

Cabinet



The Cabinet will meet at Council Chamber, Braintree District Council, Causeway House, Bocking End, Braintree, Essex, CM7 9HB on Monday, 23rd May 2016 at 7.15pm.

Membership

Portfolio	
Leader of the Council	Councillor G Butland (Chairman)
Environment and Place	Councillor Mrs W Schmitt (Deputy Leader of the Council)
	Councillor R Mitchell
Planning and Housing	Councillor Lady Newton
	Councillor Mrs L Bowers-Flint
Economic Development	Councillor T Cunningham
	Councillor B Rose
Health and Communities	Councillor Mrs J Beavis
	Councillor P Tattersley
Finance and Performance	Councillor D Bebb
Corporate Services and	Councillor J McKee
Asset Management	

Invitees

Other invitees:- Representatives of the Labour Group, Halstead Residents Association Group and Green Party and Chairman of the Overview and Scrutiny Committee.

For enquiries on this agenda please contact:
Governance and Members Team – 01376 552525

e.mail: demse@braintree.gov.uk

This agenda is available on
www.braintree.gov.uk/Braintree/councildemocracy

Nicola Beach
Chief Executive

PUBLIC INFORMATION

Question Time

There will be a period of up to 30 minutes when members of the public can speak about Council business or other matters of local concern. Whilst members of the public can remain to observe the whole of the public part of the meeting, Councillors with a Disclosable Pecuniary Interest or other Pecuniary Interest must withdraw whilst the item of business in question is being considered.

Members of the public wishing to speak should contact the Governance and Members Team on 01376 552525 or email demse@braintree.gov.uk at least 2 working days prior to the meeting.

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INFORMATION FOR MEMBERS

Declarations of Disclosable Pecuniary Interest, Other Pecuniary Interest or Non-Pecuniary Interest:-

- To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest relating to items on the agenda having regard to paragraphs 6 to 10 [inclusive] of the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.
- Any member with a Disclosable Pecuniary Interest or other Pecuniary Interest to indicate in accordance with paragraphs 10.1(a)(i)&(ii) and 10.2(a)&(b) of the Code of Conduct. Such Member must not participate in any discussion of the matter in which they have declared a Disclosable Pecuniary Interest or other Pecuniary Interest or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

AGENDA

No	Title and Purpose of Report	Pages
1	Apologies for Absence	
2	Declarations of Interest To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest relating to items on the agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.	
3	Minutes of the Previous Meeting To approve as a correct record the minutes of the meeting of Cabinet held on 21st March 2016 (copy previously circulated).	
4	Public Question Time (See paragraph above)	
5	OVERALL CORPORATE STRATEGY AND DIRECTION	
5a	Leader's Update The Leader of the Council to give a brief update on key issue and activities.	
5b	Essex Devolution To receive a verbal update from the Leader of the Council.	
5c	Annual Plan 2016 - 17	6 - 7
5d	Appointments to Outside Bodies made by the Cabinet To receive a verbal update on Appointments to Outside Bodies.	
5e	District Investment Strategy	8 - 14
6	CORPORATE SERVICES AND ASSET MANAGEMENT	

6a	Proposed Disposal of the former Bramston Sports Centre Site, Witham	15 - 29
7	FINANCE AND PERFORMANCE	
7a	Provisional Financial Outturn 2015-16	30 - 38
7b	Fourth Quarter and Annual Performance Management Report 2015-16	39 - 41
8	ENVIRONMENT AND PLACE	
8a	Consideration for the Council to join SEAX Essex Building Control Shared Service to deliver Building Control Regulation Services	42 - 51
8b	Proposed Extension to the current Bocking Blackwater Local Nature Reserve Boundary	52 - 58
9	PLANNING AND HOUSING	
9a	Open Spaces Supplementary Planning Document - Open Spaces Action Plan	59 - 64
10	REFERENCES FROM COUNCIL/COMMITTEES/GROUPS	
11	REPORTS/ DELEGATED DECISIONS/MINUTES TO BE NOTED	

11a	Cabinet Member Decisions made under Delegated Powers	65 - 67
11b	Developing Democracy Group - 29th March 2016	68 - 72
11c	Local Plan Sub-Committee - 13th April 2016	73 - 83
12	URGENT BUSINESS AUTHORISED BY THE CHAIRMAN	
13	EXCLUSION OF PUBLIC AND PRESS TO CONSIDER REPORTS IN PRIVATE SESSION for reasons set out in Paragraph 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972.	

AGENDA – PRIVATE SESSION

No	Title and Purpose of Report	Pages
14	ENVIRONMENT AND PLACE	
14a	Report for consideration for the Council to join SEAX Essex Building Control Shared Service to deliver Building Control Regulation Services - PRIVATE <ul style="list-style-type: none"> • Para (3) Schedule 12A Local Government Act 1972 Information relating to the financial or business affairs of any particular person (including the authority holding that information); 	

Annual Plan 2016/17		Agenda No: 5c
Portfolio	Overall Strategy and Direction	
Corporate Outcome:	Delivering better outcomes for residents and businesses and reducing costs to taxpayers	
Report presented by:	Councillor Graham Butland, Leader of the Council	
Report prepared by:	Nicola Beach, Chief Executive	
Background Papers: Annual Plan 2016-17		Public Report
		Key Decision: Yes
Executive Summary:		
<p>The Annual Plan sets out our actions and performance targets for 2016/17. These actions and targets will support the new Corporate Strategy 2016 – 2020, which was agreed in February 2016. The actions and performance targets are aligned to each of our new corporate strategy themes:</p> <ul style="list-style-type: none">• Environment and Place• Strategic Growth and Infrastructure• Economic Development• Health and Communities• Finance and Performance• Overall Strategy and Direction <p>Progress made against these actions and targets will be reported to Cabinet quarterly.</p>		
Decision		
To approve the Annual Plan 2016/17.		
Purpose of Decision:		
To agree the Council's key priorities and actions for 2016/17		

Any Corporate implications in relation to the following should be explained in detail	
Financial:	The projects in the Annual Plan have been considered as part of the annual budget setting process and budgets were approved in February 2016. Each project will have its own budget which will be monitored as part of the project management process. Budget issues will also be reviewed as part of the quarterly reporting process.
Legal:	As part of the project management process for each project, there will be an assessment of the legal implications.
Safeguarding	Any safeguarding concerns will be assessed in the planning for each project.
Equalities/Diversity	An equalities impact assessment will be completed for each project.
Customer Impact:	Customer Impact will be considered in the planning for each project.
Environment and Climate Change:	The Environment and Place annual plan priority has a number of actions which seek to protect our environment. Further information on this is available in our Corporate Strategy
Consultation/Community Engagement:	Consultation has been carried out as part of the budget setting process and will be carried out as part of the planning for individual projects.
Risks:	If the annual plan priorities are not endorsed, then there will be no basis for a work programme to deliver the corporate priorities. Risk assessments are carried out as part of the project planning and business planning process. These are considered at a service level and at a management board level. Portfolio holders will also consider strategic risks, which may arise from or affect the delivery of the annual plan priorities and performance targets.
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District Investment Strategy		Agenda No: 5e
Portfolio:	Economic Development, Planning and Housing, Finance and Performance	
Corporate Outcome:	A prosperous district that attracts business growth and provides high quality employment opportunities A well connected and growing district with high quality homes and infrastructure A high performing organisation that delivers excellent and value for money services	
Report presented by:	Councillor Graham Butland	
Report prepared by:	Jon Hayden, Corporate Director	
Background Papers:		Public Report
1. Report to Cabinet 2 nd June 2014 – New Homes Bonus Investment in Major Infrastructure Projects 2. Report to Cabinet 4 th February 2016 – Corporate Strategy 2016-20 3. Report to Local Plans Sub-Committee 14 th March 2016 – The Braintree District Draft Local Plan Housing Target 4. Corporate Strategy 2016-2020		Key Decision: No
Executive Summary:		
<p>Under the new District Local Plan (2017-2033) there will be significant housing and employment growth in the District over the Plan period.</p> <p>The recently adopted Corporate Strategy 2016-2020 sets out District priorities for the next four years. As well as the need for more homes and jobs, the Strategy identifies the need for more investment in the District. The Strategy also identifies that there is a need for the right foundations to be in place to support the growth.</p> <p>The District needs to prepare for this growth by ensuring District infrastructure improvements are not only delivered for existing residents, but are able to provide for the future growth in the District as well. It is essential that the District Council works in partnership to invest and deliver improvements across the District which will provide:-</p> <ul style="list-style-type: none"> • Work in partnership to improve health provision in the District • Improvements to our three Town Centres • Provide increased opportunity for new businesses and employment • Identify and deliver improvements to our most congested roads • Deliver investment opportunities in the District that support growth and provide a return for the District Council. <p>The District Council has already committed £4,981,810 of its New Homes Bonus</p>		

allocation to investment in the District's infrastructure to unlock growth, leveraging significant private and public investment.

Given the current availability to the Council of existing capital funds, land and through prudential borrowing, there is an opportunity to create a District Investment Strategy and begin delivering the improvements needed to support the District growth. Under the Strategy, direct investment in infrastructure improvements can help delivery of housing and employment sites would support the Local Plan targets. This would also increase the Council's income and increase the Business Rate base (to be retained under Business Rates reform). Those investments could also generate a direct income for the Council. That income would be invested in delivering further improved services for residents and businesses and/or re-invested to generate further income.

Combined with allocated and unallocated New Homes Bonus, £14.5m of borrowing capacity and with £5m of reserves a District Investment Strategy of **£28m** could be created. With the use of the Council's own land, this Strategy would have strategic scale and impact and lever substantial further public and private investment in the District.

Recommended Decision:

That Cabinet approves the District Investment Strategy as set out in the report.

Purpose of Decision:

To agree the establishment of a District Investment Strategy to support the District's strategic growth ambitions and the delivery of excellent and value for money services to residents and businesses.

Any Corporate implications in relation to the following should be explained in detail.	
Financial:	Each capital investment scheme would need to have its own business case and would need to identify where the funding would be sourced. The scheme would then need to gain approval through Cabinet and Council.
Legal:	Legal services will be consulted as appropriate during infrastructure project development and delivery.
Safeguarding:	There are no direct safeguarding issues arising from the proposals set out in this report.
Equalities/Diversity:	Infrastructure projects funded through the strategy will have a positive impact on equality and diversity, through improving housing choice and availability, and through access to employment. Income generated from investment will support further delivery of services.
Customer Impact:	On approval and delivery of each capital project the infrastructure and facilities would be improved for residents.
Environment and Climate Change:	Wherever possible, infrastructure projects funded through the Strategy will seek to reduce carbon emissions and protect the environment.
Consultation/Community Engagement:	Infrastructure projects funded through the Strategy will help deliver the Council's Corporate Strategy, the emerging District Local Plan, and the District Economic Prospectus, all of which have been subject to public consultation and engagement.
Risks:	Infrastructure projects funded through the Strategy will be subject to appropriate risk assessments. The strategic risk to the Council in not developing the Investment Strategy would be reduced ability to deliver growth and support the delivery of services.
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1. Background

- 1.1 Responding to the requirements of the National Planning Policy Framework and to the Strategic Housing Market Assessment (SHMA), the new District Local Plan (2017-2033) is intended to deliver significant growth in the District over the next Plan period. The draft Plan will be published for consultation in June 2016 and will propose annual delivery of 845 houses from April 2016. In order to support sustainable housing growth, this will need to be matched by improved District infrastructure and facilities for residents.
- 1.2 The District Council has committed £4,981,810 of its New Homes Bonus allocation to investment in the District's infrastructure to unlock growth, leveraging significant private and public investment. On 2nd June 2014, Cabinet approved an investment of New Homes Bonus in the following infrastructure projects:-
- Witham Enterprise Centre - £500,000 investment in the development of business incubation and growth facilities in Witham.
 - A120 access improvement package - £2,500,000 investment in a new slip road from the A120 eastbound onto Millennium Way, to relieve congestion at Galleys Corner and improve access to Freeport and Braintree Town Centre.
 - Superfast Broadband - £250,000 investment in the second stage roll out of the Superfast Essex (BDUK) broadband programme in the District, which will enable access to superfast broadband for 87% of premises in the District.
- 1.3 A consistent criterion for District growth and regeneration funding in recent years is that project funding proposals must be 'shovel ready'. To ensure a pipeline of infrastructure projects and attract future funding, a £500,000 project feasibility and development fund was agreed together with a revolving £1,250,000 re-investment fund to unlock strategic development sites (currently utilised on the purchase of land at Chapel Hill, Braintree as part of a land assembly plan for development).

2. District Investment Strategy

- 2.1 The recently adopted Corporate Strategy 2016-2020 sets out District priorities for the next four years. As well as the need for more homes and jobs, the Strategy identifies the need for more investment in the District. The Strategy also identifies that there is a need for the right foundations to be in place to support the growth.
- 2.2 The District needs to prepare for growth by ensuring District infrastructure improvements/facilities are not only delivered for existing residents, but are able to provide for the future growth in the District as well. It is important that this investment is not only focused in the key towns but the rural areas as well. It is essential that the District Council works in partnership to invest and deliver improvements across the District which will provide:-

- Work in partnership to improve health provision in the District
- Improvements to our three Town Centres
- Identify and deliver improvements to our most congested roads
- Provide increased opportunity for new business growth and employment
- Deliver investment opportunities in the District that support growth and provide a return for the District Council

2.3 As well as unlocking District growth, investment in infrastructure and facilities has the potential to generate income for the District Council to help maintain the delivery of services. Supporting business growth and inward investment will increase the business rates base which, under Business Rate Reform, a proportion will be retained by this Council and the County Council. Individual investments also have the potential to directly create an income stream for the Council, or to release further investment opportunities that will create an income stream.

2.4 Given the current expected continuation of low interest rates for the foreseeable future, the Council is able to borrow monies at favourable rates and borrow when necessary. There is an opportunity to create a District Investment Strategy and begin delivering the improvements needed to support the District growth. Under the Strategy, direct investment in infrastructure improvements can help delivery of housing and employment sites would support the Local Plan targets.

2.5 Those investments could generate a direct income for the Council, through the Council acting as developer/ joint developer, owning the new facilities/infrastructure and recovering interest from forward funding loans. The net income, after providing for the repayment of any borrowing would be invested in delivering improved services for residents and businesses and/or re-invested to generate further income.

2.6 Combined with allocated and unallocated New Homes Bonus, £14.5m of borrowing capacity and with £5m of reserves, a District Investment Strategy of **£28m** could be created. With the use of the Council's own land, this Strategy would have strategic scale and impact and lever substantial further public and private investment in the District.

3. District Investment Strategy Priorities

3.1 Health facilities

3.1.1 Improved primary health care facilities in the District are essential to the wellbeing of current residents, and need to be substantially improved if they are to serve the needs of a growing population. As well as delivering health facilities as part of the Braintree Town Centre regeneration scheme, there are potential opportunities for investment in Witham, Halstead and the rural parts of the District that would both help meet needs and generate an income for the District Council. The District Council can help deliver these improvements in partnership with the NHS and GPs through land and capital investment opportunities.

3.2 Town Centre regeneration

- 3.2.1 Discussions continue with partners over the development of Council-owned land in Braintree, Witham and Halstead Town Centres. The Council has already committed £1.2m of capital improvements for the three key towns. Through the District Investment Strategy the District Council would be looking to identify and deliver improvements where it would take the lead using its own land and capital funding. This would have the benefit of helping deliver key services/facilities into the three key towns and at the same time increasing footfall.

3.3 Employment/New Jobs

- 3.3.1 Investment under this Strategy could fund support for business growth through (for example) business start-up and grow-on facilities, and generate inward investment through bringing forward strategic employment sites and new commercial units.
- 3.3.2 In partnership with Essex County Council (with an outline commitment to design and capital build costs), the District Council has undertaken feasibility work on a new Enterprise Centre in Witham, has developed a specification and business plan to enable procurement of design and build and an operator, and is seeking a land contribution through a developer agreement. The business plan indicates that after an initial funding input, a revenue stream would be generated. There is also evidence of demand for 'grow-on' units for successful established business start-ups, and the opportunity to develop units on Council-owned land that would generate a commercial income. Through the District Investment Strategy the Council would focus on unlocking employment opportunities across the District to create inward investment and growth of existing businesses.

