking session is required on a Saturday or Sunday, then the request must be received by 2pm on the preceding Friday.

The District Council does not offer refunds in relation to paid PCNs with the exception of double payment.

### **3.9 CCTV FOOTAGE**

There may be CCTV in car parks to record, view and monitor activity for crime detection, prevention of anti-social behaviour and public safety. Epping Forest District Council does not check CCTV footage with regards to PCN challenges or representations. Motorists may request CCTV images by contacting the Council's Safer Communities Team via [safercommunities@eppingforestdc.gov.uk](mailto:safercommunities@eppingforestdc.gov.uk) for further information on CCTV requests. CCTV requests are chargeable with the exception of law enforcement agencies such as the Police.

## SECTION 4 – ENFORCEMENT OF PENALTY CHARGE NOTICES

The Council is obliged to consider any statutory grounds for appeal and mitigating circumstances when dealing with challenges/representations to PCNs. It is recognised that each case is different and situations occur that are beyond the control of the motorist and in which cases it would be unreasonable to pursue the PCN and consider cancellation of the PCN. All grounds for a cancellation that are submitted will be considered fairly and objectively. This is not prescriptive guidance as each case will be assessed fairly and reasonably on its merits and it is not appropriate to prescribe a response for every set of circumstances.

This section addresses the following:

- Contravention codes for which PCNs are issued
- Observation times for enforcement
- The statutory grounds upon which representations may be made
- Mitigating circumstances.

### 4.1 CONTRAVENTION CODES

Epping Forest District Council has previously given notice of the adoption of the powers of the Council under the Traffic Management Act for its parking contraventions at Pricing Band 2 as set out in the Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations.

Parking contravention penalty charges is set by legislation and fall into the two following categories Higher and Lower, see Tables 1 and 2.

Table 1: Off-Street Higher-Level Contraventions

<b>Contravention Offence code</b>	<b>Contravention</b>
70	Parked in a loading area during restricted hours without reasonable excuse
71	Parked in an electric vehicles' charging place during restricted hours without charging
74	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited
81	Parked in a restricted area in a car park
85	Parked in a permit bay without clearly displaying a valid permit
87	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge in the prescribed manner
89	Vehicle parked exceeds maximum weight and/or height and/or length permitted in the area
91	Parked in a car park or area not designated for that class of vehicle
92	Parked causing an obstruction

Table 2: Off-Street Lower-Level Contraventions

<b>Contravention Offence code</b>	<b>Contravention</b>
73	Parked without payment of the parking charge
80	Parked for longer than the maximum period permitted
82	Parked after the expiry of paid for time
83	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock
84	Parked with additional payment made to extend the stay beyond time first purchased
86	Parked beyond the bay markings
90	Re-parked in the same car park within one hour after leaving
93	Parked in car park when closed
94	Parked in a pay and display car park without clearly displaying 2 valid pay and display tickets when required
95	Parked in a parking place for a purpose other than the designated purpose for the parking place
96	Parked with engine running where prohibited

#### **4.2 OBSERVATION & GRACE PERIODS**

Prior to the issue of a PCN, a Civil Enforcement Officer will allow an observation period of 5 minutes to elapse between first observing the vehicle and the issue of the PCN to determine if a contravention has taken place. This is to satisfy national guidance as set out in the Deregulation Act 2015. With certain contraventions, however, this observation time is not appropriate. The Council reserves the right to reduce or remove the observation time to address local problems.

A grace period is where a contravention has occurred due to exceeding the maximum time permitted or the time paid for has expired. In these cases, the CEO is legally required to allow a minimum of 10 minutes to have elapsed from the expiry time before a PCN can be served. The grace period does not apply if the vehicle itself is parked unlawfully, for example, where the motorist does not have a valid parking stay where required. Grace periods only apply to designated parking places where a person is permitted to park.

The details of the vehicle will be entered into the Civil Enforcement Officers Hand Held Computer (HHC) when first seen and the computer will prevent issue of the PCN within the specified observation/grace period.

The Civil Enforcement Officers will be able to continue with their patrols and then return to the contravening vehicle. The observation time and the PCN issue time will appear on the face of the PCN itself and will be recorded by the enforcement software system.

#### **4.3 STATUTORY GROUNDS FOR APPEAL**

The Council is obliged to consider any statutory grounds for appeal and the owner/keeper is required to give full details and supporting evidence of any such circumstances. Each case will be assessed fairly and reasonably upon its own merits.

The statutory grounds to make representations are as follows:

- A. The recipient –
  - i. Has never been the owner of the vehicle in question;
  - ii. Has ceased to be the owner of the vehicle before the date of the alleged contravention;
  - iii. Became the owner of the vehicle after the date of the alleged contravention.
- B. The alleged contravention did not occur.
- C. The vehicle has been permitted to remain at rest in the place in question by a person who was in control of the vehicle without the consent of the owner.
- D. The Order which is alleged to have been contravened in relation to the vehicle concerned was invalid.
- E. The recipient is a vehicle-hire firm and the vehicle in question was at the time hired from that firm under a hiring agreement AND the person hiring the vehicle had signed a statement of liability acknowledging his or her liability in respect of any Penalty Charge Notice served in respect of any parking contravention involving the vehicle during the currency of the hiring agreement.
- F. The penalty charge exceeded the amount applicable in the circumstances of the case.
- G. There has been a procedural impropriety on the part of the Enforcement Authority.
- H. The Notice to Owner should not have been served because the penalty charge has already been paid in full OR the penalty charge has been paid, reduced by the amount of any discount set in accordance with Schedule 9 to the 2004 Act, within the period specified.
- I. Any other reasons why the recipient considers the Council should cancel the Penalty Charge Notice and refund any sum already paid.

Further information on these grounds for appeal is given below.

**(A. i.) THE RECIPIENT HAS NEVER BEEN THE OWNER OF THE VEHICLE IN QUESTION**

Representations are likely to be accepted if the DVLA confirms that the motorist was not the registered keeper at the time of the contravention

**(A. ii.) THE RECIPIENT HAS CEASED TO BE THE OWNER OF THE VEHICLE BEFORE THE DATE OF THE ALLEGED CONTRAVENTION**

Representations are likely to be accepted if the current registered keeper is able to provide proof that that the vehicle was sold or otherwise disposed of before the date of the contravention. Such documentation could include a bill of sale, registration or insurance documents or a letter from the DVLA.

**(A. iii.) THE RECIPIENT BECAME THE OWNER OF THE VEHICLE AFTER THE DATE OF THE ALLEGED CONTRAVENTION**

Representations are likely to be accepted if the current registered keeper is able to provide proof that the vehicle was purchased after the date of the contravention. Such documentation could include an invoice, registration or insurance documents or a letter from the DVLA. The new owner should be able to provide details of the previous owner whereupon a new Notice to Owner can be issued.

**(B) THE CONTRAVENTION DID NOT OCCUR**

This means that the parking ticket was issued incorrectly because no illegal parking took place. Keeper must explain why they think no contravention took place and enclose any relevant details or copies of paperwork in support.

**(C) THE VEHICLE HAS BEEN PERMITTED TO REMAIN AT REST IN THE PLACE IN QUESTION BY A PERSON WHO WAS IN CONTROL OF THE VEHICLE WITHOUT THE CONSENT OF THE OWNER.**

Representations should in this instance be accompanied with a valid police crime report reference number. Claims that a family member or friend had unauthorized use of the vehicle will also need supporting with evidence that the police were contacted prior to or soon after the issuing of the PCN.

**(D) A. THE ORDER WHICH IS ALLEGED TO HAVE BEEN CONTRAVENED IN RELATION TO THE VEHICLE CONCERNED WAS INVALID.**

Claims made on these grounds are infrequent and are specifically concerned with the correct legal procedure for the making of the Off Street Parking Places Order. Claims are likely to be upheld if proof can be provided that the relevant Order that the vehicle was parked in contravention of was not properly constructed. For example, the correct consultation process had not been followed.

**(E) THE RECIPIENT IS A VEHICLE-HIRE FIRM AND THE VEHICLE IN QUESTION WAS AT THE TIME HIRED FROM THAT FIRM UNDER A HIRING AGREEMENT AND THE PERSON HIRING THE VEHICLE HAD SIGNED A STATEMENT OF LIABILITY ACKNOWLEDGING HIS OR HER LIABILITY IN RESPECT OF ANY PENALTY CHARGE NOTICE SERVED IN RESPECT OF ANY PARKING CONTRAVENTION INVOLVING THE VEHICLE DURING THE CURRENCY OF THE HIRING AGREEMENT.**

Representations are likely to be accepted if the hire company can provide proof that the vehicle was hired at the time of the contravention (with a signed hire agreement that includes the appropriate liability clause for PCNs) and the company can provide the full name and address of the person who hired the vehicle. In these instances, a new Notice to Owner will be sent to the person named by the hire company.

**(F) THE PENALTY CHARGE EXCEEDED THE AMOUNT APPLICABLE IN THE CIRCUMSTANCES OF THE CASE.**

The penalty charge amount is more than the recipient is legally obliged to pay. Reasons such as feeling the charge is too much to pay will not be accepted.

**(G) THERE HAS BEEN A PROCEDURAL IMPROPRIETY ON THE PART OF THE ENFORCEMENT AUTHORITY.**

The recipient must provide clear evidence that the Council or any person or body acting on its behalf failed to observe any requirement imposed on it by the Traffic Management Act 2004.

**(H) THE NOTICE TO OWNER SHOULD NOT HAVE BEEN SERVED BECAUSE THE PENALTY CHARGE HAS ALREADY BEEN PAID IN FULL OR THE PENALTY CHARGE HAS BEEN PAID, REDUCED BY THE AMOUNT OF ANY DISCOUNT SET IN ACCORDANCE WITH SCHEDULE 9 TO THE 2004 ACT, WITHIN THE PERIOD SPECIFIED.**

Representations are likely to be accepted if the registered keeper is able to provide evidence of payment that the PCN has already been paid in full or by the amount of any discount allowed under the 2004 Act.

**(I) ANY OTHER REASONS WHY THE RECIPIENT CONSIDERS THE COUNCIL SHOULD CANCEL THE PENALTY CHARGE NOTICE AND REFUND ANY SUM ALREADY PAID.**

The recipient must explain the reason/s why the Council should cancel the Penalty Charge Notice and refund any sum already paid. The recipient should enclose any relevant details or copies of paperwork in support.

## **4.4 MITIGATING CIRCUMSTANCES**

### **4.4.1 ABANDONED VEHICLES**

Where a vehicle remains parked, in a Car Park area, for a period during which multiple PCNs (minimum 3) are issued for the same contravention. The Civil Enforcement Officer will report the vehicle as potentially abandoned and it will be dealt with by the District Council's abandoned vehicle section under the provisions of Refuse Disposal (Amenity) Act 1978.

Criteria used in identifying Abandoned Vehicles:

1. Untaxed
2. General poor condition
3. No evidence of movement
4. Multiple PCNs attached to the vehicle.

Whilst the vehicle is being dealt with as potentially abandoned no further PCNs will be issued.

Issued PCNs will be enforced against the registered keeper of the vehicle in the normal way.

The District Council and Essex Police abandoned vehicles protocols shall continue to apply.

### **4.4.2 BANK HOLIDAYS – RESTRICTIONS APPLICATION**

Motorists cannot assume that restrictions do not apply to Bank Holidays unless this is specifically stated in the relative signage. Enforcement on Bank Holidays should pay particular attention to known problem areas such as Car Boot Sales, Markets etc.

### **4.4.3 BANK VISITS**

Claims from individuals or companies that because money is being taken to or from a bank will not be accepted as a reason to cancel a PCN. Motorists should be advised to contact the bank about future security arrangements.



It is appreciated that difficulty may be experienced when visiting banks but the exemption that may apply is in relation to bullion vehicles whilst loading / unloading large quantities of coin and cash boxes.

#### **4.4.4 BAY MARKINGS/LINES**

Where drivers claim bay markings were not visible, this will be investigated with CEO photographs/notes and the existing lines will be checked against the appropriate legislation. An assessment will then be made as to the validity of the PCN. Any subsequent cancellation on the grounds of incorrect lines will result in prompt rectification of the problem.

#### **4.4.5 BLOCKED ACCESS**

Drivers who claim that they were unable to gain access to their private or commercial property are not entitled to park in contravention of any parking restriction.

Where a restriction is in place a PCN may be issued to the vehicle providing it is parked in contravention.

#### **4.4.6 BLUE BADGES**

Blue badges are issued to either a disabled driver or a disabled passenger. They can only be used when the vehicle is being used to transport the disabled person. It is not permitted to use the badge for any other purpose e.g., shopping for the disabled person when they, themselves, are not being transported in the vehicle.

Blue badges must be clearly and properly displayed whilst the vehicle is parked and it is the motorist's duty to ensure this. Failure to do so will result in a PCN being issued for the contravention of the relative parking restriction. When considering the matter the Council will take into account previous contraventions by the same vehicle and/or badge holder for failure to display a blue badge. Where no previous contravention has occurred the representation should be allowed, providing proof of the existence of a valid badge is supplied. In such circumstances the letter sent to the person making the representation should make it clear that this contravention will be taken into account when considering any future contravention and that this may lead to future representations being rejected.

There is no amnesty or grace period for the use of an expired Blue Badge and therefore a PCN may be issued if the Blue Badge has expired and challenges/representations in this regard will not be accepted.

#### **4.4.7 BROKEN DOWN VEHICLES**

Claims of alleged breakdown should be accepted if they appear to be unavoidable and, if supporting evidence in the form of one or more of the following is produced:

- Garage Receipt, on headed paper, properly completed and indicating repair of the alleged fault within a reasonable time of the contravention.
- Till receipt for purchase of seemingly relevant spare parts purchased on or soon after the date of contravention.
- Confirmatory letter from the RAC, AA or other similar motoring organisation.

Each case should ultimately be considered upon its own merits although previous

cases where breakdowns have been accepted as mitigating circumstances should also be considered.

A note left in the windscreen, stating that 'the vehicle has broken down' will not be accepted, by a Civil Enforcement Officer, as reason for not issuing a PCN. If the vehicle remains in the car park for more than 24 hours, the onus is on the driver to arrange a virtual payment stay to cover the period the vehicle will remain in the car park.

Also see 'Vandalised Vehicles' (item 4.4.58).

Listed below are some areas of contention relative to the alleged breakdown of vehicles:

#### **A) FLAT BATTERY**

The receipt for the purchase of a new battery or parts that could cause a flat battery (alternator, solenoid etc.), should be requested. The receipt should not pre-date the date of the contravention or postdate it by an unreasonable length of time.

In cases where it is alleged that the vehicle was bump/jump started and no other evidence received, the PCN should be enforced. (NB. Vehicles with automatic transmission cannot be bump started).

If no evidence is forthcoming, the PCN should be enforced.

Consideration should also be given as to how the vehicle became illegally parked in the first instance.

#### **B) FLAT TYRE**

It is reasonable to expect that in the event of a flat tyre the driver would be with the vehicle and making efforts to change the vehicle's wheel. If the vehicle is left unattended a PCN will be issued and will be cancelled only if it subsequently transpires that the driver was: Elderly, disabled or infirm and had gone to obtain assistance. In such instances evidence from the assisting party is required.

If the wheel could not be changed because of a mechanical difficulty evidence must be produced from the attending breakdown service supporting this.

Failure to carry a spare wheel is not sufficient reason to cancel a PCN.

#### **C) OVERHEATING**

All cases where it is claimed that the vehicle had overheated due to lack of water should be enforced unless it is directly attributable to a mechanical fault such as: broken fan belt, cracked radiator, burst hose, faulty water pump or thermostat. In such cases evidence of repair must be produced.

#### **D) RUNNING OUT OF FUEL**

Unless this is due to a mechanical / electrical fault evidenced by repair all PCNs are to be enforced.

If it is apparent from previous records that the same driver is continuously trying to avoid liability for PCNs by claiming that his/her vehicle is broken down, this should be

considered when deciding on whether or not to accept their representations

Where representations are accepted on the second or subsequent occasion the keeper should be informed, in writing, that due consideration to previous incidents will be taken into account should another contravention be committed for the same reason.

#### **4.4.8 CHILDREN/ELDERLY PEOPLE**

Claims are often made by people, accompanied by young children or elderly people, that they were delayed because of them. This should not be considered as a reason to cancel a PCN because allowance should be made for this when purchasing parking time (also see 'Emergencies', item 4.4.21).

Claims that PCNs issued whilst children were being dropped-off or collected from schools etc., should not be cancelled unless a reasonable amount of time was not allowed by the CEO. The normal observation period should be enough time in such circumstances.

#### **4.4.9 CLONED VEHICLES**

If a motorist receives a NtO relating to a vehicle registered to them with the DVLA but they were not in the area within which the PCN was issued or on the date specified, the motorist must provide evidence which contains photographs of their vehicle and details of any differences between their vehicle and the one shown in the photographs taken by the CEO (which can be viewed online) at the time of observation and issue the PCN, and a Police crime reference number from the reporting of the potential cloning of their vehicle. Consideration will be given to the cancellation of the PCN if evidence is supplied of the potential cloning of vehicle.

#### **4.4.10 COUNCIL OFFICERS AND MEMBERS ON DUTY**

All Council officers and members on duty are expected to fully comply with parking regulations.

Council employee/member permits are available for business purposes and as such staff are provided virtual permits to use on certain off-street car parks during work time only, to receive a discount on the daily parking charges.

#### **4.4.11 COURT ATTENDANCE - DEFENDANTS**

The conditions applying to Jury Members and Witnesses equally apply to Defendants. However, there have been instances when a defendant has unexpectedly been given a custodial sentence and, as a direct result, is unable to remove his/her vehicle from a Council car park. In such instances the Council will expect that the vehicle will be removed, as soon as is reasonably possible, by the defendant's family, friends or legal representatives. Any PCN issued will not be enforced providing supporting evidence is supplied by the defendant's legal representative.

#### **4.4.12 COURT ATTENDANCE – JURY SERVICE OF WITNESS**

The length or timing of any Court hearing or trial cannot be guaranteed and often Jury members and/or witnesses find that they are unable to leave Court to purchase further pay & display time in a car park. This often leads to overstay and to PCNs being issued. To counter this, the Courts issue clear instructions to all Jury members

and witnesses advising them as to how and where they should park.

The Courts will not pay any PCN issued to a witness or Jury member whilst carrying out their legal duties even if they are delayed by the Court.

In such circumstances the Council will enforce PCNs against the keeper unless evidence is produced to support the fact that they were delayed to an extent that could not have been reasonably foreseen; i.e. moved to a hotel overnight.

#### **4.4.13 DELAYS**

Delays due to queues at shops, banks etc., meetings taking longer than expected, caught up in crowds etc., are not considered as valid reasons to cancel a PCN. Allowance should be made for such delays when purchasing parking time as they are a regular occurrence and part of normal life (see emergencies below).

#### **4.4.14 DENTAL/DOCTORS APPOINTMENTS**

If the claim is made that, due to a delay in the appointment time or that treatment took longer than anticipated and this resulted in a PCN being issued for overstaying the parking time purchased on arrival, consideration should be given to the validity of the claim.

Such claims should be supported by written confirmation from the dentist or doctor that the delay was caused for reasons outside of the driver's control. However, the Council must be satisfied that the parking time purchased was reasonably sufficient to allow for normal delays experienced whilst attending such appointments.

#### **4.4.15 DESCRIPTION OF VEHICLE ON PCN**

When issuing a PCN the Civil Enforcement Officer will note the make and registration number of the vehicle, which will appear on the PCN. The Civil Enforcement Officer will also note other details such as positions of tyre valves, which will form part of the supporting records.

- Incorrect make: A make mismatch will not necessarily affect the validity of the PCN but it would call into question the accuracy of other details. In such cases serious consideration must be given to cancelling the PCN.
- Incorrect colour: Incorrect colour of the vehicle will not affect the validity of the PCN.

#### **4.4.16 DIPLOMATIC VEHICLES**

- 'D' PLATES: The driver has full diplomatic immunity. PCNs issued to 'D' plate vehicles should automatically be cancelled upon input to the processing system although, should the driver subsequently decide to make payment, it will be accepted. Details of these PCNs will be taken up with the Foreign & Commonwealth Office and payment may be obtained later.
- 'X' PLATES: The driver has limited diplomatic immunity. In effect these PCNs should be cancelled upon input. If correspondence is received from the driver and enforcement seems appropriate a request for payment should be made.

#### **4.4.17 DRINK DRIVING OR OTHER ARREST**

If the driver of a vehicle has been arrested and, as a direct result, has been forced to leave the vehicle in contravention of a parking restriction any resultant PCN should be enforced.

In all cases of arrest claims the driver should be asked to provide date, time and evidence of arrest including custody number, officer and Police Station involved.

Where written evidence of the arrest cannot be supplied, confirmation should be obtained from the appropriate Police Station, by the Council, before the PCN is cancelled. Failure to supply or obtain supporting evidence of the arrest will lead to the PCN being enforced.

#### **4.4.18 DROPPING OFF – PICKING UP PASSENGERS**

It is deemed that two minutes is sufficient allowance for this unless it involves the elderly, disabled persons, young children or large amounts of luggage etc. Special consideration will be given to Hackney Carriages or Private Hire Vehicles who will need additional time to announce their arrival and accept payment. The Civil Enforcement Officer will exercise reasonable discretion in such circumstances.

#### **4.4.19 ELECTRIC VEHICLE BAYS**

Electric Vehicle bays are solely for the use of Electric Vehicles that is capable of being propelled by electrical power derived from a storage battery, and for the avoidance of doubt shall include plug-in hybrid vehicles.

Electric Vehicle bays are provided specifically for charging Electric Vehicles and the vehicle must be connected to and using the electric charging point.

Car park tariffs apply in Electric Vehicle bays and therefore, parking in an Electric Vehicle bay with a non-electric vehicle; parking in an Electric Vehicle without connecting to and using the electric charging point, and; without paying the applicable car park tariffs will be liable to a PCN.

#### **4.4.20 ENFORCEMENT AGENTS**

Enforcement Agents, as agents of the Court, are Court Officers. Of the many functions they perform, executing Warrants is one that is likely to concern us most. These are Court Orders for the collection of money and/or goods of sufficient value to produce the required amount. For this purpose the Enforcement Agent will always have an appropriate vehicle nearby.

For their other activities they do not need a vehicle nearby, e.g. if they are serving a Summons or Warrant (not enforcing it). In such circumstances they would be expected to comply with parking restrictions.

When they are taking goods or high values in cash, we can exercise discretion where it appears reasonable to do so. Enforcement Agents are not exempt from legislation, however, an official badge or permit should be displayed on the vehicle and, further, the act of loading/unloading should be observed as taking place. Once goods have been seized the enforcement agent is required to list them prior to leaving the premises and this could legitimately take some time. In such circumstances we should ask for a warrant number, identification and confirmation of the nature of goods being

seized before the PCN is either issued or subsequently cancelled.

#### **4.4.21 EMERGENCIES**

An emergency is an unforeseen situation that prevented the driver from moving his/her vehicle. They are usually of a medical nature and leniency should be exercised where it can be seen that the driver could not have foreseen the situation. Wherever possible such claims should be supported by independent evidence.

#### **4.4.22 EMERGENCY CALL OUT**

An emergency is considered to last as long as it takes to make the premises safe i.e. turn off the main supply. Following this any vehicle should be moved to a permitted parking place before any subsequent repairs are undertaken. Consideration will be given to the cancellation of a PCN if evidence can be supplied of the emergency.

#### **4.4.23 EMERGENCY DUTIES**

Doctors, nurses, midwives engaged on emergency duties are, wherever possible, expected to park legally. Should a PCN be issued it will be cancelled only upon evidence of the emergency being provided. Regular or programmed visits will not be considered an emergency.

Also see 'Health Emergency Badge Scheme' (item 4.4.29).

#### **4.4.24 EXEMPT VEHICLES**

The following vehicles are considered to be exempt from parking restrictions whilst attending emergencies:

- Fire and Rescue Service Vehicles
- Marked Police Vehicles – Lights flashing
- Ambulances – lights flashing.

The following vehicles are exempt in the circumstances described;

- Local Authority Vehicles (or those of their contractual agents), whilst being used to carry out statutory duties (i.e. Refuse Collection, Street Cleansing, Highway Maintenance), or whilst carrying out duties that require the vehicle to be in close proximity (i.e. Verge Grass Cutting), including Civil Enforcement Officer Vehicles.
- Post Office and other vehicles engaged in the delivery of postal packets (i.e. Courier companies such as UPS). This does not include private vehicles used by such organisations.
- Postmen/women whilst carrying out letter deliveries. The Council will expect such vehicles to be parked in compliance with any parking restriction Pay and display.
- Electricity Board, Gas Board, Water Authority, British Telecom or other telecommunications organisations (and/or their appointed contractors), whilst actively laying or undertaking repairs to pipes, cables or other apparatus Pay and display.
- Furniture vans whilst moving furniture to and from a dwelling, office or depository. Wherever possible these vehicles should not be parked in contravention of a loading restriction Pay and display.
- Vehicles involved in building, excavating and demolition work whilst lawfully and actively engaged on those duties.

All exempt vehicles should be liveried, not private cars or unmarked vans and the exemption does not apply to sub contractor's vehicles unless specified above.

#### **4.4.25 FUNERALS AND WEDDINGS**

Any vehicles, other than a privately owned vehicle which is being used as an official vehicle for the purposes of a wedding or a funeral at a church or place of worship will be given due consideration and respect and PCNs will not be issued.

Vehicles belonging to mourners or wedding guests that are not actively involved in the funeral or wedding will not be able to park in contravention.

Any PCN issued to vehicles associated with a funeral or wedding should be considered with due respect and PCNs would only be enforced when blatant disregard to restrictions has been confirmed.

#### **4.4.26 GLAZIERS**

Claims from glazier companies that a vehicle needed to be parked close to the location of an emergency repair should be treated leniently providing it is confirmed, from the Civil Enforcement Officers notes, that such activity was taking place at the time of the issue of the PCN.

PCNs will not be cancelled when issued to vehicles that are not actively involved in the work.

#### **4.4.27 GOVERNMENT DEPARTMENT VEHICLES**

Unless the reason for parking the vehicle was under exceptional circumstances PCNs issued to vehicles owned or operated by Government Departments should be enforced.

They are not exempt purely by virtue of the fact that they are operated by a Government Department.

If the vehicles are involved in exceptional activities such as surveillance by Customs & Excise or the Benefits Agency evidence to support this, in the form of a written statement from a senior manager on headed notepaper must be supplied.

Wherever possible Government Agencies involved in such activities should be encouraged to give the Council advance notice and details if the vehicle(s) involved.

#### **4.4.28 HAZARDOUS CHEMICALS/SUBSTANCES**

Claims by companies that toxic or dangerous substances were being delivered or collected from a premise and, as a result, a PCN was incorrectly issued to the vehicle being used should be given careful consideration.

If so, then serious consideration should be given to the cancellation of the PCN in view of the Health & Safety of the public.

Any such representation should be accompanied by documentary evidence showing the nature of the goods being delivered.

#### **4.4.29 HEALTH EMERGENCY BADGE SCHEME**

Epping Forest District Council does not, at this moment, operate a Health Emergency Badge (HEB) scheme but will review this should the need for such a scheme arise. The following, therefore is for reference only:

The Council may issue Health Emergency Badges (HEB's) to doctors etc., who may be called upon to attend medical emergencies. These badges must be clearly displayed and will incorporate a dry wipe area in which the location of the emergency should be written.

#### **4.4.30 HEAVY EQUIPMENT**

Dealt with as loading/unloading, see item 4.4.35.

#### **4.4.31 HIRE AGREEMENT**

It is within the legislation that, in the case of a hired vehicle, responsibility for a PCN is that of the hirer of the vehicle at the time.

Consequently, in this case, the responsibility does not rest with the registered keeper, i.e. the Hire Company, providing they make formal representation to the Council once the Notice to Owner is received. This representation must be accompanied by a copy of the relative hire agreement.

In all cases this agreement must clearly state:

- The name and address of the hirer
- The start and finish dates for the hire period
- The hirer's signature.

The agreement must also include a statement regarding the hirer's liability for any PCNs incurred during the hire period. Should any of the foregoing be unclear, absent or in contradiction of the date / time of issue of the PCN then the PCN will be enforced against the registered keeper/Hire Company and a notice of rejection of the representation sent to them with the reasons clearly stated therein.

#### **4.4.32 HOLIDAYS**

Vehicles are often left parked in one place whilst the keeper is away on holiday. In such cases a PCN could be issued for being parked in a suspended parking place or for failing to have a valid parking stay, parked in a restricted area, motorcycle bay, disabled bay (without displaying a valid Blue Badge), reserved bay or causing an obstruction.

#### **4.4.33 HOSPITAL CAR SERVICE**

The display of a 'Hospital Car Service' badge does not automatically exempt the holder from parking restrictions. However, all representations or challenges against the issue of a PCN should given due consideration bearing in mind that this is a voluntary service provided for the elderly and sick so that they can be transported to and from hospitals.

Generally, such consideration should extend to:

- Allowing sufficient time to enable the driver to make his/her presence known to



- the passenger(s).
- Allowing sufficient time to assist the passenger(s) between the vehicle and their home(s), bearing in mind that they may be elderly, infirm, disabled or unwell. This may well involve sufficient time to ensure that the passenger is comfortably settled within his or her own home prior to departure by the driver.

Representations / challenges should be accompanied by documentary evidence giving the date, time, the pick-up and drop-off locations for the trip and, wherever possible, a description of the passenger (i.e. Elderly, Disabled, Post-Operative etc.).

