

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Cabinet	Date:	Monday, 11 April 2022
Place:	Council Chamber, Civic Offices, High Street, Epping	Time:	7.02 - 8.19 pm
Members Present:	Councillors C Whitbread (Chairman), N Avey, N Bedford, L Burrows, J Philip, D Sunger and H Whitbread		
Members Present (Virtually):	Councillors		
Other Councillors:	Councillors A Lion, M Sartin and D Stocker		
Other Councillors (Virtual):	Councillors S Heap, C McCredie, S Murray, C C Pond, Caroline Pond and J M Whitehouse		
Apologies:	A Patel and S Kane		
Officers Present:	G Blakemore (Chief Executive), N Cole (Corporate Communications Officer), A Hendry (Democratic Services Officer), A Small (Strategic Director Corporate and 151 Officer) and M Thompson (Service Manager (Technical))		
Officers Present (Virtually):	F Edmonds (Climate Change Officer), L Kirman (Democratic Services Officer), S Lloyd-Jones (Sustainable Transport Officer), P Maginnis (Service Director (Corporate Services)), and N Richardson (Service Director (Planning Services))		
Also in Attendance (Virtually):	N Linihan (Consultant)		

123. 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.

124. Declarations of Interest

(a) Pursuant to the Council's Members' Code of Conduct, Councillor S Murray declared a non-pecuniary interest in agenda items 8, Climate Change Action Plan and item 10, Partnership Agreement for the delivery of site access management and monitoring measures for the Epping Forest Special Area of Conservation; by virtue of being a member of Friends of Epping Forest, ambassador for the Epping Forest Heritage Trust and a member of Loughton Town Council.

(b) Pursuant to the Council's Members' Code of Conduct, Councillor Jon Whitehouse declared a non-pecuniary interest in agenda item 10, Partnership

Agreement for the delivery of site access management and monitoring measures for the Epping Forest Special Area of Conservation; by virtue of being a committee member of a sports club that uses the recreation ground.

125. Minutes

Decision:

That the minutes of the Cabinet meetings held on 7 March 2022 be taken as read and would be signed by the Leader as a correct record.

126. Reports of Portfolio Holders

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

127. 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.

128. Overview and Scrutiny

The Chairman of the Overview & Scrutiny Committee reported that at their last meeting they had received a presentation from the Youth Council; they also reviewed the Partnership Agreement for the delivery of site access management and monitoring measures for the Epping Forest Special Area of Conservation which they supported; and considered the Climate Change Action Plan consultation. They also reviewed their draft annual report and the various work programmes of the select committees.

129. Climate Change Action Plan

The Portfolio Holder for Planning and Sustainability, Councillor Bedford, introduced the report. He noted that the Climate Change Action Plan stated the steps to be taken to deliver on the Climate Emergency that was declared on 19 September 2019 with the motion to do everything within the Council's power to make Epping Forest District Council area carbon neutral by 2030. The plan aligned with the corporate objectives of keeping the district moving sustainably and enabling residents to access new opportunities for employment, and to reduce the carbon footprint across the district and within our council. There were also links to the environmental and sustainable travel Policies T1, DM 2 and DM15-22 in the Emerging Local Plan.

The Climate Change Action plan also had direct and indirect links with further policy and projects throughout the Council, for example, the Roding Valley and North Weald Suitable Alternative Natural Greenspace projects that would be brought forward in Summer/Autumn 2022 and also a further review of the Waste contract.

This report provided members with a summary of the objectives and purpose of the Climate Change Action Plan and a summary of the changes made following the public consultation period.

For context, in August 2021, the Intergovernmental Panel on Climate Change (IPCC) published the 'Climate Change 2021 Report: The Physical Science Basis'. The report gave evidence to show the 'widespread and rapid' changes to our climate that have occurred as a result of human influence. It then gave further evidence on the wide-

ranging and severe impacts of global warming where temperatures reach 1.5C above pre-industrial levels. In November 2021 the Glasgow Climate Pact was agreed at the COP26 Climate Change Conference. The aim of the pact was to keep alive the hope of limiting the rise in global temperature to 1.5C, as previously agreed in the 2015 Paris Agreement, and increase climate ambition and action from countries.