3.4 Transport infrastructure

- 3.4.1 The District Council is working in partnership with Essex County Council and Highways England on a scheme to relieve congestion at Galley's Corner roundabout on the A120 and improve access to Braintree Town centre through a slip road onto Millennium Way. The Council is also working with Essex County Council on improvements to the Braintree/Witham rail link. Although not generating direct income, these improvements would unlock housing and employment growth in Braintree in particular. The District Investment Strategy would not only work towards the delivery of these projects.
- 3.4.2 There would also be a focus on Station car parking and other key road junctions like Marks Farm roundabout which experience severe congestion. The District Council would also identify opportunities where early delivery of new road infrastructure could not only bring forward new housing and employment growth but would also improve the road network for existing residents and businesses.

4. Financing the Strategy

- 4.1 The amount of the funding which either is currently available or would be available within current policy to support the Strategy is £28m.
- 4.2 The current amount of New Homes Bonus allocated for infrastructure projects is £4.98m. A further amount of New Homes Bonus which is yet to be allocated is £3.6m and will be available by 31st March 2017.
- 4.3 Unallocated Balance – £8.421m as at 31st March 2016. Whilst this should not all be available to support the Strategy it is recommended that £5m could be used leaving a working balance available for unforeseen eventualities.
- 4.4 Borrowing – the current Treasury Management Strategy sets a limit of £25m for borrowing and other long-term liabilities. The amount available to support the Strategy is £14.5m.
- 4.5 The actual amount of funding which would be available from monies currently held by the Council is £9.9m, rising to £13.5m by the end of 2016/17.
- 4.6 There is an opportunity to contribute capital receipts generated through District Council land disposal towards the Investment Strategy. The recently demolished Bramston Leisure Centre site has the opportunity to generate a substantial capital receipt. This receipt could then be reinvested to deliver new infrastructure or facilities in the area.
- 4.7 With this level of monies available the Council can progress with an investment and decide at that time whether it is best to fund the investment from monies held or undertake borrowing if the interest rates are favourable.
- 4.8 Current advice from Arlingclose, the Council's Treasury Management Advisors, regarding borrowing in advance of need is that whilst there is currently some volatility of interest rate levels because of the impending referendum vote on membership of the EU this is not the only reason affecting rate levels. Whilst there may be some upward movement in the short to medium term the cost of holding borrowed monies ahead of need, of about 2%, outweighs a small increase in rate levels in the future.

Proposed Disposal of the former Bramston Sports Centre Site, Witham		Agenda No: 6a
Portfolio	Corporate Services and Asset Management	
Corporate Outcome:	A well connected and growing district with high quality homes and infrastructure A prosperous district that attracts business growth and provides high quality employment opportunities	
Report presented by:	Cllr. John McKee	
Report prepared by:	Andrew Epsom, Head of Asset Management	
Background Papers:	Public Report	
Report to Cabinet on 30 th March 2015 – Proposed Disposal of Part.	Key Decision: Yes	
Executive Summary:		
<p>Following the opening of the new Witham Leisure Centre and demolition of the redundant Bramston Sports Centre buildings in Witham, the Council has been considering disposal options for this site.</p> <p>The vacant site comprises approximately 3.7 acres. The site adjoins the River Brain to the east and part of the site is situated within the flood plain. The site is now surplus to the needs of the Council.</p> <p>On 30th March 2015, Cabinet approved the disposal of part of the site to Persimmon Homes for the construction of an office building. Unfortunately, Persimmon Homes then came back to the Council seeking more land and different terms. The Council reviewed the revised proposals and made the decision not to proceed with this transaction as it did not represent value for money.</p> <p>The Council has now received 2 offers for separate areas of the site totalling £3,774,000 + VAT if applicable. The southern part of the site comprising 2.0 acres has received an offer from Lidl UK GmbH. The northern part of the site comprising 1.1 acres has received an offer from Churchill Retirement Living Limited. Part of the remainder of the site will be used for the construction of an access road with the balance being retained by the Council as part of the flood plain and will be integrated into the adjoining public open space.</p> <p>Any disposal of the site would normally be exempt of VAT; however, in order to protect the Council’s partial exemption status a decision to Opt to Tax the site may be required. This would mean that any future sale of the site would be subject to VAT.</p>		

Recommended Decision:

- 1) That Cabinet approves the disposal of the southern part of the Bramston site (as shown outlined in black and labelled 'Foodstore Area' on the plan attached at **Appendix 2**) to Lidl UK GmbH on the terms set out in this report or on such other terms and conditions as agreed by the Cabinet Member for Corporate Services and Asset Management and Corporate Director (Finance).
- 2) That Cabinet approves the disposal of the northern part of the Bramston site (as shown outlined in black and labelled 'Care Home Area' on the plan attached at **Appendix 2**) to Churchill Retirement Living Limited on the terms set out in this report or on such other terms and conditions as agreed by the Cabinet Member for Corporate Services and Asset Management and Corporate Director (Finance).
- 3) That Cabinet delegates powers to the Council's S.151 Officer to approve to Opt to Tax the former Bramston Sports Centre Site (as shown outlined in black at **Appendix 1**) if required.
- 4) That it is the intention of the Council to re-invest the capital receipt to support the provision of new primary care facilities in Witham.

Purpose of Decision:

To enable the Council to dispose of the Bramston site in Witham to realise a capital receipt. This site is surplus to requirements.

Any Corporate implications in relation to the following should be explained in detail.

Financial:	<p>The disposal of the 2 separate areas of the Bramston site will realise total capital receipts of £3,774,000 + VAT if applicable. The Council's independent valuation consultant has confirmed that the disposal sums agreed for each parcel of land represents a fair open market value for the land.</p> <p>The Council intends to re-invest the capital receipt to support the provision of new primary care facilities in Witham.</p> <p>Any disposal of the site would normally be exempt of VAT which would mean any VAT incurred and recovered by the Council in relation to the site would count towards the Council's partial exemption limit. Provided the amount of VAT incurred by the Council on exempt activities is within this limit the VAT is fully recoverable. However, if this limit is breached then there is a risk that all VAT on exempt activities would become irrecoverable leading to a cost to the Council of around £140,000. To prevent the Council breaching this limit the Council may need to Opt to Tax this site i.e. charge VAT on any disposal transactions. It is expected that any VAT charged would be recoverable by a prospective purchaser. The Option to Tax the site, unless revoked within six months, would remain in force for a period of 20 years or until we no longer own the site.</p>
Legal:	<p>The Council's Legal Service will be instructed to act on the Council's behalf in respect of the exchange of contracts and completion of the sale and ensure that the Council's interests are protected at all times.</p>
Safeguarding:	N/a.
Equalities/Diversity:	<p>The construction of both the retail foodstore and retirement apartments will be required to comply with all disabled access requirements and the employment of staff therein will need to comply with all equalities and diversity legislation.</p>
Customer Impact:	<p>The valuable capital receipts realised from these disposals will enable the Council to continue to deliver good quality services to its customers and provide economic benefits to the local economy.</p>
Environment and Climate Change:	<p>Any newly constructed buildings will need to comply with the current Environmental and Climate Change requirements.</p>

Consultation/Community Engagement:	The disposal of this land will be subject to Cabinet and Council approval. The community was consulted prior to the construction of the new Witham Leisure Centre.
Risks:	See Risk Matrix in the main body of this report.
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1.0 Background

- 1.1** Following the construction and opening of the new Witham Leisure Centre, Braintree District Council (the Council) has now demolished the redundant Bramston Sports Centre buildings with a view to disposing of the site (BSC Site) to realise a capital receipt.
- 1.2** The vacant BSC Site (as shown outlined in black on the plan at **Appendix 1**) comprises approximately 3.7 acres. The site adjoins the River Brain to the east and part of the site falls within Flood Zones 2 and 3. Access to the site is from Bridge Street. The site is now surplus to the needs of the Council.
- 1.3** In 2013 the Council commissioned consultants, Lambert Smith Hampton, to undertake an options appraisal exercise relating to the proposed disposal of the BSC Site and to consider appropriate future uses in order to achieve best value, develop a marketing strategy, understand planning issues and flood risks implications, and assess building demolition costs.
- 1.4** Lambert Smith Hampton's report indicated that food retail and residential uses on the site would realise best value, followed by office use and then public car parking. Non-food retail and leisure uses were considered but demand appeared to be very limited.
- 1.5** On 30th March 2015, Cabinet approved the disposal of part of the site (0.68 acres) to Persimmon Homes for the construction of a 12,000 sq. ft. regional headquarters office building. Unfortunately, following the Cabinet decision and after much delay, Persimmon Homes came back to the Council seeking a larger area of land and different terms. Following a review of these revised proposals, the Council made the decision not to proceed with this disposal as it did not represent value for money.
- 1.6** The Council has been considering its disposal options for the site. Whilst the Council is hoping to maximise the capital receipt from the site it has also been assessing the economic development and employment opportunities and the Council Tax and Business Rates revenue opportunities in terms of assessing its disposal strategy.

2.0 Disposal Strategy

- 2.1** Part of the BSC Site sits on a flood plain. BDC has engaged the services of an environmental and engineering consultant to assess the flood plain issues and advise on the extent of the developable area of the site. The consultant has assessed that approximately 3.1 acres (as shown outlined in black and labelled 'Foodstore Area' and 'Care Home Area' on the plan at **Appendix 2**) out of the total 3.7 areas should be capable of being developed for either residential or food retail purposes. The balance of the site (excluding the access road and estate road) will be retained by the Council as part of the flood plain and integrated into the adjoining open space.

2.2 The Council's environmental and engineering consultant recently submitted a full report to the Environment Agency detailing the proposed uses for this site, together with a topographical survey, soil report, contamination report, land strategy report and flood risk report. The Council is awaiting confirmation from the Environment Agency that these development proposals and the associated flood mitigation measures are acceptable.

2.3 The Council has made the decision to move forward and realise a significant capital receipt from the disposal of this site as the intention is to re-invest the sum realised to support the provision of new primary care facilities in Witham.

3.0 Heads of Terms for Sale of Part of the BSC Site to Lidl UK

3.1 Vendor:

Braintree District Council
Causeway House
Bocking End
Braintree
CM7 9HB

3.2 Purchaser:

Lidl UK GmBH
19 Worple Road
Wimbledon
London
SW19

3.3 The Property:

The southern part of the Bramston Site, Bridge Street, Witham as shown outlined in black and labelled 'Foodstore Area' on the plan and attached at **Appendix 2** and comprising c.2.0 acres together with the 'Access Road' as shown cross-hatched black on the plan attached at **Appendix 2**.

3.4 Purchase Price:

The sum agreed and any overage sum plus VAT if required.

3.5 Tenure:

The Council will be disposing of its freehold interest with vacant possession of the Foodstore Area and Access Road subject to the grant of satisfactory planning permission.

3.6 Deposit:

The Purchaser shall pay a deposit upon exchange of £100,000 which will

be held by the Council's Solicitor as stakeholder.

3.7 Completion:

Completion of the sale shall take place 21 days from the date of the resolution to grant a satisfactory planning permission.

In the event that a subsequent legal challenge in respect of planning consent proves successful, the Council will undertake to buy back the Property at the Purchase Price.

The contractual long stop date for Completion is 24 months from exchange of contracts.

3.8 Proposed Development Scheme:

The Purchaser is proposing to develop a Lidl concept A1 food retail store of 2,443m² GIA with a net sales area no smaller than 1,424m² plus ancillary car parking plus or minus 10%.

3.9 Use Restrictions:

The Purchaser shall not use the Property for any purpose falling within Class B2 (industrial), C2A (secure residential institutions) or as retirement apartments falling within Class C3 (CAT II – age restricted) of the Use Class Order.

3.10 Reservation of Access Rights:

The Council will reserve full rights of access over the Access Road leading from Bridge Street to the remainder of the site together with the right to lay, maintain, upgrade, repair and renew all services and conduits required to serve its retained land.

3.11 Repairs to the Access Road:

Once the new development has been completed by the Purchaser and the Access Road has been constructed to adoptable standards and prior to it being offered for adoption, the Council and owners of the Care Home Land will contribute a fair proportion of the costs of maintenance of the Access Road in accordance with user.

3.12 Pedestrian Footpath Route:

The Council will reserve the right to create and construct a pedestrian access path (as an emergency exit route from the Care Home Area in the event of a flood) not more than 2 metres in width leading from the Care Home Land to the western or southern boundaries of the Foodstore Area.

3.13 Overage:

The overage period shall be 5 years from completion of the development.

The Council's overage payments to be 80% of the increase in value at each Trigger Event.

A Trigger Event shall include:-

- a) The implementation of a planning permission which increases the floor area of the Proposed Development Scheme by more than 110%.
- b) The implementation of a planning permission for the construction of any scheme falling within Class C2 (residential accommodation including care homes, nursing homes, hospitals, training centres) and Class C3 (dwellinghouses).
- c) The grant of a further planning permission subsequent to the implementation of the Proposed Development Scheme for a change of use or an increase in the floor area of the development.

3.14 Planning Conditions:

Within 3 months of exchange of contracts the Purchaser is to use its reasonable endeavours to apply to the Local Planning Authority for the grant of a detailed planning application for the carrying out of the Proposed Development Scheme.

The Purchaser may appeal against any refusal of planning permission but is not required to do so.

In the event that the Purchaser has not implemented the planning permission by the date 5 years from the date of Completion of the Council's transfer, then the Council will have the opportunity to purchase the Property at the Purchase Price plus agreed costs.

3.15 Purchaser Conditions:

On the part of Lidl UK GmbH, this transaction is subject to the following:-

- a) Contract
- b) Board approval
- c) Satisfactory utilities, topographical, flood risk, ground and contamination surveys - to be carried out by the Purchaser within 3 months of exchange.
- d) Satisfactory highways report – to be carried out within 3 months of exchange.

4.0 Heads of Terms for Sale of Part of the BSC Site to Churchill Retirement Living Limited

4.1 Vendor:

Braintree District Council
Causeway House
Bocking End
Braintree
CM7 9HB

4.2 Purchaser:

Churchill Retirement Living Limited
Millstream House
Parkside
Ringwood
Hampshire
BH24 3SG

4.3 The Property:

The northern part of the Bramston Site, Bridge Street, Witham as shown outlined in black and labelled Care Home Area on the plan attached at **Appendix 2** and comprising c1.1 acres together with the Estate Road as shown cross-hatched black on the plan attached at **Appendix 2**.

4.4 Purchase Price:

The sum agreed and any overage sum plus VAT if required.

4.5 Tenure:

The Council will be disposing of its freehold interest with vacant possession of the Care Home Area and Estate Road subject to the grant of satisfactory planning permission.

4.6 Deposit:

The purchaser shall pay a deposit equal to 5% of the Purchase Price upon exchange of contracts which will be held by the Council's Solicitor as stakeholder.

4.7 Completion:

Completion of the sale shall take place 21 days from the date of the resolution to grant a satisfactory planning permission.

In the event that a subsequent legal challenge in respect of planning consent proves successful, the Council will undertake to buy back the Property at the purchase price.

The contractual long stop date for completion is 24 months from exchange of contracts.

4.8 Proposed Development Scheme:

The Purchaser is proposing to develop 57 no. Category II (age restricted) Retirement Apartments having a gross internal floor area of 4,507m² (excluding all non-residential areas) plus ancillary parking.

4.9 Use Restrictions:

The Purchaser shall use the Property for retirement apartments falling within Class C3 (CAT II) of the Use Classes Order.

The Purchaser shall not carry out any noxious or offensive activity or cause a nuisance.

4.10 Grant of Access Rights:

The Purchaser shall be granted full rights of access over the Access Road leading from Bridge Street together with the right to lay, maintain, upgrade, repair and renew all services and conduits required to serve the Property.

4.11 Reservation of Access Rights:

The Council will reserve full rights of access of over the Estate Road together with right to lay, maintain, upgrade, repair and renew all services and conduits required to serve its retained land.

4.12 Repairs to the Estate Road:

The Purchaser shall construct the Estate Road to an adoptable standard and thereafter maintain (until it is offered for adoption), and the Council will contribute a fair proportion of the costs of maintenance of the Estate Road in accordance with user.

4.13 Overage:

The overage period is to be 20 years from the Completion of the sale.

The Council's overage payment to be 100% of the increase in value at each Trigger Event under a) and d) below, 75% under c) and market value less the base value for b).