#### **4.4.34 LEGISLATION**

The statutory acts governing parking enforcement are: The Traffic Management Act (2004) and The Road Traffic Regulation Act (1984).

If a driver is querying the legislation it should be explained to him/her in simple terms. There is no need to supply specific reference unless especially requested.

When such a request is made the Council will make reference to specific, relevant paragraphs and will quote them verbatim within any correspondence. The Council will not supply full copies of the relevant acts, which can be accessed via [www.legislation.gov.uk](http://www.legislation.gov.uk).

If the keeper is specifically querying the authority behind a specific restriction then reference should be made to the relevant Off Street Parking Places Order, held by the Council. Prior to any correspondence with the keeper this Order should be checked to ensure the validity of the PCN. If any doubt exists then the PCN should be cancelled and the decision communicated to the keeper.

#### **4.4.35 LOADING/UNLOADING**

Loading is defined as the movement of goods to or from a vehicle. Goods should be heavy, bulky or must be of a type that cannot easily be carried by one person in one trip.

The loading/unloading need not be for commercial activity only, motorists can legitimately carry out loading and unloading of private/personal goods from their vehicle.

The following are all permitted within the time allowed for loading & unloading:

- Waiting for goods
- Checking of goods for deliveries/collections
- Completing paperwork.

If loading/unloading satisfies the above criteria accompanied by any supporting evidence, the PCN should be cancelled.

#### **4.4.36 LOCATION - INCORRECT**

When a PCN is issued the location of the vehicle is stated on the PCN itself. If this is recorded incorrectly then this is deemed to be a material error and the PCN should be cancelled.

#### **4.4.37 LOST KEYS**

Where it is claimed that car keys have been lost, stolen or locked in a car thus preventing removal of the car from a parking area which in turn resulted in the issue of a PCN, then due consideration should be given to its cancellation. When considering this the representation should be accompanied by any supporting evidence from the police, motoring organisations or relatives.

The following factors should also be considered:

- If the vehicle was parked in a pay & display car park
- Did the loss of the keys prevent purchase of additional parking time?

#### **4.4.38 MISSPELLING OF KEEPER'S NAME**

The miss-spelling of the keeper's name and/or address on the Notice to Owner does not invalidate it or discharge the liability of the person receiving it. The onus is still on the genuine keeper to deal with the matter.

Such names and addresses are, in most cases, obtained from the DVLA and are supplied by the keepers themselves. It is also incumbent upon the keeper to ensure that these are correct.

If any miss-spelling is discovered, the District Council does not have the power to alter information provided by the DVLA and consideration should not be given to the cancellation of the PCN.

#### **4.4.39 MOTORCYCLE BAYS**

These are not mandatory bays but are exemptions to the normal restrictions in car parks. Consequently, any vehicle, other than a motorcycle, parked in such a bay is parked in contravention of the surrounding restriction, not for being parked in a motorcycle bay.

#### **4.4.40 MOTORIST WAS ISSUED A PCN AND HAD A VALID SUSPENSION ISSUED FROM THE APPROPRIATE LOCAL AUTHORITY**

Evidence that matches the details of the vehicle is likely to result in a cancellation of the PCN for a first offence for this contravention.

#### **4.4.41 PAY & DISPLAY MACHINES – DID NOT REALISE THERE WAS ONE THERE**

Claims from keepers that they did not see or realise that they had to use a pay & display machine should be dismissed providing that they are clearly sign posted and the PCN is unlikely to be cancelled. It is also reasonable to expect that drivers would use MiPermit virtual parking.

#### **4.4.42 PAY & DISPLAY MACHINES – NOT WORKING**

Where it is claimed that a machine is not working then reference must be made to both the maintenance records, the CEO's notes and machine test records (machines are tested before every patrol). If it is confirmed that the machine was not working at the time then consideration should be given to cancelling the PCN.

However, if there was an alternative machine in working order and in close vicinity then it is reasonable to expect that the driver would use this machine or via MiPermit

virtual parking, then the PCN is unlikely to be cancelled.

#### 4.4.43 PAY & DISPLAY TICKETS

All of the District Council's car parks operate as Pay & Display and/or virtual parking areas.

Pay & Display requires the purchase of a ticket at the time of parking for the amount of time required. All tickets display the expiry date and time on them along with the fee paid and car park (in some car parks the driver is required to enter the vehicle's registration numbers into the machine). These will also appear on the ticket and are designed to prevent illegal transfer of the ticket from one vehicle to another. The car park fee tariff is clearly displayed adjacent to each machine.

Pay & Display Tickets must be:

- Clearly displayed whilst the vehicle is parked
- Covering the period the vehicle is in the car park, including observation/grace period
- For the date shown
- Un-expired
- For the car park indicated
- For the vehicle indicated – where applicable.

PCNs will be issued for:

- Failing to display a valid ticket
- Displaying a ticket that has expired.

Challenges/representations made because the driver failed to correctly display a valid ticket, even though one was held, will not be allowed as it is incumbent upon the driver to ensure that the ticket is clearly displayed throughout the time that the vehicle is parked. Exceptions to this may be permissible where the ticket can be identified as being vehicle specific through recording of the VRM and that it covers the time of the alleged contravention.

Challenges/representations made because the driver did not have change will not be upheld.

Challenges/representations made because the driver displayed a valid ticket but the Civil Enforcement Officer did not see it will be considered assuming that the valid ticket can be produced and the Civil Enforcement Officer confirms that a ticket was in evidence that could not be clearly seen. However, motorists should note that this reason will only be accepted if it is the first such representation on these grounds from that person. Repeat claims for subsequent PCNs for the same contravention are unlikely to be cancelled.

Representations made because of delays returning to the car park will be dealt with in accordance with 'Delays' (see item 4.4.13).

Where virtual parking is available and is the chosen method of payment then the need to pay and display is removed. Vehicle details will always be checked against the cashless data system in real time by the Civil Enforcement Officer where there is nothing on display. Should such a check show that payment by means other than pay and display has not occurred or the vehicle is parked beyond the paid for time then a PCN shall be issued.

#### **4.4.44 PENALTY CHARGE NOTICE WAS NEVER SERVED ON THE VEHICLE**

It is accepted that PCNs are sometimes maliciously removed from vehicles. The Civil Enforcement Officer should have photographic evidence to support the correct serving of the PCN where further evidence or investigations support the claim that the PCN was removed the motorist will be given the opportunity to pay at the discounted rate for a period of 14 days from receipt of the notice of rejection.

#### **4.4.45 PENALTY CHARGE NOTICE, EARLY ISSUE OF**

Claims that a PCN was issued before the time that an offence is deemed to be committed requires careful investigation.

The issue of PCNs is controlled by Hand Held Computers carried by each Civil Enforcement Officer. These computers have in built clocks, which are calibrated prior to commencement of the patrols to ensure that they reflect the correct time and date. An observation period, where appropriate, may be imposed prior to allowing a PCN to be issued. These times will appear on the PCN itself as 'Time First Seen' and 'Time of Issue'. The computer system will prevent any subsequent alteration to these times.

Pay & display machines are tested at the outset of each patrol to ensure that they are showing the correct time and date. This is done by obtaining a 'test' ticket from the machines, which are kept as part of a daily report function.

The normal procedure is for a Civil Enforcement Officer to enter the observation details into the computer, then to continue with his/her patrol before returning to the vehicle to complete the issue of the PCN.

#### **4.4.46 PERMITS**

The Council issue virtual permits (residents, business, visitor and season tickets). Failure to have a valid permit in place for the correct vehicle, correct location or date will not be cancelled unless there are mitigating reasons that account fully for the contravention. Representations may be considered if the validity of the permit was delayed by the Council's administrative processes or it can be established that other reasonably unforeseen circumstances delayed the renewal of a valid permit.

#### **4.4.47 POLICE OFFICERS ON DUTY**

PCNs should not be issued to marked police vehicles when on official duty.

Requests for cancellation of any PCN issued to an unmarked police vehicle must be made by the officer's area Inspector or equivalent. They should contain confirmation that the officer was on official business and that it was inappropriate for the vehicle to be parked elsewhere.

#### **4.4.48 POLICE OFFICER GAVE PERMISSION TO PARK**

Where details of the officer concerned are given, confirmation should be sought prior to cancellation of the PCN.

Where these details are not given then the PCN should be enforced unless they are supplied subsequently.

#### **4.4.49 PREGNANCY OR PARENTS/GUARDIANS WITH YOUNG CHILDREN**

Generally pregnancy is not considered to be a disability and delays caused by young children should not normally lead to the cancellation of a PCN.

However, this is a sensitive area and each case should be treated on its merits. i.e. if the delay was short (up to 10 minutes) or was caused by a minor medical emergency, child being sick or mother feeling unwell, leniency should be shown.

If the delay was caused by the parents/guardians not allowing additional time enough to deal with young children or her own condition, both of which he/she is fully aware of, then the PCN should be enforced.

#### **4.4.50 PRIVATE PROPERTY**

Parking restrictions placed on private land are not the concern of Epping Forest District Council and are outside the scope of its enforcement operation.

Private landlords, residents etc., can impose any reasonable restriction on their own property i.e. the need for permits, clamping etc. Enforcement of such restrictions, however, is also their responsibility although it may be subcontracted to other companies including the local authorities.

Any person querying such an area should be referred to the relevant landlord or resident.

#### **4.4.51 PUBLIC UTILITY VEHICLES**

These vehicles will be exempt from restrictions if necessary if the following criteria apply:

- The vehicle is on an emergency call and is actually involved in the emergency work.
- The vehicle is involved in non-emergency maintenance of apparatus.
- A board or note showing the address and nature of the emergency is clearly displayed in the vehicle.
- The activity should normally be seen to be taking place.

If abuse is suspected a PCN should be issued and the Civil Enforcement Officer should note the reason why in his/her notebook. i.e. 'Vehicle parked, no activity observed, no indication of location of any emergency'.

In such cases the PCN should be enforced unless supporting evidence of the emergency / maintenance is supplied by the utility company.

A Public Utility Vehicle is any vehicle involved in the mains supply of Gas, Electricity, Water or Telephone services.

#### **4.4.52 REGISTRATION NUMBER IS INCORRECT**

The appellant will be asked to provide a copy of their current valid car registration documents which will be checked against the DVLA data. If this is shown to be different, then the PCN is likely to be cancelled.

#### **4.4.53 ROYAL MAIL AND UNIVERSAL SERVICE PROVIDER VEHICLES**

Vehicles being used for the collection or delivery of postal packets are exempt from the regulations as long as they can be seen to be actively involved in such.

Vehicles parked for long periods with no activity observed are subject to the same restrictions as ordinary motorists and a PCN should be issued.

Cancellation of a PCN will only be considered if written confirmation is received from the area manager that the vehicle was actively involved in the collection / delivery of mail.

#### **4.4.54 SECURITY VANS**

Secure cash vans are occasionally required to park in close proximity to premises in order to effect safe delivery or collection of cash. PCNs issued under such circumstances should be cancelled upon receipt of a representation from the security company confirming such an activity at the time, unless it can be clearly shown that the vehicle was parked for longer than was necessary.

Security vans involved in the delivery of mail or other such low value items are expected to comply with parking restrictions.

#### **4.4.55 SIGNS/TARIFF BOARDS**

The hours during which restrictions are in force should be clearly signed in all car parks.

##### **A) OBSCURED SIGNS**

Information signs must be clearly visible at all times. If it is claimed that a sign was obscured and could not be read (graffiti, weather or overhanging trees etc.) the sign should be inspected as soon as practicable and remedial action taken. If the claim is proved to be correct the PCN should be cancelled.

If the sign can be easily read then the PCN should be enforced but the sign should be returned to pristine condition immediately if required.

##### **B) MISSING SIGNS**

If a sign is claimed to be missing the location and restriction this should be inspected as soon as practicable and, if confirmed, arrangements made for the sign(s) replacement. Where a sign is missing the PCN should be cancelled.

#### **4.4.56 SUSPENSIONS**

The Council has the power to suspend parking within a designated parking bay. Designated parking bays for maintenance or any other reason accepted by the Council. In such cases advance notice will be placed in the car park.

If the notice is issued after the keeper departed, then any PCN issued will likely be cancelled. Evidence must be provided and this should be compared with records relative to the display and distribution of notices.

#### **4.4.57 UNAUTHORISED MOVEMENT OF A VEHICLE**

Movement of any vehicle by the police is considered to be authorised unless there is clear evidence that a vehicle has been moved by an unauthorised person then all

PCNs should be enforced.

For stolen vehicles, confirmation from the police that the vehicle was reported stolen, including the relative crime report number is required.

Unauthorised use of a vehicle by another family member or a friend is difficult to substantiate and under these circumstances the PCN should be enforced unless it can be demonstrated that the matter was reported to the police prior to or just after the issue of the PCN. Subsequent reports will not lead to the cancellation of the PCN.

#### **4.4.58 VANDALISED VEHICLE**

When a vehicle has been vandalised to an extent that prevents it from being safely moved any PCN issued will be cancelled providing acceptable supporting evidence is provided.

This evidence should be from either:

- The Police – quoting the recorded crime number
- Motoring Organisation / Garage Service who removed the vehicle from site.

Civil Enforcement Officers observation from his/her pocket book must also be considered providing that it clearly states the extent of the damage.

Failure to provide supporting evidence or the absence of Civil Enforcement Officers observation will lead to the PCN being enforced.

#### **4.4.59 VEHICLES LEFT UNATTENDED TO GAIN ACCESS**

When a driver has to collect a key to gain access to a property this should take no longer than 10 minutes and will be covered by the 10 minutes Civil Enforcement Officers observation time.

#### **4.4.60 VEHICLE NOT AT SCENE**

Where a keeper receives a Notice to Owner and claims that his/her vehicle was not parked in the area at that time a written request should be made to the keeper to confirm the make, registration plate and colour of the vehicle.

If these match the records of the Council the PCN should be enforced. If they do not then the PCN should be cancelled.

#### **4.4.61 VISITOR TO BRITAIN**

If a PCN is issued to a vehicle displaying foreign registration plates it should automatically be recognised by the processing system as the registration number will not be in DVLA format.

Consideration should be given to cancellation of the PCN but, should payment be made then it should be accepted in the normal way. Equally all correspondence and representations should be dealt with in the normal way.

If a PCN is issued to a UK registered vehicle, which has been borrowed or driven by a foreign resident, the PCN should be enforced against the registered keeper(s) as they remain liable for it.





## **Report to the Cabinet**

**Report reference: C-041-2022/23**

**Date of meeting: March 13<sup>th</sup> 2022**

**Portfolio: Finance - Cllr. J. Philip**

**Subject: North Weald Airfield development report**

**Responsible Officer: Darren Goodey (01992-564501)**

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



**Epping Forest  
District Council**

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

**It is recommended that North Weald Airfield remains an unlicensed aerodrome whilst developing the aviation operation by improving facilities, security, safety and attracting new business opportunities through the use of developable land.**

### **Executive Summary:**

The North Weald Airfield Master Plan and the proposed development of the eastern side of the aerodrome will dictate a change to how aviation operations are performed due to the requirement to relocate the Control Tower Building (CTB) function, the likelihood of the need for a new entrance and alternative locations for operational buildings such as the Gatehouse and Fire Station.

These changes have therefore presented an opportunity to examine the potential for the Airfield to achieve Civil Aviation Authority (CAA) licensing and to develop aviation further.

The Council have therefore engaged with RPS Group Ltd and their subcontractor, Osprey Consulting Services Ltd, to investigate the likelihood of the aerodrome achieving CAA licensed status and to investigate its future development potential.

A two phase approach was taken with Osprey Consulting conducting a review that looked at the current operation against the CAA Airfield Licensing Requirements defined within Civil Aviation Publication (CAP) 168 Licensing of Aerodromes.

The aim of the review was to provide EFDC with a realistic assessment of the issues relating to the licensing of North Weald Airfield.

Despite not recommending licensing, the report identified some safety obstacles and requirements that should be considered by NWA as being best practice.

There are safety issues around airside / landside interface and public vehicles that would prevent a CAA license but these are being addressed by NWA regardless of the intent not to pursue a license at this time

The second phase was conducted by RPS who investigated the development options whilst taking into account the conclusions of the Osprey report and the proposed development on the Eastern side of the Airfield.

The key elements being the relocation of the Control Tower Building (CTB) function that maximises the development land on the East of the aerodrome and the creation of an airside / landside

boundary that would require operational and cultural changes to the way in which the Airfield is managed.

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

The reason for the recommendation is to allow the continuation of the aviation operation at North Weald Airfield, to maintain its heritage for future generations, to improve safety, security and to increase income generation potential.

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

Incur major expenditure in upgrading the Airfield infrastructure and implementing fundamental changes to its business model and apply for a CAA license that would more than likely prove fruitless for various reasons.

Continue with on-going budget restricted improvements to safety and security.

Do nothing and accept the security and safety risks which may have insurance consequences.

### **Report:**

North Weald Airfield is currently an unlicensed aerodrome.

Licensing would allow the airfield to operate commercial passenger paying flights other than the pleasure flights that currently take place and would likely attract interest from Fixed Based Operators (FBO's) keen to take advantage of the Airfield's close proximity to the city thereby creating an attractive revenue stream.

To secure the Licensing Certificate an airfield operator must assure the CAA that the airfield infrastructure, procedures, processes, and airspace can be upgraded to meet the requirements of the relevant CAA Regulations.

Osprey's initial evaluation of North Weald Airfield identified that the current infrastructure and stakeholder mix to the west of the Runway would make licensing challenging.

### **CAA Licensing Requirements**

#### **Main Runway**

The runway is exceptionally long at over 1800m for the current type of operations at North Weald. It would need some degree of rehabilitation (strengthening and resurfacing) to meet licensing standards. The runway could be brought up to licensing standard but would need considerable investment to achieve this aim.

#### **Pavement Classification Number (PCN)**

The PCN (Load Bearing Strength) of the runway is extremely low and would support only limited FBO operations. While the PCN is not a licensing issue, the runway would need to be rehabilitated and resurfaced to increase the PCN to a commercially viable strength (PCN Value).

Aircraft pavement bearing strength is generally represented by a PCN number. The PCN is a number expressing the bearing strength of a pavement for unrestricted operations by an aircraft with a classification (ACN) of the same number. The number is a component of the ICAO ACN-PCN method for evaluating pavement strength and commonly used in the aviation industry.

The PCN is an international standard measurement created by the International Civil Aviation Organisation (ICAO) and is used to indicate the strength of a runway. This helps to ensure that it is not subjected to excessive wear and tear, thus prolonging its usable life.

### **Runway De-Lethalisation**

Aerodrome de-lethalisation is a process that ensures that any obstacles present on an aerodrome (above and below the surface) are either removed or re-designed in such a manner that the hazard they present to an aircraft in the event of a runway excursion is minimised.

Elements of the aerodrome infrastructure at North Weald do not meet CAA aerodrome licensing requirements and would need to be removed or de-lethalised. Osprey's experience at other former MOD sites which have undergone a de-lethalisation process indicate this work would take between six months and a year dependent on the time of day the work is completed.

Regardless of the decision to license or not the Airfield Management will be taking the appropriate steps to remove as many obstacles as practically possible.

### **Aerodrome Safeguarding**

Civil aerodromes are safeguarded in order to ensure that their operation is not impacted upon by proposed developments. Osprey believe that there is no reason why EFDC could not set up a Safeguarding Process and which will be acceptable to the CAA for licensing of North Weald Airfield.

### **Runway / Taxiway Lighting**

There is currently no runway or taxiway lighting. If the Airfield wished to operate to a licensed standard at night and in poor weather conditions, aerodrome lighting would need to be installed.

### **Taxiways / Access to the Runway (Runway incursion)**

The current taxiway system is used by aircraft and vehicles including non-aviation vehicles.

To be licensed, the runway signage and markings would have to be upgraded and the risk of runway incursion considerably reduced. Osprey noted that they found it difficult to see how North Weald Airfield with its current mix of businesses and infrastructure could make this adjustment. They felt that most of the current businesses on the aerodrome could not, or would not be able to, tolerate the changes required. The Airfield would need to change its whole business model to become licensed.

Osprey did note that the Airfield Management were taking steps to reduce the risk of aircraft and vehicle conflict with improved briefings on entry, additional ground markings, signage and the planned implementation of additional taxiways that would remove the vast majority of aircraft movements from the shared perimeter road.

### **Site Access and Airside Security**

There are considerable challenges for EFDC to gain active control of site access and airside security. These include the limits on the main entrance, the mixing of aviation and non-aviation traffic to the west of the main runway and the lack of segregation of vehicles and aircraft.

Osprey have therefore concluded that it is unlikely, without considerable investment, that the Airfield could satisfy the site security and safety requirements to support a CAA Licence.

### **Provision of Rescue and Fire Fighting Services (RFFS)**

Osprey reported that the current RFFS team have good equipment are locally trained and professional in their outlook. The team can already meet CAA Licensing response times of three

minutes to any part of the aerodrome. There is good interaction with the local Fire and Rescue Service and the Airfield RFFS, but no formal Emergency Response Plan between them in place.

### **Air Traffic Control Service (ATCS)**

#### **Current Service**

North Weald Airfield currently provide an Air Ground Communication Service (AGCS), a specific form of Air Traffic Control (ATC) Service. This service provides only basic pilot information and no actual control services (no instructions are issued to pilots).

The current ATC Equipment is suitable for providing a AGCS service. However, If the aerodrome wished, or was directed by the CAA, to provide a more robust ATC service they would need considerable investment in ATC equipment.

#### **Future Provision of Service**

The current AGCS may be acceptable to the CAA if the aerodrome was to be licensed. However, with the considerable increase in traffic, of up to 175 CAA defined movements a day and the added complexity of airspace, (close proximity to London Stansted Airport), the CAA could direct North Weald to provide upgrade the service.

To do this the aerodrome would be required to become an Air Navigation Service Provider (ANSP) or bring in a specialist ANSP organisation on a contractual basis and at considerable cost.

### **Aerodrome Traffic Zone (ATZ)**

The ATZ is intended to protect the aircraft traffic, i.e. the traffic on the manoeuvring area and the traffic in the immediate vicinity of an aerodrome. This includes, but is not limited to, the aircraft in the aerodrome traffic circuit.

Following a preliminary discussion between Osprey and the CAA the Head of the Aerodrome and ATC section it was clear that the CAA would have reservations about the establishment of this airspace so close to London Stansted Airport.

### **Documentation and Safety Management**

North Weald Airfield currently operates to an Aerodrome Operating Manual and has a number of processes and procedures and including specified training processes. Each of the documents meets the needs of the current operation but they would not be acceptable for the licensing project.

Should EFDC wish to proceed with gaining a CAA licence, they would need to produce a full set of regulatory documents

### **Aviation Security**

A full Aviation Security Programme would have to be developed should EFDC decide to pursue a CAA aerodrome licence. EFDC would need to reassess and radically change the security ethos and infrastructure on the aerodrome to meet the needs of the licensing process.

### **Potential For a Fixed Base Operator (FBO)**

An FBO, is an organisation which provides services for private jets and other business/general aviation users that may be provided at an aerodrome. FBO services range in scale and offerings, and they may be a simple lounge or an entire facility that provides a variety of services for passengers and crew members.

North Weald Airfield has land and infrastructure available for the development of an FBO operation and has some operational advantages licensed or unlicensed. These advantages are:

- A long runway
- Close proximity to the M11 and the City

However, developing an FBO may have some unique disadvantages for North Weald Airfield. These disadvantages are:

- Competition from established FBOs at London Luton and London Stansted Airports.
- Limited operational hours reducing the level of flexibility available to FBO clients.
- Lack of an ATC Approach Radar Approach service being very close to London Stanstead Airport.

In addition, North Weald Airfield operates very close to airspace operated and managed by London Stansted Airport and receives a very good ATC service from the controllers at London Stansted Airport. Osprey believed that if North Weald Airfield were to set up an FBO in competition to Stansted, they may jeopardise this relationship and could lose the co-operation they get from their ATC.

### **Osprey report conclusion**

The Osprey report has offered a number of options for EFDC to license North Weald Airfield and in most cases the issues could be resolved with considerable investment.

However, the fundamental issue precluding licensing is the mix of airfield users, the need to segregate airside and landside traffic and the position of some of the new operators, such as the Air Ambulance and the National Police Air Service (NPAS).

Even if EFDC could find a solution to segregate airside and landside traffic, which would be very costly, the solution would be unacceptable to most of the current businesses on the aerodrome.

Osprey was asked to look at introducing an FBO to generate revenue for the aerodrome. Osprey believed the cost of making the changes to accommodate an FBO would far outweigh any potential income generated whilst the restricted opening hours would also be extremely unattractive.

Osprey strongly believed the most cost-effective solution for EFDC is to keep the airfield unlicensed but continue to develop the aviation business safely.

### **Airfield Development**

Following on from Osprey's conclusion the RPS development report was prepared on the basis that the Airfield should remain unlicensed.

It centred on improvements in key areas such as the runway, the CTB function relocation, airside safety, navigational aids and the identification of developable areas.

### **Runway**

The runway at North Weald is an unlicensed and equivalent in length and width to a Code 4 runway at 1881m long and 45m wide. The surface is a mix of concrete and asphalt.

RPS undertook a thorough visual inspection of the runway pavement in October 2021 as well as a geometrical survey in 2022.

The conclusion was that in order to maintain its safe serviceability in the short to medium term it should be resurfaced by means of a 250mm asphalt overlay which would improve surface condition, geometry, rideability and mitigate Foreign Object Debris (FOD).

An overlay should also reduce yearly maintenance costs and maintain a PCN of 9.

It is suggested that the runway be recoded to a Code 3 Runway. The length being from 1200m but not exceeding 1800m. It is further suggested that the width be reduced to 30m thereby reducing the overall cost of the overlay.

Recoding the runway and reducing the width would also allow the OLS to be adjusted, allowing for a 75m strip at which point the development of the east of the runway could commence, subject to height restrictions.

It should be expected that a 250mm overlay would cost in the region of £3-4m.

Alternatively, there is the option to continue with the current "patch & repair" approach although the budget to maintain an operational runway would no doubt have to be increased year on year.

### **Runway arrangement options**

RPS provided a range of options regards the differing runway arrangement options:

Option 1 was to retain current distances whilst improving safety by declaring Runway End Safety Areas (RESA'S).

This option is basically a "do nothing" option although it would improve safety it would negatively effect the development on the eastern side of the runway.

Option 2 was to relocate the runway thresholds to maximise the runway length which would increase the range of aircraft types that could utilise the runway. However, it is not a viable option given that EFDC would need to purchase adjoining land and the constraint of external infrastructure such as overhead power cables.

Option 3 was to consider approach lighting that would enable some night time flying whilst improving safety during low visibility conditions.

There are two configurations of approach lighting;

- Simple approach (420m approach)
- Full approach (900m approach)

Due to the fact that Runway 20 is aligned with the prevailing wind, is the more commonly used approach and is not subject to landownership issues the recommendation provided by RPS was that approach lighting should be considered for Runway 20 rather than 02.

Furthermore the 900m approach required for the full approach set up was discounted due to the fact that the lighting would have to be sited outside of the Airfield boundary.

Therefore, a simple approach system inside the airfield boundary would appear to be the most suitable option, maximising the runway length whilst attaining Code 3C status.

Installing a simple approach could generate additional income by allowing some limited night time movements that would be chargeable.

A simple approach system would cost in the region of £250k.

## **Aeronautical Ground Lighting (AGL)**

Expanding the approach lighting arrangement would offer increased benefits such as providing at least one fully compliant approach for training.

RPS have provided 2 options for AGL. These being AGL using the traditional power supply via cables etc and the utilisation of solar powered units.

Solar AGL lights are not powered from the grid which would mean no primary cables, transformers or ducting would be required.

Each solar AGL light is a stand-alone system which include a photovoltaic panel and a battery Back up that supply the LED light.

Solar AGL is currently in operation at North Weald and is being utilised by both the Air Ambulance and Police helicopters.

It is assumed that the solar AGL would offer the most economical option when high intensity lights are not required which means the airfield is not operating Low Visibility Procedure (LVP) during the day.

The estimated cost would be £100k - £120k.

## **Control Tower Building (CTB)**

Currently the CTB is located to the east of the runway and it sits within the North Weald Master Plan area designated as employment land.

This will mean that the CTB function would need to be relocated.

Initially, the intention was to build a combined CTB and Fire station closer to the runway whilst taking into consideration the Obstacle limitation Surfaces (OLS).

The OLS dictates the proximity and heights adjacent to a runway depending on its coding.

3 potential locations were identified each of which was located to the east of the runway, however, due to the requirement to increase the scale of the employment land Osprey have been re-engaged to look at suitable alternative locations to the south and west of the runway.

Initial feedback from Osprey is that there would be a suitable alternative position, however, costings have yet to be formulated.

The result of moving the CTB function would be the creation of additional employment land.

RPS have also examined the concept of a Digital (Remote) Tower.

A Remote Tower can be thought of the same as a conventional CTB; it still requires the same staff, equipment, and data. But whereas the conventional CTB requires a Visual Control Room (VCR) with unrestricted view through the glass, the Remote Tower provides an out-of-the-window view using a series of high-definition cameras and screens.

A Remote Tower can create the CTB's VCR anywhere on an airfield, removing the need for restricted prime real estate next to the runway, and could be installed off the aerodrome grounds completely, providing sufficient thought is given to communication infrastructure and resilience.

The Remote Tower would obviously remove the need for a CTB at North Weald, however, after having further discussion with Osprey regards its suitability for the type of operation at North Weald it was deemed that the physical CTB would be the preferred option.

### **Separation of public and aircraft operations**

North Weald Airfields current operations results in private / company vehicles and members of the public sharing the use of airfield pavements, including taxiways, with live airfield traffic.

