

Cabinet

AGENDA

Monday, 2nd December 2019 at 7.15pm

**Council Chamber, Braintree District Council, Causeway House, Bocking End,
Braintree, CM7 9HB**

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)
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Members of the Cabinet are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Portfolio

| | |
|---|--|
| Overall Vision and Strategic Direction | Councillor G Butland (Leader of the Council) |
| Economic Development and Infrastructure | Councillor T Cunningham (Deputy Leader of the Council) |
| Communities, Culture and Tourism | Councillor F Ricci |
| Corporate Transformation | Councillor J McKee |
| Environment and Place | Councillor Mrs W Schmitt |
| Finance and Performance Management | Councillor D Bebb |
| Health and Wellbeing | Councillor P Tattersley |
| Homes | Councillor K Bowers |
| Planning | Councillor Mrs G Spray |

Invitees

Representatives of the Green Party and Independent Group, Halstead Residents Association and Labour Group.

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by 3pm on the day of the meeting.

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

Any member with a Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest must declare the nature of their interest in accordance with the Code of Conduct. Members 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.

Question Time

The Agenda allows for a period of up to 30 minutes when members of the public can speak. Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by midday on the working day before the day of the Committee meeting. For example, if the Committee Meeting is due to be held on a Tuesday, the registration deadline is midday on Monday, (where there is a bank holiday Monday you will need to register by midday on the previous Friday).

The Council reserves the right to decline any requests to register to speak if they are received after this time. Members of the public can remain to observe the public session of the meeting.

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Documents

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We welcome comments from members of the public to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended you can send these via governance@braintree.gov.uk

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 9 th September 2019 (copy previously circulated). | |
| 4 | Public Question Time (See paragraph above) | |
| 5 | PLANNING | |
| 5a | Cressing Neighbourhood Plan (2019) – Procedure to Referendum | 5 - 11 |
| 6 | FINANCE & PERFORMANCE MANAGEMENT | |
| 6a | Council Tax – Collection Fund Surplus – Allocation to Town and Parish Councils | 12 - 16 |
| 7 | ECONOMIC DEVELOPMENT & INFRASTRUCTURE | |
| 7a | A12 Chelmsford to A120 widening update – Highways England Consultation | 17 - 31 |
| 8 | CORPORATE TRANSFORMATION | |
| 8a | Acquisition and disposal of interests in land adjoining Horizon 120 | 32 - 40 |

AGENDA – PRIVATE SESSION

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.**

| No | Title and Purpose of Report | Pages |
|-----------|--|--------------|
| 9 | CORPORATE TRANSFORMATION | |
| 9a | Acquisition and disposal of interests in land adjoining Horizon 120 - PRIVATE | |

| | | |
|---|---|----------------------|
| Crossing Neighbourhood Plan (2019) – Procedure to Referendum | | Agenda No: 5a |
| Portfolio | Planning | |
| 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 A prosperous district that attracts business growth and provides high quality employment opportunities | |
| Report presented by: | Councillor Mrs Spray, Cabinet Member for Planning | |
| Report prepared by: | Alan Massow – Principal Planning Policy Officer | |
| Background Papers: | Public Report | |
| Crossing Parish Neighbourhood Plan Crossing Neighbourhood Plan – Examiners Report Braintree District Local Plan Review (2005) Core Strategy (2011) Localism Act (2011) The Planning and Compulsory Purchase Act (2004) | Key Decision: Yes | |
| Executive Summary: | | |
| <p>Crossing Parish Council have been working to produce a Neighbourhood Plan. The Neighbourhood Plan, once agreed, can be used in the determination of planning applications within the Crossing Neighbourhood Plan Area. The Plan has been subject to public consultation and an independent examination. The examiner’s report has been received by Braintree District Council, which outlines a number of changes to the Plan, in order for it to meet what is known as the “Basic Conditions”. It is now necessary for the Council to decide whether to accept the examiners recommendations and agree to the Plan going to a local referendum.</p> | | |
| Recommended Decision: | | |
| <ol style="list-style-type: none"> 1. To agree the modifications made to the draft plan under paragraph 12(6) of Schedule 4B of the Town and County Planning Act 1990 in response to the Examiner’s recommendations/modifications. 2. To agree that a referendum on the Crossing Neighbourhood Plan take place. | | |

Purpose of Decision:

To enable the Cressing Neighbourhood Plan to progress to a local referendum.