A Trigger Event shall be any of the following:-

- a) Implementation of the planning permission leading to an increase in the number of retirement apartments comprised within the

- Proposed Development Scheme.
- b) The implementation of a planning permission resulting in an increase in the gross internal area of the Retirement Apartments comprised within the original Proposed Development Scheme by more than 10%.
 - c) The implementation of a planning permission or further planning permission for the construction of retail floorspace falling within Class A of the Use Class Order.
 - d) The grant of a further planning permission subsequent to the implementation of the Proposed Development Scheme for an increase in the number of retirement apartments.

4.14 Planning Conditions:

Within 16 weeks of exchange of contracts the Purchaser is to use its reasonable endeavours to apply to the Local Planning Authority for the grant of a detailed planning application for the carrying out of the Proposed Development Scheme.

The Purchaser may appeal against any planning refusal but is not required to do so.

In the event that the Purchaser has not implemented the planning permission by the date 5 years from the date of completion of the Council's transfer, then the Council will have the opportunity to purchase the Property at the Purchase Price plus agreed costs.

4.15 Purchaser Conditions:

On the part of Churchill Retirement Living Limited, this transaction is subject to the following:-

- a) Contract
- b) Board approval
- c) Satisfactory ground and contamination surveys
- d) The Council agrees to impose a covenant on the Foodstore Area for the benefit of the Care Home Area and its retained land, that the Foodstore Area may not be used for any conflicting use falling within Class B2, C2A or competing use Class C3 (CAT II) Retirement Apartments.

5.0 Risk Assessment

Item:	Issue:	Action:
Flood plain issues may impact on the proposed development of the land for office purposes.	BDC would be unable to realise a significant capital receipt for the land	Advice has been received from an environmental consultant who has indicated that a foodstore scheme and a residential

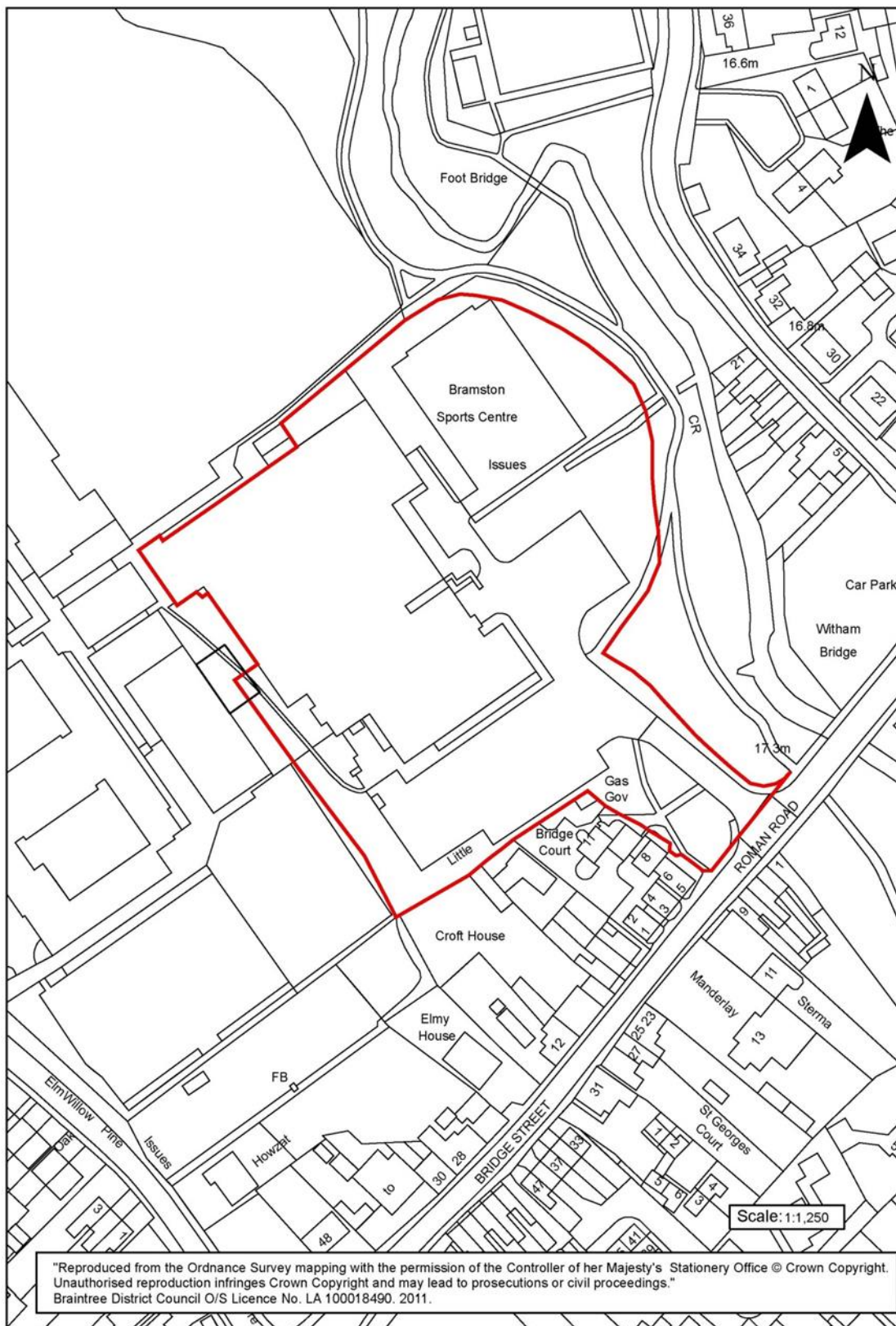
		development scheme should be possible on the Bramston Site. The sale will be conditional upon receipt of a satisfactory planning consent and the purchasers are required to submit a detailed planning application within either 3 months or 16 weeks of exchange of contracts. Therefore, this issue should be clarified as part of the planning process.
Economic conditions decline	The prospective purchasers would have to review their development proposals to assess if it was still appropriate to proceed.	Economic conditions are currently positive and the purchasers are pushing to proceed quickly in this matter.
Abnormal site costs	These would add to the cost of the scheme and potentially make it unviable	The purchasers to carry out full due diligence on the site prior to exchange of contracts. Potential to re-negotiate purchase price in certain circumstances.
Build costs increase	This may impact on the viability of the scheme	The economy is going through a period of low inflation. The purchasers should have factored construction cost inflation into their viability appraisals.

6.0 **Conclusions and Recommendations**

- 6.1 The proposed development of part of this site for a foodstore and part for retirement apartments provides two high value land uses. The Council's independent valuation consultant confirms that the disposal sums agreed for each parcel of land represents a fair open market value for the land and provides the Council with best value for the overall site.

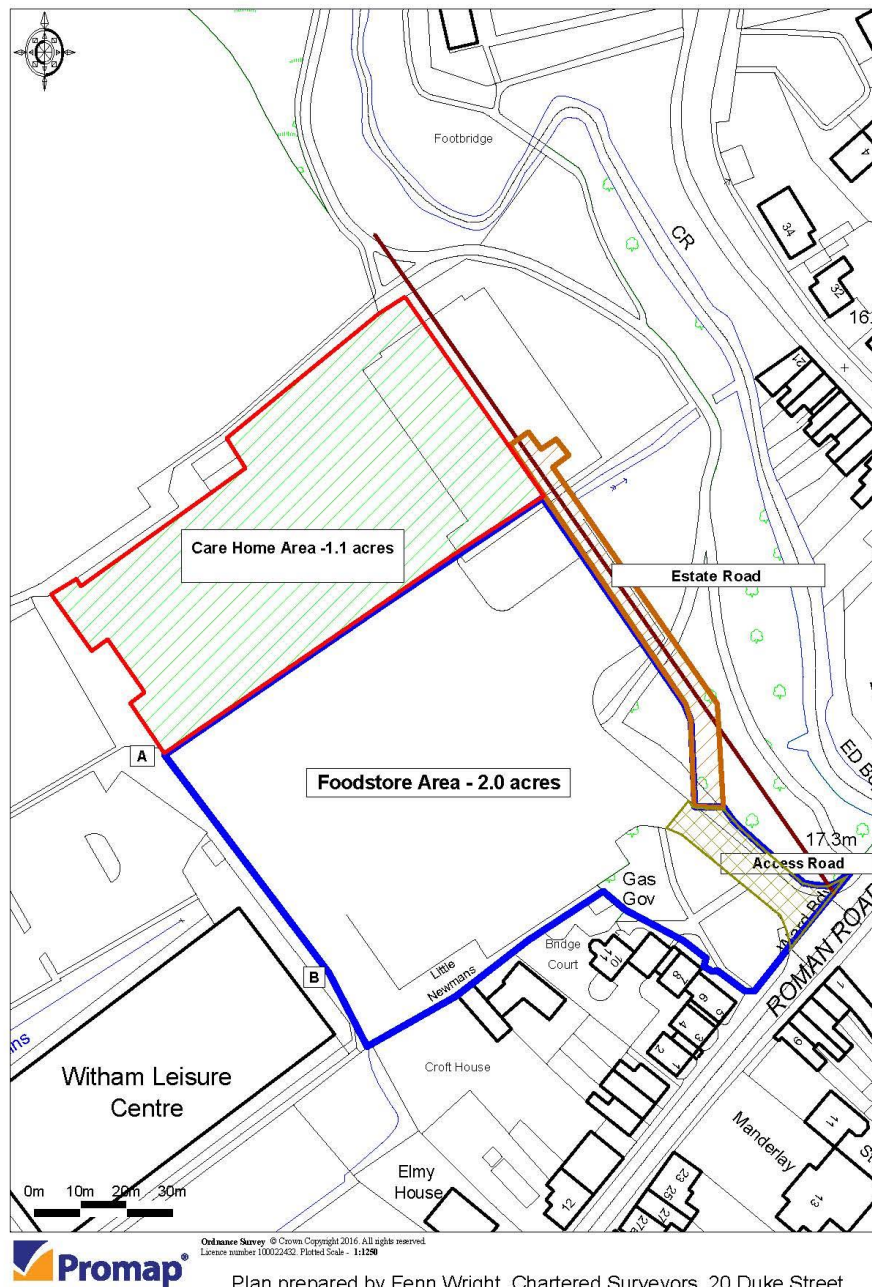
- 6.2** It is, therefore, recommended that the Council approves the proposed disposals to Lidl UK and Churchill Retirement Living on the terms detailed in this report subject to Council approval, Contract and planning.

APPENDIX 1



APPENDIX 2

Former Bramston Centre Bridge Street Witham CM81BT



Provisional Financial Outturn 2015/16		Agenda No: 7a
Portfolio	Finance and Performance	
Corporate Outcome:	A high performing organisation that delivers excellent and value for money services	
Report presented by:	Councillor David Bebb, Portfolio Holder for Finance & Performance	
Report prepared by:	Trevor Wilson, Head of Finance	
Background Papers: Financial Services Accounts Closure 2015/16 working papers		Public Report
		Key Decision: No
<p>Executive Summary: The Council's financial accounts for 2015/16 are currently being prepared for external audit. The Council's Financial Regulations require that requests to carry forward unspent budgets to the following year be agreed by the Cabinet.</p> <p>The provisional financial outturn for 2015/16 shows a positive variance on the revenue account of £1,830,000 or 11.7% of the net budget of £15.624million. As reported during the course of the year, the variance was due primarily to higher levels of income received than originally budgeted.</p> <p>This overall variance has improved from that reported at the third quarter by £892,000, of which £622,000 is due to a net increase in income, and the balance due to an additional underspend against staffing and other expenditure budgets of £270,000.</p> <p>Of the variation for the year of £1,830,000: additional income accounts for £1,533,000 (or 84%) and a net underspend on expenditure of £297,000 (or 16%). A key element of the Council's financial strategy is to increase income where possible. This has assisted in frontline services being maintained and will continue to help the Council's financial planning as it seeks to address the anticipated funding shortfalls as it becomes grant free in 2019/20.</p> <p>The main income generating areas which over-performed during the year include: Planning application fees (£510,000); Council Tax Sharing Arrangement (£362,000); Housing Benefit overpayments recovered (£190,000); Car Park charges (£95,000); Industrial Land and Units rental income (£44,000) and Treasury Management interest (£48,000).</p> <p>Requests to Carry Forward Budgets to 2016/17 Requests totalling £607,039 are made to carry forward budgets to 2016/17.</p> <p>Budgets brought forward from 2014/15 are held in the carry forward reserve until</p>		

required. A number of these budgets were fully utilised in 2015/16, however, the balance on five of the budgets, totalling £65,927, are requested to be carried forward to 2016/17.

It is proposed that three of the requests, in respect of Repairs and Maintenance to Assets, Housing Benefits and Council Tax Support and Growth Area Fund with a total value of £70,326, are added to the relevant existing earmarked reserve.

Recommended Decision:

1. To approve the requests to carry forward budgets to 2016/17 with a total value of £607,039 as detailed in Appendix B to the report;
2. To approve the requests to carry forward prior year budgets to 2016/17 with a total value of £65,927 as detailed in Appendix B to the report;
3. To agree that three of the carry forward requests with a total value of £70,326, as identified in Appendix B, be added to the relevant existing earmarked reserves.

Purpose of Decision:

To gain approval of requests to carry forward unspent budgets from 2015/16 to 2016/17 and of specific additions to earmarked reserves in order that these can be incorporated in the Council's 2015/16 Accounts prior to submission to the external auditor.

Any Corporate implications in relation to the following should be explained in detail.

Financial:	<p>The provisional outturn for the Council's revenue account for 2015/16 shows a positive variance of £1,830,000 (or 11.7%) against the budget. Of this variance thirteen requests are made to carry forward budgets, totalling £607,039, to 2016/17.</p> <p>The Council's unallocated balance as at 31st March 2016 will also be impacted by the inclusion of an unbudgeted receipt in the year of £203,000: New Burdens grant from the Government in respect of property search litigation claims settled by the Council and for which provision had been made in prior years' accounts.</p> <p>The unallocated balance as at 31st March 2016 is £8,421,000.</p> <p>Notification of the anticipated receipt from the Essex Business Rates Pool for 2015/16 is still awaited at this time</p>
Legal:	Cabinet approval required as per the Constitution.
Safeguarding:	Not applicable
Equalities/Diversity:	Not applicable
Customer Impact:	Not applicable
Environment and Climate Change:	Not applicable
Consultation/Community Engagement:	Undertaken for projects when required, e.g. transfer of facilities to a parish council.
Risks:	Budgets carried forward to 2016/17 are not spent as proposed and anticipated outcomes may not be achieved.
Officer Contact:	Trevor Wilson
Designation:	Head of Finance
Ext. No:	2801
E-mail:	Trevor.wilson@braintree.gov.uk

1. Background

1.1 The Council's financial accounts for 2015/16 are currently being prepared for audit by the external auditor, Ernest and Young. Whilst the accounts will be signed by the Corporate Director (Finance) and be available for audit by 31st May 2016, the auditor requires a number of decisions to have been agreed by the Council and for these to have been incorporated in the accounts before submission for audit.

1.2 Decisions are required on:

- Budgets unspent in 2015/16 to be carried forward to 2016/17; and
- Budgets brought forward from 2014/15 which are unspent or only partially spent in 2015/16 to be carried forward to 2016/17.

2. Provisional Outturn 2015/16

2.1 The provisional outturn for 2015/16 before requests to carry forward unspent budgets is a positive variance of £1,830,000 against the updated controllable budget of £15.624million, a variance of 11.7%.

2.2 The figure is £892,000 higher than that projected as at the third quarter, of £938,000, of which £622,000 is due to a net increase in income, and the balance is due to an additional underspend against staffing and other expenditure of £270,000.

2.3 Of the variation for the year of £1,830,000: additional income accounts for £1,533,000 (or 84%) and a net underspend on expenditure of £297,000 (or 16%).

2.4 A key element of the Council's financial strategy is to increase income where possible. This has assisted in frontline services being maintained and will continue to help the Council's financial planning as it seeks to address the anticipated funding shortfalls as it becomes grant free in 2019/20.

2.5 The over achievement of income against budgets resulted from a variety of reasons including actions agreed by the Council during the course of the year; as a result of increased demand for a service; or budget targets were, with hindsight, set too low due to difficulties in assessing the impact of actions to be taken. The principal areas include:

Decision by Council during year:

- Treasury Management - £48,000 additional interest received due partly to the decision to invest an additional sum of £2million, split between one of the existing equity pooled funds and the property fund.