It should be noted that this has been the case for many years and that lease holders have access rights to said taxiways.

However, this situation has been raised as a safety concern by EFDC's Insurance Officer, Osprey, RPS, and a security and threat assessment of the Airfield carried out in February 2022.

The development plan provided by RPS sought to resolve the interface between members of the public and airfield operations through the designation of a clear airside / landside boundary.

Implementation of such a boundary would require operational and cultural changes to the management of the aerodrome and would remove airside / public access to certain facilities.

It may be considered that the current situation represents an unsustainable safety risk and therefore some resolution should be proposed.

The aim of the development plan was to provide an achievable vision of how such a scheme may be realised.

A physical airside / landside boundary is a key feature of most licensed aerodromes and works to separate members of the public and airside operations.

Through organic growth of the airfield several businesses have arisen which cater to members of the public, access to these developments is only achievable via travelling along designated taxiways.

Due to the longstanding cultural and operational situation at North Weald of sharing airfield pavements between aircraft and members of the public, RPS recommended that any new airside / landside boundary is physically represented on site through use of fencing, gates, and signage.

By its very nature, installing a physical airside / landside boundary would restrict public movements on the Airfield.

As a result certain facilities would lose direct public access, however, tailoring of the boundary would minimise the businesses which are disrupted but the very act of installing a boundary would result in some restrictions on the Airfield. A balance needs to be achieved between safety and convenience.

It should also be recognised that the creation of a physical / landside boundary could create challenge from some airside based tenants on the basis that their leases have clear access rights.

The estimated cost of installation would be £100-120k.

Accepting that some businesses would lose public access, RPS have identified several areas of potential development. They strongly recommend that to maintain public and business relationships, some form of development is undertaken to relocate or improve facilities on the airfield to minimise the impact of any airside / landside boundary.

An alternative means of removing the conflict between aircraft and vehicles on the taxiways without the need for a physical barrier would be to continue with the current programme of mitigation



measures such as improved supervision and signage, the installation of warning lights and the creation of new runway access routes whereby aircraft are taken off the shared pavements as much as practically possible. However, this would not remove the risk completely.

## Developable Zones

RPS identified four key areas in which future development may be beneficial.

Some of the below development areas may offset the problems associated with removing public access to parts of the airfield. Therefore, these development areas may form a crucial part of the development strategy.

Of the 4 areas identified for potential development 2 have been discounted due to that one has been identified as a potential EFDC depot site whilst the other is within demise of a current Airfield tenant who would unlikely agree to being relocated.

However, the 2 remaining zones do have potential.

Zone A is a triangular area of approximately 12 Acres and is located on the Airfield's Western boundary. This area borders a number of hangars and the site boundary adjacent to the M11.



In conjunction with implementation of the airside / landside boundary Development Zone A would be an ideal location for new or possibly relocated businesses which serve members of the public, but which do not require immediate airside access.

Other businesses which could be developed in this area include expanded freight shipping and mechanical services as well as offering a location for an outdoor events venue.

Zone C lies on the site's western boundary at the end of the disused cross runway.

This area has great connectivity to the airfield pavements with the disused runway pavement providing a direct link to the runway. Maximising the potential of this access, the area would be ideal for either hangar or aircraft parking. It should be noted that there have already been small scale developments in this area with a number of hangars already insitu and others planned.

Existing emergency gate H is at the northern end of the developable area and could be upgraded to provide direct access to the development area.



### **Communications, Navigation and Surveillance**

As an AGCS unit, North Weald is an Aeronautical Radio Station that requires only VHF radios and a Voice Recording and Replay system.

RPS have investigated the potential to increase the CNS equipment at North Weald Airfield.

Despite the status of AGCS, the full range of CNS equipment was considered for suitability, identifying constraints from both an operational and cost-effective perspective.

This included Primary Surveillance Radar (PSR) and Secondary Surveillance Radar (SSR), Onward Routed Radar Data (ORRD), Flight Information Display (FID), Instrument Landing System (ILS), Very High Frequency Omni-Directional Range (VOR), Non-Directional Beacon (NDB).

However, due to the proposed developments on the Airfield RPS have recommended that surveillance radar, ORRD and ILS are not feasible options.

Therefore to enhance the safety of traffic using the airfield as an Aeronautical Radio Station, RPS have suggested that EFDC may wish to consider installing navigational aids such as NDB or VOR plus FID.

There are advantages and disadvantages to these systems which offer different services to pilots wishing to navigate to the airfield but deciding to proceed with procurement of either would be to the benefit of airfield users.

The ability to conduct Non-Precision Approaches to North Weald offers an enhanced level of flight safety, particularly if there is an increase in aerodrome traffic.

The implementation of an FID system would improve the situational awareness for staff and pilots and RPS were of the opinion that it should be considered as an option.

The safety related and operational benefits to North Weald and EFDC would be the same irrespective of AGCS or FIS status, therefore an FID system could be seen as a long term investment.

The pro's and cons of the various items plus approximate costings for the CNS systems are contained within appendix 1.

**Consultation undertaken:**

North Weald Parish Council Chairman and Parish Clerk  
North Weald Flying Services Ltd – The Squadron  
North Weald Heritage Aviation Ltd – Hangar 4,6 & 7  
North Weald Flight Training Ltd  
RPS Group Ltd  
Osprey Consulting Services Ltd

**Resource implications:**

Budgets to be considered at the time of any planned works.

**Legal and Governance Implications:**

No legal implications at this stage.

**Safer, Cleaner and Greener Implications:**

To understand how the airfield can contribute to decarbonising aviation RPS have recommended developing a decarbonisation strategy. This will involve an audit of the airfield assets, energy requirements and usage and discussions with management/stakeholders. The strategy will develop short-, medium- and long-term targets, identify any risks and provide a road map to get to net zero. It is suggested that the Airfield Accountable Manager and the Climate Change Officer consider such a strategy.

**Background Papers:**

RPS Development Plan  
Osprey Licensing Report  
North Weald Airfield Master Plan  
Local Plan

**Risk Management:**

The issue of the shared taxiways to be recorded on the Service Risk Register.

## 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

<b>Section 1: Identifying details</b>
Your function, service area and team: Commercial & Technical
If you are submitting this EqIA on behalf of another function, service area or team, specify the originating function, service area or team: N/A
Title of policy or decision: It is recommended that North Weald Airfield remains an unlicensed aerodrome whilst developing the aviation operation by improving facilities, security, safety and attracting new business opportunities through the use of developable land.
Officer completing the EqIA: Darren Goodey Tel: 4501 Email: dgoodey@eppingforestdc.gov.uk
Date of completing the assessment: 08/02/23

<b>Section 2: Policy to be analysed</b>	
2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project?
2.2	Describe the main aims, objectives and purpose of the policy (or decision):  To agree that NWA remains unlicensed whilst making improvements to safety and security whilst commercialising developable land.  What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?  To improve safety and security whilst increasing income but without the need to increase aviation movements significantly.
2.3	Does or will the policy or decision affect: <ul style="list-style-type: none"> <li>• service users</li> <li>• employees</li> <li>• the wider community or groups of people, particularly where there are areas of known inequalities?</li> </ul> <p>There is a possibility that some service users could be affected if certain operational changes are made.</p> <p><b>Will the policy or decision influence how organisations operate?</b></p> <p>A number of internal organisations may need to operate differently if certain aspects of this report regarding safety measures are implemented.</p>

2.4	<p>Will the policy or decision involve substantial changes in resources?  Capital funding will be required if it is decided to implement the improvements to the Airfield infrastructure and revenue funding to develop and submit a planning application.</p>
2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?   Yes, the Local Plan and NWA Master Plan.</p>

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

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

3.1 What does the information tell you about those groups identified?

The development of aviation would be intended to have as minimal impact on the local population as possible.

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?

Yes, North Weald Parish Council and a number of Airfield tenants.

**North Weald Parish Council** – The Chairman and Parish Clerk were happy with what was being recommended in terms of keeping the Airfield unlicensed as they felt it would retain the sites heritage and broadly maintain current operations. This they felt would also restrict the possibility of an airfield operator coming in and running a large commercial operation from the site, which they believe would not be supported by local residents. They were supportive of limited night time operations up to 1900 during the winter period. They felt that the possible development of Area A had the potential to increase industrial traffic on the Epping Road B181. They said that this would be a considerable factor that needed due and proper consideration as well as transport assessments and eventually traffic management to ensure the residents of North Weald Bassett are not subject to increased traffic disruption. They commented that the Local Plan sets out the process for master planning and that they had raised this issue with the consultation response for the Airfield Masterplan employment area. The Local Plan (Policy P6(p)), talks about the Airfield Strategic Masterplan being one Masterplan, however the Masterplan that has been completed to date only covers the employment area. If what is being considered on airside is the start of plans for future operations they were of the opinion that it still needed to follow the Masterplan process. This part of the Airfield Masterplan site fell within the North Weald Airfield Strategic Masterplan Area, and as such there are set processes to follow in terms of consultation.

**North Weald Flying Services Ltd** –They felt that there was a simpler and less costly option to separate aircraft from the general public that would improve safety and allow public accessed businesses to continue to operate. They considered that the proposed changes to the runway length / width were not clear and should therefore be explicitly stated. They believed a wider consultation should take place before any conclusions were reached concerning the runway. They felt that the issue of licensing had not been properly examined whilst stating that the benefits

	<p>of small business jets operating from the Airfield could be significant and less intrusive than the current helicopter traffic.</p> <p><b>North Weald Heritage Aviation Ltd</b> - They were keen in supporting the growth of future aviation on the airfield. The issue they would have would be concerning a hard line boundary dividing the live side due to access requirements for their clients, however, they would welcome a review in order to improve safety.</p> <p><b>North Weald Flight Training Ltd</b> – They were very supportive of the report and welcomed the proposed improvements to the runway and the potential to extend operating hours during the winter months.</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:</p> <p>N/A</p>



## Section 4: Impact of policy or decision

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

<b>Description of impact</b>	<b>Nature of impact</b> Positive, neutral, adverse (explain why)	<b>Extent of impact</b> Low, medium, high (use L, M or H)
Age	Neutral The service is available to all residents.	L
Disability	Neutral The service is available to all residents.	L
Gender	Neutral The service is available to all residents.	L
Gender reassignment	Neutral The service is available to all residents.	L
Marriage/civil partnership	Neutral The service is available to all residents.	L
Pregnancy/maternity	Neutral The service is available to all residents.	L
Race	Neutral The service is available to all residents.	L
Religion/belief	Neutral The service is available to all residents.	L
Sexual orientation	Neutral The service is available to all residents.	L

## Section 5: Conclusion

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

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

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.

## Section 7: Sign off

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

Signature of Head of Service: *D.R Goodey*

Date: 02/03/23

Signature of person completing the EqIA: *D.R Goodey*

Date: 02/03/23

### 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.

## Appendix 1

### Communications, Navigation and Surveillance

#### Flight Information Display (FID)

An FID provides a level of situational awareness not available through visual means only. It can be thought of as an electronic form of binoculars, and has been progressed as a low-cost, efficient delivery of situational awareness for the aerodrome without a conventional surveillance (PSR/SSR) system.

It operates by displaying received Automatic Dependant Surveillance – Broadcast (ADS-B) information from transmitting aircraft in the vicinity.

An FID is not a decision-making tool but can enhance the safety of an aerodrome's operation.

#### FID Advantages

- Provides situational awareness beyond the visual and enhances safety.
- Low installation and maintenance costs.
- Flight data could be derived from on-site antenna systems or a feed from an external source.
- Recent regulatory change delivers a clear operational implementation.

#### FID Disadvantages

- Situational Awareness only tool.
- Requires participating aircraft.

#### FID Constraints

Albeit in minimal, real estate, power and communication links are required for the ADS-B receiver. Technical Safeguarding of receiver antenna required (no more than current radio antennas). Adequate space within the CTB for FID screen and minimal processing equipment.

Potential costs - £80,000

### **Very High Frequency Omni-Directional (VOR)**

A VOR is a ground-based navigational system that provides bearing information to the aerodrome it is situated at and can be used for non-precision approaches. A series of dispersed VORs provide cross country area navigation. If the VOR is co-allocated with a Distance Measuring Equipment (DME) it can also provide range information.

#### **VOR Advantages**

- A VOR would provide North Weald with better navigational services to its users and enable area navigation to enhance the current Visual Flight Rules (VFR) approach service.
- Due to the nature of its operation, it is less susceptible to external factors such as meteorological conditions and therefore can deliver more reliable service than other navigational systems.
- A VOR is inexpensive compared to surveillance radar and ILS.
- Technical safeguarding is less onerous allowing for more flexibility in siting.

#### **VOR Disadvantages**

- It is a non-precision navigational aid.
- It is limited to line-of-sight and therefore range varies in relation to altitude.
- Increases maintenance and training for North Weald engineering personnel.
- 'Legacy' technology, as the domain moves to more satellite-based provision.

#### **VOR Constraints**

As with all CNS equipment, the availability of real estate to correctly site the system is paramount. Depending on site location additional infrastructure works may be required including power and communication provision.

Potential costs - £250,000

### **Non-Directional Beacon (NDB)**

An NDB provides basic bearing information to a suitably equipped aircraft, enabling routing to the aerodrome for Visual Flight Rules (VFR) approaches. As with a VOR, it can be associated to a DME to provide range information.

#### **NDB Advantages**

- It is a low-cost option that can provide non-precision approaches.
- Reliable alternative to Performance Based Navigation if an aircraft is not GNSS equipped.
- Minimal maintenance requirements.
- Technical safeguarding and siting criteria are more straightforward than other CNS equipment.

#### **NDB Disadvantages**

- Aircraft require an Automatic Direction Finder (ADF) to receive the NDB signal.
- Due to its low frequency operation coverage is susceptible to atmospheric conditions and terrain which may impact range performance.

#### **NDB Constraints**

The availability of a suitable location on the airfield is required including potential for additional infrastructure.

Potential costs - £150,000

## **Report to the Cabinet**

**Report reference: C-042-2022/23**

**Date of meeting: 13th March 2023**



**Epping Forest  
District Council**

**Portfolio: Place – Cllr. Nigel Bedford**

**Subject: North Weald Airfield Strategic Masterplan**

**Responsible Officer: Nigel Richardson (01992 564094)**

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

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

**(1) To note the process undertaken and the outputs from the public consultation on the Draft North Weald Airfield Masterplan undertaken between December 2021 and February 2022.**

**(2) To agree that the North Weald Airfield Strategic Masterplan be formally endorsed in order for it to be taken into account as an important material consideration in the determination of future planning applications, and to inform pre-application advice, assessing planning and any other development management and implementation related purposes relating to the site.**

**(3) To agree that the Planning Services Director, in consultation with the Planning Portfolio Holder, be authorised to make minor amendments to the North Weald Airfield Strategic Masterplan, including any mapping and links, prior to publication.**

### **Executive Summary:**

1. The formal consultation on the draft North Weald Airfield Strategic Masterplan ('the Strategic Masterplan') finished on the 6<sup>th</sup> February 2022. This was the second stage of public consultation undertaken and concludes the public engagement part of the process to inform the preparation of the Strategic Masterplan.
  - 1.1 Since February 2022 the Strategic Masterplan has been subject to extensive review and scrutiny by both the professional team engaged in the drafting of the Strategic Masterplan, and the Council, as Local Planning Authority, to ensure the Strategic Masterplan has incorporated, where necessary and appropriate, the consultation responses. Following this review officers are of the view that the Strategic Masterplan can now be formally endorsed.

- 1.2 Key points made during the formal consultation period are outlined within the report below and are set out in more detail in the Consultation Report attached at Appendix 2.

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

2. The Masterplan has undergone extensive scrutiny and where necessary and appropriate changes have been undertaken in accordance with the masterplanning process set out in the Council's Strategic Masterplanning Briefing Note which was endorsed by the Council's Cabinet in October 2018. This has included review of the emerging Strategic Masterplan by EFDC's Quality Review Panel (QRP) and following receipt of responses to the first and second stages of public consultation. The Strategic Masterplan is considered to be capable of endorsement as an important material consideration in the determination of any planning applications and will be taken into account as such. It will also be used to inform the provision of pre-application advice and other development related purposes.

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

3. To not endorse the North Weald Airfield Strategic Masterplan as an important material consideration in the determination of planning applications. This could result in a delay in delivering new high quality and sustainable employment floorspace in the District.

### **Background:**

4. The Epping Forest District Local Plan 2011 – 2033 (the Local Plan) promotes a joined up, collaborative and proactive approach to the planning and implementation of key strategic sites across Epping Forest District. The production of Strategic Masterplans and Concept Framework Plans ensures that development proposals are brought forward in accordance with the Council's priorities, planning policies and facilitate the delivery of necessary infrastructure.
5. Strategic Masterplans and Concept Framework Plans provide an overarching framework to ensure that development is brought forward in a coordinated and coherent way in accordance with high quality placemaking principles. Any relevant planning applications must demonstrate general conformity with an endorsed Strategic Masterplan or Concept Framework Plan.
6. The Council's adopted Strategic Masterplanning Briefing Note (October 2018) sets out the process by which Strategic Masterplans and Concept Framework Plans for sites allocated in the Local Plan. This requirement is set out in the supporting text to Policy SP 2 Place Shaping and in respect of North Weald Airfield in the place specific Policy P 6 North Weald Bassett.
7. North Weald Airfield has been allocated in the Local Plan as a Masterplan Area under 'P 6 North Weald Bassett'. The Masterplan Area comprises the operational airfield (including associated runways, taxiways, and grassed areas), an existing area largely comprising of industrial and commercial uses which is designated under



Policy NWB.E4B (Bassett Business Park and Merlin Way Industrial Estate) and an area of land allocated under Policy NWB.E4A for offices, research and development and light industrial uses. The Strategic Masterplan focuses on the area of land covered by Policy NWB.E4A and NWB.E4B but has had regard to the wider North Weald Airfield Masterplan Area. The areas to the eastern side of the airfield are identified as locations that could be developed to provide employment opportunities that are sustainable and promote and encourage the use of sustainable methods of transport to provide viable alternatives to the private car. Any measures should provide for, and encourage, more sustainable travel patterns by contributing toward integrated walking and cycling opportunities, and improve public transport connectivity to the wider areas, including Epping and Harlow.

### **Masterplan**

8. In accordance with best practice the Local Plan contains a requirement that a Strategic Masterplan for North Weald Airfield is produced. This is in order to ensure that proposed development on the site is brought forward in a comprehensive and co-ordinated manner in order to achieve high quality and sustainable development which incorporates the place making principles of the Local Plan. This includes meeting the Council's expectations in terms of the quality, scale and nature of employment floorspace to be delivered, providing sustainable transport opportunities and other supporting infrastructure and services, responding to the environmental context, and responding appropriately to the outputs from community engagement.
9. The preparation of the Strategic Masterplan was supported by a wide range of technical work including in relation to, environmental issues, biodiversity, transport, heritage, and sustainability considerations.
10. Specific technical advice was also sought having had regard to the proximity of the employment land to the operational part of the airfield.

### **Matters Arising from Initial Consultation**

11. A total of 73 feedback forms containing 1,267 separate comments were received from the initial public consultation undertaken between November and December 2020. Whilst these were broadly supportive, points were made and issues were raised in relation to the following:
  - The range and size of the buildings and their proximity to North Weald Village;
  - Highway access and general transportation issues;
  - Environmental considerations, green corridors, and links with the separate residential development;
  - Future use of the existing Control Tower and the retention of views of the airfield;
  - The provision of a range of employment opportunities that meet current and future needs and aspirations;
  - The specific employment needs of the young, especially graduates and new entrepreneurs; and
  - The impact on existing business that use (the southern end) of the site.

12. These, responses helped to inform the development of the draft Strategic Masterplan prior to its publication for a further round of consultation.

### **Formal Consultation**

13. A formal stage of consultation on the draft Strategic Masterplan took place between December 2021 and February 2022. This represented an extended 8-week period of consultation to take account of the Christmas/New Year Period.
14. The formal consultation included two online and one in-person events. The two online events were attended by 52 people and the in-person event was attended by 75 people. More than 3,000 flyers were distributed to homes and businesses of North Weald Village, Hastingwood and Thornwood on the 9<sup>th</sup> December 2021 and a second flyer was distributed to the same areas on the 25<sup>th</sup> January 2022. In addition, social media platforms were utilised, the project website ([nwairfieldconsultation.co.uk](http://nwairfieldconsultation.co.uk)) was regularly updated and project emails were sent to more than 30 local stakeholders. The project website, which was launched in November 2020, provided access to the consultation material and received in excess of 6,900 visits following its launch. Statutory consultees were notified formally and 10 one-to-one meetings (online and in-person) were held with stakeholders across both stages of the consultation. A total of 201 feedback forms were received and seven responses from statutory consultees were also received. More details on the representations made are set out in the Consultation Report attached at Appendix 2. Statutory Consultee responses can be found at Appendix 3.
15. The following feedback was received from respondents:
  - Respondents expressed a desire to understand more about the NWA Masterplan and how the development process would occur in the future;
  - Priorities given to preserving the site's heritage and maintaining the identity and village character of North Weald Bassett;
  - Concern was expressed in relation to existing road infrastructure and the potential increase in traffic congestion and pollution resulting from future development at the site;
  - Points were raised with regards to the future operation of the airfield and how these would be accommodated;
  - Comments were also raised in terms of site layout and the design approach;
  - Respondents also raised concerns in relation to environmental and sustainability matters including the potential option for a wider green buffer between the proposed development and the village edge at the south eastern part of the site; and
  - Procedural matters were raised in relation to phasing and planning application processes.
16. Individual stakeholder meetings were also held throughout both stages of the consultation process with the following groups:
  - Parish Councillors and other Elected Members;
  - Neighbourhood Plan Steering Group;
  - Current site tenants;

- Epping Forest District Youth Councillors;
  - Countryside Properties (developers for North Weald Bassett Urban Extension); and
  - Saunders Markets.
17. The stakeholder meetings demonstrated support for the NWA Masterplan and the local employment opportunities, employment units and active travel improvements that were expected to arise as a result of it. The stakeholder meetings also highlighted potential highway impacts and the need to mitigate environmental impacts.
  18. Consultation was also undertaken with the operators of the airfield in order to fully understand their requirements. This identified the need for a new control tower, new secure boundary, the provision of a new internal access road, and safeguarding requirements.
  19. Following the receipt of these public consultation comments and stakeholder meetings, further work was undertaken to address the points and issues raised and outlined above. As a result of the matters raised changes have been made to the Strategic Masterplan where necessary and/or appropriate. The Consultation Report attached at Appendix 2 gives further details of the consultation process and comments that were received.

## **Report**

20. North Weald Airfield sits in close proximity to the North Weald Bassett Masterplan Area to the east which is allocated in the Local Plan for a minimum of 1,050 new homes together with associated infrastructure.
21. North Weald Airfield has been allocated in the Local Plan as a Masterplan area under 'P 6 North Weald Bassett'. The Masterplan area comprises the operational airfield (including associated runways, taxiways, and grassed areas), an existing area of largely industrial and commercial uses which is designated under Policy NWB.E4B (Bassett Business Park and Merlin Way Industrial Estate) and an area of land allocated under Policy NWB.E4A for offices, research and development and light industrial uses. The Strategic Masterplan focuses on the area of land covered by Policy NWB.E4A and NWB.E4B but has had regard to the wider North Weald Airfield Masterplan Area.
22. Local Plan Policy P 6 North Weald Bassett provides the site-specific requirements that both the Strategic Masterplan and any subsequent development proposals will need to respond to.
23. Parts N and O of Policy P 6 state that development proposals at North Weald Airfield must be in general conformity with a Masterplan for the North Weald Airfield, and in addition must make provision for more specific elements such as community uses to the east of the main runway; retention and expansion of aviation uses to the west of the main runway; approximately 10 hectares of additional employment land of B2, B8, offices, research and development and light industrial (within Use Class E) uses to the east; a new access from Epping Road to service the west of the site; preserving or enhancing the special architectural or historic interest of the Grade II

Listed Control Tower and its setting; a Suitable Alternative Natural Greenspace between the two Masterplan Areas; and new and improved Public Rights of Way and cycle linkages with the surrounding area including east to west connectivity between the two Masterplan Areas (North Weald Airfield and North Weald Bassett).

24. Section 1 (Introduction) of the Strategic Masterplan sets out the overarching vision for North Weald Airfield which is to create a new, highly sustainable and modern employment area which respects the Airfield's history whilst realising its long-term future as a key employment provider in the District. The policy context is also set out here including Local Plan Policy P 6 which gives detail in relation to what the Strategic Masterplan must make provision for as outlined above. This section also details that the site is located within the UK Innovation Corridor (UKIC) which is described as linking the unique strengths of the cities of London and Cambridge and includes the Harlow and Gilston Garden Town. Also highlighted is the location of the District within the Essex and Hertfordshire Digital Innovation Zone (DIZ) which covers the geographic region of the majority of Innovation Core which is part of UK Innovation Corridor (UKIC).
25. Section 2 (Background & Site Context) of the Masterplan goes into detail concerning the site location and surrounding context and the development, accessibility and connectivity of the site. Also discussed in this section are accessibility & connections; heritage considerations; landscape, topography, views & trees; and environmental considerations including noise, air quality, flood risk and drainage, and ecology and biodiversity. Land quality matters such as potential pollutants and contamination are also detailed in this part of the Masterplan as well as heritage considerations, particularly with regard the Grade II Listed Control Tower.
26. Section 3 (Engagement) outlines engagement and consultation matters and sets out information in relation to the community and public consultation activities that were undertaken. These are outlined in more detail from paragraph 11 above. A Consultation Report has also been produced outlining further details of the consultation and engagement activities undertaken and the feedback received. This is attached at Appendix 2.
27. Section 3 also gives details of responses to consultation and stakeholder engagement activities. As stated above consultation with the operators of the airfield was also undertaken to better understand any future requirements including the provision of a new control tower and fire station, new secure boundary, new internal access road and airfield safeguarding requirements.
28. Section 3 also gives details in relation to the two Quality Review Panels that have taken place and their key overarching comments are summarised as follows. These have been considered as part of the development of the Masterplan:

#### QRP 1 - December 2020

- The relationship between the employment uses on this site, and the new community being brought forward by Countryside Properties to the north east at North Weald Bassett requires further investigation
- Excellent walking and cycling routes will be a key part of this.

- The proposed location of the SANG creates an opportunity for the creation of enjoyable green routes between new and existing residential areas and employment uses on the Airfield site.
- The panel would encourage the design team to be more aspirational in the vision that they set out for the development, building on the concept of entrepreneurial green growth including critical thinking about the risk that it may become an airside distribution centre.
- Norms of warehouse construction should be questioned. For example, encouraging timber frames, rather than steel, could be part of the unique selling point of this scheme, as well as delivering substantial carbon savings.
- In terms of planning process, the design team should engage with the neighbourhood planning process already underway in the area.
- The three elements: the Airfield site; North Weald Bassett; and the emerging Neighbourhood Plan should be developed through collaborative working, to achieve a cohesive vision for the area; particularly, how this will develop and function together.

#### QRP 2 - November 2021

- The panel is pleased to see the progress made since the previous review but
- encourages the design team to be a lot more ambitious and bolder.
- The masterplan should be landscape led and support the creation of a distinctive place that is informed by the context and history of the site.
- Proposals are currently too generic, and lacking a clear sustainability strategy, which should be fundamental to the placemaking approach.
- Approach to the spine road is problematic, and the panel recommends that pedestrian and cycle access is integrated with the main access routes.
- Cycle and walking routes through woodland adjacent to the SANG are an attractive idea, they are unlikely to feel safe at night, and should not be the only option.
- Central market square north of the control tower is a positive addition to the scheme, but the panel would like to see this framed by active frontages - whereas currently its edges are characterised by roads and car parking.
- Connectivity of the site to the wider area needs to be considered further.
- Relationship between the employment uses on this site, and the new community being brought forward by Countryside Properties to the north east at North Weald Bassett requires further investigation.
- A successful sustainable transport approach will require improvements to bus services to be developed in relation to phasing, so they can be delivered from the outset.

29. Section 4 (Site Evaluation) of the document provides a Site Evaluation outlining Considerations and Opportunities pertaining to the site including heritage assets such as the Grade II Listed Control Tower and its setting, airfield requirements, environmental factors, highways and movement matters including access points, the Public Rights of Way network, expansion of cycle and pedestrian network, and built environment considerations including in relation to existing buildings on the site and the existing residential area to the south-east. Section 4 also details the Site Development Strategy that has been prepared which sets out how the Masterplan responds to constraints and airfield requirements as well as how the opportunities

that the site presents could be maximised. Site opportunities include an expansion of sustainable movement through Public Transport provision, walking and cycling, incorporating environmental credentials including NetZero Carbon Development, and supporting place making objectives through measures such as the provision of a community facility or café in the Listed Control Tower.