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

| | |
|---|---|
| Financial: | Additional funding can be claimed from a central government pot once the referendum date has been set. This funding is expected to cover the costs of the examination and referendum in full. |
| Legal: | The Neighbourhood Plan process has to be carried out in accordance with relevant regulations. |
| Safeguarding: | No matters arising out of this report. |
| Equalities/Diversity: | A basic Equality Input Assessment has been undertaken and is available to view here . No impacts have been identified. |
| Customer Impact: | Planning applications will be determined in accordance with the Cressing Neighbourhood Plan as well as the Braintree District Local Plan Review (2005) and Core Strategy (2011). |
| Environment and Climate Change: | The Cressing Neighbourhood Plan has been subject to screening for Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA). |
| Consultation/Community Engagement: | The Cressing Neighbourhood Plan has been subject to public consultation, and will have to be agreed at referendum before coming into force. |
| Risks: | The Cressing Neighbourhood Plan is legally challenged. The authority does not organise a referendum within the defined time limits. |

Officer Contact:

Alan Massow

Designation:

Principal Planning Policy Officer

Ext. No:

2577

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Alan.massow@braintree.gov.uk

1 Introduction

- 1.1 In 2013 Cressing Parish Council applied for a Neighbourhood Plan area covering their parish which was agreed and reaffirmed in September 2018. This was to enable the parish to produce a Neighbourhood Plan. A Neighbourhood Plan is a document which, once adopted, becomes part of the development plan for the Parish, and is used in the determination of planning applications, alongside the District wider planning policies. The regulatory framework for undertaking a Neighbourhood Plan is set out in the Neighbourhood Planning Regulations (2012) as amended (The Regulations).
- 1.2 The Neighbourhood Plan group is set up by the Parish, and is responsible for developing the Neighbourhood Plan and undertaking its initial round of formal consultation, known as a Regulation 14 consultation. The group take comments received at this stage and modify the draft plan if they wish to do so, before submitting it to the Local Planning Authority under Regulation 15. The Local Planning authority is responsible for the remainder of the Neighbourhood Plan process and has to undertake formal consultation under Regulation 16, appoint an examiner (in consultation with the Parish), and once an examiners report is received, carry out the process for adopting the Neighbourhood Plan which includes holding a referendum.

2 Cressing Independent Examiners Report

- 2.1 The purpose of the examination is to determine whether or not the Plan submitted meets a set of basic conditions specified under Schedule 4B of the town and Country Planning Act 1990, and other relevant statutory provisions.
- 2.2 The basic conditions are:
- a. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or Neighbourhood Plan)
 - b. Having special regard to the desirability preserving any listed buildings or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.
 - c. Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.
 - d. The making of the order (Or Neighbourhood Plan) contributes to the achievement of sustainable development.
 - e. The making of the order (or Neighbourhood Plan) in in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
 - f. The making of the order (or Neighbourhood Plan) does not breach, and is otherwise compatible with, EU obligations.
 - g. Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (Or Neighbourhood Plan).

- 2.3 Please note that basic condition b and c do not apply to Neighbourhood Plans.
- 2.4 The examination into the Neighbourhood Plan was undertaken as a written representations examination by Tony Burton CBE BA MPhil (Town Planning) Hon FRIBA FRSA. Mr Burton was appointed to undertake the examination in consultation with Cressing Parish Council. The examiner submitted a draft examiners report to the Council and Parish Council for factual checking and the final examiners report was issued on the 18th September 2019.

- 2.5 The main findings of the examiner's report is;

"I am satisfied the Cressing Neighbourhood Plan meets the Basic Conditions and other requirements subject to the modifications recommended in this report and that it can proceed to a referendum. I have received no information to suggest other than that I recommend the referendum area matches that of the Neighbourhood Area."

- 2.6 The Neighbourhood Plan therefore meets the Basic Conditions and can proceed to referendum and adoption assuming a successful vote.