Increased demand for service:

- Development Management - £510,000 from Planning Application fees;
- Car Park charges - £95,000; and
- Industrial Land and Units – £44,000 mainly resulting from rent reviews and the allowance provided for void periods not being required in full.

Dependent on actions taken

- Council Tax Sharing Arrangement - £362,000. An Essex wide agreement with the major preceptors (Essex County Council, Essex Police and Crime Commissioner and Essex Fire Authority) whereby they share a proportion (16%) of any additional council tax collected with each of the district and city councils. The additional council tax being due to specific actions taken by the councils in ensuring compliance and reducing fraud. The amount shared is calculated on the increase in council tax between a baseline figure and the council tax collected in the current year. This council has increased the level of council tax collected following reviews of and reductions made to discounts and exemptions e.g. single persons discount and local council tax support. This additional resource benefits all taxpayers as it helps each of the preceptors including this Council meet the funding challenges and hopefully help protect frontline services. The current three year agreement finishes in 2017/18. It is expected that a new agreement will be agreed for 2018/19 onwards; with the possibility that the baseline and share proportion will be renegotiated.
- Housing Benefit Overpayments recovered - £190,000. This is accounted for on the amount of cash actually received in the year. Income received is dependent on two elements: overpayments being identified and the rate at which they are repaid. Both of which are difficult to predict.

- 2.6 The expenditure budgets are split between staffing and other costs. The underspend of £297,000 results from: staffing being £48,000 over budget as actual savings against staffing budgets were insufficient to meet the efficiency savings target of £334,000; and other expenditure being £345,000 under budget although this consists of a number of positive and negative variations, the main variation was £212,000 underspend by Business Solutions, largely on the ICT Contract and Corporate Business Systems. Although budgets of £90,000 will be required in 2016/17 and are therefore included in the carry forward requests.
- 2.7 A summary showing the budget variances by Business Plan is provided at Appendix A.
- 2.8 More detail of the variations is provided in the Performance Monitoring Report for Quarter 4 which is included as a separate item on this Cabinet agenda.
- 2.9 The outturn position does not include the anticipated receipt from the Essex Business Rates Pool for 2015/16 as notification is still awaited at this time. Determination of the amount to be shared between all authorities in the Essex Pool is dependent on all of the authorities providing detail of their business rate account for 2015/16 to Essex County Council, lead authority for the Essex Pool.
- 2.10 Thirteen requests, totalling £607,039, are made to carry unspent budgets in 2015/16 forward to 2016/17.
- 2.11 Budgets brought forward from 2014/15 are held in the carry forward reserve until required. A number of these budgets were utilised in full in 2015/16 however the balance on five budgets, totalling £65,927, are requested to be carried forward to 2016/17.

2.12 Finally, the Council's unallocated balances as at 31st March 2016 will also be impacted by the inclusion of an unbudgeted receipt in the year:

- In April 2015, the Government announced it would be paying a New Burdens grant in respect of property search litigation claims settled by the Council for which provision had been made in prior years' budget outturns. The Council received £102,000 in July and a further £101,000 in November.

3. Summary

- 3.1 The provisional financial outturn for 2015/16 is £1,830,000. Of this sum requests are made for unspent budgets of £607,039 to be carried forward to 2016/17.
- 3.2 Balances outstanding on five budgets brought forward from 2014/15 to 2015/16 totalling £65,927 are requested to be carried forward to be spent in 2016/17. These budgets are held in the earmarked reserves and therefore these requests do not impact on the financial outturn for 2015/16.
- 3.3 Taking the above movements into account the Unallocated General Balance as at 31st March 2016 will be:

	£'000
Balance at 1 st April 2015	7,829
Less:	
Budgeted withdrawal for 2015/16	(894)
Add:	
Outturn budget variance (net of carry forwards)	1,283
Unbudgeted Government New Burdens grant	203
Balance at 31st March 2016	8,421

Unspent Budgets - Request to Carry Forward

APPENDIX B

Business Plan/Service	Prior Year Balances			2015/16	Total All Years	Total All Years:		Reason for Request	Source of Unspent Budget/ Financing
	Agreed Budgets B/Fwd	Net Movement in year	Balance Remaining	Requests to C/Fwd Unspent Budgets		Carry Forward to 2016/17	Transfer to Earmarked Reserve		
	£	£	£	£	£	£	£		
Asset Management									
Repairs and maintenance of assets				13,760	13,760		13,760	This reserve helps to deal with items within the annual planned maintenance works that are not of sufficient value to qualify as capital works, any emergency works (e.g. boiler replacement) or other unforeseen maintenance expenditure.	General repairs and maintenance
Business Solutions									
Corporate Projects and Web				10,300	10,300	10,300		Funding for extension of temporary contract to October 2016 in order to support the planned web development work. With the new website live from 1st March 2016, 'phase 2' of this project is to review content and categorisation to further improve the customer experience. The officer's knowledge and experience gained with the new website will be invaluable with phase 2.	Web computer maintenance budget
Capita Contract - Network Devices				80,000	80,000	80,000		Upgrade the Causeway House network to improve the response times being experienced by users since the server virtualisation. Capita were requested to identify exactly what needed to be done and to provide an idea of costs. This was done but due to the nature of the work and the details needed it has taken some time to collect the necessary information.	Capita contract and Systems Development
Corporate Business Systems				50,000	50,000	50,000		Funding in order to employ project management capacity to support work on cyber security threats, Business Continuity and disaster recovery and information management. This will assist in mitigating new and evolving risks to the organisation.	Governance/ Business Solutions
Financial Services									
Housing Benefits and Local Council Tax Support				45,979	45,979		45,979	New Burdens Grant funding from Government including implementing welfare reforms, Fraud & Error Reduction Incentive Scheme, Real Time information. Planned to utilise on a data matching system, procured in collaboration with all Essex authorities, which will be used to help reduce fraud and ensure compliance on council tax.	Grant income
Payroll/HR System				60,000	60,000	60,000		Costs of implementing the MidlandHR Payroll/HR system, in conjunction with Colchester BC and Epping Forest DC, and for a payroll bureau service until September 2016. These additional costs are due to the outcome of the delayed procurement exercise conducted by Colchester BC. Savings are however anticipated on the annual ongoing budget with effect from 2017/18.	Finance
Marketing & Communications									

Unspent Budgets - Request to Carry Forward

APPENDIX B

Business Plan/Service	Prior Year Balances			2015/16	Total All Years	Total All Years:		Reason for Request	Source of Unspent Budget/ Financing
	Agreed Budgets B/Fwd	Net Movement in year	Balance Remaining	Requests to C/Fwd Unspent Budgets		Carry Forward to 2016/17	Transfer to Earmarked Reserve		
Marketing and Communications	£	£	£	£	£	£	£	Funding requested to enable the apprentice in the team to undertake her level 3 apprenticeship and to continue to provide valuable support to the team. Budget will cover period September 2016 to March 2018.	Marketing and Communications
Operations									
Transfer of rural facilities, e.g. Car Parks, Toilets etc., to Parish Councils	16,750	0	16,750		16,750	16,750		The transfer of the car park at Hadfelda Square to Hatfield Peverel Parish Council is close to completion.	Operations
Roadside Features	10,000	0	10,000		10,000	10,000		Roundabout Maintenance - Reinvestment of sponsorship income c/fwd to 2016/17 to enable a continuing maintenance programme on roundabouts and strategic gateways.	Roadside Features
Cordons Farm	30,000	17,410	12,590		12,590	12,590		Budget required for joint work with ECC that may require us to jointly fund some external work and for the review and rewriting of the specification to tender the haulage for which some external support will be required.	Cordons Farm
Car Parks				45,000	45,000	45,000		Engagement of consultant to undertake a strategic review of Car Parking.	Car Parks - income
Cemeteries				12,000	12,000	12,000		To provide temporary managerial support to the Cemeteries service.	Cemeteries
Sustainable Development									
Landscape Services	16,000	0	16,000	6,000	22,000	22,000		The underspend in 2014/15 was due to a Tree & Landscape Assistant post not being filled when vacated. Support to the Landscapes team in securing additional ecology expertise to support their role in providing advice on planning applications.	Landscape Services Salaries/ Planning Income
Development Management				78,000	78,000	78,000		Funding of an 18 month post for a Highways Planner by ECC, the cost of which amounts to £78,000 based on a commencement date in May 2016.	Planning income
Development Management				173,000	173,000	173,000		Funding of consultancy support to DM from: 1 full time planning consultant, 1 part-time urban design consultant, 1 part-time planning consultant. The need arises from the continued receipt of substantial and speculative residential development schemes.	Planning income
Land Charges, Planning Policy and Development Management				18,000	18,000	18,000		Engagement of a temporary Clerical Support Officer (12 month contract) to support additional pressures in Land Charges and the wider Directorate.	Planning income
Growth Area Fund	10,587	0	10,587		10,587		10,587	Balance remaining of the revenue element of GAF grant received from Government.	Growth Area Fund
Total	83,337	17,410	65,927	607,039	672,966	602,640	70,326		

FINANCIAL MANAGEMENT STATEMENT 2015/16 - FULL YEAR REVIEW AS AT QUARTER 4

General Fund - Business Plans	Controllable Budget	Actual Spend	Adverse (Positive) Variance against Budget				Anticipated movement on C/fwds	Net Variance trf (to)/ from
			Staffing	Other Expenditure	Income	Total		
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Asset Management	(1,805)	(1,864)	(2)	26	(83)	(59)	0	(59)
Business Solutions	1,876	1,634	(18)	(212)	(12)	(242)	140	(102)
Community Services	558	477	(42)	(38)	(1)	(81)	0	(81)
Corporate Management Plan	1,319	1,271	(1)	(47)	0	(48)	0	(48)
Cultural Services	264	270	1	(3)	8	6	0	6
Environment	956	811	(84)	(22)	(39)	(145)	0	(145)
Finance	1,255	688	(129)	(80)	(358)	(567)	60	(507)
Governance	945	919	(2)	(24)	0	(26)	0	(26)
Housing Services	741	718	(5)	(13)	(5)	(23)	0	(23)
Human Resources	425	413	(13)	4	(3)	(12)	0	(12)
Leisure Services	(31)	(9)	(1)	12	11	22	0	22
Marketing & Communications	455	380	(1)	(21)	(53)	(75)	15	(60)
Operations	3,921	3,824	47	(44)	(100)	(97)	57	(40)
Sustainable Development	2,042	1,567	(36)	102	(541)	(475)	275	(200)
Business Plan Controllable	12,921	11,099	(286)	(360)	(1,176)	(1,822)	547	(1,275)
Corporate Financing	3,037	2,695	0	15	(357)	(342)	0	(342)
Efficiency Savings Target	(334)	0	334	0	0	334	0	334
Total - General Fund	15,624	13,794	48	(345)	(1,533)	(1,830)	547	(1,283)

Fourth Quarter and Annual Performance Management Report 2015/16		Agenda No: 7b
Portfolio	Finance and Performance	
Corporate Outcome:	A high performing organisation that delivers excellent and value for money services	
Report presented by:	Councillor David Bebb	
Report prepared by:	Tracey Headford – Performance and Improvement Manager	
Background Papers: Fourth Quarter and Annual Performance Management Report 2015/16		Public Report
		Key Decision: No
<p>Executive Summary:</p> <p>The purpose of the attached report is to summarise the performance of the Council at the end of the fourth quarter (January 2016 to March 2016) and the end of the year.</p> <p>As at the end of year, 39 projects have been completed and 3 are on track to meet their target dates.</p> <p>For performance indicators at the end of year, twelve have exceeded target and five have missed target by more than 5%.</p> <p>The number of passenger journeys on the community transport scheme has not met target in 2015/16. There has been a decrease in the number of passenger journeys relating to minibus hire and dial-a-ride for various reasons. However, the service is meeting current demand and promotion of the service in recent months has boosted figures and target was exceeded in the fourth quarter.</p> <p>The processing of minor planning applications achieved 65.72% against a target of 72% in 2015/16. The lower level of performance is a consequence of a higher than usual level of staff turnover placing an increased demand on the service. A successful recruitment exercise and the addition of consultancy support is improving performance but will take a while to feed through effectively in terms of performance.</p> <p>The number of empty homes in the District returned to use has not met target however, the work of the Empty Homes officer also involves working on properties outside of the district and a total of 73 homes have been returned to use in 2015/16.</p> <p>Meeting the recycling performance target remains a challenge. The tonnage for dry waste recycling and garden waste has fallen in comparison with last year. The lower recycling rate achieved is a trend reflected across the county and recycling rates are continuing to reduce. Action is being taken to increase recycling rates by introducing recycling to flats and schools across the district which has been boosted by the grant</p>		

received from the Department for Communities and Local Government (DCLG).

Overall the Council has performed well throughout the year delivering the best service to our customers, providing value for money and succeeding in achieving our corporate objectives.

Financial Performance

The financial information in the performance management report details the financial position as at the end of March 2016.

The financial position statement for 2015/16 shows an overall positive variance of £1.83million (11.7%) against the original budget of £15.624million. The main reason for the variance is an over achievement of income of £1.533million.

The over achievement of income against budgets resulted from a variety of reasons including actions agreed by the Council during the course of the year (treasury management investments); as a result of increased demand for a service (including planning application fees and car park charges); or budget targets were, with hindsight, set too low due to difficulties in assessing the impact of planned actions (council tax sharing agreement and housing benefit overpayments recovered).

Increasing income where possible is a key element of the Council's financial strategy. The over performance recorded for the year has and will continue to assist in maintaining delivery of frontline services and will be a key part of the Council's financial planning as it seeks to address anticipated funding shortfalls due to becoming grant free in 2019/20.

Service management has requested that £607,039 of unspent budgets be carried over and used in 2016/17. Details of the requests are contained in a separate report on the agenda of this Cabinet meeting. If approved these carry forwards will reduce the outturn variance transferred to General Fund balances to £1.28million.

For a detailed explanation of the financial performance, please refer to page 18 onwards of the full report.

Decision

To note and endorse the report.

Purpose of Decision:

To inform the Cabinet of the performance of the Council.

Any Corporate implications in relation to the following should be explained in detail	
Financial:	An assessment of the Council's financial position against the agreed budget for the year is provided and is based on income and expenditure during the year.
Legal:	There are no legal issues raised by this report.
Safeguarding	There are no safeguarding issues raised by this report.
Equalities/Diversity	Equalities and diversity issues are considered fully in the Council's key projects, where appropriate.
Customer Impact:	Performance of front line services, including Customer Services, Housing Benefits and Planning, for the quarter is provided. A summary of complaints received each quarter is analysed by outcome (justified, partially justified or not justified) is provided.
Environment and Climate Change:	The report provides details of progress in the delivery of the Council's key projects, including: installation of solar panels at the sports centres, anti-litter campaigns, expansion of our recycling service and campaigns encouraging recycling.
Consultation/Community Engagement:	Consultation is considered fully in the Council's key projects, as appropriate.
Risks:	Risks regarding the assumptions used in determining the predicted financial outturn for the year are identified.
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Designation:	Performance and Improvement Manager
Ext. No.	2442
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Report for consideration for the Council to join SEAX Essex Building Control Shared Service to deliver Building Control Regulation services.		Agenda No: 8a
Portfolio	Overall Corporate Strategy and Direction Environment and Place Finance and Performance	
Corporate Outcome:	Delivering better outcomes for residents and businesses and reducing costs to taxpayers A sustainable environment and a great place to live, work and play A high performing organisation that delivers excellent and value for money services	
Report presented by:	Cllr. Wendy Schmitt Deputy Leader & Cabinet Member for Environment and Place.	
Report prepared by:	Mr Lee Crabb Head of Environment & Leisure	
Background Papers: None		Public Report
		Key Decision: Yes
Executive Summary: The purpose of this report is to gain Cabinet agreement to formally join the SEAX Essex Building Control Shared Service. All local authority Building Control teams are facing a number of issues which are affecting the viability of the service and as a consequence Braintree District Council has been working with six other partner Authorities across Essex with a view to forming a single Building Control shared service, hosted by Colchester Borough Council that will, through the benefits of scale, be better able to tackle these issues. The outcomes of the work demonstrate a clear case for change and the potential to create savings for the partnering Authorities by developing a collaborative working arrangement. The partner authorities are Basildon, Colchester, Harlow, Maldon, Tendring, and Uttlesford. It is envisaged that all Authorities will have a confirmed position on whether they will join the SEAX Essex Building Control Shared Service by the end of July, with a planned date for the commencement of the service being January 2017.		