30. Section 5 (Design Objectives & Evolution) explores the achievement of wider design objectives as well as setting out more detailed frameworks in relation to land use, green infrastructure, movement, placemaking and sustainability objectives. These frameworks provide further guidance pertaining to location and uses of development parcels, integration of proposed development into its landscape setting and new green and blue infrastructure opportunities, identification of the existing surrounding movement network and new opportunities to integrate the site into it, and a placemaking framework. This section also outlines key sustainability objectives including governance, social and economic wellbeing, resources and energy, land use and ecology, and transport and movement.
31. Section 6 (Strategic Masterplan) provides an illustrative site sketch and outlines how the development of the site could provide for the regeneration of existing employment premises on the site alongside a significant quantum of new employment floorspace being provided. Section 6 also reinforces the need to provide a new north-south green link, the reconfiguration of existing access points, the provision of new pedestrian and cycle access points, biodiversity, SuDS and greening opportunities as well as the provision of a new energy centre.
32. Section 7 (Design Parameters) comprises details of design parameters in relation to employment land uses, building heights, scale and massing, character and layout, building form and frontages, materials and appearance, landscape, views and trees, biodiversity and ecology, heritage, energy and utilities, drainage and flood risk, and movement and access.
33. Section 7 recognises that, in order to respond to the needs of both new and established businesses, there will be a need to provide a range of unit sizes and types of accommodation and also recognises the potential for a business innovation centre to be provided as part of the development of the airfield. Section 7 also recognises that other facilities that support businesses and employees based at the site should be provided including café/restaurant uses, creche, gym, and conferencing facilities.
34. In relation to building heights, scale and massing this section also sets out the need for proposals to consider the existing Grade II Listed Control Tower and key views which is also echoed in the Heritage parameters requirements. Existing residential development and the airfield's Obstacle Limitation Surface (OLS) restrictions must also be considered. It is also suggested that buildings step up in height moving away from the Control Tower in order to preserve its setting.
35. With reference to character and layout the document emphasises that the mix of proposed character areas on the site should relate to the positive characteristics of the site and surrounds whilst also maximising opportunities. This includes safeguarding the operational activities of the airfield, having due regard to the

heritage of the site, ensuring building heights take into account existing views and heritage matters, and the inclusion of amenity and public green spaces to support placemaking aspirations.

36. The document also outlines how building form and frontages will contribute to the character and identity of the site and are a key design consideration in determining the quality of the development. Particular emphasis is placed on the central part of the site where the Listed Control Tower is located along with proposed key pedestrian and cycle routes and active frontages.
37. With regard to materials and appearance, Section 7 states that materials palettes should be small in range and well considered, respecting local materials, colours, styles and detailing. In addition, architecture should respect and complement the Control Tower and contribute towards the character and identity of the development.
38. In relation to landscape, views and trees, the parameters outlined in the document note the establishment, maintenance and enhancement of green corridors; the retention of existing trees and groups where possible; and the maximisation of environmental opportunities on the site including a new north/south green link. This is also echoed in the biodiversity & ecology parameters which set out that the site must aspire to deliver at least 10% Biodiversity Net Gain (BNG) and utilise SuDS interventions and retain and enhance habitats of higher ecological value. Drainage and flood risk parameters also set out attenuation measures such as basins, permeable paving and rainwater harvesting amongst other possible interventions.
39. With regard to heritage, the document reiterates at this point that the development of the document has been influenced by the location of the Grade II Listed Control Tower and emphasises that proposals for the site must include flexibility to mitigate against any potential impact on built heritage assets, including the provision of a new long-term use for the Control Tower and the establishment of a Heritage Trail within the site.
40. In relation to energy and utilities the provision of development with excellent sustainability credentials, and the opportunity to integrate a new electrical network facilitating the deployment of low carbon technologies is emphasised. The document also outlines that a comprehensive energy strategy should be developed exploring net zero carbon development options.
41. Lastly for this section, in relation to movement and access the document notes that two vehicular points of access should be maintained from Merlin Way including the potential reconfiguration of the northern point as a primary access. In addition, the existing access point of Epping Road will be maintained to serve the southern employment section of the site, and a new bus route connecting to the North Weald Bassett Masterplan Area and the train station should be explored. Electric Vehicle charging points and cycling infrastructure will also be required.
42. The final section, Section 8 (Phasing & Delivery) details how the development of the site would be phased. This is as follows:

Phase 1 - the construction of the new Airfield Tower and associated infrastructure and new Energy Centre and highways work along the stretch of Merlin Way;

Phase 2 - the development of the northern third of the main site comprising larger B2/B8 uses;

Phase 3 - the central section of the site would be developed including the repurposing of the existing Control Tower and the completion of the primary route highway work including and works required to Merlin Way; and

Phase 4 – delivery of the southern part of the site including smaller units such as offices and small-scale light industrial uses.

Other works such as development in the south-eastern corner are envisaged to be delivered as a standalone phase whilst landscaping and ecological works will follow in sequence with the development of each phase.

### **Conclusion**

43. It is the view of officers that the Strategic Masterplan provides a sound basis and strong vision supported by clear objectives and framework against which future planning applications can be assessed.
44. It is therefore recommended that the Masterplan be endorsed as an important material consideration<sup>1</sup> in the determination of any planning applications.

### **Equality Impact Assessment (EqIA)**

45. An EqIA has been undertaken and is attached to this report (Appendix 4).

### **Resource Implications:**

46. Continued engagement with stakeholders and assessment of future planning applications will require ongoing resource to ensure appropriate development is brought forward and implemented. This will require adequate Officer and where appropriate consultant resource either within the Development Management Team and/or the Joint Planning Implementation Team which it is intended will be secured through a Planning Performance Agreement.

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

47. The endorsed Masterplan will become an important material consideration in the determination of any planning applications.

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

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<sup>1</sup> A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision.



48. The endorsed Masterplan will provide a clear and robust framework to support applications that seek to implement sustainable development whilst increasing environmental credentials across the Site. The Masterplan seeks to support the implementation of Local Plan policies which are designed to encourage and enable the delivery of sustainable development and in doing so support improvements for residents and businesses in the District in terms of health, wellbeing, air quality, placemaking, and economic and social mobility. This will contribute positively to the safe, cleaner, greener objectives of the Council.

**Consultation Undertaken:**

49. As detailed from paragraph 11 above and at Appendix 2 and Appendix 3.

**Risk Management:**

50. The Strategic Masterplan will support the Council's objectives of achieving high quality and sustainable design in the District and reduce the risk of poor quality development.

**Background Papers:**

- North Weald Airfield Strategic Masterplan January 2023 and accompanying Consultation Report
- Epping Forest District Local Plan 2011 - 2033



## **Appendix 1 – Strategic Masterplan Framework**

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## Appendix 2 – Consultation Report

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## **Appendix 3 - Statutory Consultee Responses**

### **1. Countryside Properties Plc**

#### **1. Introduction**

1.1 This response to the North Weald Airfield Masterplan (NWA Masterplan) consultation, which commenced on the 8th December 2021 and closes on the 30th January 2021, is submitted by Strutt & Parker on behalf of Countryside Properties.

1.2 Countryside, control site NWBR3 on land to the north and west of North Weald Bassett (NWB), and to the east of the Airfield, under Policy P6 of the emerging Epping Forest District Council (EFDC) Local Plan. As such, Countryside is committed to working closely with EFDC, and all stakeholders, to ensure that future growth within NWB comes forward in a comprehensive, sustainable, and cohesive manner.

1.3 Within that context, and having reviewed the latest iteration of the NWA Masterplan, Countryside generally support the NWA masterplan document as proposed. This response primarily highlights matters that could benefit from further consideration or clarification, whilst also noting some general observations. The feedback draws, where appropriate, from the work undertaken by Countryside in the progression of the strategic masterplan for the aforementioned residential growth location in NWB allocated under Policy P6 of the emerging Local Plan, from herein referred to as the NWB Urban Extension.

#### **2. Masterplan Document**

2.1 As a starting point, it is commendable that there have been a number of positive changes to NWA Masterplan since the last iteration was published in November 2020. An analysis of different elements of the NWA Masterplan is provided within this section.

##### **Biodiversity and Green Infrastructure**

2.2 The inclusion of additional green infrastructure, such as the provision of the additional landscape enhancement area to the north of Merlin Way, will undoubtedly provide for greater environmental and place making improvements, bringing the strategy for the NWA Masterplan into alignment with the aspirations for the NWB Urban Extension, where the masterplan framework is principally led by landscaping and biodiversity considerations.

##### **Climate Change**

2.3 The reference to the NWA Masterplan site and its role within the UK Innovation Corridor (UKIC) and the Digital Innovation Zone (DIZ) initiatives is also beneficial for gaining an understanding of the intended role for the employment allocation within the wider region and its economy. Likewise, the outline of the aspirations to mitigate against the impacts of climate change as part of the sustainability objectives, including the provision of a new energy centre and the references to achieving Net

Zero Carbon by 2030 and targeting BREEAM Outstanding for all site units, are commendable.

### **Community Facilities**

2.4 Likewise, the desire to retain and enhance the community offering as part of the employment site, potentially through the conversion of the Control Tower, a Grade II Listed Building, is acknowledged. However, it is not particularly clear from the NWA Illustrative Site Layout, or the various other plans included within the Masterplan document, precisely where the community centres and associated uses would be situated or accommodated. It would be beneficial to see a clearer visualisation of how the community facilities and activities are to be accommodated within the site. For instance, the Land Use Framework states that the community and ancillary uses can be located across the development site, and throughout other open spaces around the site, but given the importance of such facilities to local residents, a greater level of detail could be provided.

2.5 Moreover, it would be beneficial to have clarity on the strategic function of the community facility and its composition. For instance, would it compete or interact with a similar facility required of the NWB Urban Extension.

### **Red Line / Extent of the Masterplan**

2.6 Turning to some of the more detailed considerations and observations, it is firstly noted that the NWA Masterplan does not cover the entire NWA Masterplan Area, as shown on the accompanying plan to Policy P6 within the emerging Local Plan. On that basis, it is assumed that the airfield element of the wider site will remain unchanged? Albeit, Policy P6 does establish a requirement to provide a new access from Epping Road to service the west of the site. If the new access is no longer required or proposed, then a statement to that effect would suffice. Otherwise, if it is still intended to provide the new access off Epping Way, it remains important to provide information on how it is going to work. This is because, as will also be discussed below, the cumulative highway impact of new developments in the locality need to be fully understood for the purposes of mitigation and also for the considerations surrounding the Environmental Impact Assessment and the subsequent content of the Environmental Statements.

2.7 Landowners and the community need to have an understanding of the wider plans for the airfield and what effects they might have on existing residents and future developments. We would therefore request clarification on the intended use of the airfield, including the intensity of that use, and whether any change is envisaged as part the NWA Masterplan or not.

### **Transport & Movement**

2.8 Keeping on the theme of highway considerations, as set out within the Masterplan document, the highway impacts of the proposal are causing the greatest concern within the local community in NWB. Subsequently, notwithstanding the recognition within the Masterplan document that highways is a prominent local concern, it would be helpful if the document set out a clearer strategy for how the



highway impacts of the development are going to be limited and mitigated. In particular, the HGV routing / restrictions would benefit from further clarification.

2.9 The consultation events held in January 2022 explained that the majority of HGV movements are expected to access the site from the M11 via the A414, with vehicles exiting or joining at Junction 7. However, whilst the site is very well located in proximity to the strategic highway network, a proportion of the HGVs will inevitably utilise other routes, such as the eastern extent of the A414 to reach other regional centres in Essex and the A12. Therefore, HGVs and other vehicles are also likely to make use of Vicarage Lane and Church Lane, with the latter being a narrow highway, with limited forward visibility at various points, subject to a 60mph speed limit.

2.10 Moreover, even when travelling northwards out of NWB towards the A414 and the M11, it is queried what infrastructure upgrades are planned to Rayley Road in order to accommodate the proposed development and the associated HGV movements. It is a relatively narrow highway and again it is subject to a 60mph. Some further consideration of potential options for restricting HGV movements; deterring use of Church Lane, or making it a less appealing cut-through, and providing additional traffic calming measures would be welcomed. It would also appear that the provision of the proposed roundabout at the junction of Vicarage Lane and the A414, which forms part of the NWB Urban Extension Masterplan, will be important for enabling sufficient access to the site. Agreement on this point, and a recognition of it within the NWA Masterplan, would assist in aligning the approach of the two masterplans and addressing their cumulative impacts.

2.11 It is acknowledged that the previously proposed spine road through the site has been omitted from the NWA Masterplan. This omission seems to have stemmed from a local concern that the spine road would increase traffic within the village, but without an alternative, there will as a consequence be an increase in traffic using the High Road instead.

2.12 The inclusion of a bus route through the NWA Masterplan is positive, however, the proposed route identified in the document is not particularly clear with regards to the onward route once the bus has passed through the employment site. It would be helpful to understand the full route of the bus service, as well as whether it is proposed to be a new service or a diversion of an existing service. There is also an opportunity to explore how the bus route could link in with the proposed bus service for the NWB Urban Extension Masterplan and we would welcome further discussion with the Council on this, such that it can be comprehensively planned.

2.13 Additionally, whilst the current NWA Masterplan principally focusses on the internal area of the site, the EFDC Strategic Masterplanning Briefing Note (2018) states that, amongst other matters, the masterplanning process should seek to achieve the following outcome:

- Ensure that the development is 'front-loaded' and where possible accelerated, so that key planning issues are considered and where possible resolved jointly by all relevant parties prior to the submission of planning applications.

2.14 The EFDC Strategic Masterplanning Briefing Note also establishes the important role of masterplanning in terms of ensuring that the planning and delivery of development and infrastructure is properly coordinated, distributed and timed, yet with the exception of green infrastructure, electricity, and telecoms, there is very limited reference to infrastructure in the NWA Masterplan document.

2.15 Accordingly, the local highway impacts of the proposed employment site will be intrinsically related to the assessment of the future planning applications within NWB, not just for the NWA Masterplan Area, but also for the NWB strategic residential, and so they should be given due consideration at this stage in the planning process.

2.16 Addressing the local concern with regards to Church Lane is also important in the context of the Movement Framework Plan, as two additional pedestrian links to Church Lane are shown to the south of the continuous link between the NWA Masterplan and NWB Urban Extension sites. The two additional links terminate on Church Lane and so it is assumed the pedestrians/cyclists are then expected to travel along the highway in its current format. If this is the case, it is directly relevant to the NWA Masterplan to liaise with stakeholders, including ECC Highways, to consider an appropriate course of action, or a variety of potential options, in terms of introducing traffic calming measures that make it both safer and more appealing for pedestrians and cyclists to use Church Lane.

2.17 On the subject of connectivity, Countryside would suggest that a further link between the two masterplan areas could be provided from the newly proposed area of semi improved grassland/landscape enhancement area, on the parcel of land to the north of Merlin Way, to the northwestern corner of the NWB Urban Extension. The aforementioned landscape enhanced area is in an important strategic position that offers good views over the airfield, so there is certainly a valuable opportunity to make the space a focal point and destination within the NWA Masterplan.

## **Noise**

2.18 A further point that Countryside would welcome clarification on is noise. The NWA Masterplan document explains that the industrial noise impacts of the proposed employment site on noise sensitive receptors (NSRs) would be low for all existing and future NSRs, before then recognising that highway noise impacts are predicted to result in moderate impacts on NSRs along Vicarage Lane in the long-term. It is requested that the evidence base to inform these conclusions be shared with Countryside, as any such noise impacts would have implications for existing residents and the development of the NWB Urban Extension towards the boundary with Vicarage Lane.

## **SANG**

2.19 In relation to the SANG sited between the NWA Masterplan Area and the NWB Urban Extension Masterplan Area, our interpretation is that this not primarily required to mitigate against the impact of other developments within NWB, but instead serves some other purpose. The recent response from EFDC to the Inspector for the emerging Local Plan examination provides some clarity on the position with regards to SANG provision. Notably, the response explains that it is not possible within the

Local Plan itself, or within Page | 6 the adopted Green Infrastructure Strategy, to specify the exact quantum of SANG as this will vary on a case-by-case and the quantum of residential development proposed. This accords with the position of Countryside.

2.20 The EFDC response also notes that the 6.2km Zone of Influence (ZOI) for the Epping Forest SAC bisects the NWB Urban Extension Masterplan Area, with only 10.7ha of the gross developable area of the site falling within the ZOI. The response also asserts that there is no legal requirement for developers to future proof their developments, should the ZOI change at a future date. Analysis completed by David Jarvis Associates and Strutt & Parker, on behalf of Countryside, has established that based on the NWB Urban Extension Masterplan a maximum of 4.178ha of proposed residential development would be located within the ZOI, equating to approximately 150 dwellings and a need for approximately 2.816ha of SANG to mitigate against recreational pressure. An area of 4.841ha, well in excess of the 2.816ha required, is subsequently proposed to the south-west corner of the NWB Urban Extension Masterplan Area. There is consequently no requirement for any further SANG provision to mitigate against the NWB Urban Extension, albeit Countryside have no objections to facilitating connectivity to and from a SANG between the two masterplan areas should EFDC seek to deliver one separately.

### **Massing and Scale**

2.21 Lastly, in time it would be beneficial to have further understanding of the massing and scale of the industrial units and how they will affect strategic views of the airfield from the NWB Urban Extension, perhaps through the inclusion of wireframe visualisations from a select number of important viewpoints. Countryside have sought to incorporate strategic views of the airfield and its Listed control tower within the NWB Urban Extension Masterplan, given the importance of the airfield for the identity of NWB and its heritage.

### **3. Conclusion**

3.1 To conclude, Countryside are supportive of a number of positive changes that have been incorporated into the latest iteration of the NWA Masterplan.

3.2 This consultation response has therefore principally sought to highlight matters that could benefit from further consideration or clarification, rather than raising objections. In particular, it highlights where further consideration and clarification could be provided in relation to the highway impacts, including cumulative impacts; wider connectivity and integration with the NWB Urban Extension Masterplan; bus routing; noise impacts; and the scale and massing of the industrial units and their landscape impact.

3.3 Other general observations have been made with regards to the red line for the NWA Masterplan Area and the proposed SANG.

3.4 We hope that this consultation response is of assistance in the progression of the NWA Masterplan as it moves towards formal endorsement. However, if there are any points raised which EFDC feel would benefit from further discussion with

Countryside and wider stakeholders, this is something that we would be more than happy to facilitate.

## **2. Essex County Council**

ECC has taken this opportunity to comment on your current consultation and provide feedback on the Masterplan proposals at North Weald Airfield.

ECC is a key infrastructure and service provider and is responsible for delivering and commissioning a wide range of strategic and local infrastructure requirements and public services to support and shape inclusive and healthy communities. ECC's role covers a wide range of statutory services including (but not limited to) highways and transportation, education, early years and childcare, minerals, waste, surface water management, passenger transport, adult social care, and public health. We also advise on, and have a material interest in, a number of other related place-making matters to assist in the determination of planning applications.

The Growth and Development team at ECC is responsible for coordinating single corporate responses for major development schemes and Nationally Significant Infrastructure Projects to ensure that the Council's interests and responsibilities to deliver quality and sufficient infrastructure in the right places and at the right time are effectively communicated, and to support good place-making and place-keeping for existing and future communities.

At this time, the Growth & Development team have coordinated, with one exception, only statutory consultee responses to this Masterplan. As part of future consultations/planning applications at the site, other non-statutory service area teams may look to provide comments on the proposals. ECC trusts that other relevant bodies will provide comments on other topics areas such as, but not limited to, landscape, ecology, health and heritage.

ECC has reviewed the Masterplan documents, and has a number of comments to make on the proposed development at this site. ECC trusts that the following comments will be considered in the spirit within which they are provided, to assist with and be taken into account, in the shaping of the Masterplan.

We would encourage and recommend further pre-app to resolve any points/comments raised in this letter. ECC would be willing to positively engage and further cooperate on any future workshops relating to the site. This is subject to ECC's cost of involvement being fully recovered.

### **1. Planning**

#### Policy Context

North Weald Airfield has been identified in EFDC's Draft Local Plan as a strategic masterplanning site under draft policy 'P6 North Weald Bassett' with a site reference NWB.E4A. The draft policy allocates 10 hectares of employment land of B1, B2 and B8 uses to the east of main runway.

## Relationship to North Weald Bassett Masterplan Area

Sites NWB.R1, NWB.R2,NWB.3,NWB.4, NWB.5 and NWB.T1 as identified in EFDC's Draft Local Plan have been identified as locations where development should be brought forward in accordance with a Strategic Masterplan for circa. 1050 homes and associated infrastructure. This masterplan area sits in close proximity to the east of North Weald Airfield masterplan area. ECC wish to emphasise the point that the two Masterplan Areas for North Weald Airfield and North Weald Bassett should be considered together in a co-ordinated holistic approach to maximise interconnectivities and sustainable links within, and between the two sites and wider area. The relationship between the two Masterplan areas and other comments, observations and points of clarification are raised in service area specific comments detailed in the below sections.

### **2. Highways & Transportation**

In terms of highway & transportation considerations, ECC would firstly like to highlight that the Masterplans for both North Weald Airfield and North Weald Bassett must incorporate measures to reduce the need to travel, promote and encourage the use of sustainable methods of transportation and provide viable alternatives to private car use. Such measures should be planned in consultation with ECC (and relevant passenger transport providers) as part of the Masterplan process. Any proposed measures should be underpinned by feasibility evidence that demonstrates the delivery of modal shift away from single occupancy private car use by way of sustainable travel measures. This requirement was incorporated into Policy P 6 through the Inspector's Main Modifications process (as agreed by EFDC), so is likely to constitute an (emerging) Local Plan policy requirement.

Importantly, this feasibility evidence to date has not been demonstrated. Such evidence should underpin both masterplans so that it can be considered what are the most appropriate sustainability measures for both sites. It is considered necessary for this important evidence to be brought forward within the masterplan preparation process to ensure that transport and access to the site is sustainable and this would assist in the scheme's consideration through the Quality Review Panel process. These measures supported by evidence can then be designed and incorporated into the overall masterplan frameworks. Until this work has been completed, definitive conclusions therefore cannot be made whether the current proposed measures incorporated into this North Weald Masterplan are the most effective in delivering a modal shift away from the private car to sustainable travel modes.

Notwithstanding that definitive conclusions cannot be made on the suitability of sustainable transport measures currently proposed, ECC recognise and support in principle, the sustainable transport modes links proposed from the site to surrounding developments both existing and new. These however, need to be developed as part of an overall masterplan approach to North Weald Airfield and North Weald Bassett Masterplan areas as well as the existing wider surrounding area. This draft masterplan, for example, references a bus route connecting the site but provides little detail as to how this would link with the proposed North Weald Bassett Masterplan area. A more holistic approach to the interconnectivities between

the sites is required to ensure provision is made which maximises potential of any bus service not only to serve the local community, but to operate revenue support free on a financially sustainable basis.

In terms of the modal filter at the south of the site, it is considered that this measure could help to encourage sustainable trips to the site and help to reduce impact on the forest as less traffic would be attracted through Epping and would direct development traffic towards the strategic network A414 and M11. This proposed development however, in conjunction with the proposed North Weald Bassett residential development and the recent operational HM Revenue and Customs North Weald Airfield Inland Border Facility Proposal, would cumulatively increase traffic on the surrounding strategic network including at junction 7 of the M11. The Masterplan should explore in more detail and demonstrate in principle therefore, what is the overall strategy for mitigating against forecasted increases in traffic on the local and wider strategic network. ECC advised for the HM Revenue and Customs North Weald Airfield Inland Border Facility Proposal that M11 J7 was operating (in pre pandemic times) at or above its design capacity. With demonstrable increases in traffic levels since pandemic lockdown levels, this pressure on J7 is anticipated to now present a significant issue once more. As part of the overall transport mitigation strategy for this masterplan development therefore, attention is necessary towards managing residual traffic impacts on J7 when the level of mitigation to be provided by sustainable and other travel management measures has been established.

ECC would also like more justification and clarity around the statement included with the draft masterplan which refers to parking being provided to national or local standards where appropriate. As highlighted previously, sustainable transport feasibility evidence should underpin and feed into the overall design of the 4 Masterplan and such evidence may provide more conclusions on what form of parking strategy is appropriate to encourage more sustainable forms of travel. Currently it is not clear how providing parking to local or national standards would help to support more sustainable forms of travel to the site. ECC therefore recommends that a potential lower standard of provision could be incorporated to promote more sustainable travel to the development. Sustainable transport feasibility evidence however, should underpin any transport measures included at the site to enable any reduced parking provision.

In relation to cycling and walking provision routes proposed on the site itself, ECC recommends that off road cycle and walking provision should be provided to the principles contained within LTN1/20 Cycle Infrastructure Design along the primary routes proposed through the site. Current proposals only provide a walking/cycling route to the east of the site. This design therefore, abandons vulnerable modes of travel at the point where they are most at risk of encountering large vehicles.

To discuss points raised in relation to Highways and transportation, it is highly recommended that formal pre-app discussions with the Highway Authority take place to help inform the masterplan process and ensure that Highway and Transportation measures are fully addressed. Any formal pre-app discussions however, should holistically consider highway and transportation issues in relation to North Weald Airfield and North Weald Bassett masterplan area and the wider surroundings.

### **3. Economic Infrastructure and Skills**

It is noted that the masterplan continues to support airfield-related uses through height restrictions, improvements to existing airfield infrastructure and airside access. We are also pleased that a variety of unit sizes has been retained, and highlight that Grow-on Space for businesses that have outgrown their initial accommodation should be incorporated into the final masterplan.

In terms of phasing and delivery, consideration should be given to whether the smaller unit typologies such as new office space and small-scale light industrial uses would require public support to achieve viability and, if so, whether this could be delivered in an earlier phase (currently, anticipated in Phase 4 of 4).

In considering the overall design of the site, it should be considered whether the success of the smaller employment areas may be more dependent on quality of placemaking in its immediate vicinity compared to other parts of the site. The placemaking framework for example, only refers to strong elevational / frontage treatment of buildings at key entrance points into the site as well as along the primary movement network. Furthermore, whilst it is welcomed that smaller scale employment units are still located closest to North Weald Basset Village Centre, we note that they are now furthest from potential on-site amenities e.g. open space, potential new café / community uses, wildlife enhancement area. The proposal also seems to be car-dominated without a human-scale streetscape and remains unclear how the North/South green link might integrate with building entrances. Good quality place-making therefore should be considered throughout the site to ensure the success of all areas of the site.

### **4. Lead Local Flood Authority**

Having reviewed the draft strategic Master plan, ECC recommends the development proposal consider the provision of multifunctional space with green and blue infrastructure. Given the proposed commercial and industrial nature of the proposal, The LLFA would also recommend that options such as central rainwater harvesting system to deliver some of the community's water requirement and promote efficient ways of water management should be incorporated as referenced in the draft Masterplan. Surface water flood risk and onsite drainage proposal should be designed to mitigate any adverse impacts on existing as well as proposed development. The overall drainage scheme should be designed to be in line with the Essex SuDS Design Guide.

At this stage of the planning process there is no formal requirement to consult with the LLFA. Early engagement however, can help reduce potential delays later on in the planning process. As proposals at the site continue to progress and take form, we would recommend that the LLFA/Epping Drainage Team is engaged in further preapplication engagement . Such engagement should take place as early as possible as SuDS can have a significant impact on the detailed layout of a site.

Key areas of consideration prior this meeting should include.

- The impact of the development on discharge rates for the site

- How potential increases in the volume of water leaving the site will be mitigated
- How pollution generated on site will be mitigated.
- The impact of Climate Change and unplanned development
- Space for the inclusion of features that will not only manage the above issues but that will also provide additional amenity or biodiversity value.
- Multifunctional use of space
- Adoption and maintenance considerations.
- Other flood risk not addressed by the LLFA

## **5. Net Zero Carbon and Renewable Energy Generation**

The UK is bound by the Climate Change Act 2008 to achieve net zero Green House Gas (GHG) emissions by 2050. Furthermore the independent, cross-party Essex Climate Action Commission (ECAC) published it's final report in 2021 with recommendations including all new development be net-zero by 2025 and carbon positive by 2030.

In line with these targets, ECC therefore welcomes the target of delivering a net-zero carbon development in operation and also the aim to complete a Whole Life Carbon (WLC) assessment for the development accounting for operational and embodied carbon emissions. A development of this size has an opportunity to provide exemplar sustainable development and include innovative techniques and technologies to help combat both operational and embodied carbon emissions from the development.

## **6. Minerals & Waste**

This section deals with relevant mineral policy matters and waste policy matters in turn. The site is not within a Mineral Safeguarding Area, Mineral Consultation Area or Waste Consultation Area. The below should be considered as the development proposals at the site continue to progress.

### Mineral Supply Audit

The MWPA would request that as the development proposals at the site develop, a Mineral Supply Audit should be developed to aid in demonstrating compliance with the notion of sustainable development, circular economy principles and the application of Policy S4 of the adopted Minerals Local Plan 2014 (MLP) which requires, inter-alia, 'The application of procurement policies which promote sustainable design and construction in proposed development'.

The MLP further notes that 'All developers have the potential to reduce over-ordering of construction materials and encourage more sustainable construction practices through their own procurement practices.' A Minerals Supply Audit would feed into, or be considered alongside, a Site Waste Management Plan which accords with the MLP principle of 'Encouraging the re-use and recycling of construction, demolition and excavation wastes on-site' (MLP, Para 3.41) to provide a materials balance for major developments.



There is currently no set scope for a Mineral Supply Audit, but the framework outlined in Appendix 1 has been submitted to the authority previously and could be modified to suit the project in question. Some approaches have included the commitment to sustainable procurement practices as well as demonstrating how recycling and reuse targets will contribute to a reduction in primary aggregate demand.

### **Site Waste Management Plan**

Paragraph 8 of the NPPF recognises the importance of “using natural resources prudently and minimising waste” to ensure the protection and enhancement of the natural environment and to achieve sustainable development. It also reiterates the need to mitigate and adapt to climate change and move towards a low carbon economy. An efficient and effective circular economy is important to achieving these objectives.

Policy S4 of the Minerals Local Plan (2014) advocates reducing the use of mineral resources through reusing and recycling minerals generated as a result of development/ redevelopment. Not only does this reduce the need for mineral extraction, it also reduces the amount sent to landfill. Clause 4 specifically requires: “The maximum possible recovery of minerals from construction, demolition and excavation wastes produced at development or redevelopment sites. This will be promoted by on-site re-use/ recycling, or if not environmentally acceptable to do so, through re-use/ recycling at other nearby aggregate recycling facilities in proximity to the site”.