The Climate Change Action Plan examined the main sources of carbon emissions both within the Councils own operations and across the District. It outlined direct action the Council were taking to reduce emissions of its own activities. As well as steps that could be taken to facilitate and influence emissions reductions in the wider District, enabling the area to become carbon neutral by 2030.

Reaching this target would be a considerable task involving collaboration and engagement from staff, residents, businesses, suppliers, and partners, along with policy support from the UK Government. The plan will be regularly updated to account for further developments in national legislation, regulation, technology, and policy. Where activities and monitoring were to be confirmed these will be updated following consultation feedback.

Councillor Philip said it was a good comprehensive report. He noted the action plan and that a vast majority of emissions come from transport and that a lot of these came from the M25 and M11, which we had no control over. The actions called for in the report to reduce travel within the district would not have any effect on the motorways. We did need to look at this, but he noted that we had little control. Councillor Bedford noted that the M25 was probably the most difficult challenge, but drivers on the M11 would also now come to the end and hit the congestion charges in London. This also means that residents from this district are changing vehicles as fast as they can which was reflected by recent figures so hopefully the next time, we do some monitoring, emission would show a decline within the district. We were also looking at ways to monitor the M25 and M11.

Councillor H Whitbread asked if we were working with Essex County Council (ECC) on this as they were doing similar work to us and if we were collaborating with any other organisations. Councillor Bedford replied that, they were working with other organisations such as the Corporation of London and other linked in organisations as well as ECC.

Councillor Sunger commented that given that social media was very powerful were we using it to publicise our message? He was told that it had been widely publicised, that officers have had conversations with the Youth Council and other groups. Social Media was part of their campaign to drive forward the educational side of it.

Councillor Lion commented that the air mitigation strategy stated that it was thought that the majority of pollution was caused by local traffic. Could we get some evidence in the form of figures on this assertion? And, as public transport was essential, so was electric charging; we would need to work closely with Essex Council whose responsibility was for on-street charging points. This was something to look at, as he had started looking into this six years ago and the Council had not made much progress since. Councillor Bedford replied that a large source of pollution data in the district came from work done in 2016/17 using ANPR system. The next air samples would be taken in 2024/25. As for on street charging, we have had a couple of meetings with some outside companies regarding what they could provide for the district. We were still in the discussion stages. It had been estimated that we would need about 500 on street charging points in the district. If we put them in, we would then need a 24/7 monitoring system to ensure they were all working, and no broken ones were left to long without being repaired.

Councillor Murray said we would need to get them in as soon as possible as this was important. We also needed to get on with energy efficiency on council estates and in social housing. Then there was also bus usage, which may not be something we had direct control over but was something we could advocate for. And, on encouraging active travel to schools to address the impact of school traffic and promote school streets. He noted that there was a school in Loughton actively seeking to promote having a school street. And lastly, on the campaign on raising the awareness on air pollution on the SAC. He noted that local people were not aware of the importance of the forest and the consequences of air pollution. Councillor Bedford asked if Councillor Murray could speak to Loughton Town Council to put together an education leaflet or set up a website for local school use on the importance of the forest.

Councillor Chris Pond welcomed the report. He noted the points made about the M25 & M11 and that they were major players in the ecology of Epping forest district and the SAC. It was said that the traffic around Wakes Farm was largely local, but this did not apply when either motorway was closed, and these roads were used as unofficial diversions which would increase the pollution. If anything could be done to avoid this happening it should be explored. He noted that there was no mention of embodied carbon and the demolition of buildings which should be mentioned in the report. There was also no mention in the action plan about the Lea Valley Regional Park and other similar organisations which should be more closely involved. And finally, the Roding Valley and the possible application as a SANG, but the correct procedures must be followed for this as it's on a 125-year lease to Loughton Town Council, but they have not had any communications about this. Councillor Bedford commented on the delays caused when the M25 was shut, and traffic came through the district and principally the Wakes Arms. This was something outside of our control although it happened on a regular basis. As for pollution from the M25 itself we found that there was a drop off around the 25-meter mark from the motorway itself, but it will be monitored. The points on the embedded Carbon were noted. This area was generally covered in the sustainability guidance documents. Also noted were his points on the Lea Valley Regional Park.