Recommended Decision:

That Cabinet agrees:

1. To the Council joining the SEAX Essex Building Control Shared Service being hosted by Colchester Borough Council with effect from the planned operational launch date of January 2017. This incorporates acceptance of the following:
 - Current financial information and projections
 - The provisional time scales outlined in the mobilisation plan
 - Acceptance of the Partnership Agreement (the governance arrangements), as it stands at the present with only Heads of Terms
2. To give delegated authority to the Cabinet Member for Environment & Place in consultation with the Corporate Director to:-
 - a. approve any changes in the Host Authority Business Plan
 - b. sign-off the final version of the Partnership Agreement
3. To appoint the Cabinet Member for Environment & Place to the Partnership Management Board.

To recommend to Full Council:

4. The discharge of Braintree District Council's statutory building control function by delegation under The Local Government Act 1972, Section 101 and other enabling enactments through the shared service hosted by Colchester Borough Council.
5. That a budget provision is agreed for the one-off set-up costs, funded by an allocation from the Council's unallocated balance.

Purpose of Decision:

By creating a shared service the Council will create greater resilience in its building control service, create potential savings for the Council, give more effective support to economic development in the district and provide a better service to customers.

Any Corporate implications in relation to the following should be explained in detail.

Financial:	By becoming part of a shared service the cost of the service is projected to reduce. The experience of other shared services formed around the country is that, by pooling resources, partner councils gain more efficient services at lower costs.
Legal:	<p>The Heads of Terms of the Partnership Agreement set out the basis for the agreement between the Host Authority and the partnering councils including the Council. This agreement will be formalised with any changes approved by the Cabinet Member for Environment & Place in consultation with the Corporate Director.</p> <p>Detailed legal and professional advice will be sought in relation to issues, and these will be mitigated wherever possible. Where this is not possible they will be highlighted as risks to the relevant Cabinet Member.</p>
Safeguarding:	No significant impact
Equalities/Diversity:	The formation of a building control shared service is intended to produce a more effective service and as a consequence there should be no adverse impact on any part of the community.
Customer Impact:	By becoming part of a shared service the Council's building control service will become more resilient and better able to cope with variation in demand that this, mainly reactive, service has to deal with. With the implementation of a new IT business system specifically designed for Building Control and the introduction of remote working this is primarily aimed at improving the level of service to customers.
Environment and Climate Change:	No significant impact.
Consultation/Community Engagement:	A Communications Plan is being developed for the implementation of the project.
Risks:	<p>The Council currently faces the risk of its Building Control service facing increasing competition and reduced sustainability which eventually will lead to increased costs for the Council.</p> <p>In joining the shared service there are a range of risks, the main ones being:-</p> <ul style="list-style-type: none"> • Loss of highly experienced staff – this is being mitigated

	<p>through strong communications and the host authority looking at the remuneration packages.</p> <ul style="list-style-type: none"> • Not all authorities joining the shared service leading to a reduced final saving for the authority – this has been mitigated by all authorities being involved in designing the shared service. • Potential loss of existing clients will be mitigated by regular contact and retaining the local authority brand. • Attracting the right staff with commercial and marketing skills to be mitigated through remuneration package and greater development opportunities through scale of organisation. • Business case not being delivered has been mitigated by several external checks on the Business Case viability and strong management on costs and income generation.
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1.0 Background

- 1.1 Essex Chief Executives asked officers to explore the creation of a Building Control Partnership for Essex in 2014. The following is a summary of Colchester Borough Council's high level Business Case for the formation of SEAX Essex Building Control shared service which Members are asked to consider formally joining.
- 1.2 The Council is proud of its high quality Building Control Service. However, the Council has recognised there are a number of pressing issues which are affecting the service and as a consequence Braintree District Council has been working with six other partner Authorities across Essex with a view to forming a single Building Control shared service, hosted by Colchester Borough Council that will, through the benefits of scale, be better able to tackle these issues.
- 1.3 The key issues facing most Building Control teams are:-
 - (a) That the teams in Essex tend to be very small and hence tend to struggle to run with any level of resilience.
 - (b) Private Sector Approved Inspectors (AI's) have increasingly taken more and more work from the local authorities and with the lack of resources many are unable to effectively fight back and regain market share.
 - (c) Inability to operate on a level playing field with private sector Approved Inspectors.
 - (d) A lack of commercial and marketing skills within the current Building Control teams need to attract more of the market share to the Local Authority sector.

There is a real fear that in ten years' time, due to the age demographic and the inability to attract new staff, the Local Authority building control service will simply disappear, unless councils make a significant investment and change the current approach in service delivery.

- 1.4 As a consequence of this, seven local authorities have been working collaboratively with a view to forming a single Building Control shared service to benefit the individual Councils. The project has progressed over the last eighteen months. Colchester Borough Council has been appointed the host Authority and the remaining councils from Basildon, Braintree, Harlow, Maldon, Tendring, and Uttlesford are now at the decision making point in the process of whether to join the shared service by the end of July 2016.

2.0 Business Case

- 2.1 A high level Business Case has been produced by Colchester Borough Council that sets out the options available to partner Authorities should they wish to join the SEAX Essex Building Control Service. All partner Authorities

are now being asked to consider this Business Case and whether they wish to commit to joining the shared service.

- 2.2 By bringing together the Building Control staff teams into a focused, customer and efficiency driven service, the participating authorities will be able to secure the resources required to deliver their statutory obligations, service increased demand, deliver higher standards of customer service, retain and attract staff, reduce overall costs and benefit from shared efficiencies as the service evolves and grows.

The key objectives of the new service will be to achieve:-

- Increased service resilience.
- A net decrease in costs to participating authorities, ultimately protecting service levels provided to customers.
- Consistent and improved customer service.
- Increased ability to retain, develop and recruit staff and provide them with new opportunities and improved training and development.
- Growth through benefits of scale and modern working practices to increase market share both in volume and value.
- A digital service, maximising the use of technology, supporting channel shift and increasing efficiency.

- 2.3 The Business Case indicates that by creating a shared service, and utilising the resources within the current services, that each individual Council can provide a more resilient service to its customers without additional cost and a potential to create a saving.

3.0 Options Considered

- 3.1 The partner Authorities investigated a number of alternatives to the shared service model. Below is a summary for each option:

(1) Do nothing. It was agreed by the partner Authorities that 'do nothing' was not an option given that all authorities are struggling with resilience and recruitment and some running at a loss.

(2) The options of outsourcing or running teams down to a bare minimum were also discounted due to the inability to delegate some functions to the private sector leading to additional costs to the Authorities which would make the approach unsustainable.

(3) There is the obvious option to retain the in house service provision. Instead of investing in the shared service, Members could consider retaining the Building Control function and look to invest and improve the existing service. Through restructuring of the service, savings can be achieved and through

business re-engineering (remote working and improved administration systems) similar efficiencies can be found. The advantages would be an improved service delivery with no change for our existing customers. The only risk is the robustness of the team to respond to the changes in the building market and having adequate resources to address the issue of aging workforce and staff retention but if investment were made in these areas the service could become more robust.

(4) The principal option of creating the shared service is detailed in the attached Business Case.

4.0 Governance of the Shared Service

- 4.1 The service will be managed through a delegation process linked to a Partnership Agreement. Each participating authority will delegate its statutory functions to Colchester Borough Council in relation to the provision of Building Control Services. This will enable the Host authority to deliver the service but the culture and the governance of the service will be controlled by the collective partnering Authorities.
- 4.2 Under a Partnership Agreement a Management Board will be formed to provide strategic leadership to the Shared Service. This will consist of relevant Cabinet Members from each participating authority. A Supervisory Board of senior officers will monitor the performance of the service and ensure it is delivering against the key performance indicators.
- 4.3 Each partner Authority will need to sign up to a Partnership Agreement setting out the terms of reference and operation of the new service. The draft Heads of Terms set out the key terms to be included within the Partnership Agreement, it also defines the roles and responsibilities of all Authorities; it sets out such issues as, service standards, sharing of any surplus or losses. Once it is known how many of the seven Authorities wish to proceed to formally join the shared service then a detailed Partnership Agreement will be finalised following the principles in the Heads of Terms.
- 4.4 It is important to note that the expectation is that each Authority will be expected to commit to the shared service for a minimum period of 5 years. The Agreement also sets out that any new local authorities wanting to join the shared service would be allowed to join the shared service only at the start of the financial year, following unanimous approval of all other participating Authorities.

5.0 Delegation of statutory duties

- 5.1 The host Authority will be responsible for issuing relevant Building Control Certificates and taking statutory action in regard to both demolitions and dangerous structures etc. on behalf of all the partner Authorities.
- 5.2 Each Council must formally resolve to agree the discharge of their statutory functions to the host Authority pursuant to Section 101 of the Local Government Act 1972 and linked legislation. In respect of non-Executive Functions only Full Council can sanction this delegation, those functions which

are Executive can be authorised to be delegated by Cabinet. Therefore, if Cabinet resolve to join the SEAX Essex Building Control shared service a separate report will need to be presented to Full Council confirming the delegation of powers.

- 5.3 Work is ongoing to ensure that there is a full list of relevant Statutory Functions together with the attendant analysis as to which are Executive and Non-Executive and this will be included in the final version of the Partnership Agreement.

6.0 Timescales & Decisions

- 6.1 If the process runs to schedule the new shared service will be operational from January 2017, with all the staff transferred under the TUPE regulations to Colchester Borough Council by October 2016. However, this is wholly dependent on a number of critical decisions namely around the number of participating partnering Authorities. If some authorities decide not to join the shared service then the finance behind the Business Case changes and the financial demands for each Authority will need to be remodelled. To avoid the report being brought back to Cabinet for further approval it is recommended that any decisions about joining the shared service will be made by the Portfolio Cabinet Member for Environment & Place in consultation with the Corporate Director.

7.0 Resource Implications

- 7.1 In the spirit of shared service it will be the intention to ensure that no partner makes financial gain over another. The key principle proposed is that where possible, the partner Authorities should share costs, savings and income on a set percentage basis. The Council's share is set at 20%.
- 7.2 Essex is forecast to experience significant growth throughout the County over the next 15 years both in housing and commercial premises. Building on this scale will require additional building control resources to service the increased demand and Local Authority Building Control services will be better equipped to exploit this market as a larger mass than if they were acting alone. Bringing in this additional potential income will obviously reduce the overall cost of the service and create its own efficiencies.

8.0 Business Process Re-engineering

- 8.1 The whole purpose of the business re-engineering the building control service is to improve the service to customers. The proposals include significant investment in service delivery and new back office systems. The main area where it is predicted that efficiency gains will be achieved are in implementation of a new way of working. Staff will be less dependent on the office and will work remotely from home. Coupled with this new way of working will be the implementation of a brand new IT business system specifically designed for Building Control.
- 8.2 One area where all Authorities lack the necessary skills required to win back the market share from the AI is in the field of commercial marketing and sales.

There is no experience in any of the teams in marketing / sales skills, so the shared service will ensure it engages these skills in to its new structure by creating a dedicated team whose sole purpose will be to promote the new service amongst existing and potential new clients.

9.0 Staffing

- 9.1 Affected staff in those Authorities participating in the shared service will automatically transfer to the new employer on existing terms and conditions of employment with their continuity of service being maintained. A Human Resources Group has been established with representatives from all participating Authorities. The group will ensure that the TUPE legislation is adhered to including appropriate consultation at all stages of the process together with a focus on supporting staff through this transition.
- 9.2 Investment in staffing is central to the successful operation of the shared service. The service will need to retain the extensive professional skills and knowledge that currently exists amongst the staff of the participating Authorities, as well as attracting new talent. The intention is to offer an improved remuneration package post transfer which should be sufficient to retain staff and to compete with the commercial market.
- 9.3 It is the intention that all existing staff will transfer into the new shared service.

10.0 Risks

- 10.1 All the partnering Authorities will need to take into account a wide range of considerations when carrying out an analysis of the risks presented by this new shared service venture. The risks explicit to the Council are two fold, those risks associated with joining the new service and those if the service was retained in-house. Below is a summary of those risks.
- 10.2 The key risks associated with joining the service are:-
- Perception that the service is no longer “local authority” and the loss of clients.
 - Limited control over service delivery.
 - The projections in the business plan may not be realised as anticipated.
 - Current working practices may need to change which could impact on our customers.
 - The shared service will need a period of consolidation before it operates to its maximum efficiency and perhaps not all the financial benefits will be realised.
 - If the service fails there is the damage to the Council's reputation.
 - If Authorities decide not to enter in to the shared service, this will increase the costs for those Authorities who have made a decision to join, also there is a risk that if insufficient numbers of Authorities decide to enter the shared service the host Authority may find it uneconomical to continue to host the service.
 - Not all staff will want to join the shared service. A loss of highly experienced staff which will impact on the new service.

10.3 The risks of continuing with the in-house provision:-

- Inability of a small team to adapt to the volatility of the construction market.
- Requirement for significant investment to improve and streamline processes, maximise resources and strengthen resilience.
- No guarantee that the work volume will continue to increase to cover the cost of the service.
- Approved inspectors will continue to increase their market share resulting in a continuing decline in the workload for the local authority teams.
- Difficulties in staff retention and in recruitment of the right staff with the necessary skills. If staff move to the private sector they often take their clients with them.

10.4 All of these potential operational risks associated with the host creating the shared service have been considered by the project team.

11 Consultation

11.1 Internal and external engagement is essential to the success of this project. Staff have been kept informed throughout. There also key stakeholders who need to be kept informed e.g. local builders in order to retain and gain their support.

Proposed Extension to the current Bocking Blackwater Local Nature Reserve Boundary		Agenda No: 8b
Portfolio	Environment and Place	
Corporate Outcome:	A sustainable environment and a great place to live, work and play	
Report presented by:	Councillor Wendy Schmitt, Cabinet Member for Environment and Place	
Report prepared by:	Amanda Turburville, Community Landscape Officer	
Background Papers:		Public Report
Copy of site notice and plan of the site denoting existing and proposed boundaries. Supporting email comments.		Key Decision: Yes
Executive Summary:		
The Council’s Plan for 2015/16 to extend the current boundary of the Bocking Blackwater Local Nature Reserve (LNR).		
<p>The purpose of this report is to seek approval for the extension to the current boundary of the Bocking Blackwater Local Nature Reserve (LNR) to include two areas of protected woodland, shelter belts and all the public open space to ensure that all mature hedgelines are included and buffer zones are provided. Please see site plan.</p> <p>The proposals are supported by the local community group ‘Friends of Bocking Blackwater’ who already assist BDC with the management of the LNR/open space and woodland areas.</p> <p>Natural England has visited the site and has given verbal support to the proposed extension.</p> <p>Public consultation of the intention to extend the boundary (through site notices and press publication) has given the wider community the opportunity to comment. Little feedback has been received but those that have responded have supported the extension proposals. See attached comments.</p> <p>An amenity space such as this is uncommon within the district not just because of the array of amenity and recreational activities it provides space for but also due to the variety of habitats it includes and the wildlife it attracts. It is an important area for local residents, from both the estate and from the surrounding areas providing readily accessible countryside from the middle of a rapidly growing town.</p>		

Recommended Decision:

That Cabinet approves the proposed extension to the current Local Nature Reserve boundary.

Purpose of Decision:

To extend the current boundary of the Bocking Blackwater Local Nature Reserve as enabled by the 1949 Access to the Countryside legislation and with guidance and support from Natural England, for the protection of the natural heritage and the benefit and wellbeing of the local community.

Any Corporate implications in relation to the following should be explained in detail.