It is vitally important that the best use is made of available resources. This is clearly set out in the NPPF and relevant development plan documents. We would therefore recommend that, in line with sustainability objectives outlined in the Masterplan and as the development proposals develop, the applicant should prepare an appropriately detailed waste management strategy through a Site Waste Management Plan.

A SWMP would be expected to:

- present a site wide approach to address the key issues associated with sustainable management of waste, throughout the stages of site clearance, design, construction and operation,
- establish strategic forecasts in relation to expected waste arisings for construction,
- include waste reduction/recycling/diversion targets, and monitor against these, advise on how materials are to be managed efficiently and disposed of legally during the construction phase of development, including their segregation and the identification of available capacity across an appropriate study area.

### **7. Broadband and Connectivity**

In line with the objectives stated in the Government’s Future Telecoms Infrastructure Review 2018, all new developments should include provision of future-proofed internet access, ideally Fibre to the Premises.

Where this is possible, provision of fully operational 5G mobile connectivity may also be accepted as appropriate broadband coverage, if arrangements are made for all premises in the development to access this at affordable prices, comparable to a fixed-line fibre broadband service, and this access is fully available at the time of completion of the build. Plans for such an approach should be submitted for review by the Planning Authority.

Developers are expected to proactively contact a telecommunications network operator of their choice to plan for internet connectivity installation as part of the build process. Developers are expected to provide details of their plans to install internet connectivity as part of their planning applications.

Any new housing development over 30 homes is likely to be provided with full fibre internet access (FTTP) free of charge by the large network operators. For smaller developments the network operators may request a contribution to the build cost. Openreach and Virgin Media have New Sites teams where developments can be registered.

Other network operators are available and developers can work with them, but confirmation must be provided that fibre connections installed by alternative operators will be fully connected to the internet by appropriate backhaul links and broadband services will be available for customers to subscribe to at the time the development is complete.

Where smaller in-fill type developments are built in areas within existing part-copper fibre-to-the cabinet (FTTC) coverage, developers are expected to work with the 8 network operators, either to seek installation of full-fibre connections or to ensure that sufficient FTTC capacity to supply the new premises is made available when properties are completed.

Developers should be aware that in Essex, alternative network operator Gigaclear plc has a significant full-fibre network deployment in the Epping Forest, Uttlesford, Braintree and north Colchester areas. Gigaclear is likely to be keen to extend its own FTTP network to new housing, or business parks.

## **Conclusion**

Overall, ECC have raised a number of points and comments in relation to the draft masterplan for North Weald Airfield. As stated earlier, we recommend more formal pre-app discussions if you would like to further guidance on service/topic specific issues. If any of the comments provided in this letter require further explanation, then please get in touch with Ellie Scott (Senior Planner) as detailed below.

### **3. Harlow Council**

Firstly it is important to ensure the North Weald Airfield site and the emerging North Weald Bassett urban extension site are linked in a sustainable way. It is therefore welcomed that the masterplan indicates the green route proposed through the Airfield site is linked to Bassett site through the proposed Suitable Alternative Natural

Greenspace (SANG), providing pedestrian and cycle access between the two masterplan areas and the village. The opportunity should be taken to integrate the proposed bus route to the surrounding area, and in particular to Harlow District and the strategic housing sites that form part of the Harlow and Gilston Garden Town. More information would be helpful in this respect.

The proposed main north access to the site, which links to the M11 through the A414, and the separate access from Epping Road for the south section of the site, will alleviate traffic on Epping Road and passing through the forest. However, there is concern over the impact increased traffic will have on the surrounding strategic network including Junction 7 of the M11, where HGV's and general site vehicle traffic will be encouraged to use the northern access point for a more direct access to the M11. The masterplan should, therefore, demonstrate a mitigation strategy in respect of the addressing the increased traffic on the strategic network, especially Junction 7, to ensure the planned future growth occurs in a sustainable manner. Clearly the impact on air quality from the increased traffic will also need to be investigated, especially given the potential impact on Epping Forest.

The employment development parcel variation from larger units, supporting warehousing and logistics, and smaller units for office and light industrial is welcomed which will provide a variety of spaces for potential businesses. Notwithstanding current local plan provision in the Harlow Local Development Plan (HDLP), it is pointed out that employment land availability in Harlow is likely to be limited in order to accommodate future growth beyond the plan period; in addition the employment sectors that will be suitable for the site will therefore need to be complementary to those located in Harlow. Providing a diversity of business accommodation will be a welcome addition to supporting employment in the FEMA area.

The Council also welcomes the retention of and improvements to the existing airfield infrastructure and airside access. It remains important to protect the historic assets of the airfield with its important role in WW2. Access to the control tower is welcomed and access to other historic assets, for example the Squadron and other cafés to the west side of the airfield are expected to be maintained. To encourage and enhance visitor economy for the wider geography, incorporation of improved visitor and promotion of the heritage assets would also be welcomed.

Harlow Council will expect we will be kept informed on the North Weald Airfield Masterplan and future development and hope that the strategy set out is implemented in future development of the area.

#### **4. Historic England**

North Weald Airfield is a former Royal Flying Corps and Royal Air Force fighter station that was first developed during the first world war and subsequently expanded to meet the demands of both the second world war and cold war periods. Most significantly, though, it was the operating base for a number of foreign fighter squadrons during the second world war, including Norwegian, Czech, Polish, Canadian, New Zealander and American volunteers. The station played a

particularly important role in the Battle of Britain and Dunkirk as part of Fighter Command's 11 Group. The RAF ceased use of North Weald in 1964, and it was transferred to civil ownership in the late 1970s. It remains an active airfield.

There remain a number of features of significance on the airfield that reflect its military heritage. This includes most noticeably the post-war control tower building (Grade II), built at the advent of the jet-fighter age and the best surviving example of its type, of which only 7 were built. Other non-designated heritage assets from all periods of the airfield's use also surviving, including a pre-war Type A hangar, other smaller buildings and some defensive infrastructure in the form of perimeter pillboxes. Together with the listed Control Tower and Officer's Mess (Grade II, to south of the airfield) this assemblage of buildings set within the still open area of the airfield represents an important survival of a multi-phase military airfield.

The proposed development is located on the eastern side of the airfield, in a 10ha site allocated in the emerging Epping Forest Local Plan for mixed employment uses. This consultation builds on an early consultation conducted in November 2020, which Historic England did not engage with. The masterplan sets out that proposals would Historic England, Brooklands, 24 Brooklands Avenue, Cambridge CB2 8BU Telephone 01223 58 2749 HistoricEngland.org.uk Please note that Historic England operates an access to information policy. Correspondence or information which you send us may therefore become publicly available. see the demolition of most structures within the allocated area, with the exception of the listed control tower, and the construction of a mix of buildings for employment use with associated landscaping, access and infrastructure. Larger new buildings would be located towards the north, where access to the strategic road network is more effectively facilitated, and smaller units would be located to the south. Access to the site by sustainable modes of transport are encouraged, including a cycling route which would also incorporate a heritage trail. It is proposed that the control tower would be retained and converted to a new use, whilst elements of its relationship with the airfield's open space and runways would also be partially retained by the layout of the buildings, the mass and form of which would also aim to emphasise the control tower's presence.

Paragraph 189 of the NPPF sets out that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance so that they can be enjoyed by future generations. Paragraph 190 requires that plans should set out a positive strategy for the conservation and enjoyment of the historic environment, taking into account the desirability of sustaining and enhancing heritage assets and putting them to new uses consistent with their conservation; the social, cultural, economic and environmental benefits of the historic environment; the desirability of new development making a positive contribution to local character and distinctiveness; and finally the importance of using the historic environment to inform place making.

Historic England does not object to the principle of the development proposals set out in the masterplan, and we did not object to the allocation of the site in the emerging Local Plan. We would like to make the following comments on the proposals, however.

The proposed development will result in harm to the significance of the listed control tower owing to development in its setting. By its nature, a control tower requires a commanding view across the extent of the airfield and is naturally therefore a building that is located in a position and to a height that affords it such a vantage point. The construction of the buildings associated with the new use for the site will interrupt this open vista and reduce its prominence. The proposals will comprise a physical and conceptual barrier to understanding its former role. This harm would be of less than substantial nature in terms of the NPPF.

We consider that this harm is, however, unavoidable in the context of the site's proposed use and the constraints of its layout. Taking into account the need to minimise the harm, we therefore broadly welcome the masterplan's proposed approach to retaining specific key views out from the control tower across the airfield and towards the listed church tower to the north. We also are pleased to note that the control tower is proposed to be converted to a sustainable new use and that its adjacent landscaping will also serve to emphasise the building's character and interest. With regard to landscaping, we suggest that inspiration could be taken from the principles of the landscape led expansion of RAF airfields in the 1930s, which saw the use of tree planting and green spaces to create a 'campus' like effect, with the input of the Royal Fine Art Commission.

We welcome the proposals to create a heritage trail through the site beginning at the airfield's museum and memorial. A similar approach has been successfully adopted on other former airfields that have been redeveloped, such as RAF Oakington in Cambridgeshire. In addition to the control tower, we would welcome other opportunities to reveal and highlight the interest of the airfield's heritage on this trail, and throughout the masterplan process. North Weald airfield has a particularly interesting social history that reflects the multi-national nature of the Battle of Britain and the air war generally. This is an aspect that could be further explored and incorporated into the place making activities that occur as part of the development. This could be reflected in interpretation signage, street and building names, the layout of spaces and design of landscaping. We welcome the principle of a public engagement programme, as set out on page 50 of the masterplan.

We note that the redevelopment of the site will result in the loss of the remaining Type A hangar on the site. Paragraph 205 of the NPPF sets out that local authorities should seek the recording of any heritage assets that will be lost as part of the development process, with the evidence gathered made publicly available. As the proposals may result in the loss of important but non-designated heritage assets, we would recommend that an appropriate recording schedule is agreed with Essex County Council's archaeological advisor, and that the information gathered is made publicly available – perhaps in the North Weald Airfield Museum.

However, we would also suggest that options for reuse could also be explored for the surviving Type A Hangar, which as noted is the only historic hangar to remain in the technical area of the airfield. This building not only reflects the site's heritage and contributes to the setting of the designated heritage assets on the site, but in the context of climate change it is also a structure that will contain substantial embodied carbon. Its conservation, conversion and reuse could reduce the carbon footprint of

the development whilst also retaining additional elements of the airfield's wider heritage significance.

We note that the proposed cycle and active transport link is located on the eastern side of the site, but would nonetheless highlight the government's recently published LTN 1//20 guidance on incorporating active transport infrastructure, and suggest that all streets, junctions and access points to the development should be designed with these principles in mind, rather than only along a specific dedicated route.

Historic England strongly advises that the conservation and archaeological staff of the relevant local authorities are closely involved throughout the preparation of the masterplan and its assessment. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the Historic Environment Record (HER), how the proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

To avoid any doubt, this letter does not reflect our obligation to provide further advice on or, potentially, object to specific proposals which may subsequently arise as a result of the masterplan, where we consider these would have an unjustified adverse effect on the historic environment.

## **5. National Grid**

### **About National Grid**

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. The energy is then distributed to the electricity distribution network operators, so it can reach homes and businesses. National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use. National Grid Ventures (NGV) is separate from National Grid's core regulated businesses. NGV develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States.

### **Response**

We have reviewed the above document and can confirm that National Grid has no comments to make in response to this consultation.

### **Further Advice**

National Grid is happy to provide advice and guidance to the Council concerning their networks.

## **6. National Highways**

We welcome the fact that the promotion of sustainable travel, the provision of facilities and services is promoted in your plan despite the challenges thrown up by the rural nature of the site. As this will not only help reduce CO2 emissions but also improve the health of those who choose to travel by foot or cycle to the site.

In due course there will need to be a detailed Transport Impact Assessment carried out, this will need to give an indication of the impact of the development on the M11 and its junctions, in particular j7,7a, 6 and 8, if any.

Careful planning will be required to ensure that the development comes forward in the way intended and phases do not get out of step with the provision of infrastructure and services.

I have no further comments to make on the plan.

## **7. North Weald Bassett Parish Council**

The response below represents the views of North Weald Bassett Parish Council to the above stated consultation.

This response is in two parts. Part A raises concerns generally regarding this particular Masterplan process, and Part B looks at the detail of the proposals submitted.

### **PART A – THE PROCESS**

The Council asks the question why only part of the North Weald Airfield Masterplan Area is being consulted upon. According to the Submission Version of the Local Plan (SVLP) including the Main Modifications proposed, the North Weald Airfield Strategic Masterplan Area consists of the following:

- EFDC Allocation NWB.E4A
- EFDC Allocation NWB.E4B
- North Weald Airfield (operational airfield area) which collectively make up the North Weald Airfield Strategic Masterplan Area.

Policy P 6 (N) of the SVLP states that ‘Development proposals at North Weald Airfield must comply with a Masterplan for the North Weald Airfield.’ Please note the wording requiring a ‘single’ Masterplan, and not a number of Masterplans (plural). Therefore, it is clearly the intention of the Local Plan that one Masterplan should be created for the Airfield and that all proposals for the Airfield Masterplan Area should accord with that single Masterplan.

The proposals in this consultation state on page 1 that the ‘Strategic masterplan and associated consultation are specifically related to the allocated employment site of the North Weald Airfield Masterplan Area’, thus effectively splitting the Masterplan Area identified in the Local Plan. If this is the case, it does not address the future uses of North Weald Airfield as a whole, including setting out the type of aviation and activities proposed for the active airfield site, and only considers the employment allocations. This therefore suggests that a further Masterplan (or even Masterplans) will be created to cover the remaining areas. The SVLP makes no distinction

between the employment allocations and the operational airfield and views the masterplan area as one area. Paragraph 2.92 in the SVLP states that 'Strategic Masterplans for sites wholly in the ownership of the Council are likely to be of a more detailed nature.' Clearly this is not the case as a large part of the Masterplan Area has been entirely omitted and this Consultation does not explain, nor offer any justification, as to why this is the case. It also gives us no indication of what the next step is concerning the operational airfield area, and if another Masterplan will be forthcoming.

Policy P 6 (O) (ii) of the SVLP sets out that the Strategic Masterplan for North Weald Airfield must make provision for the 'retention and expansion of aviation uses to the west of the main runway'. The Strategic Masterplan currently being consulted upon does not include any detail of proposals west of the allocated employment areas, and as such the consultation fails at the first hurdle. This was raised by the Parish Council at the first consultation also. Whilst the current proposals may have considered the uses on the airfield and how they influence what is being proposed on the allocated employment areas, there is no information as to what is being planned for the operational airfield site. Splitting the masterplan area and considering them separately has led to a disjointed, segregated approach – an approach that EFDC would not accept for any of the other masterplan areas in the Local Plan, and an approach which does accord with Policy P 6 is the SVLP.

14% of comments from the first consultation expressed concern about air, noise and light pollution as well as a potential increase in airfield activities, however without considering the future of the operational airfield as part of this masterplan, how can these concerns be considered and addressed? It should also be noted that the Consultation website simply refers to North Weald Airfield Strategic Masterplan, and as such gives the impression that it covers the whole site. This further supports the fact that the Masterplan is flawed.

The Parish Council is unable to support this Masterplan as the plans / proposals do not include the entire site as defined in the SVLP, and as such are not inclusive and does not comply with EFDC's own policy in the emerging Local Plan.

The Parish Council would also like to draw your attention to paragraph 2.94 of the SVLP which states that the 'Strategic Masterplan will be produced by the landowners/promoters of allocated sites, in partnership with the Council and relevant stakeholders including the Parish Council.' Whilst the Parish Council has been involved from a consultation perspective as per paragraph 2.95 of the SVLP (having been invited to respond to the two consultations that have taken place to date), its involvement and any meaningful input to the production of the Masterplan itself has been limited to two Zoom meetings lasting less than three hours in total, and where the proposals were presented to the Parish Council and comments requested. This is insufficient to fulfil the statement that the plan has been produced in partnership with the Parish Council. Partnership suggests collaborative working, not being informed of what has been decided.

In summary, the consultation is flawed, primarily because it fails to fulfil the requirements of Policy P 6 of EFDC's own Local Plan (SVLP) as it does not cover the



entire Masterplan area, but also because there are too many unknowns and unanswered questions including but not limited to:

- Failure to identify (and consider) what the future operation of the airfield will be
- Failure to identify (and consider) what the relationship between the employment allocation and the operational airfield will be
- Failure to identify how the security of the Airfield Operational side will be maintained and how any access points will be managed, along with why these access points are needed and who will be able to use them.
- Failure to identify where the Epping Road access to the operational airfield will be

## **PART B – THE PROPOSALS**

Notwithstanding the concerns raised in Part A, the Parish Council would like to raise the following points concerning the proposals submitted as part of this consultation.

### **Transport / Traffic / Vehicle Movements**

By far the biggest concern for both residents and the Parish Council is the increase in traffic that will be generated by this development, and the effect this will have not only on the local road network, but on the quality of life of residents of North Weald Bassett Parish. This was the most frequent issue raised by local residents to the first consultation.

The Parish Council is pleased that some of the concerns raised during the first consultation regarding access to the site have been listened to which has resulted in the through route proposed between Merlin Way and the Epping Road no longer being proposed. However, the Council has consistently raised concerns regarding the cumulative impact of traffic from not only this site, but the North Weald Bassett Masterplan Site and the Latton Priory Masterplan Site, and we have asked on numerous occasions that a combined assessment of traffic impact should be conducted for all three masterplan sites collectively. This is the only true way of fully assessing the impact that an increase in traffic will have on our residents and the road network. The question as to why a combined traffic forecast / survey covering the three major development sites has not been completed has so far been met with responses including 'we have spoken to other developers and seen their reports', 'it's the job of highways to agree this', and 'it's for the local plan inspector to sort'. To date, it is our understanding that this joint approach / assessment has not been completed. The Parish Council has been told that Essex County Council has seen the traffic impact assessment for the site and is happy with the proposals, however surely this information should be made public as part of the wider consultation process so stakeholders can make informed representation on the development being proposed. The Parish Council remains seriously concerned at this stage regarding the impact of traffic on the Parish and would not support any proposals where the full impact of traffic has not been duly considered.

### **Access Points**

The masterplan paperwork is inconsistent when it comes to access points onto the employment area. The majority of the maps suggest there are three proposed access points, two of which are located off Merlin Way, and the third being the existing access from Epping Road which is to be retained. However some of the maps clearly show a fourth access point at the northern part of the area off Merlin Way which solely serves the largest proposed structure on the employment site. This is further confused by the wording on page 53 of the Masterplan document which states that 'Two vehicular points of access should be maintained from Merlin Way including the potential reconfiguration of the northern point as a primary access'. This needs to be clarified.

With regard to the southern most access point off Merlin Way, it should be recognised that this is in very close proximity to the neighbouring housing development. The Masterplan clearly states that it is likely some of the industrial area will have 24/7 operation, and as such this access point should be moved so as to protect the amenity of local residents. The entire Employment Area is likely to have increased hours of operation across the whole site when viewed against current activity, and it is entirely inappropriate that neighbouring residential properties should be subjected to 24-hour movement of HGVs. This level of vehicle movement would undoubtedly cause serious disruption to these residents. As such, it is proposed that the access point be moved further north (see Appendix 1 for suggestions).

The other proposed access to the site is off the main High Road into Hurricane Way. During the consultation sessions, the Masterplan Team advised that this access would only be for the following:

1. Access by vehicles to the smaller units proposed in the south-eastern element of the development (thus restricting the likelihood of access by HGVs, and prohibiting access of any vehicles to the middle and northern parts of the employment area).
2. Access by public transport buses by way of a gated system to serve the entire employment area.

Whilst there is already an access point from Hurricane Way currently serving both Bassett Business Units and Bookers, it is unclear at this stage how the proposals would affect the type and frequency of traffic flow into this access point, and as such it has not been satisfactorily demonstrated that the proposals would not be detrimental to neighbouring residents and the local road network. Furthermore, in order to protect the Lower Forest (a Site of Special Scientific Interest) surely EFDC should be taking this opportunity to discourage access from the south, especially when considering that the consultation states this would attract very limited traffic movements which could therefore easily be accommodated via the Merlin Way access.

The Parish Council also has concerns about the wording of the proposed bus service, specifically referencing page 7 of the consultation where it states under 'Sustainable Movement' that a 'new sustainable bus link could be accommodated through the site'. These concerns also relate to page 10 under the transport and movement sections which states a "possible new bus route to link the site with Epping underground station, North Weald Bassett village and the surrounding areas".

In order to fulfil the criteria of the Local Plan in terms of modal shift, it is vital that a new bus link be provided to the site from Epping and the surrounding areas, and this wording should be strengthened to emphasise it must happen. This bus route is also referenced on page 8 under the Movement Framework, and also on page 11, but with more positive phraseology. This ambiguity does not instil confidence that there would in fact be a new bus route. It is also worth pointing out that bus route SB11 should be removed from paragraph 2.29 on page 15 of the Masterplan document as this route is no longer in operation.

## **Church Lane**

Regardless of access points, serious consideration needs to be given to how Church Lane will function in the context of both Masterplan development sites being proposed in the Village. Whilst to date both Masterplan teams recognise there is a need to consider the impact of development on Church Lane, neither one is putting forward proposals as to how this will be dealt with, including the North Weald Airfield Masterplan Team. Church Lane is a narrow, dangerous, rural road, well used as a rat run, and also more frequently by HGVs (for which it is unsuitable). Proposals within this Masterplan talk about improved links to what is being referred to as the 'urban extension' of North Weald (a phrase the Parish Council does not support given the villagers desire for North Weald to remain a village) with improved pedestrian and cycle access between the two sites, however unless the issue of Church Lane is addressed, any such access points between the two sites and through the SANG area will be too dangerous to use. Somebody needs to take ownership and responsibility of this issue to ensure it is addressed. Who will this be? Frequently we are told this is not the responsibility of the Masterplanners, but Essex County Council, and if so Essex County Council should liaise with its partners (which includes the Parish Council) to consult them on ideas and suggestions for a suitable solution. The Parish Council will not support any proposals that do not adequately consider the future of Church Lane and its function between these developments.

## **New Entrance Point to Airfield**

The EFDC SVLP Policy P 6 (O) (iv) states that the Strategic Masterplan must make provision for 'a new access from Epping Road to service the west of the site.' The lack of clarity as to the extent to which this consultation is the 'North Weald Airfield Strategic Masterplan' means that the Parish Council cannot determine if this policy requirement should have been included (Part A of this letter refers). Given there has not been any indication that another Airfield Masterplan is being or will be created, the Parish Council must assume this policy requirement is not being fulfilled, and as such the proposals do not meet with the Policy requirements in the SVLP.

## **Connectivity**

There are a number of references throughout the document proposing that the new Cycle and Walking infrastructure could link up with the train station, however it is unclear why this is being proposed. At this stage it is assumed this is referring to the Epping Ongar Railway (EOR) at North Weald. This railway is a Heritage Railway line that operates as a visitor tourist attraction and is not a functioning railway line providing a commuting link. No rationale for this suggestion has been included, nor

are there any plans detailing how this would work. In order for the site to have any chance of being truly sustainable, a cycle link between Epping and North Weald is needed, however this is not even suggested within the proposals.

## Parking

Page 53 of the main masterplan document states under 7.42 'Where appropriate, parking will be provided in line with national and local parking standards, however sustainable modes of transport will be encouraged where possible to encourage modal shift'. In addition, paragraph 1.9 on page 6 suggests that dependent on the types of business that take up space at the airfield, there is the potential for between circa 1,600 and 2,900 new jobs to be based at the site. This would require a significant number of vehicles, and at this stage the plans do not indicate the number of parking bays being proposed. Furthermore, the wording concerning sustainable bus transport opportunities throughout the Masterplan is both non committal and woolly, and as such the Parish Council has no faith that a modal shift will be achieved, resulting in a considerable increase in traffic movements in the Parish. As the Transport Assessments have not been made public, it is unclear how many extra movements this would be. It is essential that a regular, frequent bus service is provided from the very start of the project to ensure this sustainable transport options becomes a viable, realistic alternative to car use.

## Heritage

The Parish Council fully supports the renovation of the Grade II Listed Control Tower for alternative, specifically, community uses. However when considering the Site Evaluation information (page 4 of the consultation paperwork) point 1 under the Heritage Category talks about 'possibly' increasing public access to the Control Tower as part of a 'potential' conversion. This statement seems very vague, whereas other statements are written with a more concrete approach. Differences in the terminology used sows the seed of doubt regarding whether certain aspects of the proposal will in fact be delivered. As an example this is particularly evident on page 9 of the consultation report under the land use Framework which states:

- Larger units will be located to the north of the site
- Smaller units will be located toward the south of the site
- The museum should be retained
- A new north / south green corridor will be provided
- Community uses could be located in the development site

The Parish Council would like to raise the question as to why there is a shift from 'will' to 'could' when it refers to community uses. This is evident throughout the document and implies that the certainty of community uses is less so than other elements of the masterplan. This is unhelpful and should be rectified within any final Masterplan endorsed by EFDC to provide certainty to the residents of North Weald that they are guaranteed some community benefit as part of the proposals, especially concerning the Control Tower. Again, the Parish Council cannot support this aspect without the certainty presently missing.

Page two of the proposals state that there will also be open spaces located throughout the site to provide the opportunity to hold the outdoor market. The Parish

Council has concerns as to the feasibility of this, especially considering these spaces have not been indicated on the illustrative site plans so an assessment as to the feasibility of suggestions can be made. Furthermore, the weekly market attracts visitors from all over the county and further afield who visit using a private motor vehicle, and the proposals do not indicate where the vehicle parking would be accommodated and how this would impact on the Employment Area. The proposals as submitted do not address this issue sufficiently.

There is some confusion concerning what is proposed for Hanger 1. Throughout the supporting paperwork it is referenced that Hanger 1 has historic value, however the Site Strategy Map on page 30 of the full Masterplan does not identify Hanger 1 as a building to be retained. At the 29th January consultation event, Hanger 1 was stated as having a 'safer package' in place and that this was 'being retained', however nothing within the Masterplan suggests this is the case. As such, it is unclear what will become of this important element of airfield history.

## **Environmental**

The Parish Council has concerns regarding the proposed spatial layout and the potential impact on the safety of aircraft, specifically regarding a wildlife enhancement area on the northern part of the site being so close to the runway. This has the potential to attract a wide range of wildlife including birds, which can be extremely dangerous to aircraft. There are also a number of attenuation areas south of the site which are close to the runway. There is no evidence presented to confirm that these areas will not cause a safety concern to the operational element of the airfield. Further evidence needs to be presented regarding this. In addition it is suggested that the buildings could have 'green roofs which do not attract birds', however it is unclear how this could be achieved.

In principle the Parish Council supports the proposed Energy Centre, which we have been led to believe is a fully sustainable energy system which will support the energy needs of the whole site, however there is very little information within the consultation documentation specifying exactly what this would be, including details of noise. Further details would be needed for the Parish Council to give a more informed opinion, however the principle of clean energy is supported, subject to this not being to the detriment of local residents.

The proposal maps identify the SANG area, however the Masterplan team confirmed during the online Zoom session on 11th January that the identified area for SANG was not in fact the final area of SANG, but more of an indicative space. This is not clear within the consultation paperwork, and as such has led to a false perception by local residents that the entire area indicated is the final SANG Area. This needs to be rectified.

The Movement Framework on Page 8 suggests the re-introduction of the former airfield access as a new Heritage Trail, however it is not clear what this Heritage Trail would consist of. This is also referenced within the full Masterplan document. Further details are required.

The building heights proposed range between 9-16 meters. Any building heights must not be so high as to jeopardise either the future use of the operational airfield or dominate the skyline of North Weald.

Page 10 of the report under 'Landscape Led Design' states that such a design is an integral objective of a Garden City. The North Weald Airfield site is not a Garden City, and as such this reference should be removed as it causes both confusion and concern.

The Parish Council is uncomfortable with the wording used on page 10 under the 'Social and Economic Wellbeing' heading, which states that the scheme will need to 'minimise' any negative environmental effects on the health and wellbeing of building users. The Parish Council seriously questions a Masterplan process where any negative effects on the health and wellbeing of building users could be deemed acceptable, and the Council would not support any proposals where this was the case. The Masterplan team are asked to consider the purpose of this bullet point, and question in what circumstances would any level of negative environmental affect be acceptable.

### **Phasing and Delivery**

The supporting wording under Phasing and Delivery states that the bus route through the site will be delivered when the service is viable, however taking this approach will allow for poor patterns of behaviour to take hold, including car use. It should be a requirement that the developer (EFDC) provides a number of subsidised bus services for a number of years from the very start of the project to ensure a sustainable bus service is embedded in the development, otherwise how will the Highway Authority know when a bus service is viable if there is no service to test this against? It is essential such bus services are in place from phase 1 to ensure poor patterns of behaviour do not become the norm. It is the developer's responsibility to ensure the development meets the sustainability targets.

The Parish Council supports the Cycle and Pedestrian green link that would run along the eastern boundary of the site, however the supporting wording states that the provision of the new green link through the site will follow in sequence with the development of each phase. This means the sustainable access to the site will not be usable until the entire site has been developed. This will also lead to poor patterns of transport behaviour, and it is suggested the entire green link be created starting at Phases 1 and 2.