Councillor Jon Whitehouse noted that there was an update due on walking, cycling and public transport use. He presumed this would be inserted before it was published. And he noted that it would be updated annually along with the KPI's and presumably it would come back to scrutiny for an annual update. How flexible was this, could it be updated as it went along to take into account variables. Councillor Bedford noted they were now selling more electric vehicles than petrol ones, and that an update would be put into the action plan and reviewed regularly.

Councillor Chris Pond noted that he had been in contact with the relevant Portfolio Holder on school streets, mentioned earlier, and they were hopeful progress could be made.

Councillor Heap said that the plume from the motorways were subject to atmospheric conditions and could sweep into the centre of the forest when the conditions were right. He also noted that we may be able to support making micro generation possible by encouraging those in power to support the use of micro generation plants. Councillor Bedford noted this but said this was something to look to in the future. We do have a need for energy generation but was not sure how we could do it.

Decision:

The Cabinet endorsed the adoption of the Climate Change Action Plan.

Reasons for Proposed Decision:

To ensure that policy was in place to support the declaration of a Climate Emergency in September 2019 and the pledge to do everything within our power to become a carbon neutral District by 2030.

Other Options for Action:

Not to agree the adoption of the Climate Change Action Plan, this would mean that a delay in providing a plan to address the declared Climate Emergency.

130. Direct Award of the Print Contract

This report was withdrawn for further advice from officers.

131. Partnership Agreement for the delivery of Site Access Management and Monitoring measures for the Epping Forest Special Area of Conservation

The Planning and Sustainability Portfolio Holder, Councillor Bedford, introduced the report.

Epping Forest contains land which was subject to international protection for its biodiversity value by way of its designation as a Special Area of Conservation (SAC). The Council has a legal duty as a 'competent authority' under the Habitats Regulations to protect internationally important sites, such as the Epping Forest SAC, from the effects of development. This can be best achieved using measures put in place at the Local Plan level.

This report specifically concerns the potential impact of residential development on the Epping Forest SAC in relation to additional visitors using the Forest for recreational purposes.

The Partnership Agreement presented replaces the 'Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' adopted by the Council in October 2018. The Agreement has been jointly developed by the Council with other competent authorities, Natural England, and the Corporation of London as Delivery Body. The document outlines the updated Strategic Access Management and Monitoring (SAMM) Strategy for the Epping Forest and the Governance Arrangements to ensure that financial contributions that have been/will be collected from development were spent in accordance with the purposes for which they have been secured and that proper monitoring of spending was put in place. Further, it outlines the robust approach to apportioning the SAMM Strategy costs to individual local authorities, based upon the likely increase in visitor pressure from each local authority as a result of development through respective Local Plans.

Finally, the report sets out the proposed approach for how Epping Forest District Council would secure funding from development in its administrative area in order to meet the SAMM Strategy costs apportioned to the local authority area.

The Partnership Agreement was considered by the Overview & Scrutiny Committee on 31 March 2022. As the report outlines, the Conservators of Epping Forest and the London Borough of Redbridge have approved the Partnership Agreement via their

respective Committees and other neighbouring competent authorities are similarly progressing reports through their Committee processes.