Financial:	The site is already being managed and maintained by the Council's Parks and Open Spaces, Landscape Services and supported by the work of the volunteers. There is S106 funding available to do works to the woodland areas. Shelter belts linking the woodland areas are currently managed by the Council's Parks and Open Spaces, Landscape Services and volunteers. The community group and the Council will have access to further funding opportunities if the LNR designation extension is successful. There is no financial cost to the Council for the actual boundary extension proposals.
Legal:	Under Section 21 of the National Parks and Access to the Countryside Act 1949, a local authority has the power to acquire, declare and manage nature reserves. The guidelines for designation are set out by Natural England and will be adhered to.
Safeguarding:	None arising out of this report.
Equalities/Diversity:	Well managed 'living landscapes' are a valuable asset that make a positive contribution to the health and wellbeing of the local community and are available for all. The Bocking Blackwater is an area of natural interest and of significant value locally for the enjoyment of nature by the local community.
Customer Impact:	In extending the current LNR boundary the Council is declaring its recognition of the importance of Bocking Blackwater public open space for protecting biodiversity and maintaining custodianship within the community for future generations.
Environment and Climate Change:	<p>The extension to the current boundary will help safeguard two areas of protected woodland, mature and semi-mature hedgelines that provide beneficial habitats and the green amenity areas will buffer the natural areas providing increased protection/potential for biodiversity.</p> <p>The recommendations are presented in the interests of landscape conservation and providing opportunities for biodiversity enhancement.</p>

Consultation/Community Engagement:	The local volunteer community group are in support of the proposed extension. Public notice of the intention to extend the boundary (through site notices and press publication) has given the wider community the opportunity to comment. Stakeholders have been identified and a briefing document issued detailing the proposition to extend the current boundary and comments invited and collated. Very little feedback was received although those that have responded have been in favour.
Risks:	The site will become fractured and degraded if not maintained as a cohesive ecological unit guided by a suitable management ethos.
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1. Background

- 1.1 This Bocking Blackwater Open space was designated (in part) as a Local Nature Reserve (LNR) in May 2008.
- 1.2 The woodlands were due to be submitted for consideration of LNR designation as a separate proposal but for some reason, likely to have been related to staff changes, this was not actioned. The woodlands are located at Bridport Way and are connected via a green corridor and are owned by Braintree District Council on what is known as the Kings Park or Marks Farm Development. The larger wood lies east of the A131 and is easily accessed via Bridport Way and Vernon Way and through the Bocking Blackwater Open Space and LNR via the cycle path. There is a path at the A131 end of the Bocking Blackwater that runs along the boundary of the housing estate and comes out at the smaller woodland. Both the woodlands are predominantly Ash (*Fraxinus excelsior*) and Oak (*Quercus robur*). There is no signage or interpretation at or directing to the woodlands and they are therefore currently underused and undervalued.
- 1.3 These semi-natural woodlands were once used as game woods by local farmers. Health and safety works were carried out in the woodlands once the houses were built and a boardwalk was fitted to increase usage in the larger woodland. Since the estates were built they have remained relatively untouched apart from some coppicing works and boardwalk replacement in the larger woodland. There is S106 funding available to carry out works specifically in the woodlands to improve the habitat for biodiversity and for the enjoyment of the public. The Friends of Bocking Blackwater have been assisting with practical conservation tasks and litter picking and the woodlands already have a management plan in place (which has been added as an appendix to the main Bocking Blackwater Management Plan).
- 1.4 Natural England was invited to view the woodlands and their proximity to the existing Bocking Blackwater LNR. It was agreed that the closeness, the connectivity between sites and the management assistance provided by the same volunteer community group would favour consideration of an extension to the current boundary of the Bocking Blackwater Local Nature Reserve.

2. Statutory Declaration

- 2.1 Under Section 21 of the National Parks and Access to the Countryside Act 1949, a local authority has the power to acquire, declare and manage nature reserves. Any land declared as a Local Nature Reserve must be 'special' in a local context and be managed to preserve or enhance the natural features on which the site depends.

The declaration establishes proof of the LNR and informs the public of the LNR's existence.

- 2.2 The Council is required to make a declaration that it owns the land and that it is being managed as a nature reserve. Specimen templates for the public notices are provided by Natural England and are required to be published in the local press and posted on the pedestrian access points to Bocking Blackwater for a period of at least a week.

- 2.3 Notification of the proposed extension to the current Local Nature Reserve boundary must be carried out in the same way as LNR designation proposal detailed above.
- 2.4 Notice of the declaration should be published in the best way that informs local and relevant people, including posting a notice up at the site entrance. Certified copies of any declaration may also be kept for public inspection in appropriate local authority offices and public libraries. This change in status usually advertised by a public notice in local and, where appropriate, national newspapers
- 2.5 Upon declaration, Natural England will add the extension to a national database and LNR website.

3. Bocking Blackwater

- 3.1 The Bocking Blackwater open space is owned by Braintree District Council and is positioned between Bradford Street to the West and the A131 to the East. North of the site is the River Blackwater and the South of the site borders with the Fairview and Kings Park (aka Marks Farm) Estates off of Coggeshall Road.
- 3.2 An amenity space such as this is uncommon within the district not just because of the array of amenity and recreational activities it provides space for but also due to the variety of habitats it includes and the wildlife it attracts.
- 3.3 It is an important area for local residents, from both the estate and from the surrounding areas providing readily accessible countryside from the middle of a rapidly growing town.
- 3.4 This site was designated as a Local Nature Reserve (LNR) in May 2008.
- 3.5 An extension to the Local Nature Reserve Boundary which includes the woodlands located on the Marks Farm residential development and linked by cycleway was submitted verbally for consideration to Natural England in Nov 2012.
- 3.6 A revision to the LNR boundary designated in May 2008 has also been submitted to include the hedgerows that were omitted from the original plan. Natural England has advised its agreement to the proposals.

4. Management Plan and Consultation

- 4.1 A management plan for both the existing Bocking Blackwater LNR and the woodlands already exists, this will need to be reviewed and updated. Both internal and external stakeholders have been identified and consulted on the proposal to extend and given the opportunity for feedback. As with LNR designation a formal public consultation has been undertaken in the form of site notices and press release and has allowed wider community comment and feedback. As indicated earlier, the proposals are supported by the local community group already assisting with the management of the area and all

comments have been supportive. In addition Natural England have viewed the site and given support to the extension proposals.

5. Natural England

- 5.1 Natural England is the government's advisor on the natural environment. It provides practical advice, grounded in science, on how best to safeguard England's natural wealth for the benefit of everyone. The agency's remit is to ensure sustainable stewardship of the land and sea so that people and nature can thrive. It has the responsibility to see that England's rich natural environment can adapt and survive intact for future generations to enjoy.
- 5.2 Amanda Turburville, the Council's Community Landscape Officer has been in regular contact with the regional officer from Natural England. The advice and guidance has been followed and Natural England has been supportive of the Council's proposal for the extension.

6. Conclusion

- 6.1 The public has been consulted on the proposals to extend the Bocking Blackwater LNR and has shown support. It is recommended that the Council now formally declares the LNR extension under Section 21 of the National Parks and Access to the Countryside Act 1949.

Open Spaces Supplementary Planning Document Open Spaces Action Plan		Agenda No: 9a
Portfolio	Planning and Housing	
Corporate Outcome:	A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure	
Report presented by:	Councillor Lady Newton	
Report prepared by:	Stephen Wenlock, District Landscape Architect	
Background Papers: Open Space Supplementary Planning Document 2009 Braintree Green Spaces Strategy 2008		Public Report
		Key Decision: No
<p>Executive Summary: This report introduces the 2016 edition of the Open Spaces Action Plan (OSAP).</p> <p>The Open Spaces Action Plan is a table of outline proposals for the provision and enhancement of open spaces in Braintree District. Its purpose is to demonstrate the need for these and enables Council officers to identify where financial contributions (being sought from developers under the Open Spaces Supplementary Planning Document) will be spent.</p> <p>The proposals shown require a detailed programme of works to be drawn up and, in some cases, master planning and public consultation, and as they may be reliant on the availability of additional financial resources from grants and public sector resources, the timing of works will be dictated by the date at which sufficient financial resources are available. Members are asked to support the programme of enhancements and provision as the basis for negotiating open space contributions as a planning obligation.</p> <p>The original document was endorsed by the Local Area Committees in September 2010, before being proposed to Cabinet who endorsed the document on the 14th February 2011. At the time it was proposed as a document that would be regularly reviewed, updated and brought back to members accordingly.</p> <p>It was subject to extensive revision across 2012, then annual revisions during 2013, 2014 and 2015 to keep the document current. Each revision has engaged Parish and Town councils, Ward members and BDC Officers, producing a revised edition at the start of the following year.</p> <p>The Open Spaces Action Plan 2016 is the fourth annual revision of the document and has followed the same consultation route (during 2015/6) as previous editions. An introduction follows as if the document was new, with the general areas of revision listed at the base of this report.</p>		

Recommended Decision:
To receive and adopt the Open Spaces Action Plan 2016.
Purpose of Decision:
The plan forms part of the Council's evidence base for securing planning obligations from developers to enhance existing open spaces, or provide new ones. Adopting the Open Spaces Action Plan 2016 supplants the 2015 edition, updating the currently adopted information.

Any Corporate implications in relation to the following should be explained in detail.

Financial:	The Open Spaces Action Plan helps secure planning obligations from developers, bringing capital money into the council at no cost.
Legal:	The Council's Planning function requires evidence of local open space needs to support the Open Spaces Supplementary Planning Document when negotiating planning obligations. This evidence is contained in the Open Spaces Action Plan, which would also help defend legal challenge to planning decisions where a developer refuses to enter into a planning obligation for open space.
Safeguarding:	None arising out of this report.
Equalities/Diversity:	Access for All principals are at the core of the Council's work to design and implement the enhancements made possible by the Open Spaces Action Plan. In this way the document enables us to make our open spaces more able to meet the diverse needs of our residents. Additionally, a proportion of the entries in the Open Spaces Action Plan are directly aimed at improving accessibility to open space
Customer Impact:	The decision will maximise the potential for enhancing open spaces or providing new open spaces for the benefit of the public.
Environment and Climate Change:	The decision will lead to an improvement in the management quality of the district's environment
Consultation/Community Engagement:	Parish, Town and Ward councillors as well as key Council staff have been engaged in the update process, and have been central to it
Risks:	The current (2015) edition of the Open Spaces Action Plan is now obsolete or inaccurate in places. This could leave the Council open to challenge when negotiating planning obligations and determining the relevant planning applications. The updated version will reduce that risk by making corrections and bringing the document up to date.
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OPEN SPACES ACTION PLAN

Introduction

1. This report introduces the Open Spaces Action Plan (attached), which sets out a list of proposals for the provision and enhancement of open spaces in Braintree District. Its purpose is to demonstrate the need for these proposals and justify the open space contributions being sought from developers under the Open Spaces Supplementary Planning Document. Its primary evidence base is the Open Space Audit, which took place in 2006-07. The proposals comprise schemes that have been identified for Council-owned open spaces and schemes identified by Ward, Town and Parish council members. Members are asked to support the programme of enhancements and provision as the basis for negotiating planning obligations.

Background

2. The Open Spaces Supplementary Planning Document was adopted in September 2009. It gives guidance to developers on the Council's approach to seeking planning obligations to mitigate open space provision and enhancement needs arising from new development. The document explains to developers what open space is required in terms of area of land and financial contribution for different types of space. Experience in other local planning authorities, and advice received from the Council's solicitors, is that if the Council cannot demonstrate where a contribution will be spent, it will not be supported on an appeal against a refusal of permission based on a developer's refusal to enter into a Section 106 agreement.
3. Why is there a need for this Action Plan?
 - (a) The Action Plan provides transparency on the Council's open space aspirations.
 - (b) It underpins the Open Space Supplementary Planning Document by indicating which schemes will be supported by Section 106 funds.
 - (c) It is evidence to support development management in negotiations for new development.
 - (d) It co-ordinates various Council functions in relation to open space and asset management.
 - (e) It meets former Scrutiny Panel recommendations.
4. The Open Spaces Action Plan lists those open spaces that require enhancement and new open spaces that would meet a recognised need. The sites are classified by the Wards as used in the Braintree Green Spaces Strategy. The table is primarily a tool to enable planning officers to direct funding to open spaces serving the Section 106 development. It will be made available on-line and therefore accessible to developers and members of the public.

Explanation of Table

5. The table sets out open space proposals by Ward and ownership. For each open space or enhancement proposal the table shows an outline of proposed works to facilities that already exist (for example to increase their capacity) or proposed work to provide new facilities (for example purchasing land for new public open space, or building a new play facility). The table shows open space deficits as identified by the Green Spaces Strategy as these are clear evidence of a particular type of need. Other supplementary details are also given, including the source of the entry and if there has been any initial public input (letters or petitions received by a Parish Council for example).
6. There is no ranking of open space proposals, as the likelihood of any proposal being implemented will depend on the availability of finance. The sources of funding of open space improvements include capital budgets of both public and private organisations, grants available from government and charitable trusts, and Section 106 receipts which are seen, in many cases, to be a topping up of shortfalls in other types of funding. Because the actions proposed in the Action Plan are reliant on the availability of financial contributions, no time scales are given for the proposals. The expiry dates for spending the existing Section 106 receipts will determine the initial priorities for the provision and enhancement of open spaces. Thereafter priorities will be dictated by time constraints on future Section 106 agreements and the availability of sufficient financial resources for the project.
7. The Action Plan will be kept under continuous review, and an annual report made to members to propose an update (new edition) to the document. In a number of areas there are no entries, generally these relate to the most rural of parishes and the least likely areas of significant growth. These have been identified with “No Response” and such indicates that there was nothing listed in the original plan and that the relevant members have not responded to the recent engagement and consultation exercises.

A list of areas where the document has been altered follows below.

In this version of the Open Spaces Action Plan, entries for the following areas have been altered from older versions to accurately reflect current needs.

Parishes:-

- | | | |
|--------------------|--------------------|---------------------|
| • Ashen | • Gosfield | • Little Maplestead |
| • Bures Hamlet | • Great Bardfield | • Panfield |
| • Castle Hedingham | • Great Maplestead | • Rayne |
| • Coggeshall | • Great Notley | • Ridgewell |
| • Cressing | • Greenstead Green | • Sible Hedingham |
| • Earls Colne | • Halstead | • Stambourne |
| • Feering | • Kelvedon | • Steeple Bumpstead |
| • Gestingthorpe | • Lamarsh | • Stisted |

Wards updated for 2016:-

- Braintree Central and Beckers Green
- Bumpstead
- Coggeshall
- Gosfield and Greenstead Green
- Great Notley and Black Notley
- Great Yeldham
- Halstead St Andrew
- Halstead Trinity
- Hedingham
- Kelvedon and Feering
- Rayne
- Silver End and Cressing
- Stour Valley North
- Stour Valley South
- The Colnes
- Three Fields

Cabinet Member Decisions made under Delegated Powers		Agenda No: 11a
Portfolio		See body of report
Corporate Outcome:		
Report presented by:		Not applicable – report for noting
Report prepared by:		Emma Wisbey, Governance and Member Manager
Background Papers:		Public Report
Cabinet Decisions made by individual Cabinet Members under delegated powers.		Key Decision: No
Executive Summary:		
All delegated decisions taken by individual Cabinet Members are required to be published and listed for information on next Cabinet Agenda following the decision.		
Since the last Cabinet meeting the following delegated decisions have been taken (details as at time of decision):		
Councillor Mrs W Schmitt – Cabinet Member for Environment and Place Decision taken on 20th April 2016		
To cap the maximum administration charge to a DFG to £500.		
Councillor Mrs W Schmitt – Cabinet Member for Environment and Place Decision taken on 20th April 2016		
To make minor alterations to the pest control policy:		
<ul style="list-style-type: none"> • Removal of the service offering treatment to bed bugs and cockroaches. • Reduction in charges for those on benefits no longer applies for pest control. • Update to reflect changes in titles of those responsible for pest control. • Reduction in service standard from 90% to 85% of visits to be responded to within 5 working days. • Offer on the last visit of treatment to leave the bait and sign it over as an option to having the bait removed. • Addition of potential charge for pest identification service. 		
Councillor Lady Newton – Cabinet Member for Planning and Housing Decision taken on 29th April 2016		
To approve and sign the Memorandum of Understanding for the Dedham Vale Area of Outstanding Natural Beauty (AONB) and Stour Valley Project.		

Cabinet Decisions made by individual Cabinet Members under delegated decisions can be viewed on the Access to Information page on the Council's website.
www.braintree.gov.uk

Recommended Decision:

For Cabinet to note the delegated decisions.

Purpose of Decision:

The reasons for decision can be found in the individual delegated decision.

Any Corporate implications in relation to the following should be explained in detail.