### **CONCLUSION**

North Weald is a Village – a characteristic greatly valued by its residents. Any development proposals MUST respect the village setting, ensuring the lives of residents are not detrimentally affected, especially concerning traffic generation, noise and pollution (including light). At present, the Parish Council is not satisfied that enough work has been done to evidence that the village would NOT see a negative impact as a result of proposals put forward and cannot support the proposals that have been presented.



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## Appendix 4 – 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

<b>Section 1: Identifying details</b>
Your function, service area and team: <i>Planning Service</i>
If you are submitting this EqlA on behalf of another function, service area or team, specify the originating function, service area or team: <i>N/A</i>
Title of policy or decision: <i>North Weald Airfield Strategic Masterplan</i>
Officer completing the EqlA: <i>Evie Learman</i> Email: <a href="mailto:learman@eppingforestdc.gov.uk">learman@eppingforestdc.gov.uk</a> or <a href="mailto:implementationteam@eppingforestdc.gov.uk">implementationteam@eppingforestdc.gov.uk</a>
Date of completing the assessment: <i>26th January 2023</i>

<b>Section 2: Policy to be analysed</b>	
2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project? <i>No</i>
2.2	Describe the main aims, objectives and purpose of the policy (or decision):  <i>The report is for the purposes of sharing the results of the recent public consultation that took place between December 2021 and February 2022 and proposed endorsement of the North Weald Airfield Strategic Masterplan in order for it to be taken into account as an important material consideration in the determination of future planning applications, and to inform pre-application advice, assessing planning and any other development management and implementation related purposes relating to the site.</i>  What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?  <i>To ensure the Masterplan is endorsed and becomes a material planning consideration as noted above.</i>
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> <i>The report provides the background to the North Weald Airfield (NWA) Strategic Masterplan which has been consulted on in accordance with the Council's Statement of Community Involvement (SCI). Once endorsed it will support policies in the emerging Local Plan, particularly in relation to Policy SP 2 Place Shaping and Policy P 6 North Weald Bassett and will be an important material consideration in the determination of future planning applications, and to inform pre-application advice, assessing planning and any other development management and implementation related purposes relating to the site.</i>

	Will the policy or decision influence how organisations operate? <i>No</i>
2.4	Will the policy or decision involve substantial changes in resources? <i>No</i>
2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</p> <p><i>The work being undertaken is required to support policies in the emerging Local Plan in relation to Place Shaping, Masterplanning and in this instance the NWA Masterplanning area specifically. The Masterplan will inform planning and development management processes to ensure delivery of high-quality and appropriate development at the airfield.</i></p>



## **Report to the Cabinet**

**Report reference: C-044-2022/23**

**Date of meeting: 13 March 2023**

**Portfolio: Housing and Community- (Cllr H Whitbread)**

**Subject: Housing and Property – Asset Works**

**Responsible Officer: Pam Warfe (01992 564 ).**

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



**Epping Forest  
District Council**

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

- (1) To approve the commissioning of a third party to write our housing asset management strategy in line with our 30-year HRA finance business plan, to include a rolling five-year investment plan**
- (2) To approve the start of consultation with leaseholders and residents of the Broadway's major works project with an estimate cost of £6million.**
- (3) To approve the co-funding of decarbonisation works to 130 properties should EFDC be successful in securing funding through the Social Housing Decarbonisation Fund (SHDF) Wave 2. Cabinet Approval is needed to direct award the works to E:On as set out in the Fusion 21 framework.**
- (4) To agree that the Interim Strategic Director is the Council's responsible person for Health and Safety in Council Housing**

### **Executive Summary:**

#### **(1) Housing Asset Management Strategy**

EFDC have a 30-year HRA finance business plan which outlines the available annual finances to meet our obligations under the decent home standard and the social housing white paper. However, we do not have an up-to-date housing asset management strategy document that will run alongside the 30-year finance plan which will direct our spending, outline our aims and goals including our approach to achieving Net Zero across our housing stock and informing our approach to disposal and development options.

We would like approval to outsource the production of this report to a third party via competitive tender. Whilst we would have hoped to have produced this report internally, resource and time constraints mean that outsourcing would produce the document in a timely manner.

The organisation commissioned to write the strategy will, as part of the commission, need to carry out consultation with EFDC Councillors, tenants, and leaseholders to understand their investment priorities.

#### **(2) Works to The Broadway**

At January's 2022 report to stronger communities regarding the housing business plan, there were several assets highlighted within section 7 requiring capital works expenditure. One of these assets is The Broadway which in the January 2022 report was estimated as requiring £2.75m worth of planned works.

We now want to bring this project back to the attention of members for two reasons. Significant additional works identified by our independent surveyor suggests that many components to the buildings external envelope are now life expired and require urgent maintenance/replacement. The required budget for these is estimated to be £6m and is available within years 24/25 & 25/26 of the business plan. Firm costs for the proposed scheme will be provided following a competitive tender process under the SEC framework for External Works in the 3<sup>rd</sup> quarter of 2023.

Following high level budget approval, we would also like approval to begin immediate consultation with our residents at The Broadway. This is to allow ample time to consult with our commercial and residential tenants, noting a large percentage of residents are leaseholders (40%). Those of which are leaseholders will be recharged under their respective Service Charge Agreements (commercial leaseholders), or, under the Section 20 Act of the Landlord and Tenant Act 1985 (residential leaseholders). Early engagement with all our residents will be essential to ensuring successful delivery and meeting the proposed 24/25 delivery timeline. Funding for consultation expenditure is covered within financial year 23/24.

### **(3) Social Housing Decarbonisation Fund**

The asset strategy team have applied for funds through the Social Housing Decarbonisation Funds Wave 2 (SHDF) to improve the thermal efficiency of 130 properties, all served solely by electricity and whose Energy Efficiency Rating is currently below the target 'C' rating between D-F. These form some of EFDC's worst performing properties and the proposal sets out to improve this through a combination of 'fabric first' measures aimed at increasing all properties to EPC band C.

Notification of a successful bid, which has been formulated in conjunction with E:On energy via direct award on a Fusion21 framework, is anticipated around February to March 2023 and requires EFDC 100% match awarded funds. That is, that the total project value will be split 50/50 between EFDC and the SHDF. The total project value is circa £3.4m with EFDC required to commit £1.7m funds, which have also been budgeted for within the HRA finance business plan. The direct award call off report is in appendix 1 of this document.

### **(4) Nominated Person Responsible for Health and Safety Compliance**

The Council will designate the Interim Strategic Director as the Council's nominated person responsible for compliance with landlord health and safety duties on behalf of the council.

## **Reasons for Proposed Decisions:**

- (1)** The housing asset management strategy will provide reassurance to the Council that our approach to investment in housing assets maintenance is driving the portfolio in a direction which meets our legal obligations but will also ensure that we are able to meet our Net Zero ambitions, helping drive down energy costs to residents.
- (2)** Extensive capital works at the Broadway are essential to protect the asset and reduce future responsive repair expenditure.
- (3)** The investment driven by the Social Housing Decarbonisation Fund will
  - a. Reduce tenant energy bills as properties can retain more heat and become more thermally efficient. Linked to this is the likelihood that residents are less likely to fall into arrears on their rent as they spend less on energy bills.
  - b. It is anticipated all Landlords will have to meet a minimum energy efficiency standard of the EPC band C for new private rented tenancies in the next five years.
  - c. Added value to the assets. Typically, properties EPC rated B and C sell for 5% more than those rated D. Under the deliverables of government backed fund this project must ensure all included properties are improved to a minimum rating of C.
  - d. Further protection to Assets. By following a fabric first approach and insulating the external envelope of the properties they are less likely to suffer from condensation, damp, and mould.
  - e. This will enable tenants to live in homes that are much less likely to have damp and mould.

- f. By following a fabric first approach it becomes possible to undertake further thermal efficiency upgrades in the future (e.g. green heating systems) with the knowledge that EFDC stock can retain the heat efficiently. This will assist EFDC on its Green plan and the governments wider journey to net zero by 2050.
- g. Access to awarded funds via the SHDF will reduce strain on the HRA finances to begin working towards Net Zero.

(4) Nomination of Senior Leader to be the Council's person responsible for Health and Safety in council housing

The regulations laid by Government on 29th March 2022<sup>1</sup> require that the council will nominate a senior officer to be the person responsible for compliance with health and safety. That person must be "sufficiently senior to drive a culture of safety throughout the landlord organisation" and will be the public face of compliance for the council and, of course, tenants. By designating the post of Strategic Director to this role the council is ensuring that at the most senior level within the authority there is a post that will bring any compliance concerns to the attention of the Authority.

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

- (1) Writing this document could be kept in house. Whilst this would save some costs, the production of the report would be delayed due to increased workloads because of the changes to housing and compliance regulations.
- (2) Many of the items listed for replacement are beyond basic repair. The commercial tenants are and will continue to be impacted by leaks from the above. Delaying other programmed works to reduce cost, such as the window replacement, would not be a cost-effective solution as we can now make use of the scaffolding being in place for the other elements.
- (3) By not progressing with the with grant works will put added strain on the HRA finance plan in the coming financial year, which will mean less properties undergo any works. The works will also help inform our approach to future decarbonisation works
- (4) As part of the changes and recommendations in regulations, there needs to be single nominated person for health & Safety

#### **Report:**

##### **1. Housing Asset Management Strategy**

The production and implementation of a housing asset management strategy will mark a key transitional phase in the council's housing improvement journey. The strategy is essential to ensure, that in a time of significant regulatory change within the housing sector, EFDC can programme all essential works working inside the financial parameters of the HRA 30-year business plan.

The strategy will be written as a 30-year plan to run concurrently with the HRA finance business plan but will also have a more focussed rolling five-year investment plan which will be formally reviewed around year two to assess progress and adjustments should they be needed.

Councillors, tenants and leaseholders will all be consulted about investment priorities as part of the plan.

Key criteria within the specification to produce the strategy, which we would expect to be finalised by August 2023, will include changes to government legislation, austerity, and cost reduction, retrofit in line with PAS2035, decarbonisation, Decent homes 2 and statutory compliance activities. The report will also define our approach to stock appraisal to identify those assets that should be considered for disposal or investment and will also provide insights into the development team as to the type of properties that we should consider purchasing or building to meet the needs of the district's social housing demographic.

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<sup>1</sup> The regulations are now part of the Social Housing (Regulation) Bill which is at Report Stage in the House of Commons 1.2.23

The housing assets team will be responsible for ensuring the strategy is implemented, developing strict regulation over any deviation from the strategy, which would require a full business case including costings. This would include any recruiting for staff or changes to capital expenditure. Development of the specification for tender is underway and although we have not tested the market, we estimate the cost of such a report to cost in the region of £20k.

## **2. The Broadway Project**

January 2022's cabinet report which stated estimated capital expenditure for works at the Broadway to be in the region of £2.75m, which consisted predominately of roof repairs, window replacements throughout the blocks and other external repairs and decorations, forming part of our cyclical capital programme.

In April 2022, Baily Garner (BG) were appointed, via the Southeast Consortiums Framework Agreement, to carry out a survey of the Broadway and develop a pre-tender estimate of costs in line with a scope provided to them. As a result of the survey BG highlighted several areas of the asset where simple repairs, as previously planned, would no longer be an option, generally do to elements reaching the end of their serviceable life or reaching their end of life sooner than would be expected due to higher-than-normal wear and tear. These changes contributed to the returned cost estimate rising to £5.7m, which includes all associated contractor prelims.

Two key components of the project where significant cost increases were identified were with the roof, where repairs are no longer an option. An excerpt from the roof survey commissioned by BG reads,

*"The condition of the existing waterproofing is extremely poor and is worthy of concern. There is extensive evidence of water ingress, due to advanced deterioration. As such, the existing system is beyond salvage and should be removed and replaced, using this opportunity to thermally upgrade the replacement system to comply with current Building Regulations.*

*This water proofing system is showing all the typical defects consistent with a covering of this age including surface oxidisation, cracks, splits, blisters, rucks and signs of repair.*

*In accordance with BS6229:2018, Building regulations and Energy Conservation Standards for England and Wales roofs should be "designed and constructed so that thermal transmittance does not exceed 0.35W/m<sup>2</sup>K at any point." The thermal performance of the existing roof build-up is poor and falls below the above standards."*

The new roof will be guaranteed for a "minimum of 20-years" life span and will see a marked improvement in the thermal efficiency of the properties.

The second significant cost increase is in relation to the walkways and balconies. Like the roof works, the finishes on the walkways and balconies which extend above the commercial properties were originally planned for repair and general maintenance in line with the expected life of the current finish. However, upon inspection these too are beyond repair and require full replacement. In this instance, consideration has also been given to how the space is used by the residents and allowance has been made for a hardwearing finish to overlay the roof covering. The cost associated with these works increased from an initial anticipated repairs cost of £75k to £1m.

An overview of the BG's pre-tender estimated costs can be found in Appendix 1 at the end of this document. Included in the estimated costs is a 15% client contingency. Whilst this may be higher than typical contingency budgets normally included within projects such as these, we feel that 15% should safeguard EFDC from any inflationary costs, associated with either labour or materials, which would increase costs beyond our budget.

## **3. Social Housing Decarbonisation Fund**

The Social Housing Decarbonisation Fund (SHDF) will upgrade a significant amount of our social housing stock currently below Energy Performance Certificate (EPC) C up to that standard. It will support the installation of energy performance measures in social homes in England, and help:



- deliver warm, energy efficient homes
- reduce carbon emissions
- tackle fuel poverty
- support green jobs
- develop the retrofit sector
- improve the comfort, health and well-being of social housing tenant

The bid submitted by E:On on behalf of EFDC included 130 properties with either an EPC rating of E or F. These are some of the lowest EPC ratings we have in our stock. For context, an EPC rating of G is the lowest achievable rating, with A being the highest.

Approx 91% of the properties in the bid are expected to raise from their current E or F rating to a band C. The remaining properties will increase to a band D. The improvements in energy performance are expected to see the average annual fuel bill to reduce by £269.92 based on fuel prices at the time of bid submission in November 2022.

The work will be carried in out over 2 years in line with the programme outlined by the Department for Business, Energy & Industrial Strategy.

The total value of our bid is £3.2m with EFDC being liable for 50% of these costs. The costing not only include the energy efficacy works which range from external wall cladding and air source heating but also include for all management fees associated with the project.

#### **Resource Implications:**

1. The only resource requirement will be an allowance of officer time in developing the specification and overseeing the tender process and will be led by the Head of Asset Strategy
2. EFDC currently employ an experienced construction project manager who will over see the tendering of the works and liaising with all key stakeholders.
3. This project would be headed up by EFDCs construction project manager who, in conjunction with E:On will manage the project through to completion.

**Legal and Governance Implications:** N/A

**Safer, Cleaner and Greener Implications:** N/A

#### **Consultation Undertaken:**

The finance team have been consulted on the two major projects in the paper and are aware of the intended spending profile for each.

**Background Papers:** N/A

**Risk Management:** N/A

## 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

<b>Section 1: Identifying details</b>
Your function, service area and team:
If you are submitting this EqIA on behalf of another function, service area or team, specify the originating function, service area or team:
Title of policy or decision:
Officer completing the EqIA: Tel:                      Email:
Date of completing the assessment:

<b>Section 2: Policy to be analysed</b>	
2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project?
2.2	Describe the main aims, objectives and purpose of the policy (or decision):  What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?
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> Will the policy or decision influence how organisations operate?
2.4	Will the policy or decision involve substantial changes in resources?
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?

### **Section 3: Evidence/data about the user population and consultation<sup>2</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?
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?
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:

## 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		
Disability		
Gender		
Gender reassignment		
Marriage/civil partnership		
Pregnancy/maternity		
Race		
Religion/belief		
Sexual orientation		

## Section 5: Conclusion

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

<b>What are the potential adverse impacts?</b>	<b>What are the mitigating actions?</b>	<b>Date they will be achieved.</b>

**Section 7: Sign off**

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

Signature of Head of Service:

Date:

Signature of person completing the EqIA:

Date:

**Advice**

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



# Call off Report

Decarbonisation Framework

Member: Epping Forest District Council

Ref: 16062

February 2023



# Contents

1.	Project Particulars.....	3
2.	Introduction .....	3
3.	Framework Procurement.....	3
3.1.	Decarbonisation Framework Details.....	3
4.	Call-off Process .....	4
5.	Award Due Diligence.....	4
6.	Fusion21 Recommendation .....	4
	Appendix A – Due Diligence Criteria .....	6

## Document Control

<b>Version</b>	1
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	<b>Name</b>	<b>Date</b>
<b>Author</b>	Rhys Waring	22/02/2023
<b>Reviewed</b>	Paul Towers	01/03/2023
<b>Member Approved For Issue</b>	Richard Spencer	02/03/2023

## 1. Project Particulars

<b>Document Type</b>	Call Off Report
<b>Project Ref</b>	16062
<b>Framework</b>	Decarbonisation Framework
<b>Lot</b>	1
<b>Fusion21 Member</b>	Epping Forest District Council
<b>Issue Date</b>	22/02/2023
<b>Approx. Value</b>	£3,394,761.18
<b>Contract Term</b>	24 months
<b>Level of Service</b>	Direct Award
<b>Fusion21 Management Fee</b>	2.50%

## 2. Introduction

The purpose of this report is to provide Epping Forest District Council with a compliance review for the direct appointment of a supply partner for the delivery of decarbonisation works.

The report provides details of the Framework, the call off process, then reasoning and justification for the selection of the proposed supplier for a direct award.

## 3. Framework Procurement

The table below provide an overview of the selected Framework.

### 3.1. Decarbonisation Framework Details

<b>Contract Notice</b>	2021/S 000-023377
<b>Contract Award Notice</b>	2022/S 000-002510
<b>Evaluation Method</b>	MEAT
<b>Qualification</b>	PAS91
<b>Commercial</b>	40%
<b>Technical</b>	60%
<b>Start date</b>	31 <sup>st</sup> January 2022
<b>End date</b>	30 <sup>th</sup> January 2026
<b>Appointed suppliers (Lot 1)</b>	32 in total, 21 appointed to East of England region
<b>Regions</b>	Nuts code UK
<b>Direct Award</b>	Permitted – Framework Agreement Schedule 13

#### 4. Call-off Process

The Fusion21 Framework Agreement schedule 13. Pg. 55 details the requirements for the direct selection of a supplier. The contract award is a direct call off from Lot 1 of the Decarbonisation Framework to be awarded under a 'call off' contract.

The selection and direct appointment of E.ON Energy Solutions Ltd is based upon the Member's requirements and business need to meet the desired brief/specification for the provision of Works that are required to be carried out.

The direct award to E.ON Energy Solutions Ltd is in line with 1.1.2 of Schedule 13 for the reasons stated below:

- E.ON Energy Solutions Ltd have worked with Epping Forest Council on this project and have supported in finalising specifications
- Supported Epping Forest Council with bid funding
- Member requires a full turkey solution

#### **SCHEDULE 13**

##### **Direct Call-Off and Placing of Orders**

1.1. A Member/Fusion21 may instruct provision of Services and/or the carrying out of Works without reopening competition by applying the terms of the Call-Off Contract, the Supplier's prices contained in its Pricing Schedule(s), the Brief/Specification (as may be tailored more particularly to the requirements for the Call-Off Contract to be used) to select a Supplier having regard to one or more of the following:

- 1.1.1 The Member's requirements and business needs by reference to the Brief/Specification for the provision of Services and/or carrying out Works; and/or
- 1.1.2 Where the Member can evidence value for money based on a Total Cost of Ownership approach; and/or
- 1.1.3 Where relevant to the ranking of the Supplier in the procurement exercise the subject matter of the Invitation to Tender; and/or
- 1.1.4 The geographical location in which those Works and Services are to be performed; and/or
- 1.1.5 The number of Call-Off Contracts currently awarded and to which organisation; and/or
- 1.1.6 The performance of the Supplier under any Call-Off Contracts currently awarded to it.

## 5. Award Due Diligence

The following information was checked for E.ON Energy Solutions Ltd on 22/02/2023. The criteria for the colour coding are included below and in Appendix A in more detail.

Low	Low-Moderate	Moderate	Moderate-High	High	
Area	Assessment	Result			RAG
Financial	D&B Overall business risk	Moderate – Dun & Bradstreet thinks - <ul style="list-style-type: none"> <li>Overall assessment of this organisation over the next 12 months: Significant-Payment-Behaviour-Concerns</li> <li>Based on the predicted risk of failure: Strong Likelihood of Continued Operations</li> <li>Based on the predicted risk of severely delinquent payments: Very High Potential For Severely Delinquent Payments</li> </ul>			●
Insurances	Employers Liability Insurance	£10,000,000.00 – Expiry Date – 31/12/2023			●
Insurances	Product Liability Insurance	£10,000,000.00 – Expiry Date – 31/12/2023			●
Insurances	Professional Indemnity Insurance	£10,000,000.00 – Expiry Date – 31/12/2023			●
Insurances	Public Liability Insurance	£10,000,000.00 – Expiry Date – 31/12/2023			●
Guarantee	SWIGA guarantee OR a similar Cavity Wall Insulation Guarantee Agency (CIGA)	Checked- 23/02/2023 – SWIGA guarantee			●
Accreditation	PAS2030:2019	Checked – 23/02/2023 – Certification Number – NICI00030			●
Accreditation	Trustmark	Checked – 23/02/2023 - Licence Number: 1733216			●
Social Value	Is Social Value being considered as part of the project?	No			●

Fusion21 has carried out a due diligence exercise that indicates the financial stability and competency of the supplier identified for this contract. Members should satisfy themselves as to the level of diligence they require and the standing of the supplier before making an award decision.

## 6. Fusion21 Summary

Based upon the Members requirements and in accordance with the Framework Agreement, Fusion21 confirms the terms and conditions permit a direct award to any appointed supplier that can meet the Members brief and specification and satisfy the Members requirements for demonstrating value for money.

In this instance a due diligence exercise by the Epping Forest District Council has satisfied the requirements in accordance with the Framework terms and conditions (Schedule 13). Therefore, Fusion21 are satisfied for a complaint call off to E.ON Energy Solutions Ltd can proceed.

*Note: In accordance with regulation 112 of Public Contracts Regulations 2015 and Crown Commercial Services Procurement Policy Note 07/16 as the Contracting Authority, it is the responsibility of each Member to ensure that details of any contract award in excess of £10,000 by Central Contracting Authorities or £25,000 for Sub Central Contracting Authorities and NHS Trusts are published on Contracts Finder. Please make sure you do this as Fusion21 is unable to do it for you. It should be noted that the following information should be detailed as a minimum:*

1. *the name of the contractor;*
2. *the date on which the contract was entered into;*
3. *the value of the contract; and*
4. *whether the contractor is a SME or VCSE.*

**Appendix A – Due Diligence Criteria**

**Dun & Bradstreet Overall Business Risk Assessment**

The Overall Business Risk is a high-level prediction of the company’s risk of paying its bills extremely late, or its likelihood of going out of business. It is a comprehensive evaluation that considers factors such as trade payments, risk indicators, financial data, as well as a business’ size and years in operation. It scores businesses on a five-point scale, from low to high risk, with additional statements describing the business’s current and future health.

Low	Low-Moderate	Moderate	Moderate-High	High
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Further information about D&B’s Risk Assessment: [D&B Business Credit Reports](#)

**Dun & Bradstreet Failure Score**

The D&B Failure Score predicts the likelihood that an organisation will obtain legal relief from its creditors or cease operations over the next 12-month period. The Failure scorecard also looks for events signalling the onset of failure, such as a meeting of creditors, administrator appointed, bankruptcy, receiver appointed, and petition for winding-up.

Failure Score	Probability of Failure
86-100	Minimum risk
51-85	Lower than average risk
11-50	Higher than average risk
1-10	High risk
-	Insufficient information

Further information about D&B’s Failure Score: "[A Guide to Dun & Bradstreet’s Predictive Indicators](#)".

**Insurances and Accreditations**

Fusion21’s RAG colour coding is as follows:

Moderate risk would be where a certificate is due for renewal within 30 days or (for example) an inappropriate insurance cover level. High would be the unaccredited or the uninsured.

Low	Moderate	High
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**0845 308 2321**



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## **Report to the Cabinet**

**Report reference: C-043-2022/23**

**Date of meeting: 13 March 2023**

**Portfolio: Communities and Partnerships**

**Subject: Domestic Abuse and Domestic Abuse Workplace Policies**

**Responsible Officer: Caroline Wiggins (01992 564122).**

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



**Epping Forest  
District Council**

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

**To note and agree The Domestic Abuse and Domestic Abuse Workplace Policies**

### **Executive Summary:**

As part of our work to achieve Domestic Abuse Housing Alliance (DAHA) Accreditation we have been working across services to develop our Domestic Abuse and Domestic Abuse Workplace Policies. We believe that no person should live in fear of violence or abuse. These two policies set out our responses to both individuals and our workforce. They set out how we will provide support tailored to the needs of the individual.

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

These two policies are essential in giving guidance as to both staff and residents as to how we will endeavour to support those experiencing domestic abuse and evidence our commitment to end violence against women and girls in line with the government's Violence against Women and Girls Strategy. The policies are also integral in our bid for DAHA accreditation. They sit across the whole organisation, with specific procedures outlining how each team will implement these policies in practice.

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

Not to agree the adoption the policies preventing a robust, consistent and transparent approach to tackling domestic abuse and supporting any members of staff who may be experiencing domestic abuse.

### **Report:**

1. The Domestic Abuse Housing Alliance (DAHA) was launched in 2014 and is managed by Standing Together. EFDC aspire to achieve a DAHA Accreditation to support our residents and staff in providing a positive, safe environment and encouraging them to have the confidence to approach us as a council at a time of need.
2. These two policies set out our commitment as a local authority to take efficient and effective action to deal with all reports of incidents and it explains how we will provide support tailored to the needs of the individual working in partnership with specialist services to provide a coordinated response. They indicate the position and values of the Council and set out how we intend to comply with standards and best practice

3. The latest Crime Survey for England and Wales (CSEW) completed in October 2021 estimated 2.4 million adults aged 16 years and over experienced domestic abuse in the year

ending March 2022 (1.7 million women and 699,000 men).<sup>1</sup> In Epping Forest there were 1939 recorded incidents of domestic abuse (1<sup>st</sup> October 2021 – 30<sup>th</sup> September 2022) an increase of 9% (170) on the previous year.

### **Resource Implications:**

Policies and associated action will embed across the organisation into existing resource. Most frontline teams already operate a trauma informed practice on the basis of 'making every contact count' and specific funding for DA has been secured from Essex County Council to the sum of £23,330. In addition to that, there is £11,866 Homelessness Prevention Grant Funding and £35,439 New Burdens Funding from the Department for Levelling Up, Housing and Communities (DLUHC).

Funding for the DAHA accreditation (£3125) is budgeted for from the New DA Burdens Funding.

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

- Anti-social Behaviour Act 2003
- Anti-social Behaviour, Crime and Policing Act 2014
- Care Act 2014
- Crime and Security Act 2010
- Data Protection Act 2018
- Domestic Abuse Act 2021
- Domestic Abuse Crime and Victims Act 2004
- Equality Act 2010
- Housing Act 1996 as amended
- Local Government Act 1972
- Policing and Crime Act 2009
- Protection from Harassment Act 1997
- Serious Crime Act 2015
- Serious Violence Duty 2022

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

These Policies fall within the priorities of Police & Crime Plan 2021-2024, Essex Police Crime Prevention Strategy and Southend Essex & Thurrock Domestic Abuse Board Domestic Abuse Strategy 2020-2025.

### **Consultation Undertaken:**

Stronger Communities Select Committee  
Epping Forest Community Safety Partnership (CSP)  
EFDC Tenants & Leaseholder Panel  
Standing Together (DAHA)  
EFDC Corporate Safeguarding Group

### **Background Papers:**

Domestic Abuse Housing Alliance Accreditation Manual 2022-2023  
Domestic Abuse Act 2021

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<sup>1</sup> ONS  
DS/AH (November 2020)

**Risk Management:**

Procedures and practice are reviewed by our Safeguarding Service and information is disseminated across services via our Corporate Safeguarding Group.

## 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

<b>Section 1: Identifying details</b>
Your function, service area and team: Directorate Specialist – Technical Services – Community Resilience
If you are submitting this EqIA on behalf of another function, service area or team, specify the originating function, service area or team: Peoples Team
Title of policy or decision: Domestic Abuse and Domestic Abuse Workplace Policies
Officer completing the EqIA: Caroline Wiggins Tel: 01992 564122 Email: cwiggins@eppingforestdc.gov.uk
Date of completing the assessment: 31.01.23

<b>Section 2: Policy to be analysed</b>	
2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project? New domestic abuse policy and change to work place policy
2.2	Describe the main aims, objectives and purpose of the policy (or decision):  What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)? These two policies set out our responses to both individuals and our workforce. They set out how we will provide support tailored to the needs of the individual.
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> ALL  Will the policy or decision influence how organisations operate?
2.4	Will the policy or decision involve substantial changes in resources?  Policies and associated action will embed across the organisation into existing resource and specific DA funding has been secured from Essex County Council.
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?  These Policies support Epping Forest District Council’s Corporate Strategy objectives.