Councillor Philip noted that recommendation 3 referred to paragraph 25, it should be paragraph 20 and changed accordingly. He then asked if the costs in paragraph 19 of the report were in addition to the “per dwelling” costs in paragraph 20. He also had a concern on the £716 per dwelling for the Roding Valley Recreational Ground work and noticed that Theydon Bois Parish Council was missing from the list. He noted that the SANG of the south Epping Masterplan area was significantly closer to Theydon Bois than Roding Valley Recreational Ground and as such it would be more sensible to tie those together, otherwise it may be that development in Theydon Bois would be paying for work going on Roding Valley Recreation Ground. Can this be looked at again. Nicky Linihan the consultant for this work replied that Theydon Bois was included because the footpaths and other infrastructure enhancement projects was looking at doing improvements to the footpath network linking Debden to the Theydon Bois wood and then from Theydon Bois itself on to the woods. She agreed that the way the costs were set out in the Strategy was not clear in terms of that separation. She suggested that once the masterplan was done, then that might be an appropriate time to review the costings and how they were attributed. Councillor Philip was all in favour of improving the public rights of way, but the public rights of way that was most in need of improving was a part of the Oak Trail that leads up from the allocated site, but he welcomed the idea that this be revisited, and it should form part of the recommendations. The Chairman agreed that was good amendment to make to the recommendations.

Councillor Murray thanked Councillor Bedford on how he had listened to what Overview and Scrutiny had said and responded appropriately. He agreed that TOG was not the right group for Parishes to have representatives on as it was an officer group. He added that we needed to identify how we spent this money and was pleased to have the explanation on the £716 and was glad we were to have consultation. At Scrutiny it was also felt that the document needed to be clearer on dispute resolution but had not heard a response to that. Councillor C Whitbread agreed that it was around dispute resolution and that the agreement should have more comment on it. Nicky Linihan commented that one of the points was that we should have a named contact in terms of a dispute. The way the agreement was structured was that if there was a dispute it would first be raised at the Technical Officers group and to try to resolve it informally. If this was not achievable then each authority had a named position who this could be escalated to and resolve it and if necessary, an expert would be called in to help resolve it; and to a certain extent Natural England would act as an arbiter around the dispute.

Councillor Jon Whitehouse noted that there were a number of access points to the forest other than High Beech and these areas also need to be looked at. Also, there did not seem to be anything in there about active travel to the forest. Councillor Bedford agreed that there were various area that would benefit from improvement and we need to set up some sort of monitoring of visitor numbers to those areas so money could be spent appropriately across the district.

Decision:

(1) The Cabinet agreed that the Partnership Agreement for the delivery of the Strategic Access Management and Monitoring measures for the Epping Forest Special Area of Conservation set out in Appendix 1 of the report, be adopted as a material consideration in the determination of planning applications and prior approval consents under permitted development rights proposals for residential

development which would result in a net increase in new dwellings within the Epping Forest District Council administrative area.

(2) The Cabinet agreed that the Service Director for Planning (or any another Service Director in their absence or officer duly authorised by the Service Director for Planning) be given delegated authority to implement minor amendments to the Partnership Agreement which may arise during the process of final sign-off of the Agreement by the Council and partners to the Agreement, in consultation with the Planning and Sustainability Portfolio Holder.

(3) The Cabinet agreed that the tiered level of financial contribution to be sought from net increases in new dwellings within 0-3km and 3-6.2km radius of the Epping Forest Special Area of Conservation arising from the granting of planning permissions and prior approval consents under permitted development rights shall be as set out in paragraph 20 of the report.

(4) The Cabinet agreed that the contributions as outlined in paragraph 19 of the report in relation to the implementation of the Roding Valley Recreation Public Rights of Way infrastructure enhancement projects be reviewed by the relevant Portfolio Holder and the Leader, once the Masterplanning work for these projects had been carried out.

Reasons for Proposed Decision:

To comply with the Council's legal duty as a 'competent authority' under the Habitats Regulations to protect internationally important sites, such as the Epping Forest SAC, from the effects of development. As the report outlines, this could be best achieved using strategic measures put in place at the Local Plan level. Natural England and the Conservators of Epping Forest both voiced their support for the progress made in finalising the approach to SAMM for Epping Forest in their representations on the Main Modifications to the Local Plan Inspector, although expressed concern that this needs to be swiftly finalised to enable the delivery of mitigation to commence. Adoption of the Partnership Agreement is therefore important to support the final stages of Examination of the Council's emerging Local Plan and to enable financial contributions to be paid to the accountable body for the SAMM delivery programme to commence.