Financial:	None arising out of this report.
Legal:	None arising out of this report.
Safeguarding:	None arising out of this report.
Equalities/Diversity:	None arising out of this report.
Customer Impact:	None arising out of this report.
Environment and Climate Change:	None arising out of this report.
Consultation/Community Engagement:	None arising out of this report.
Risks:	None arising out of this report.
Officer Contact:	Emma Wisbey
Designation:	Governance and Member Manager
Ext. No:	2610
E-mail:	emma.wisbey@braintree.gov.uk

Minutes

Developing Democracy Group

29th March 2016

Present:

Councillors	Present	Councillors	Present
Councillor J E Abbott	Yes	Councillor Mrs J Pell	Yes
Councillor Mrs J Beavis	Yes	Councillor C Siddall	Yes
Councillor G Butland (Chairman)	Yes	Councillor Mrs G Spray	Yes
Councillor D Mann	Yes		

Invitees: Councillor Mrs L Bowers-Flint in attendance (until 5.50pm) for Item 7 – Special Meetings of Full Council for the Local Plan – Procedural Steps
Apologies were received from Councillor J Elliott for Item 7 – Special Meetings of Full Council for the Local Plan – Procedural Steps

Officers in attendance: Nicola Beach, Chief Executive, Ian Hunt, Head of Governance, Steve Daynes, Democracy Manager, Charlotte Miller, Governance Business Officer, Adam Hill, Governance Service Apprentice

51 **DECLARATIONS OF INTEREST**

The following interest was declared:

Councillor D Mann declared a non-pecuniary interest in Item 4 – Elections Update and Temporary Polling Station Review as a member of the Salvation Army.

52 **MINUTES**

DECISION: That the Minutes of the meeting of the Developing Democracy Group held on 13th January 2016 be approved as a correct record and signed by the Chairman.

53 **ELECTIONS UPDATE AND TEMPORARY POLLING STATION REVIEW**

INFORMATION: Members were reminded of the scheduled election for the Police and Crime Commissioner for Essex on 5th May 2016, and that the Chief Executive of Colchester Borough Council will be the Police Area Returning Officer, with Nicola Beach, Chief Executive of Braintree District Council, as the Local Returning Officer.

Members were advised that a national referendum had been called for 23rd June 2016 to consider whether or not the United Kingdom should remain within or leave the European Union. Nicola Beach had been appointed as the Local Counting Officer for the referendum.

Planning and preparation for both the Police and Crime Commissioner election and the EU referendum were well underway.

Regarding the provision of polling stations for the above election and referendum, Members were informed that the Returning Officer had been advised that the Community Centre, Hatfield Peverel and St Nicholas Church Hall, Witham were unavailable for the Police and Crime Commissioner election and the EU referendum respectively.

Member support was therefore sought for temporary arrangements. Members were advised that the District Council Ward Members had been advised of the temporary arrangements.

DECISION: Members noted the following changes to Polling Places:

For the Police and Crime Commissioner election – 5th May 2016: The Salvation Army Hall be designated as a temporary Polling Place for polling district BO – Hatfield Peverel.

For the EU referendum – 23rd June 2016: Bethel Church Hall be designated as a temporary Polling Place for polling district CG – Witham (Village).

REASON FOR DECISION: To ensure that a suitable venue is secured for the conduct of elections for Hatfield Peverel on 5th May 2016 and the EU referendum for Witham (Village) on 23rd June 2016.

54

BOUNDARY REVIEW (ST EDMUNDSBURY BOROUGH COUNCIL)

INFORMATION: Members were advised that in 2015, St Edmundsbury Borough Council had advised Braintree District Council that, during a community governance review of parish arrangements within their borough, Haverhill Town Council made representation with regard to the Suffolk/Essex border. Specifically, they felt that the county (and therefore parish) boundary to the south and south-east of Haverhill no longer reflected the way in which the town had developed over recent years.

Members of the Developing Democracy Group considered this view in their meeting of 6th October 2015 and resolved to resist any amendments to the County (and therefore District) boundary. During the consultation period, Officers wrote to St Edmundsbury Borough Council to confirm the view of the committee.

Members were advised that St Edmundsbury Borough Council had now published their final recommendations and signalled their support to Haverhill Town Council's proposal that the boundary should be reviewed. St Edmundsbury Borough Council accepted that they had no power to make such changes but had advised that they would pursue this matter with the Local Government Boundary Commission for England (LGBCE). A final consultation was being undertaken on the proposals with a closing date of 27th April 2016.

Members agreed that a further representation reaffirming the previous representation should be submitted to the Elections Manager at St Edmundsbury Borough Council in response to the continued support.

DECISION: That the continued support from St Edmundsbury Borough Council for a revised County boundary to the south-east of Haverhill be noted, and that a further representation be submitted to the Elections Manager at St Edmundsbury Borough Council, reaffirming the previous representation, that the Community Governance Review is not the most appropriate method to consider this issue and that the incorrect process was being followed and that there were no compelling reasons to adjust the historic boundaries of Essex and Suffolk.

REASON FOR DECISION: For Members to inform the consultation feedback.

55

PARLIAMENTARY BOUNDARY REVIEW

INFORMATION: Members were advised that the Parliamentary Voting System and Constituencies Act 2011 required all four Boundary Commissions covering the UK to review Parliamentary Constituency boundaries and report to Government by September 2018. The outcome of the reviews would form the basis for the 2019 parliamentary election.

The objective of the Legislation is to create Constituencies where the elected MPs represent between 71,031 and 78,507 electors. This would effectively reduce the number of MPs across the UK from 650 to 600. In England, this would result in a reduction from 533 to 499 MPs.

The Commission are publishing their initial outline of UK Constituencies in September 2016 which forms the basis of the subsequent 12-week consultation. The consultation phase will include public hearings in each region, with all feedback from the initial consultation being published in early 2017. There would follow a four-week consultation period during which time the public would be invited to comment on that feedback.

The Commission would review all comments from the initial and secondary consultation to revise the proposed boundaries. In late 2017/early 2018, there would be a third period of consultation lasting eight weeks, where the public would be invited to comment on the revised proposals.

After considering if more changes need to be made, the Commission would make final recommendations to Parliament in September 2018.

Members were therefore advised that the formal process for the Review of Parliamentary boundaries had been launched by the Boundary Commission for England (BCE) and further reports would be brought to the Developing Democracy Group for consideration at appropriate milestones if appropriate. Members were also informed of the website on which further information on the 2018 Parliamentary Boundary review can be obtained. Members were reminded that the Council will be undertaking a Community Governance Review during 2017/18. This would not be directly impacted by the Parliamentary Boundary Review. The Parliamentary review would be conducted on the District Ward Boundaries as set at the last ordinary election of the District, and any potential changes to Parishes would not be taken into account.

DECISION: Members noted the Boundary Commission review.

REASON FOR DECISION: To advise Members of the Boundary Commission Parliamentary Boundary Review.

SPECIAL MEETINGS OF FULL COUNCIL FOR THE LOCAL PLAN – PROCEDURAL STEPS

INFORMATION: Members were informed that the Local Plan is due to be considered by Full Council at two special meetings on 20th June 2016 and 21st November 2016.

Following the Special Meeting of Full Council on 25th January 2016, a review of pre-meeting processes was undertaken by the Chief Executive and the Head of Governance following the concerns and points of order raised by Members during and after the meeting in respect of the Council Procedural Rules.

Members were informed of the procedural steps, incorporated as part of the timetable for the meetings scheduled to take place on 20th June 2016 and 21st November 2016, which were recommended to extend Member engagement and to enable greater transparency and probity on the decision-making process of the Local Plan.

Members were informed that it would be necessary for the timetable and the procedural steps to be agreed at Full Council as the draft timetable recommends suspension of Council Procedural Rules which relate to the submission of amendments to the Chief Executive. In order for the timetable to be implemented for the meeting on 20th June 2016, the timetable would need to be presented to Full Council on 18th April 2016.

It was stated that, if agreed, the timetable would be supported by supporting guidance from the Head of Governance/Monitoring Officer to all Members.

Members discussed the proposed procedure for dealing with amendments, which was supported in general, but it was agreed it should be clarified that any Member should be able to request that an amendment be debated at the Council meeting, except those where the amendment is purely a grammatical or typographical issue.

Concerns were raised with regards to the capacity of the Council Chamber for the meetings of the Local Plan Sub Committee and Special Council for the Local Plan. Members were in agreement that the arrangements made at the time of the last Local Plan should be adhered to, such as additional seating in the reception area, webcasting, live streaming on large screens held in reception and additional staff for supervision. The Chairman of the Local Plan Sub-Committee indicated that she intended to allow a maximum of 2 people speaking for and 2 people against each Parish/item/significant issue, plus the Ward Member and Parish Council representative.

DECISIONS:

1. That the timetable for the Special Meetings of Full Council on 20th June 2016 and 21st November 2016 be agreed and recommended to Full Council on 18th April 2016 subject to clarification that a single Member be able to request an amendment is debated at Council.
2. That the Head of Governance be authorised to amend the timetable and/or the procedural steps to reflect any amendments as recommended by the Developing Democracy Group.
3. That the Head of Governance in consultation with the Chairman of Developing Democracy Group sign off the final version of the timetable in order that the

timetable can be included on the Agenda for Full Council on 18th April 2016 (due to be published 8th April 2016).

REASON FOR DECISION: To have cross-party agreement and to promote probity and Member engagement on the processes and timetable for the Special Meetings of Full Council for the Local Plan.

57 **REVIEW OF APPOINTMENTS TO OUTSIDE BODIES**

INFORMATION: Further to the meetings of the Developing Democracy Group which took place on 6th October 2015 and 13th January 2016, Members considered the appointments to outside bodies by the Council.

It was stated that nominations would be made at the Council AGM on 25th April 2016 for Members to be appointed to outside bodies, with these positions to commence on 17th July 2016.

Further to this, Members noted that Greenfields Community Housing has a requirement that its board members serve no longer than a period of nine consecutive years, and that Greenfields Community Housing had communicated with the Council regarding the fact that both Councillor M Banthorpe and Councillor D Mann will have served nine consecutive years on 17th July 2016. Therefore, replacement appointments were required.

The Braintree District and Greenfields Community Grant Panel had been developed as part of the joint working with Greenfields. Councillor Mrs G Spray, Councillor Mrs W Schmitt and Councillor J Goodman were proposed to represent the Council on this body.

Members requested that the Head of Governance communicate their intention that Anthony Everard, currently a representative on the Friends of Bocking Windmill and Jennie Sutton, currently a representative on the Friends of Halstead Public Gardens remain on these bodies. Members also asked for communications to be made with Rivenhall Playing Field Association, with regards to confirming the Council representatives.

DECISION: Members noted the current Outside Bodies and made comments as appropriate.

REASON FOR DECISION: To conclude the work of the committee in considering outside body appointments.

The meeting commenced at 5.30pm and closed at 6.14pm.

G BUTLAND
(Chairman)

Minutes

Local Plan Sub-Committee

13th April 2016



Present:

Councillors	Present	Councillors	Present
D Bebb	Yes	Mrs J Money	Yes
Mrs L Bowers-Flint (Chairman)	Yes	Lady Newton	Yes
G Butland	Yes	J O'Reilly-Cicconi	Yes
T Cunningham	Yes	Mrs W Scattergood	Yes
D Hume	Yes	Miss M Thorogood	Yes

Councillors Abbott, Bowers, Hensman, Hufton-Rees, Johnson (until 6.45pm), McKee (from 6.55pm), Ramage, Rose, Schwier and Tattersley were also in attendance.

51 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:

All Councillors declared a non-pecuniary interest in Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Site WITN425 - 4 and 6 Chipping Hill, Ramsden Mill and adjoining Chipping Hill Industrial Estate, Witham as the owner of this site was known to them as an elected Member of Braintree District Council.

All Councillors declared a non-pecuniary interest in Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Site GRMA256 - adjacent to Long Fen, Church Street, Great Maplestead; and Site LITM342 - Land at Cock Road, Little Maplestead as the owner of these sites was known to them as an elected Member of Braintree District Council.

Councillor J Abbott declared a non-pecuniary interest in Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps as the elected Member for Witham Northern Division of Essex County Council. Councillor Abbott declared a non-pecuniary interest also in Agenda Item 6 – Essex County Council and Southend-on-Sea Replacement Waste Local Plan Pre-Submission Consultation 2016 as he had been involved with the Waste Plan.

Councillor Mrs L Bowers-Flint declared a non-pecuniary interest in Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites TOPP412 and TOPP413 - Church Farm Barn, Church Lane, Toppesfield as Mr Mark Jackson, the

Agent, who was speaking at the meeting was a former employee of Braintree District Council and was known to her.

For clarity, Councillor Mrs Bowers-Flint stated also that Councillor Kevin Bowers, District Councillor for Silver End and Cressing Ward, who was speaking at the meeting, was her husband.

Councillor G Butland declared a non-pecuniary interest in Agenda Item 6 – Essex County Council and Southend-on-Sea Replacement Waste Local Plan Pre-Submission Consultation 2016 as the elected Member for Braintree Town Division of Essex County Council.

Councillor Lady Newton declared a non-pecuniary interest in Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps – Site RIVE364 - Kelvedon Park, Headquarters of Essex County Fire and Rescue Service as the elected Member for Braintree Eastern Division of Essex County Council and a Member of Essex Fire Authority. Councillor Lady Newton declared a non-pecuniary interest also in Agenda Item 6 – Essex County Council and Southend-on-Sea Replacement Waste Local Plan Pre-Submission Consultation 2016 as the elected Member for Braintree Eastern Division of Essex County Council and a Member of Essex County Council's Planning Committee.

Councillor J O'Reilly-Cicconi declared a non-pecuniary interest in Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites TOPP412 and TOPP413 - Church Farm Barn, Church Lane, Toppesfield as Mr Mark Jackson, the Agent, who was speaking at the meeting was a former employee of Braintree District Council and was known to him.

Councillor P Schwier declared a disclosable pecuniary interest in Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Site GRMA256 - adjacent to Long Fen, Church Street, Great Maplestead; and Site LITM342 - Land at Cock Road, Little Maplestead as he was the owner of these sites. Councillor Schwier left the meeting during the consideration of these sites.

In accordance with the Code of Conduct, Councillors remained in the meeting, unless stated otherwise, and took part in the discussion when the Items were considered.

52 **MINUTES**

INFORMATION: The Minutes of the meetings of the Local Plan Sub-Committee held on 14th March 2016 and 16th March 2016 were confirmed as a correct record and signed by the Chairman.

53 **QUESTION TIME**

INFORMATION: There were thirteen statements made. Details of the people who spoke at the meeting are contained in the Appendix to these Minutes.

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

INFORMATION: Consideration was given to a report on proposed site allocation Inset Maps for specific settlements to be included in the draft Braintree District Local Plan. The Inset Maps were attached as Appendices to the report and set out key data for each settlement, including development boundaries, Conservation Areas, areas allocated for development and areas protected for specific uses such as open space, allotments and employment. As part of the preparation of the draft Local Plan the development boundaries and allocations for each town and village in the District had been reviewed and an assessment had been made of potential development sites submitted as part of the 'Call for Sites' process. Consultation had taken place with Town and Parish Councils regarding the draft Inset Maps and potential development sites. The preferred Inset Map for each defined settlement, together with a map showing alternative development site options considered but not taken forward, would be contained within the draft Local Plan for public consultation in the Summer.

Members were reminded that on 14th March 2016 the Local Plan Sub-Committee had agreed that the Local Plan should deliver 845 new homes per annum between 2016 and 2033 to meet the objectively assessed need for new homes. The Sub-Committee also agreed a spatial hierarchy and strategy which proposed that the most suitable locations in the District for growth were Braintree, Halstead, Witham, the A12 corridor and planned new garden communities.

Members were advised that Essex County Council was currently undertaking a study to assess opportunities for improving the A120 between Braintree and Marks Tey. In addition, Highways England was currently developing a scheme to widen the A12 to three lanes. Information on the location, route and land needed to support these schemes was not yet known and could have implications for a number of sites being proposed for development in the Plan. The recommendations set out in the Agenda report were therefore subject to change.

In discussing the proposed development sites put forward for Gestingthorpe, it was noted that there was a typographical error in paragraph 10.22 of the Agenda report. This should state that site GEST238 – land at Pound Farm Corner, Gestingthorpe 'is not allocated'.