These Policies are linked to the following policies:

- Allocations Scheme 2022-2027
- Anti-social Behaviour and Hate Crime Policy
- Customer Complaints Policy
- Employee Domestic Abuse Support Policy
- Housing Rents Policy 2020
- Income Recovery Policy 2020
- Privacy Policy
- Planned Maintenance Policy
- Repairs Policy
- Safeguarding Policy and Procedures
- Tenancy Policy 2022-202
- Whistleblowing Policy and Procedures

### Section 3: Evidence/data about the user population and consultation<sup>2</sup>

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

3.1	<p>What does the information tell you about those groups identified?</p> <p>Every year, nearly two million people in the UK experience domestic abuse. Seven women a month are killed by a current or former partner in England and Wales. Yet thousands of victims do not get the right support at the right time, with SafeLives research showing that 85% of victims seek help five times on average before they get effective help</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p>Given that domestic abuse is largely perpetrated at home, housing providers can play a unique role in supporting victims of abuse who are their tenants, and holding perpetrators to account.</p> <p>In their draft format both policies were scrutinized by the Regional Lead from DAHA (South) Standing Together to ensure the policies meet the standards set out within the DAHA Accreditation Framework.</p> <p>Following this the Policies were shared with the Tenant and Leaseholder Panel for comment of the two responses we received one was that the policies were excellent but they should be reviewed annually and it was also noted</p> <p><i>'The implantation of the policy will depend on quality of officers on the ground and resources available coupled with an ongoing process of frank review of impact and outcomes for the people affected as I would say they are the best placed people to give feedback . That the policy is clear on its inclusiveness of gender/beliefs/type of relationship etc in Identifying who can be a victim of abuse is good and that can be overstated but may need targeted campaigns of awareness amongst minority groups in the district who may feel excluded.</i></p> <p>They were also shared with EFDC Corporate Safeguarding Group</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:</p>

## 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	1. Positive - We recognise survivors' experiences may be partly defined by background, economic status, gender, sexual orientation, ability, age, religion or beliefs ethnic group or immigration status. We understand that some may face discrimination and we will consider the individual needs of each survivor when tailoring our approach.	M
Disability	Positive	M
Gender	Positive	M
Gender reassignment	Positive	M
Marriage/civil partnership	Positive	M
Pregnancy/maternity	Positive	M
Race	Positive	M
Religion/belief	Positive	M
Sexual orientation	Positive	M



## Section 5: Conclusion

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

<b>What are the potential adverse impacts?</b>	<b>What are the mitigating actions?</b>	<b>Date they will be achieved.</b>

**Section 7: Sign off**

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

Signature of Head of Service:

Date:

Signature of person completing the EqIA: Caroline Wiggins

Date: 31.03.23

**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 Cabinet**

**Report reference: C-045-2022/23**

**Date of meeting: 13 March 2023**

**Portfolio: Technical Services (Cllr K Williamson)**

**Subject: Air Quality Action Plan**

**Responsible Officer: Mandy Thompson (01992 564 076).**

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

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

**That cabinet members endorse the adoption of the Air Quality Action Plan 2023-2028**

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

The Air Quality Action Plan is required as part of the Council's statutory duty within the Local Air Quality Management framework.

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

To not endorse the adoption of the Air Quality Action Plan. This would result in a delay in meeting our statutory duties.

### **Executive Summary:**

This report provides cabinet members with a final Air Quality Action Plan (*AQAP, published as a background paper*), which has gone through a four-week public consultation between the 20<sup>th</sup> of January and 17<sup>th</sup> of February 2023 and updated according to consultation feedback.

For context, air pollution has major health impacts on human health and any authority who has a declared Air Quality Management Area (AQMA) for pollution exceedances, has a statutory duty to produce an AQAP with a list of measures aimed at addressing the AQMA. Our District currently has one AQMA declared near the B1393/ Theydon Road junction at Epping, Bell Common for nitrogen dioxide (NO<sub>2</sub>). Additionally, whilst we currently do not have any AQMA's declared for particulates (PM<sub>10</sub> and PM<sub>2.5</sub>), the Public Health Outcomes Framework (PHOF) indicator that looks at the fraction of mortality attributable to long-term exposure to PM<sub>2.5</sub> calculates that our District is above the England average.

This AQAP has been developed to not only address our statutory obligations relating to our AQMA, but also improve air quality in our District as well as support the aims of our Climate Change Action Plan and our work around improving air quality for the Epping Forest Special Area of Conservation.

The AQAP supports our Council corporate objectives:

- Reduce our carbon footprint across the District and within our council by working to reduce emissions, offsetting pollution by increasing tree planting including through new housing developments and community initiatives.
- Ensure all residents have the opportunity to lead healthy and fulfilling lives by delivering the objectives of the joint Health and Wellbeing Strategy and working with our colleagues in the NHS.

The AQAP also links to the environmental and sustainable travel Policies T1 and DM 20-22 contained within the emerging Local Plan.

### **Report:**

1. Exposure to nitrogen dioxide (NO<sub>2</sub>) and particulates (PM<sub>10</sub>, PM<sub>2.5</sub>) can cause significant harm to human health and cost the economy billions. The annual mortality of human-made air pollution in the UK is roughly equivalent to between 28,000 and 36,000 deaths every year. It is estimated that between 2017 and 2025 the total cost to the NHS and social care system from exposure to these pollutants will be £1.6 billion. Air pollution can cause and worsen health effects in all individuals, particularly society's most vulnerable populations. Long-term exposure to air pollution can cause chronic conditions such as cardiovascular and respiratory diseases as well as lung cancer, leading to reduced life expectancy. Short-term increases in levels of air pollution can also cause a range of health impacts, including effects on lung function, exacerbation of asthma, increases in respiratory and cardiovascular hospital admissions and mortality.
2. The local air quality management (LAQM) regime is the statutory process by which local authorities monitor, assess and act to improve local air quality. The LAQM framework requires local authorities to regularly review and assess air quality in their areas and to determine whether the air quality objectives (expressed as concentration limits) set out in the Air Quality (England) Regulations 2000 (2002 as amended) are likely to be achieved. Where exceedances are considered likely, the local authority must then declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place to bring air pollution to within limits by addressing the issues identified. The Environment Act 2021 includes provision for additional air quality objectives related to particulate matter which have not been previously included in the Local Air Quality Management regime.
3. Air quality in the District in relation to human health is generally good with nitrogen NO<sub>2</sub> and PM<sub>10</sub> levels below the UK legal limit value for these pollutants. The District does have one AQMA declared for exceedances of the 1 hour mean and annual mean for NO<sub>2</sub> near the B1393/ Theydon Road junction at Epping, Bell Common attributed to vehicle emissions.
4. Whilst air quality is generally good in the District, the Public Health Outcomes Framework (PHOF) indicator that looks at the fraction of mortality attributable to long-term exposure to PM<sub>2.5</sub> calculates that our District is above the England average of 5.6% at 6.1%. It also calculates that the District has a higher fraction of mortality as compared to some of our neighbouring Essex Authorities. This PHOF indicator is used by our public health colleagues when producing the Joint Strategic Needs Assessment.
5. In response to the Bell Common AQMA and the PHOF indicator, this AQAP has been

produced outlining the measures we will take to improve air quality not only within our AQMA but throughout the District between 2023 to 2028. Its measures will also have an added benefit of helping to improve air quality around the Epping Forest Special Area of Conservation and support the measures within our Climate Change Action Plan.

6. Along with its measures, the AQAP also includes air quality focus areas (AQFA) with respect to PM<sub>2.5</sub> exposure. By using a pilot tool developed by the UK Health Security Agency, the AQAP has identified wards within the District with a high air pollution vulnerability score with respect to PM<sub>2.5</sub>. The AQFA's will help us further target the measures within the AQAP and assist in lowering our PHOF score.
7. The format of the AQAP is constrained by Defra guidance which has a set list of measures/themes that authorities must consider within their plan. As the primary sources of pollution in our District are from vehicles and building emissions, the measures within the AQAP look at reducing these emissions via 6 priority themes:
  - Alternatives to private vehicle use/ promoting low/zero emission transport  
Key measures include:
    - Continue providing a demand responsive transport service
    - Work with ECC and developers to ensure the provision of infrastructure to support walking, cycling and public transport use
    - Work with ECC to ensure schools have travel plans and encourage the use of Modeshift STARS programme
  - Environmental Permitting and other regulatory measures  
Key measures include:
    - Continuing environmental permitting activities throughout the District
    - Continue to promote and enforce anti idling
    - Ensure Smoke Control areas are promoted within the District and enforced when necessary
  - Freight and Delivery Management  
Key measures include:
    - Introduce a Local Plan policy requiring submission and implementation of Routing Management Plans (for construction and operational phases) to manage the sustainable delivery of goods and materials
    - Work with ECC to lower bus emissions
  - Policy Guidance and Development Management  
Key measures include:
    - Ensure air quality is taken into account as a material consideration in planning decision making
    - Assess the feasibility of introducing air quality neutral planning guidance for developments
    - Ensure large developments have and follow a construction management plan
  - Promoting Low Emission Plant  
Key measures include:
    - Increase the amount of EV charge points in the District
    - Assess the suitability of installing cleaner energy and heating technology on council owned sites
    - Installation of energy efficiency measures in low income, low efficiency homes using grant funding

- Public health, awareness raising and monitoring  
Key measures include:
  - Work with our Public Health colleagues to increase awareness of air quality around our District
  - Conduct air quality audits at schools around our District
  - Continue to monitor air quality throughout the District for both human health and the EFSAC

8. The AQAP is supported by the Council's corporate objectives:

- Reduce our carbon footprint across the District and within our council by working to reduce emissions, offsetting pollution by increasing tree planting including through new housing developments and community initiatives.
- Ensure all residents have the opportunity to lead healthy and fulfilling lives by delivering the objectives of the joint Health and Wellbeing Strategy and working with our colleagues in the NHS

## Consultation

9. The measures within the AQAP will require a whole organisation approach and teams within our organisation have been consulted on the measures within the AQAP to ensure they are appropriate and deliverable. External parties such as Essex County Council and Qualis Group have also been approached as some measures cross over to their remit and require partnership working.

10. The draft AQAP had a four-week public consultation between the 20<sup>th</sup> of January until the 17<sup>th</sup> of February 2023. It was promoted via social media platforms, direct email, our council website and local news outlets were also notified. A hard copy of the draft Air Quality Action Plan was also made available to those who requested it by either contacting Environmental Health directly or at the Civic Offices Welcome Area.

11. From Facebook engagement alone, 1,569 people engaged with the posts. This included liking, sharing, selecting to read more of the post, etc. 1,564 people clicked on the link to the consultation webpage which provided a summary of the consultation and a link to a survey monkey questionnaire.

12. Participants were asked via survey monkey about the measures proposed within each theme by selecting: Strongly Disagree, Disagree, Unsure, Agree, Strongly Agree. They were also given an option to provide further feedback for each theme in a text box.

13. A total of 112 responses were made via the survey monkey platform and 10 were submitted via email. The results of the survey monkey are as follows:

Theme 1: Alternatives to private vehicle use/ promoting low/zero emission transport

With regards to the nine actions proposed within this theme, a total of 108 people responded to this theme, 34.25% either strongly disagreed or disagreed with the proposed actions, whilst 50.87% either agreed or strongly agreed with the proposed actions and 14.88% were unsure.



## Theme 2: Environmental Permitting and other regulatory measures

With regards to the five actions proposed within this theme, a total of 104 people responded to this theme, 26.29% either strongly disagreed or disagreed with the proposed actions, whilst 52.38% either agreed or strongly agreed with the proposed actions and 21.33% were unsure.

## Theme 3: Freight and Delivery Management

With regards to the four actions proposed within this theme, a total of 100 people responded to this theme, 23.82% either strongly disagreed or disagreed with the proposed actions, whilst 54.34% either strongly agreed or agreed with the proposed actions and 4% were unsure.

## Theme 4: Policy Guidance and Development Management

With regards to the nine proposed actions within this theme, a total of 96 people responded to this theme, 29.36% either strongly disagreed or disagreed with the proposed actions, whilst 50.98% either strongly agreed or agreed with the proposed actions and 19.65% were unsure.

## Theme 5: Promoting Low Emission Plant

With regards to the six actions proposed within this theme, a total of 95 people responded to this theme, 22.24% either strongly disagreed or disagreed with the proposed actions, whilst 65.32% either strongly agreed or agreed and 12.43% were unsure.

## Theme 6: Public health, awareness raising and monitoring

With regards to the five actions proposed within this theme, a total of 93 people responded to this theme, 21.08% either strongly disagreed or disagreed with the proposed measures, whilst 61.08% either strongly agreed or agreed and 17.85% were unsure.

14. Written feedback included within the survey monkey varied, however, many participants were concerned with the lack of public transport within the District, especially in rural areas. Because of this, there was concern with regards to measures that influenced limiting car use. There was also concern with regards to limiting parking spaces in new developments resulting in increased parking on neighbouring residential roads. Many were against staff being offered annual car checks and thought these were MOT's. Whilst the measure is not an annual MOT but rather a car safety check that can result in a more efficient vehicle, this measure has been removed from the action plan. There was also concern with regards to cycling provision, citing that roads are not safe enough for cyclists at the moment and infrastructure is needed first in order to support a transition to cycling.
15. In addition to the survey monkey, we also received 10 written responses to the consultation. Their feedback has been incorporated into the final Air Quality Action Plan document where feasible.

## 16. Changes to the Air Quality Action Plan as a result of the consultation include:

- Removal of proposed measure C03: '*Offer free annual car checks to Council members*'. The removal was in response to consultation feedback.
- Removal of the foreword as that was specific to the consultation phase.
- Addition of a section briefly discussing the Environment Act 2021. It was highlighted that the AQAP was lacking information on the new Act.
- Update of section 4, now 5 '*Development and Implementation of Epping Forest District Council's Air Quality Action Plan*' to reflect the consultation results.
- Addition of Appendix D to reflect the consultation responses.
- Addition of Appendix E which provides a summary of pollutants of concern and monitoring data for the District. Whilst the AQAP document makes reference to our annual status reports (ASR) where our monitoring data is kept, some respondents felt that the AQAP needed to include information regarding the pollutants of concern, what the air quality objectives are and what pollution levels in the District are.
- Amendment to wording of measure E02 **from** '*assess the suitability of heat pumps, solar PV and solar thermal on council owned sites*' **to** '*assess the suitability of installing cleaner energy and heating technology on council owned sites*'. This amendment was made as respondents were concerned about air source heat pumps. This measure is not specific to just air source heat pumps but rather a variety of low emission technology.
- Amendment of KPI for measure A07 **from** '*ICT customer surveys having a 90% satisfaction response*' **to** '*Increase in the number of officers able to fully access council systems whilst out in the District*'. This change was made following further feedback from the ICT manager and also to reflect that the proposed measure was not solely about supporting home working but also agile working throughout the District without the need to travel to a home base in order to access/update files.
- Table 3.1(c), now 4.1(c) was updated to include neighbouring London borough's upon feedback that they should be included.
- Other minor changes relating to spelling and grammar.

## 17. Demographics

At the end of the survey, participants were asked to provide some details about themselves to help us assess the reach of our consultation. Below is a summary of the results:

Gender:

41.05% female  
41.05% male  
1.05% transgender  
1.05% stated other  
15.79% preferred not to say

Age:

Under 18	0.0%
18-24	1.16%
25-34	4.65%
35-44	19.77%
45-54	19.77%
55-64	32.56%
65-74	15.12%
75-84	5.81%
85+	1.16%

Which district do you live, study and or work in:

Abridge: 2  
Buckhurst Hill: 5  
Chigwell: 9  
Chipping Ongar: 2  
Epping: 23  
Epping Upland: 1  
Essex: 3  
Grange Hill: 1  
Harlow: 1  
Loughton: 13  
Matching Green: 1  
Nazeing: 1  
North Weald: 3  
Ongar: 2  
Passingford: 1  
Roydon: 1  
Rye Hill Road: 2  
Sewardstone: 1  
Stapleford Abbotts: 1  
Theydon Bois: 7  
Waltham Abbey: 13

**Appendices:** Appendix 1, Air Quality Action Plan (*published online as background paper*)

**Resource Implications:**

The work to support the Air Quality Action Plan is covered by the Environmental Health Team.

**Legal and Governance Implications:**

The legal background to the Air Quality Action Plan is discussed in the body of this report,

there are no specific legal implications to draw to the Committees attention.

**Safer, Cleaner and Greener Implications:**

The Air Quality Action Plan aims to improve air quality in the District whilst also supporting our Climate Change Action Plan and help support our commitment to improve air quality around the Epping Forest Special Area of Conservation.

**Consultation Undertaken:**

The draft AQAP document has been reviewed by the Overview & Scrutiny Committee on the 16<sup>th</sup> Jan 2023. It also underwent a four week public consultation between 20<sup>th</sup> Jan to 17<sup>th</sup> Feb. A summary of the consultation results is provided within sections 9-17 of this report.

**Background Papers:**

None

**Risk Management:**

If the Council does not produce a new Air Quality Action Plan, we will not be meeting our statutory requirements and further action can be considered by Defra. There will also be a reputational damage to consider should the Council not move forward with producing a new AQAP.

## 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.

<b>Section 1: Identifying details</b>
Your function, service area and team: <b>Regulatory Services - Environmental Health Team</b>
If you are submitting this EqIA on behalf of another function, service area or team, specify the originating function, service area or team: N/A
Title of policy or decision: Air Quality Action Plan
Officer completing the EqIA: Tel: 01992 564063 Email: <a href="mailto:bstalabrass@eppingforestdc.gov.uk">bstalabrass@eppingforestdc.gov.uk</a>
Date of completing the assessment: 23 December 2023

<b>Section 2: Policy to be analysed</b>	
2.1	<p>Is this a new policy (or decision) or a change to an existing policy, practice or project?</p> <p>No</p>
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p>To update the executive briefing members on why an Air Quality Action Plan is required and update them on the ongoing public consultation.</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <p>Members to endorse the adoption of the AQAP.</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none"> <li>• service users</li> <li>• employees</li> </ul>

	<ul style="list-style-type: none"> <li>the wider community or groups of people, particularly where there are areas of known inequalities?</li> </ul> <p>No</p> <p>Will the policy or decision influence how organisations operate?</p> <p>No</p>
2.4	<p>Will the policy or decision involve substantial changes in resources?</p> <p>No</p>
2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</p> <p>The AQAP provides a direct positive contribution to the stated Council Objectives.</p> <ul style="list-style-type: none"> <li>Reduce our Carbon Footprint across the district and within our council.</li> <li>Ensure the residents have the opportunity to lead healthy and fulfilling lives.</li> </ul>

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

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

3.1	<p>What does the information tell you about those groups identified?</p> <p>The current position affects the District as a whole.</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p>The consultation was District wide. A summary of the consultation responses is provided in section 9 through 17 of this document.</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:</p>

	N/A
--	-----

## Section 4: Impact of policy or decision

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

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Positive, will contribute to improved health outcomes across the district and within known areas of deprivation. Especially the young and elderly who are most impacted by poor air quality.	M
Disability	Positive, will contribute to improved health outcomes across the district and within known areas of deprivation, specifically those with respiratory conditions but not exhaustively.	M
Gender	Neutral	L
Gender reassignment	Neutral	L
Marriage/civil partnership	Neutral	L
Pregnancy/maternity	Positive, will contribute to improved health outcomes.	L
Race	Neutral	L
Religion/belief	Neutral	L
Sexual orientation	Neutral	L

## Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqIA in	No X	

	Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No	If <b>'YES'</b> , use the action plan at <b>Section 6</b> to describe the adverse impacts and what mitigating actions you could put in place.
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<b>Section 6: Action plan to address and monitor adverse impacts</b>		
<b>What are the potential adverse impacts?</b>	<b>What are the mitigating actions?</b>	<b>Date they will be achieved.</b>
N/A	N/A	N/A

<b>Section 7: Sign off</b>
----------------------------



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

Signature of Head of Service:

Date:

Signature of person completing the EqIA:

Date:

**Advice**

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

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## **Report to the Cabinet**

**Report reference: C-046-2022/23**

**Date of meeting: 13 March 2023**

**Portfolio: Contracts and Commissioning (Cllr Nigel Avey)**

**Subject: Procurement of Waste Fleet Vehicles**

**Responsible Officer: James Warwick (01992 564350).**

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



**Epping Forest  
District Council**

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

- (1) Subject to the approval of a provision of £9.22 million within the Capital Programme for 2023/24 and associated revenue costs, agree to proceed with the procurement of Waste Fleet Vehicles; and**
- (2) To procure the vehicles through The Procurement Partnership Framework.**

### **Executive Summary:**

Epping Forest District Council (EFDC) does not own the waste vehicles used for the current waste contract, therefore EFDC will be required to procure new waste fleet to allow the waste management service to maintain and appropriately manage its statutory duties around domestic and commercial waste collections for the new waste contract starting November 2024.

Not owning the fleet means the EFDC have no control over the maintenance and scheduling of maintenance of the waste vehicles. This has led to the current issue of large volume of missed collections due to vehicle breakdowns. EFDC will have more control and business continuity in the future which will reduce future risks to the contract if EFDC owns the fleet.

There is currently a long lead in time to procure waste vehicles, which could be as much as 15 months once the vehicles have been ordered. The new waste vehicles must be ready for the new waste contract in November 2024.

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

To ensure EFDC can maintain and appropriately manage its statutory duties around domestic and commercial waste collections.

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

Lease the vehicles but would be more costly and would still need to start the process as soon as possible to order make sure the vehicles are in place in time for the new contract.

Leasing the vehicles also means that EFDC will not own the fleet as an asset.

### **Report:**

1. Epping Forest District Council (EFDC) has since 1990 used outside contractors to provide most of the waste collection & cleansing services in the district. This tender exercise was forced by the new regulations of Compulsory Competitive Tendering (CCT) with the Direct Labour Organisation losing substantially especially on the financial aspects.

DS/AH (November 2020)

2. The maintenance of the fleet was carried out in house at Langston Road depot up to the last three contracts. The fleet has not changed in any substantive way since the establishment of the current food and garden service in 2008. The current situation with Biffa and with the end of the contract within 20 months makes the procurement of a new fleet essential.

3. The current fleet for refuse and food and garden collections (excluding narrow access) consists of 26 and 32 tonne freighters. There are currently 5 refuse rounds and 7/8 Food & Garden rounds. The current fleet for recycling collections (excluding narrow access) consists of 26 and 32 tonne freighters. These have a split body based on 70% household recycling and 30% for glass. There are currently 6 recycling rounds. There are three narrow access vehicles on the contract that now collect each of the three major services separately.

4. To procure a new fleet EFDC will need to produce a specification as to the type of vehicles required to deliver the waste services in the most efficient and cost-effective way. At this stage we are proposing to procure the similar vehicle mix that is currently used for the waste contract. We will consider and factor in any future requirements and changes to the collection of waste. For instance, where there is uncertainty with the most appropriate vehicle due to potential changes to collection methods, we will consider leasing options until we have certainty of what is required to minimise risk.

6. The maintenance of the vehicles will also be considered and determined as part of the procurement process. Some manufacturers include the option for them to maintain the vehicles and supply the parts. There is also the opportunity under social value to offer apprenticeships and train local people to work on the maintenance of the vehicles.

7. To ensure value for money and that the vehicles are procured in sufficient time for the new waste contract we intend to work with The Procurement Partnership Limited (TPPL). The Procurement Partnership are a private limited company offering a range of procurement solutions and services to the Public Sector. Their products and services maximise the efficiency of their member organisations, drive value for money and meet PCR2015 compliance regulations. Through a collaborative approach, members can obtain fully supported procurement solutions, with the added value of product specific technical expertise to help scope the product and procurement specifications.

8. The Procurement Partnership Ltd have completed an OJEU tendering exercise for the Procurement of HGV and Specialist Vehicles Framework Agreement including HGV and Specialist Vehicles, Electric and Hydrogen drivetrain conversion systems to pre-existing and glider chassis.

### **Resource Implications:**

The indicative capital cost of the procurement of new waste vehicles is £9.22 million and has been included in the latest Capital Programme and Medium-Term Financial Plan (2023/24 to 2027/28) approved by full Council on 28th February 2023.

Capital expenditure must be funded, and at this point it is assumed that the Council will have to borrow to achieve this. The consequences of this are twofold. Firstly, interest will be paid on the borrowing, and secondly, there will be a need to set aside a statutory revenue provision each year to repay the debt (known as Minimum Revenue Provision or "MRP").

The rate of interest payable and MRP repayments are based on PWLB rates as at 20th January 2023; these will be subject to change because the rates may be different at the time the waste fleet procurement is completed and financing is necessary.

The waste fleet procurement is expected to be completed by January 2024, therefore three months interest costs related to the associated borrowing has been included in the 2023/24 budget and Medium-Term Financial Plan. Full interest and MRP repayments will commence in 2024/25 and are included in the table below.

	Estimated Revenue Cost	
	23/24	24/25 Onwards
<b>Fleet Procurement Project</b>		
	£	£
<b>Revenue Consequences of Capital Investment:</b>		
Borrowing Costs - Interest	103,495	413,980
Minimum Revenue Provision (MRP)	-	995,650
<b>Total Annual Cost of Capital Investment</b>	<b>103,495</b>	<b>1,409,630</b>

**Legal and Governance Implications:**

NEPO and The Procurement Partnership Ltd have completed an OJEU tendering exercise for the Procurement of HGV and Specialist Vehicles Framework Agreement including HGV and Specialist Vehicles, Electric and Hydrogen drivetrain conversion systems to pre-existing and glider chassis. These solutions can be applied to pre-existing and new glider chassis, covering Minibuses, Buses, Coaches, Light, Medium, and Heavy Goods Vehicles.

**Safer, Cleaner and Greener Implications:**

As part of the procurement process all environmentally friendly options will be consider and alternative fuel types will be considered wherever feasible.

**Consultation Undertaken:**

None

**Background Papers:**

North Weald Vehicle Depot Cabinet Report – 6<sup>th</sup> February 2023

**Risk Management:**

Failure to procure new waste fleet is essential to allow the waste management service to maintain and appropriately manage its statutory duties around domestic and commercial waste collections.

EFDC owning the vehicles provides stronger business continuity and reduces the risks if things go wrong with the waste contract. The vehicles will be a council asset

## 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

<b>Section 1: Identifying details</b>
Your function, service area and team: Contracts (Waste Management)
If you are submitting this EqIA on behalf of another function, service area or team, specify the originating function, service area or team: N/A
Title of policy or decision: Procurement of waste fleet vehicles
Officer completing the EqIA: James Warwick Tel: 4350 Email: jwarwick@eppingforestdc.gov.uk
Date of completing the assessment: 01/02/23

<b>Section 2: Policy to be analysed</b>	
2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project? New Project
2.2	Describe the main aims, objectives and purpose of the policy (or decision): Provide a depot for waste and highways at North Weald Airfield  What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)? Procure a new waste fleet vehicles for the new service delivery and ensure EFDC can fulfill its statutory duty to collect residents' waste.
2.3	Does or will the policy or decision affect: <ul style="list-style-type: none"> <li>• service users</li> <li>• employees</li> <li>• the wider community or groups of people, particularly where there are areas of known inequalities?</li> </ul> <p>Enables EFDC fulfill its statutory duty to collect residents' waste.</p> <p>Will the policy or decision influence how organisations operate? Provides greater resilience to EFDC and business continuity for waste delivery. The aim is to improve the waste contractors service delivery and how EFDC manage the waste contract. It reduces the risks and provides resilience and more flexible options to improve and deliver waste services to residents.</p>
2.4	Will the policy or decision involve substantial changes in resources? Capital funding will be required
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? <ul style="list-style-type: none"> <li>• Procurement of the new waste contractor</li> <li>• Development of an EFDC waste depot</li> <li>• Corporate plan.</li> </ul>

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

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

3.1	<p>What does the information tell you about those groups identified? The current contract serves all residents of the district, and all residents can access EFDC's waste collection service. We have a statutory duty to collect all residents' waste.</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision? N/A</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary: N/A</p>



## Section 4: Impact of policy or decision

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

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Neutral This service is available to all residents regardless of age and enables EFDC to carry out its statutory duty of collecting residents' waste and should reduce the long-term costs of the waste contract.	L
Disability	Neutral The service is available to all residents and assisted collections can be arranged	L
Gender	Neutral The service is available to all residents.	L
Gender reassignment	Neutral The service is available to all residents.	L
Marriage/civil partnership	Neutral The service is available to all residents.	L
Pregnancy/maternity	Neutral The service is available to all residents.	L
Race	Neutral The service is available to all residents.	L
Religion/belief	Neutral The service is available to all residents.	L
Sexual orientation	Neutral The service is available to all residents.	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	
		L	If 'YES', 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**

<b>What are the potential adverse impacts?</b>	<b>What are the mitigating actions?</b>	<b>Date they will be achieved.</b>

**Section 7: Sign off**

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

Signature of Head of Service: JENNIFER GOULD

Date: 02/02/23

Signature of person completing the EqIA:



Date: 01/02/23

**Advice**

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

## **Report to Cabinet**

**Report reference:** C-048-2022/23

**Date of meeting:** 13<sup>th</sup> March 2023



**Epping Forest  
District Council**

**Portfolio:** Finance – Cllr J. Philip

**Subject:** Quarterly Monitoring Report – Q1 (Year 4) 2022/23

**Responsible Officer:** Andrew Small (07548 145665).

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

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

**Discuss this report and agree any actions required.**

#### **1. Executive Summary**

- 1.1. The Governance framework for Qualis, as agreed by Cabinet in February 2020, included the requirement that Qualis should report to Epping Forest District Council on its performance Quarterly.
- 1.2. This report presents the first Quarter's monitoring report for the 4<sup>th</sup> Qualis trading year 2022/23 and covers the period from 30 September 2022 to 31 December 2023. Attached as Appendix A is the Qualis Board monitoring report for Quarter 1.
- 1.3. Performance is measured in the attached report against the business plan targets for 2022/23 contained within the Qualis 1 year Business Plan. Qualis has changed the style of their Board report highlighting financial performance issues within each section.
- 1.4. The unexpected and significant shift in economic factors occurring over the past 12 months continues to have a huge impact on the finances of the Council and this is also replicated on the plans of Qualis. Not all elements of the Qualis business model are impacted to the same extent. The trading companies of Qualis Group and Qualis Management are meeting or exceeding expectations, whilst the development and commercial arms continue to suffer as a result of current economic conditions. The greatest impacts are due to their dependency on borrowing, construction cost inflation, planning and movement in housing prices. These are addressed in the single year Business Plan recently presented to the Council, covering the period 1<sup>st</sup> October 2022 to 30<sup>th</sup> September 2023, but due to the still evolving operating environment Qualis are revisiting the budget forecasts for presentation to the Council for Q2 reporting.
- 1.5. Market conditions for new developments remain less favourable and uncertain with the likelihood of fewer opportunities to bring forward highly profitable schemes. In the face of this, both profit and dividend expectation from Qualis will need to be reduced

and delayed whilst the current economic uncertainty and volatility resolves itself over the short to medium term.