Other Options for Action:

For Cabinet to decide not to adopt the Partnership Agreement for the delivery of SAMM measures for the Epping Forest SAC. This would mean that the Council would fail to comply with its legal duty under the Habitats Regulations and may be prevented from determining planning applications and applications for prior approval under permitted development rights which result in a net increase in new dwellings.

For Cabinet to decide on an alternative approach to secure funding to meet the SAMM Strategy costs apportioned to Epping Forest District.

132. Quarter 3 Budget Monitoring Report 2021/22

The Finance, Qualis Client and Economic Development Portfolio Holder, Councillor Philip, introduced the report. It was noted that this report set out the 2021/22 General Fund and Housing Revenue Account positions, for both revenue and capital, as of 31st December 2021 ("Quarter 3").

In terms of General Fund revenue expenditure – at the Quarter 3 stage – a budget

over spend of £0.396 million, with projected net expenditure of £17.265 million against an overall budget provision of £16.869 million was forecast.

As reported in previous quarters this year, the financial pressure due to the impact of the Covid-19 pandemic had generally stabilised, with the Leisure Facilities budget especially now back on track (albeit based on lower income expectations) as leisure centre usage recovers more sharply than expected. Similarly, Car Park usage was now back to around 80% of pre-pandemic levels, although the budget is off track. Members should note however that, at the time of preparing this report, December 2021 data for both Leisure and Car Parking was still awaited, although there was some positive anecdotal evidence that suggests that the impact of the Omicron variant was not as great as initially feared.

However, there was a substantial overspend forecast (of £849,104) on the Commercial & Technical directorate, due to significant variable cost pressures on both the General Waste Collection and Recycling contracts, which were the most significant areas of concern.

Decision:

1. The Cabinet noted the General Fund revenue position at the end of Quarter 3 (31st December 2021) for 2021/22, including actions being 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 2021) for 2021/22;
3. The Cabinet noted the Housing Revenue Account revenue position at the end of Quarter 3 (31st December 2021) for 2021/22, 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 2021) for 2021/22.

Reason for Decision:

This report facilitates the scrutiny of the Council's financial position for 2021/22.

In terms of General Fund revenue, overall it has been a stabilising picture following the turbulence experienced in 2020/21 (and during Quarter 1 this year) due to the Covid-19 pandemic. However, as reported in previous quarters this year, there are still some remaining spending pressures, with the forecast overspend in the Commercial & Technical directorate being particularly pronounced at the Quarter 3 stage. The funding position appears more positive, especially on Council Tax. The net impact on the Council's General Fund Reserve is especially important given the relatively limited contingency balance currently held.

There are some significant spending pressures on the HRA revenue budget, including ongoing issues with Housing Repairs, which has been challenging budget area in recent years.

Capital spending has been relatively limited in both the General Fund and HRA in the first half of the year.

The comments made at this Committee, where relevant, will be reported to Cabinet for their consideration at their meeting on 7th February 2022.

Other Options for Action:

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

133. Renewal of Council funding for the employment of a dedicated policing team within Epping Forest District.

The Housing Services Portfolio Holder, Councillor H Whitbread introduced the report. It was noted that an annual budget of £180,000 had been agreed for 3 years, to fund the provision of the employment of three full-time Police Officers by Essex Police, that comprises a sergeant and two police constables from June 2022 to June 2025, to be jointly tasked and directed by the Council and Essex Police.

This would provide a dedicated Police resource for the district across the district's communities with full powers of arrest and enforcement and would support Council officers in specific work as identified in the report.

Councillor Philips noted that the resources had been agreed by full Council and was already in the budget.

Decision:

The Cabinet agreed to renew the existing Service Level Agreement (SLA) of the Council funded dedicated policing team within Epping Forest District.

Reasons for decision:

The impact of not renewing the SLA would be that EFDC will lose the 'added value' provided by the team and would rely on the District Community Policing Team that have competing demands placed upon them and will lose the ability to directly task the dedicated team.

Options Considered and Rejected:

EFDC to terminate the contract at the end of the 4-year period in June 2022.

134. Any Other Business

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

CHAIRMAN

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