In considering the proposed development sites for Great Maplestead, in particular site GRMA259 – land at Treeways, Church Street, Great Maplestead, reference was made to a letter which had been received from Great Maplestead Parish Council expressing concern that it had not been consulted by the District Council about a proposed change to the line of the development boundary at this site. The Parish Council did not support the change. The content of the letter was read to the Sub-Committee. Members were advised that planning permission had been granted for the erection of three dwellings at the site and it was proposed that the development boundary should follow the line of the gardens of the new properties. The proposal was in accordance with development boundary methodology.

DECISION:

Witham, Rivenhall, Rivenhall End, Hatfield Peverel and Nounsley

- (1) That the Inset Map for Witham as shown in Appendix 2 be approved including the allocation of land for development at:-
 - (a) WITC421 - 'Gimsons', land to the rear of Newland Street, Witham (for residential development)
 - (b) WITN425 – 4 and 6 Chipping Hill, Ramsden Mill and adjoining Chipping Hill Industrial Estate, Witham (for residential development)
 - (c) WITN426 and WITN427 - Land at Conrad Road, Witham (for residential development)
 - (d) HATF315 and 316 - Land at Woodend Farm, Witham (within Hatfield Peverel Parish) (for residential development/Strategic Growth Location policy)
 - (e) RIVE362 and RIVE363 – Land adjacent to Eastways Industrial Estate, Burghey Brook and adjoining the A12, Witham (within Rivenhall Parish) (for employment development)
 - (f) That the allocations for residential development be retained at:-
WITC423 - Land at Lodge Farm, Hatfield Road, Witham (partly within Hatfield Peverel Parish);
RIVE360 - Land at Forest Road, Witham (within Rivenhall Parish);
WITW431 - Land between Blunts Hall Road and Teign Drive, Witham;
Land at the former Forest Road Community Centre, Forest Road, Witham;
Former Magistrates' Court, Newland Street, Witham;
NHS site and adjacent bowling green known as Ivy Chimneys, Hatfield Road, Witham;
Land off Constance Close, Witham; and
Land at Maltings Lane, Witham
 - (g) That the allocation for employment development at WITC424 (incorrectly referred to on Agenda as WCH25E) – 8 Collingwood Road, Witham be retained.
 - (h) That the comprehensive redevelopment area allocations for WITN429 - Rickstones Neighbourhood Centre, Laburnum Way and Dorothy Sayers Drive, Witham and Newlands Precinct, Witham be retained with appropriate policies.

Note: Sites at 'Buildings adjacent to Kings Chase, Newland Street, Witham' and 'WITN428 - Land at Cressing Road, North of Elm Hall Cottages, North-West of Conrad Road Witham' were also considered by the Local Plan Sub-Committee, but not allocated for development.

- (2) That the Inset Maps for Rivenhall and Rivenhall End as set out in Appendix 3 be approved and that the following sites are not allocated for development:-

RIVE361 - Old Rectory Meadows, Forest Road, Rivenhall
 RIVE365 - Land between Burghey Brook and Rivenhall End
 RIVE366A - Land off Forest Road, alongside Rectory Lane, Rivenhall
 RIVE366B - Land off Rickstones Road, Rivenhall
 RIVE367 – Land off Church Road and Oak Road between Hoo Hall and the playing field, Rivenhall
 RIVE368 – Land off Oak Road between the railway line and Hoo Hall, Rivenhall
 RIVE369 – Land from Henry Dixon Road up to Durwards Hall between the railway line and North side of A12, Rivenhall End
 RIVE370 – Land off Henry Dixon Road, South of the A12, Rivenhall End
 RIVE521 - Land off Parkgate Road, Rivenhall

- (3) That the Inset Map for Kelvedon Park, RIVE364 Kelvedon Park – Headquarters of Essex County Fire and Rescue, as set out in Appendix 4 be approved and the site allocated for specialist employment, subject to the associated policy being amended to read:-

‘Essex Fire and Rescue Service Headquarters - Kelvedon Park

Land at Kelvedon Park is allocated as a Special Employment Area specifically to meet the requirements of the emergency services for;

999 facilities;

Centralised training facilities;

Integrated administration facilities; and

Vehicle maintenance facilities

Additional development on site must provide sufficient parking.

Appropriate boundary screening is required to the rear of the site

Additional development must retain the parkland setting to the front of the site’.

- (4) That the Inset Map for Hatfield Peverel as set out in Appendix 5 be approved, subject to:-
- the allocation of site HATF313 – Land at Sorrells Field, Bury Lane, Hatfield Peverel for residential development being retained (‘HGV suitable’ link road across the site not required/Arla Dairy employment allocation to be removed and the site to remain in the development boundary without allocation);
 - Sites HATF311 and HATF312 - The Vineyards, A12 slip road, Hatfield Peverel being deferred for consideration at the Local Plan Sub-Committee meeting scheduled for 25th May 2016 pending publication of the Neighbourhood Development Plan;
 - Site HATF314 - Land to the South of Stonepath Drive, Hatfield Peverel being deferred for consideration at the Local Plan Sub-Committee meeting scheduled for 25th May 2016 pending publication of the Neighbourhood Development Plan;

- that the following sites are not allocated for development:-

HATF310 - Land adjacent to Walnut Tree Cottage, The Street, Hatfield Peverel

HATF317 - Land off Gleneagles Way, Hatfield Peverel

HATF319 - Land adjacent to Ambleside, London Road, Hatfield Peverel

HATF321 - Land South of the A12 between Hatfield Peverel and Witham

- (5) That the Inset Map for Nounsley as set out in Appendix 6 be approved and that no sites are allocated for development.

Note: Sites at HATF318 - Land off Sportsman Lane, Nounsley, Hatfield Peverel; HATF320 - Land adjacent to Badgers Oak, Nounsley Road, Nounsley, Hatfield Peverel; HATF322 - Land West of Nounsley Road, Nounsley, Hatfield Peverel; and HATF514 and 515 - Land to the rear of Manor Road/Peverel Avenue, Nounsley, Hatfield Peverel were considered by the Local Plan Sub-Committee, but not allocated for development.

Belchamp Walter

- (6) That the Inset Map for Belchamp Walter as set out in Appendix 7 be approved and no sites are allocated for development.

Bures Hamlet

- (7) That the Inset Map for Bures Hamlet as set out in Appendix 8 be approved, subject to sites BURE165 - Land at Colchester Road, Bures Hamlet and BURE166 – Land South of Cambridge Way, Bures Hamlet being allocated for development. No other sites were allocated for development.

Gestingthorpe

- (8) That the Inset Map for Gestingthorpe as set out in Appendix 9 be approved, subject to three minor amendments to the development boundary to reflect development within the village, and that no sites are allocated for development.

Helions Bumpstead

- (9) That the Inset Map for Helions Bumpstead as set out in Appendix 10 be approved including the proposed development boundary for Pale Green, subject to the employment designation for site HELI324 - Land between Slate Hall and Chestnut Lodge, Haverhill Road, Pale Green being removed and the site retained within the development boundary without designation; that the allotment designation for site HELI326 – Land North of Chestnut Lodge, Pale Green being removed and the site classified as ‘open countryside’ outside the development boundary; and that no sites are allocated for development.

Great Maplestead

- (10) That the Inset Map for Great Maplestead as set out in Appendix 11 be approved, subject to Great Maplestead Parish Council being consulted on the

proposed amendment to the development boundary at site GRMA259 – Land at Treeways, Church Street, Great Maplestead and that the site be re-considered at the Local Plan Sub-Committee meeting scheduled for 9th May 2016. No sites were allocated for development.

Little Maplestead

- (11) That the Inset Map for Little Maplestead as set out in Appendix 12 be approved and that no sites are allocated for development.

Little Yeldham

- (12) That the Inset Map for Little Yeldham as set out in Appendix 13 be approved and that no sites are allocated for development.

North End

- (13) That the development boundary for North End as set out in Appendix 14 be removed and the village located within the countryside. No sites were allocated for development.

Pebmarsh

- (14) That the Inset Map for Pebmarsh as set out in Appendix 15 be approved, subject to an amendment to the development boundary at site PEBM348 – Land to the rear of properties on the South side of Cross End, Pebmarsh being approved in principle pending consultation with Pebmarsh Parish Council on the acceptability and extent of the amendment. No sites were allocated for development.

Sturmer Village

- (15) The Inset Map for Sturmer village as set out in Appendix 16 be approved, and that no sites are allocated for development.

Sturmer West

- (16) That the Inset Map for Sturmer West as set out in Appendix 17 be approved, subject to the employment allocation for site STUR407 - Land North of Phoenix Road, Sturmer being retained.

Toppesfield and Gainsford End

- (17) That the Inset Map for Toppesfield as set out in Appendix 18 and the Inset Map for Gainsford End be approved, subject to the proposed amendment to the development boundary at sites TOPP412 – Land at Church Farm Barn, Church Lane, Toppesfield and TOPP413 – Land including store at Church Farm Barn, Church Lane, Toppesfield being approved in principle pending consultation with Toppesfield Parish Council on the acceptability of the amendment and that the sites be re-considered at the Local Plan Sub-Committee meeting scheduled for 9th May 2016. No sites were allocated for development.

INFORMATION: It was reported that Essex County Council and Southend-on-Sea Borough Council had agreed to plan jointly on waste matters through the preparation of a new joint Waste Local Plan. Once adopted, the Plan would supersede the current 2001 Waste Local Plan.

The Replacement Waste Local Plan would establish a strategy for waste development for the period to 2032. Once adopted, the Plan would safeguard existing waste capacity, allocate sites suitable for waste facilities, and include policies for the management of future waste development. Two sites in the Braintree District (Cordons Farm near Galleys Corner, Braintree and Rivenhall Airfield) had been identified for allocation. It was proposed that Cordons Farm should be allocated for municipal waste management which reflected its current permission. Rivenhall Airfield had been identified as an opportunity site to provide additional waste management. Seven other sites in the District had been identified as having potential for future waste management facilities and they had been referred to as 'areas of search'. A number of other small scale, existing facilities had also been highlighted.

Members were reminded that the Council had responded to the first phase of consultation on the Plan by outlining a number of comments. The main objection had been to the intensification of uses at site IWMF2 – Rivenhall for additional waste management capacity on the grounds of intensified industrial activity in the countryside, environmental impacts on the countryside and local residents including light pollution and noise, and impact on local lanes and the A120. Other more minor comments and corrections had been suggested which had been incorporated into the new draft of the Plan.

The latest draft of the Plan was the Replacement Waste Local Plan Submission Draft (2016) and it was currently subject to consultation until 14th April 2016. The purpose of the consultation was to consider the soundness of the Plan ahead of its submission for independent examination by a Planning Inspector later in 2016. The soundness of the Plan would be considered against four criteria, namely whether it had been 'positively prepared'; it was 'justified'; it was 'effective'; and it was 'consistent with national policy'.

Concern was expressed that the pre-submission Plan retained the allocation of site IWMF2 – Rivenhall as suitable for biological waste treatment, and the management of other waste. This did not provide the Council, or local residents with any certainty about either future uses of the site, beyond what had been granted planning permission, or the implications of such uses for local residents, the local environment and the surrounding highway network. It was proposed therefore that the Council should submit a response to the consultation indicating that it considers the pre-submission Plan to be unsound. However, the Sub-Committee agreed that the proposal to allocate areas of search for suitable waste handling and waste treatment facilities to existing industrial estates should be supported.

DECISION:

That the following comment be submitted by the Council in response to consultation on the Replacement Waste Local Plan Pre-Submission Draft (2016), subject to it being amended to include support for the proposal to allocate areas of search for suitable waste handling and waste treatment facilities to existing industrial estates.

‘We note and welcome the changes which Essex County Council has made in response to objections raised by Braintree District Council during the previous round of consultation. However, it is considered that the Pre-Submission Replacement Waste Local Plan (2016) is unsound on the basis that it is not consistent with National Policy. The Plan identifies IWMF2 – Rivenhall site as suitable for allocation for management of biological waste treatment, and other wastes. The Local Authority is of the opinion that this site is not sustainable as it does not contribute toward the environmental goal of sustainable development as set out in paragraph 7 of the National Planning Policy Framework. It does not contribute to the protection, or enhancement of the natural environment, or the prudent use of natural resources, or the minimisation of waste.

Whilst we are aware that the site now has planning permission, additional waste capacity would be detrimental to the countryside. This is because it would be an intensification of industrial activity in the countryside, would have environmental impacts on the countryside and local residents, which could include light pollution and noise, and would impact on local lanes and the A120.

The site’s allocation for ‘management of other wastes’ does not provide local residents or the Council with any certainty over what future uses the site and its surroundings would be expected to accommodate. It therefore provides an unacceptable level of uncertainty over the future implications for the local residents, the local environment and the surrounding highway network’.

The meeting commenced at 6.00pm and closed at 9.30pm.

Councillor Mrs L Bowers-Flint
(Chairman)

APPENDIX

LOCAL PLAN SUB-COMMITTEE

13TH APRIL 2016

PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statements Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps – Site HATF317 – Land off Gleneagles Way, Hatfield Peverel
 - (i) Statement by Mr Martin Doherty, Richard Jackson Engineering Consultant, 26 High Street, Hadleigh, Suffolk (Supporter)
 - (ii) Statement by Mr Jonathan Dixon, Savills, 132-134 Hills Road, Cambridge (Agent) (Supporter)
- 2 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Site HATF314 – Land to the South of Stonepath Drive, Hatfield Peverel

Statement by Mrs Susan Warrant (for residents of Stonepath Drive), c/o Mr Mark East, 18 Stonepath Drive, Hatfield Peverel (Objector)
- 3 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Site WITW431 - Land between Blunts Hall Road and Teign Drive, Witham

Statement by Councillor Bill Rose (for Witham Town Council), c/o Mr Mark Squire, Town Clerk, Witham Town Council Offices, 61 Newland Street, Witham (Objector)
- 4 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites RIVE362 and RIVE363 - Land adjacent to Eastways Industrial Estate, Burghey Brook and adjoining the A12, Witham (within Rivenhall Parish) and RIVE365 - Land between Burghey Brook and Rivenhall End

Statement by Councillor Bob Wright (for Rivenhall Parish Council), 303 Rickstones Road, Rivenhall (Objector)
- 5 Statements Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps – Sites at Rivenhall
 - (i) Statement by Councillor James Abbott, District Councillor for Silver End and Cressing Ward, 1 Waterfall Cottages, Park Road, Rivenhall (General comments)

- (ii) Statement by Councillor Kevin Bowers, District Councillor for Silver End and Cressing Ward, 9 Longacre Road, Cressing (General comments)
- 6 Statements Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps – Sites at Hatfield Peverel
- (i) Statement by Councillor Mrs Diane Wallace (speaking on behalf of residents and Hatfield Peverel Parish Council) c/o Ms L Miller, Hatfield Peverel Parish Council Clerk, Chestnut House, Church Road, West Hanningfield, Chelmsford (Objector)
- (ii) Statement by Councillor Les Priestley (speaking on behalf of residents and Hatfield Peverel Parish Council) c/o Ms L Miller, Hatfield Peverel Parish Council Clerk, Chestnut House, Church Road, West Hanningfield, Chelmsford (Objector)
- 7 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites HATF314 – Land to the South of Stonepath Drive, Hatfield Peverel and HATF315 and 316 - Land at Woodend Farm, Witham (within Hatfield Peverel Parish)
- Statement by Councillor Daryn Hufton-Rees, District Councillor for Hatfield Peverel Ward, 1 Taylors Farm, Terling (General comments)
- 8 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Site PEBM348 - Land to the rear of properties on the South side of Cross End, Pebmarsh
- Statement by Mr Andy Stimpson, Linstock, Cross End, Pebmarsh (Supporter)
- 9 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites TOPP412 and TOPP413 – Land at Church Farm Barn, Church Lane, Toppesfield
- Statement by Mr Mark Jackson, Mark Jackson Planning, Gateway House, 19 Great Notley Avenue, Great Notley Garden Village (Agent for landowner/Supporter)
- 10 Statement Relating to Agenda Item 6 – Essex County Council and Southend-on-Sea Replacement Waste Local Plan Pre-Submission Consultation 2016
- Statement by Councillor James Abbott, District Councillor for Silver End and Cressing Ward, 1 Waterfall Cottages, Park Road, Rivenhall (General comments)