- 1.6. Qualis has reported a Q1 loss of £736,105, which is greater than forecast by £644,707 across all companies. This is attributed to economic conditions which are causing delays with acquisitions, planning and other factors. A proposed correction to the treatment of Work in Progress and review of Budget Forecast assumptions are expected in Q2 and we await the results of this work to understand the revised projected position for the current trading year.

## **2. Introduction**

- 2.1. The Qualis Shareholder agreement, as agreed by Cabinet in February 2020, includes the following paragraph,

‘The Company shall procure that quarterly management accounts and reports (including a balance sheet, profit and loss account and cash flow statement) containing such information as EFDC may reasonably require are provided to EFDC and EFDC’s Representative.’

- 2.2. The Cabinet resolution also requires that the Council’s S151, as the key conduit between Qualis and the Council, provides a commentary to the Council on the performance of Qualis at each Quarter review.
- 2.3. In compliance with this requirement Qualis has provided the Council with the Quarters’ Management Accounts for consideration.

## **3. Commentary on the Trading Performance for Quarter 1, 2022/23 (Qualis Year 4)**

- 3.1. The Qualis Board report attached at Appendix A is in a new format that makes the Qualis financial position, including assets and liabilities, clearer and easier to understand. The Board report presents the Balance Sheet and P&Ls but the Cash Flow explanation will be delayed until next Quarter whilst a new format is worked upon. With the exception of the Cash Flow statement, it meets the requirements placed upon Qualis within the Shareholder agreement. Regular financial reporting meetings take place between the Council and Qualis in between the quarterly reports to members. It also reports key financial performance indicators and key quarterly deliverables against the Business Plan.
- 3.2. **Cabinet should note that Qualis have reported missed financial targets for two entities and these are highlighted below.**
- 3.3. **Qualis Commercial (Negative variance on target of £137,732)** – This is partly attributed to a revised treatment of Work in Progress which is the basis for the one-year Business Plan. This is now being reviewed following a change in accounting advice. Other factors included accumulated costs on development schemes which are yet to receive planning permission.
- 3.4. **Qualis Living (Negative variance on target of £563,096)** – Income below target as a result of delays in acquiring property and completing schemes, associated with economic factors and planning delays.

- 3.5. The table below sets out the actual net income or expenditure against that expected in the one year Business Plan for each of the Qualis companies.

Qualis Company	Expected £	Actual £	Variance £	Last Report Q4 (2021/22) £
Group	-1,188	30,134	31,322	99,674
Management	62,121	86,921	24,800	65,317
Commercial	20,000	-117,732	-137,732	46,553
Living	-172,332	-735,428	-563,096	-1,990,294
Total	-91,398	-736,105	-644,707	-1,778,750

- 3.6. The Balance Sheet position, showing Total Assets and accumulated net worth of Qualis, is summarised in the table below. The detailed position is contained within the attached Board Report. The Net Worth position reflects the accumulation and carry forward of set-up costs and losses to be offset by future planned profits and also includes the potential deferred tax liability which will not crystallise until those profits are realised.

Qualis Company	Total Assets £	Net Worth (Q1) £	Last Report Q4 (2021/22) £
Total	£62,640,320	-4,600,365	-5,458,807

#### 4. Resource Implications

- 4.1. The Epping Forest District Council Budget and Medium-Term Financial Plans partly rely on interest paid by Qualis for the loans the Council has given. Delays in obtaining Planning consent, issues around title and delays in completing the loan agreements all have an impact and can mean that actual payments to the Council vary below those expected in 2022/23. The Budget for 2023/24 recently approved by Council provides a contingency provision to smooth fluctuations caused by events outside of the Council's control.

- 4.2. Actual lending to Qualis at the year-end is as follows:

Loan Purpose	Facility £ Millions	Term Years	Interest Rate %	Advanced at Quarter 4 2021/22 £ Millions	Advanced at Quarter 1 2022/23 £ Millions
Working Capital Loan	6.0	5	4.10	6.0	4.8
Asset Purchase	30.0	10	4.00	30.0	30.0
Construction Loan	68.0	30	6.00	11.0	14.3
EFDC Asset Purchase	16.8	30	4.94	14.0	14.3
Regeneration Loan	35.0	TBC	TBC	0	0
Net Receipts	155.8			61.0	63.4

- 4.3. At the end of Q4 the Council had loaned Qualis £63.4 million against a Council commitment of £155.8 million.

**5. Legal and Governance Implications**

5.1. None contained within this report.

**6. Safer, Cleaner and Greener Implications**

6.1. None.

**7. Consultation Undertaken**

7.1. None

**Background Papers**

Group Company Governance Document – Cabinet 6 February 2020



**DATE:** 16 February 2023  
**TITLE:** Shareholder Finance and Performance Monitoring Quarterly Report  
**PRESENTED BY:** Andy Howarth, Interim Finance Director  
**ACTION:** TO NOTE the contents of the report

## 2. Recommendation

1.1 This report is to review and note and no decisions are required.

## 2.0 Executive Summary

2.1 As at the end of the quarter both QML and QGL are ahead of budget, but QCL and QLL are reporting adverse variances due to a mix of both performance issues and budget methodology. The combined loss stands at £736k.

2.2 Group debt stands at £63.4m and is further broken down at Paragraph 6.

2.3 The group cash balances stand at £3.2m, and cash forecasting has been updated to produce a draft schedule of drawdowns to ensure that sufficient cash is always in place. A cash flow forecast will be included with the next Quarterly report.

2.4 During the second quarter a full review will take place to further verify assumptions agreed with the approved budget and to re-forecast the full year expected result. The tables used in the report include full year forecasts, but these are based on Q1 actual performance plus the budget for the remainder of the year and do not yet represent an in-depth reforecast of expected activity.

## 3.0 Company Financial Performance

### 2.5 Qualis Group Ltd

2.5.1 Whilst the financial position is acceptable, the budget will be reprofiled during Q2 for any periodic variations in cost behaviour.

Qualis Group Ltd	YTD			Full YR		
	Actual	Budget	Variance	Forecast	Budget	Variance
Revenue	627,808	633,007	(5,199)	2,526,801	2,532,000	(5,199)
Operating Expenditure	597,674	634,195	36,521	2,375,479	2,412,000	36,521
Profit/Loss	30,134	(1,188)	31,322	151,322	120,000	31,322

### 2.0 Qualis Management Ltd

2.0.1 Another acceptable position with additional income identified in Gas work stream increasing Q1 profit. However, results will be impacted by challenges with a Planned Maintenance contractor and productivity and access on the Electrical Testing programme.

2.0.2 The full year profit is based on budget figures for the remainder of the year so the forecast shown below may not be achieved. A result closer to £300k surplus is expected.

Qualis Management Ltd	YTD			Full YR		
	Actual	Budget	Variance	Forecast	Budget	Variance
Revenue	2,591,987	2,714,379	(122,392)	12,198,830	12,321,222	(122,392)
Operating Expenditure	2,505,066	2,652,258	147,192	11,832,149	11,979,341	147,192
<b>Profit/Loss</b>	<b>86,921</b>	<b>62,121</b>	<b>24,800</b>	<b>366,681</b>	<b>341,881</b>	<b>24,800</b>

## 2.1 Qualis Commercial Ltd

2.1.1 The budget included an assumption that Work in Progress would be shown as operating costs with income transferred to cover these costs. This approach is being reviewed since we would expect WIP to follow the existing practice of being capitalised in the appropriate entity. A revised forecast that deals with this capitalisation will be completed during Q2.

2.1.2 The revenue included in actual to date relates to fees charged (Bakers & NWA) and costs relate to those projects without planning permission (Cartersfield & Pylres).

Qualis Commercial Ltd	YTD			Full YR		
	Actual	Budget	Variance	Forecast	Budget	Variance
Revenue	17,358	441,000	(423,642)	69,433	1,764,000	(1,694,567)
Operating Expenditure	135,090	421,000	285,909	533,444	1,684,000	1,150,556
<b>Profit/Loss</b>	<b>(117,732)</b>	<b>20,000</b>	<b>(137,732)</b>	<b>(464,011)</b>	<b>80,000</b>	<b>(544,012)</b>

## 2.2 Qualis Living Ltd

2.2.1 The budget assumes income from newly acquired investments which are yet to complete and an income stream from the new car park.

2.2.2 The forecast took the pessimistic view that the budget increase in revenue of £309k from newly acquired investments would not be fully achieved.

2.2.3 The budget also included £300k of parking income expected to occur from July to September, which will probably start later than expected and build up gradually and be fully effective in the next financial year.

2.2.4 The business plan and budget include assumptions for capitalised interest on schemes in development. Considering the delays in asset investment and development in general as a result of changing economic conditions and planning delays, we will review the interest costs included in the forecast which may now be overstated. The budget also does not reflect the profile of actual payments, which occur on a quarterly and half-yearly basis, contributing to the adverse variance in the Year-to-Date figure below.

Qualis Living Ltd	YTD			Full YR		
	Actual	Budget	Variance	Forecast	Budget	Variance
Revenue	728,228	770,250	(42,022)	2,912,914	3,378,000	(465,086)
Operating Expenditure	1,463,656	942,582	(521,075)	4,058,027	3,770,138	(287,889)
<b>Profit/Loss</b>	<b>(735,428)</b>	<b>(172,332)</b>	<b>(563,096)</b>	<b>(1,145,113)</b>	<b>(392,138)</b>	<b>(752,975)</b>

### 2.3 Combined Profit / (Loss)

Total Overall Profit/Loss	(736,105)	(91,398)	(644,707)	(1,091,121)	149,743	(1,240,865)
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### 4.0 Balance Sheets

2.0 The summary combined Balance sheet is as follows

#### All Company Combined Balance Sheet as at 31 Dec 2022 £

<b>Fixed Assets</b>	Freehold Property	£44,474,521
	Office Equipment Net book value	£78,866
	Motor Vehicles Net book value	£45,312
	<b>Total Fixed Assets</b>	<b>£44,598,699</b>

<b>Intangible Assets</b>	Debtors - Unpaid share capital	£4
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<b>Current Assets</b>	Debtors Control Account	£1,044,569
	Other Debtors & Prepayments	£276,666
	Accrued Income	£393,350
	Deferred Income	(£402,339)
	Natwest Current Account	£3,159,571
	WIP Project Cost's	£13,569,804
<b>Total Current Assets</b>		<b>£18,041,621</b>

<b>Current Liabilities</b>	Creditors Control Account	£2,648,548
	Other Creditors & Accruals	£1,214,742
	<b>Total Current Liabilities</b>	<b>£3,863,290</b>

<b>Total Assets less Current Liabilities</b>	<b>£58,777,034</b>
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<b>Long Term Liabilities</b>	Loans received EFDC	£66,802,500
	Loan Repayments	(£3,425,105)
	Share Capital	£4

<b>Total Long Term Liabilities</b>	<b>£63,377,399</b>
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<b>Net Assets</b>	<b>(£4,600,365)</b>
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<b>Capital Employed</b>	Profit and Loss Account	(£3,919,037)
	Retained Profit /Loss	(£681,329)

<b>Total Capital Employed</b>	<b>(£4,600,365)</b>
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## 5.0 Assets analysis

2.1 The asset values shown in the combined balance sheet can be analysed as follows:

Asset Breakdown	Qualis Group	Qualis Management	Qualis Living	Qualis Commercial	Total
	£	£	£	£	£
Freehold Property	0	0	44,474,521	0	44,474,521
Office Equipment	74,063	4,802	0	0	78,866
Motor Vehicles	0	45,312	0	0	45,312
					<b>44,598,699</b>
Debtors Control Account	0	991,834	52,735	0	1,044,569
Prepayments	95,048	171,170	5,775	4,673	276,666
WIP Project costs			10,568,748	3,001,056	13,569,804
Accrued Income	0	197,792	178,200	17,358	393,350
Deferred Income	0	0	(402,339)	0	(402,339)
Recharges	0	0	0	0	0
Bank Account	1,751,352	988,180	399,837	20,202	3,159,571
					<b>18,041,621</b>
<b>Total Assets</b>	<b>1,920,463</b>	<b>2,399,091</b>	<b>55,277,477</b>	<b>3,043,289</b>	<b>62,640,320</b>

## 6.0 Loans

2.2 The loan schedule is as follows and shows that there is headroom in the Working Capital loan of £1.25m. A repayment holiday has been agreed on this loan whereby the current and next principal repayment instalments have been postponed. It is expected that this capacity will be partially utilised to repay a historic debt for secondment fees to EFDC.

Loans Summary by Company	Qualis Group	Qualis Living	Total
	£	£	£
Working Capital Loan	7,300,000		7,300,000
Investment Asset Purchase		30,000,000	30,000,000
EFDC Asset Purchase		14,752,500	14,752,500
Development Advance Loan		6,000,000	6,000,000
Construction Loan		8,750,000	8,750,000
Repayments	(2,550,000)	(875,105)	(3,425,105)
<b>Total Loans</b>	<b>4,750,000</b>	<b>58,627,395</b>	<b>63,377,395</b>

2.3 There are no loans recorded within QML and QCL.

## **Report to the Cabinet**

**Report reference: C-040-2022/23**

**Date of meeting: 13 March 2023**

**Portfolio: Contract and Commissioning – Cllr. N Avey**

**Subject: Construction of the new Epping Leisure Centre**

**Responsible Officer: James Warwick (01992 564350).**

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



**Epping Forest  
District Council**

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

- 1) To agree the delivery of the new Epping Leisure Centre project and inclusion of the additional capital investment of £8.1 million within the Cabinet's Budget and Medium-Term Financial plans.**
- 2) To agree that Places Leisure appoint Pellikaan Construction Ltd to construct Epping Leisure Centre.**

### **Executive Summary:**

In January 2021, Cabinet agreed the Capital Programme proposal for the new Epping Leisure Centre at Bakers Lane and the delivery of the new Epping Leisure Centre by the Council's incumbent contractor, Places Leisure. The new Epping Leisure Centre is to be delivered under the current Design, Build, Operate and Maintain (DBOM) contractual arrangement for Places Leisure to build the centre and operate it.

The new Epping Leisure Centre is to replace the existing Epping Sports Centre that has reached the end of its operational life and is expensive to operate and maintain.

Qualis Ltd obtained Planning Permission for the new Epping Leisure Centre in October 2021 as part of a wider development of five sites in Epping. Council officers have been working with Places Leisure for the procurement of the leisure centre and with Qualis in a strategic delivery partnership occupying the role of Infrastructure Manager for the coordination for the delivery of all five sites in Epping.

The new Epping Leisure Centre is recognised to bring financial and community benefits to the district and will provide a main swimming pool, a learner pool, sports hall, health and fitness gym, and studios. Epping Leisure Centre will provide a vital community asset that will provide widely accessible opportunities for local communities to get involved in sport and physical activity, meeting the needs of the people in the places where they live. The facility will give local people access to vital community facilities and tackle health inequalities in an affordable and accessible way. The new Leisure Centre is crucial to sustain leisure provision at the level required to meet local and future demand.

The new Epping Leisure Centre will bring employment opportunities as part of the construction through apprenticeship opportunities. Once complete and open the leisure centre will require staff to operate and maintain which will present further employment opportunities to local people.

The new leisure centre will use proven modern technologies and concepts to increase the sustainability performance of the building and will be extremely energy efficient. The Council expects a 58% improvement in carbon emissions from the operation of the new leisure centre when compared against notional leisure centre buildings. The new leisure centre would provide a zero-carbon development and is a major step in helping the Council achieve its aim of becoming a carbon neutral District by 2030.

## Reasons for Proposed Decision:

The construction of a new, modern leisure centre in Epping will work towards achieving the aim of the corporate Health & Wellbeing strategy, which is that Epping Forest District residents across all demographics can lead healthy and fulfilling lives.

The strategic need for a new leisure centre has been documented in the current DBOM contract as the existing Epping Sports Centre has reached the end of its building life and is inefficient to operate. A new leisure centre will be more energy efficient and support the Council's aim to become carbon neutral by 2030.

## Other Options for Action:

Delaying the project or any changes to the agreed project delivery will adversely impact the regeneration of the Epping sites under progress and any changes will require further consultation and formal agreement with Qualis Ltd.

Furthermore, existing Epping Sports Centre has reached the end of its designed life and will require significant investment to keep the sports centre operational. If the project cost is not viable, then it could be cancelled, and this would result in abortive costs incurred for the professional fees and surveys paid to date. Therefore, any delay or change in the agreed project delivery is not recommended.

## Report:

1. The project will be procured through a fixed-price design & build contract between Places Leisure and the building Contractor. A two-stage tendering process was carried out to facilitate early collaboration with contractors to ensure design and cost certainty. The first stage comprised of a Selection Questionnaire (SQ) via an open tendering process to select contractors best placed to bid for the project. Five submissions were received, and through an evaluation process with Council Officers and Places Leisure, four contractors were short-listed to remain in the competition and qualify to proceed to the second stage of the tendering process.
2. The second stage of the tendering process involved the Invitation to Tender (ITT), where the four short-listed contractors were invited to provide bids for the construction of the new leisure centre. Although the short-listed contractors had confirmed their interest in bidding for the new leisure centre, three out of four contractors withdrew during tendering process primarily due to the risk a Design and Build Tender puts on the Contractor in the current market. This is due to the extreme volatility in the market at present and the elevated risk levels this brings to a project of this nature. The reasoning behind this is the level of risk exposure to the contractor on a design & build procurement process, where the contractor would be responsible for the risk of design development where the current market is pricing risk at unprecedented levels, as well as holding their commercial offer for a project which starts on site in September 2023. One tender submission was received from Pellikaan Construction Ltd.
3. The importance for securing Value for Money through procurement is essential and the tendering process has been carried out through fair and open competition. A single bid tender submission received may imply an absence of real competition during the procedure, however, following a review of the tender price by consultants, it was ascertained that the bid was compliant to the tender instructions and competitively priced according to the market research and benchmarking exercise carried out, and provides assurance that it demonstrates Value for Money.
4. Press and Starkey, working as independent cost consultants on this project carried out a benchmarking exercise to compare the tender offer with both their own pre-tender estimate and other recent tenders for similar projects that they are currently engaged on. The costs for the comparative projects are based on current/active tenders with very similar delivery timeframes as the for the Epping Leisure Centre and are therefore comparable in terms of inflation allowances. Whilst the design and layout of the proposed buildings is different to that of the Epping Leisure

Centre, the range of facilities provided are broadly similar. Conversely the Leisure Centre at Epping is constructed on a constrained site requiring the construction of extensive basement facilities and retaining walls to deal with the significant level differences. Both factors have the effect of increasing the overall rate per m2 for the construction.

5. Overall, the unit rate of £4,759 / m2 from the Pellikaan Construction Ltd tender offer compares well with the other concurrent tenders that were used in the benchmarking exercise and with the pre-tender estimate which was prepared at the end of 2021. Therefore, it is recommended by Press and Starkey that the Pellikaan Construction Ltd tender offer is competitive in the current marketplace and offers value for money compared to other similar benchmark projects. The project and figures used in the benchmarking exercise are current 'live' tender offers and are therefore commercially sensitive.
6. The tender submission was evaluated via a moderation meeting with Council Officers and Places Leisure. Pellikaan Construction Ltd's submission was agreed to be a good tender and scored 43.27/50 quality score. Pellikaan Construction Ltd was the appointed contractor for the construction of the Waltham Abbey Leisure Centre and has established good working relations with the Council and Places Leisure. Quality and standard of their work, based on the Waltham Abbey Leisure Centre, is of good standard.
7. Re-tendering the project would not be suitable due to current market risks and even after the retendering, we cannot guarantee that more than one tender response will be received. Re-tendering would also delay the programme of the project which is not advised considering the five sites for the Epping Town centre redevelopment projects are linked and would have detrimental effects on those projects.
8. At its Cabinet meeting in January 2021, the estimated project cost for the new leisure centre was estimated as £25 million and the capital budget was approved accordingly. This was based on an initial cost plan dated November 2020 to estimate the project budget.
9. Pellikaan Construction Ltd's tender submission value was £25,963,206. EFDC Officers and Places Leisure carried out arithmetical and technical checks on the tender submission and adjusted the tender to include exclusions made within the tender. The adjusted tender sum (construction cost) is £26,297,841. The construction cost is the amount to be paid to the contractor for the construction of the leisure centre. Pellikaan Construction Ltd believe there are good opportunities for further budget savings by optimising the internal and external design whilst keeping the required functionalities and quality without compromising the design intent. These opportunities will be pursued once the contract is awarded.
10. A project cost plan has been prepared to include the construction cost plus fees of design professionals, infrastructure, contingency and client direct items such as equipment. The estimated total Project Cost for the new Epping Leisure Centre is £33.1m, see Appendix 1 for the project cost plan.
11. Since the initial budget estimate in Nov 2020, there have been unprecedented levels of construction cost and inflation increases. Higher interest rates and slow economic growth has caused delays in construction and has alleviated labour and materials shortages. The shortage of materials, inflation, energy prices and war in Ukraine are all factors which have increased construction costs. There have also been additional requirements due to design development, such as Ground Source Heat Pumps (GSHP), Electric Vehicle (EV) charging points and increase in building footprint. A summary of the approximate additional costs is displayed in Table 1.

Description	£	Additional Cost £	Comments
<b>Nov 20 Cost Estimate</b>	<b>25,000,000</b>		
Building Cost		3,550,000	Construction materials cost increases and design development i.e., addition of Ground Source Heat pumps.
Inflation		450,000	Increase in inflation.
Contractor's Risk		1,030,000	Increased risk in construction.
Client/Project Contingency		400,000	Uplift due to increase in construction cost.
Fees		1,150,000	Planned cost (previous allowance based on percentage of estimated construction cost).
Equipment		700,000	Provisional increase due to cost of equipment and lack of supplies.
Infrastructure		820,000	Increase in statutory services costs. Includes Highway improvements and EV charging points.
<b>Total Additional Costs</b>	<b>8,100,000</b>		
<b>Estimated Project Total</b>	<b>33,100,000</b>		

Notes:

- All costs exclude VAT.
- Section 278 bond costs excluded from the capital cost as they are returnable at the end of the works.

12. Capital expenditure must be funded, and at this point it is assumed that the Council will have to borrow to achieve this. The consequences of this are twofold. Firstly, interest will be paid annually on the borrowing, and secondly, there will be a need to set aside a statutory revenue provision each year to repay the debt (known as Minimum Revenue Provision or “MRP”).

13. The rate of interest payable and MRP repayments are based on PWLB rates as at 20th January 2023; these will be subject to change because the rates may be different at the time the leisure centre is completed and financing is necessary. The estimated revenue costs for the previously approved £25 million budget are already included in the Councils Medium Term Financial Plan. The estimated annual revenue cost for the additional capital spend (£8.1 million) on this project is £427,930 and is summarised in Table 2.

Table 2: Revenue Consequences of Capital Investment.

	Estimated Revenue Cost £
Borrowing Costs - Interest	363,690
Minimum Revenue Provision (MRP)	64,240
<b>Total Cost of Capital Investment</b>	<b>427,930</b>

14. In terms of the construction programme, the tender submission is based on a start on site in August 2023 and completion April 2025.

15. The leisure centre is expected to be a modern, sustainable and energy efficient building. The new leisure centre is targeting to achieve a BREEAM excellent rating. The BREEAM certification ensures an efficient sustainable building and shows that the District Council is committed to sustainable, efficient, high-quality environments for its residents and visitors.



### **Resource Implications:**

The approved 2022-23 Budget and Medium-Term Financial Plan includes a project allowance of £25m. Additional capital investment will be required to be able to deliver the project, which the current forecast capital cost is £33.1m.

The management fee from the new facility is still to be determined, the feasibility report previously undertaken suggest an annual management fee of £275,000. This will require further work to determine and agree with Places Leisure, as this fee was pre-pandemic and when energy costs were lower.

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

The Council has the power under Local Government Act 1976 to provide recreational facilities within its area and a duty to take such steps as it considers appropriate to improve the health of the people in its area. Further legal work on the variation to the DBOM contract is ongoing.

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

The new Epping Leisure Centre aims to achieve BREEAM excellence, which will result in an energy efficient building and support the Council's commitment to reduce carbon emissions and improve air quality. The new centre will replace the aging Epping Sports Centre and provide residents with new leisure facilities, increasing the health and wellbeing provisions for residents.

**Consultation Undertaken:** Public consultations were carried out by Qualis as part of the Planning process.

**Background Papers:** Cabinet report January 2021 and April 2021.

### **Risk Management:**

Although the proposed construction contract is fixed sum, the construction total may vary due to fluctuations in provisional sum items. Similarly, project direct costs may vary due to fluctuations in provisional sums. Inflation is a key risk item as it has had an unprecedented effect on the construction industry.

Section 278 bond costs are excluded from the Capital Programme as they are returnable at the end of the works, however, there is a risk of the bond not being returned for example, if the works are failed to be completed.

### **Equality Impact Assessment:**

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. The equality impact assessment is provided in Appendix 2.

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# Equality Impact Assessment

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

## Section 1: Identifying details

Your function, service area and team: Leisure and Parking Team - Contracts

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

Title of policy or decision: Construction of the new Epping Leisure Centre

Officer completing the EqIA: Amelia Hoke Tel: 0199256 4442 Email: adhoke@eppingforestdc.gov.uk

Date of completing the assessment: 23 January 2023

## Section 2: Policy to be analysed

2.1	<p>Is this a new policy (or decision) or a change to an existing policy, practice or project? Change to an existing project.</p>
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision): To agree the delivery of the new Epping Leisure Centre project and inclusion of the additional capital investment within the Cabinet's Budget and Medium-Term Financial plans.</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)? Commissioning a service.</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none"> <li>• service users</li> <li>• employees</li> <li>• the wider community or groups of people, particularly where there are areas of known inequalities?</li> </ul> <p>The new Epping Leisure Centre will replace the existing Epping Sports Centre (which has reached the end of its designed life) and include the addition of a swimming pool. The new leisure facility will provide high-quality facilities and encourage more people to take part in physical activity, helping the wider community have a healthy and active lifestyle.</p> <p>Will the policy or decision influence how organisations operate? Yes. The new Epping Leisure Centre will provide more services than the existing sports centre, such as the addition of a new swimming pool and learner pool.</p>
2.4	<p>Will the policy or decision involve substantial changes in resources? No.</p>
2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</p>

	<p>The new Epping Leisure Centre is expected to achieve BREEAM Excellent rating and will be more energy efficient, which will support the Council's aim to improve air quality and become carbon neutral by 2030.</p>
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### Section 3: Evidence/data about the user population and consultation<sup>1</sup>

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

3.1	<p>What does the information tell you about those groups identified?</p> <p>The existing Epping Sports Centre has customers from all different types of user population. A new and improved leisure facility would better meet current needs and would therefore benefit all user groups.</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p>A public consultation has been carried out by Qualis as part of the planning process. From the comments received, design amendments were made and the changes comprised minor amendment to the proposed highway and public realm works and associated alteration of the main entrance and external seating areas. The comments received also identified material planning considerations relevant to the determination of the application.</p> <p>The proposed development was also the subject of a Development Management Forums to allow early engagement with the local community to ensure that any concerns and questions can be raised at an early point in the process and used to assist in the evolution of the scheme as it progresses.</p> <p>This process is part of the Council's commitment to ensure that development proposals of this scale are the subject of robust engagement within the local community.</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:</p> <p>N/a</p>

## Section 4: Impact of policy or decision

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

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Positive. All leisure centre users would benefit from improved leisure centre facilities that better meet current needs.	L
Disability	Positive. The new leisure centre will be Building Regulations Part M (Accessibility) compliant and fully accessible for people with a disability. There will be accessible EV bays on site.	L
Gender	Positive. A new and improved leisure facility would better meet current needs and would therefore benefit all user groups.	L
Gender reassignment	Positive. A new and improved leisure facility would better meet current needs and would therefore benefit users of all genders.	L
Marriage/civil partnership	Positive. A new and improved leisure facility would better meet current needs and would therefore benefit all user groups.	L
Pregnancy/maternity	Positive. A new and improved leisure facility would better meet current needs and would therefore benefit all user groups.	L
Race	Positive. A new and improved leisure facility would better meet current needs and would therefore benefit users of all races.	L
Religion/belief	Positive. A new and improved leisure facility would better meet current needs and would therefore benefit users of all religions and beliefs.	L
Sexual orientation	Positive. A new and improved leisure facility would better meet current needs and would therefore benefit all user groups.	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?	<u>No</u> ✓ <input type="checkbox"/>	
		<input type="checkbox"/>	If ' <b>YES</b> ', use the action plan at <b>Section 6</b> to describe the adverse impacts and what mitigating actions you could put in place.




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

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.

**Section 7: Sign off**

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

Signature of Head of Service: 	Date: 23/01/2023
Signature of person completing the EqIA: A.Hoke	Date: 23/01/2023

**Advice**

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

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

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