

## **Public Questions to Council**

### **(1) Question from Ms. K Foy of Epping:**

“For 7 years I've have been saving every spare penny towards a deposit so I can get on the housing ladder. For over 2 years we have had our eye on one of the homes next to the Civic (or maybe St Johns Road). Many of my friends are in a similar situation.

In my opinion the Planning Officer report is very confusing, based on very old assumptions and lacks basic information for Cllrs to make a sound judgement. Just one example. It does not mention a single word about the financial and social costs of losing valuable key workers like me and many others, because we cannot find an affordable property to live in the area we were born in. We are looking to move out of the area and transfer our talents to another District.

So, Chairmen...my question is why are you even contemplating to vote tonight, at very short notice, to reduce the Condor site from 25% to ZERO....despite still making a profit of around £5 million?”

### **Response from Cllr K Williamson, Regulatory Services Portfolio Holder:**

In the run-up to Christmas, the meeting calendar is very congested and the next available Council meeting after tonight is the budget setting Council in February, and any delay could affect the viability assessment. Therefore, the decision was taken to deal with this application at tonight's meeting.

---

### **(2) Question from Ms. K Foy of Epping:**

“Why, according to the Carter Jonas August report has it been 'assumed' much of its high Repayment Costs, and the overall costs are based on such a high rate at 7.5%. when even I can get a mortgage at a lower rate. Can we have a revised figures based on the reduction in Interest rates and the significant slowing down of inflation since August?”

### **Response from Cllr K Williamson, Regulatory Services Portfolio Holder:**

The viability assessment (was) undertaken following specific guidance from both the National Planning Policy Framework and Planning Policy Guidance.

The 7.5% is identified on page 244 as an “all in” lending rate these are commercial lending arrangements which include the lending rate, a margin on this rate plus commitment, arrangement and exit fees.

---

### **(3) Question from Mr. G Foy of Epping:**

“Chairman, you have used your apparent powers to override the Constitution and the usual long-established time-lines for EFDC to alert the public about Agenda items. Last week's DDMC ended with clearly final remarks that it would be deferred to full Council in February. This seemed reasonable by everyone I spoke to as apart from the huge Qualis Reports the

requested EFDC Independent Consultants reports have not yet been made available for public scrutiny and comparison.

Why then did you not insist that EFDC did all it could to alert the public, i.e. why was there no announcement made using EFDC Website daily NEWS page nor any alert on EFDC social media (Facebook) use to draw this change from February?"

**Response from Cllr P Keska, Chairman of DDMC:**

Under the Local Government Act 1972, the Chairman has the authority to permit late items of business to be added to an agenda if they are satisfied of the reasons for doing so. This is a statutory authority, so it is not explicitly stated in the Constitution and the Constitution has not been overridden.

It is not common practice to issue specific news alerts whenever an item is referred from one committee to another. However, the item referred from DDMC to Full Council does appear on the website in the usual way as a supplementary item to the agenda. As such, automated alerts will have been received by a number of other organisations and local media, where it has also featured.

---

**(4) Question from Mr. G Foy of Epping:**

"Regarding the St Johns Road site which was reduced from 40% and then to 25% and now the proposal to reduce to 17%, can we be given a fuller explanation (not reference in the Officers 6-page report) by Qualis (of their) intention (to) place all the affordable homes in just one block (E)? Surely, affordable housing should be dotted around the development to prevent stigmatization."

**Response from Cllr K Williamson, Regulatory Services Portfolio Holder:**

To be clear the policy requirement is only 34% at St Johns due to a Vacant Building Credit.

In line with the conversations with other Registered Providers our discussions with Epping Forest District Council centred on the efficiency and practicality of managing and operating the affordable homes. It is recognised by all that this is best achieved by them all being in 1 Block. This Block is in the heart of the scheme and all units are tenure blind so are unrecognisable in design terms to the open market housing.

---

**(5) Question from Ms. C Jefcoate of Chigwell:**

"Section 4 (Affordable Housing) of the S106 agreements, signed 22 February 2022, requires that the Owner (Qualis) covenants that not less than 12 months prior to the anticipated completion of development to commence negotiation for the Transfer of the Affordable Housing units to a RPSH (Registered Provider of Social Housing) and to give the Council notice of such commencement of negotiation?"

What date did the Council receive this notice for the Condor and St John's sites and who is the RPSH in each case?

Please confirm what information was shared by EFDC/the Council's AH Officer with (BPS?), the Council's own independent assessor when they were reviewing the four Carter Jonas viability assessments (two original and two revised) regarding the RPSH agreed contributions?

We would expect the Council's Affordable Housing Officer to be informed and/or involved in said negotiations. Please can you ensure copies of all correspondence regarding the matter between Qualis, the RPSH and/or EFDC is published on the planning portal.”

**Response from Cllr J Phillip, Finance & Economic Development Portfolio Holder:**

We don't have a record of receiving a notice under the Affordable Housing Section 4 of the Section 106 Agreement for the Civic Offices/Conder. As referenced in the question this notification is required 12 months prior to the anticipated completion of development. [If the Deed of Variation to remove the affordable housing obligation from the site is approved, this requirement will also be removed].

We wouldn't expect to have received one for St John's as the site is clearly not 12 months away from completion.

In respect of interaction with the selected RPSH, this has not occurred, and we hold no information regarding discussions with a RPSH.

As it stands, no affordable housing is proposed for Conder and hence why no notice has been served.

Qualis has informed me that they have been in dialogue with a number of RP's in relation to St Johns and has an informal offer from Epping Forest District Council as Registered Provider. Confirmation of the planning position allows us to formalise this and move to contract. St John's is more than 12 months until completion so adequate time to serve any required notices.

**Supplementary Question from Ms. C Jefcoate of Chigwell:**

No record was submitted 12 months ago for Condor, why is a company wholly owned by the Council being allowed to evade its Section 106 Legal Agreement commitments in that way by not supplying that paperwork? And also with regard to St John's we are told it is not yet ready and is not 12 months away, however Qualis is advertising these for sale and occupation from next summer, which is only 6 months away. So, why is the Council failing to ensure their own owned company is not complying with the most basic conditions of the Section 106 Legal Agreements?

**Response from Cllr J Phillip, Finance & Economic Development Portfolio Holder:**

Firstly, the date of sale of properties is not completion of a site. Condor is well underway, but it is not yet completed nor yet imminently completed. The submission of the change to the Section 106 Legal Agreement which removed all affordable housing was a number of months ago. That covers the period we are looking at and the same argument applies to St Johns; it is on completion not completion of individual properties but 12 months before completion. That has not come yet and we would not expect that to be there. The Planning Department is very good at making sure our developers keep to the terms of their Section 106 Legal Agreements and we look at that for all developers, not just Qualis.