3 Braintree District Council Response to examiner changes

- 3.1 The proposed modifications and explanation for it, are contained within the examiner's report in full which is at **Appendix 1** to this report.
- 3.2 No policies have been removed from the Plan, but one site allocation, CRESS192, has been taken out as it is at an advanced stage of construction, with a significant number of dwellings occupied. Other formatting or presentational changes were suggested such as corrections to paragraph numbers and spelling.
- 3.4 Where policy changes are made, officers agreed that the modifications are necessary for the Plan to meet the basic conditions.
- 3.5 Whilst there is scope for a Local Authority to propose alternative modifications, it would be necessary to carry out further consultation and potentially hold a further examination. This would significantly delay the referendum of the Plan and its adoption as part of the Development Plan for the District.
- 3.6 In terms of the referendum area, the examiner states that the area of the referendum should match that of the Neighbourhood Area, which is identical to the Parish boundary.

4 Decision Statement

- 4.1 The decision statement sets out the Council's response to the examiner's report, and its decision as to whether the Plan should proceed to referendum. If it does proceed, it sets out the question to be asked at the referendum. Please note that the referendum question and date are subject to confirmation. A copy of the draft decision statement is included at **Appendix 3**

5 Next Steps

- 5.1 If agreed, the decision statement will be published and a referendum will be organised to determine whether the Council should “make” the Neighbourhood Plan, so that it becomes part of the Development Plan for Braintree District, and used in the determination of planning applications within the Cressing Neighbourhood Area.
- 5.2 Only those living within the area covered by the Neighbourhood Plan, are able to vote. The results of the referendum will be reported to Council and if the plan has the support of more than 50% of those voting in the referendum then the District Council can approve the Plan to be included as part of the Development Plan for Braintree District. This means the Plan is used in the determination of planning applications within the Neighbourhood Area of Cressing Parish.

6 Recommendation

1. To agree the modifications made to the draft plan under paragraph 12(6) of Schedule 4B of the Town and County Planning Act 1990 in response to the Examiner’s recommendations/modifications.
2. To agree that a referendum on the Cressing Neighbourhood Plan take place.

Appendix 1 – Examiners Report

Attached.

[Appendix 2 – Cressing Neighbourhood Plan Regulation 18 – Post Examination Amendments \(2019\)](#)

[Appendix 3 – Cressing Neighbourhood Plan Decision Statement \(Regulation 18\(2\)\)](#)

Crossing Neighbourhood Plan Decision Statement (Regulation 18(2))

Summary

Following an independent examination undertaken by written representations, Braintree District Council now confirms that the Crossing Neighbourhood Plan (The Plan) will proceed to a Neighbourhood Planning Referendum.

This decision statement will be available on the Council's internet page and main offices.

Background

Braintree District Council formally designated the area as the Crossing Neighbourhood Area, at the request of the qualifying body Crossing Parish Council. This designation was re-designated in September 2018.

Following the submission of the Plan to Braintree District Council, it was publicised under Regulation 16 of the Neighbourhood Plan Regulations (2012) (As amended) and representations were invited. The consultation period ended on the 15th July 2019.

The District Council appointed Tony Burton as independent examiner with agreement of Crossing Parish Council, to examine whether the Plan met the basic conditions as set out in Schedule 4B of the Town and Country Planning Act 1990, and whether the Crossing Neighbourhood Plan should proceed to referendum.

The Examiner's Report recommended a number of modifications so that the Plan is able to comply with the "basic conditions" and other relevant statutory provisions, and that the draft plan as modified can be submitted for referendum.

The Examiner's Report (September 2019) concluded as follows;

I am satisfied the Crossing Neighbourhood Plan meets the Basic Conditions and other requirements subject to the modifications recommended in this report and that it can proceed to a referendum. I have received no information to suggest other than that I recommend the referendum area matches that of the Neighbourhood Area.

Recommendations, Decisions and Reasons

The Neighbourhood Planning (General) Regulations 2012, Regulation 18 requires the local planning authority to outline what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of schedule 4a of the Town and County Planning Act 1990 (as applied by Section 38A of the Planning and Compulsory Purchase Act 2004).

Having considered the recommendations made by the examiner's report, and the reasons for them, Braintree District Council has agreed to accept the modifications made to the draft plan under paragraph 12(6) of Schedule 4B of the Town and County Planning Act 1990 in response to the Examiner's recommendations/modifications.

To meet the requirement of the Localism Act 2011, a referendum will be held which poses the question;

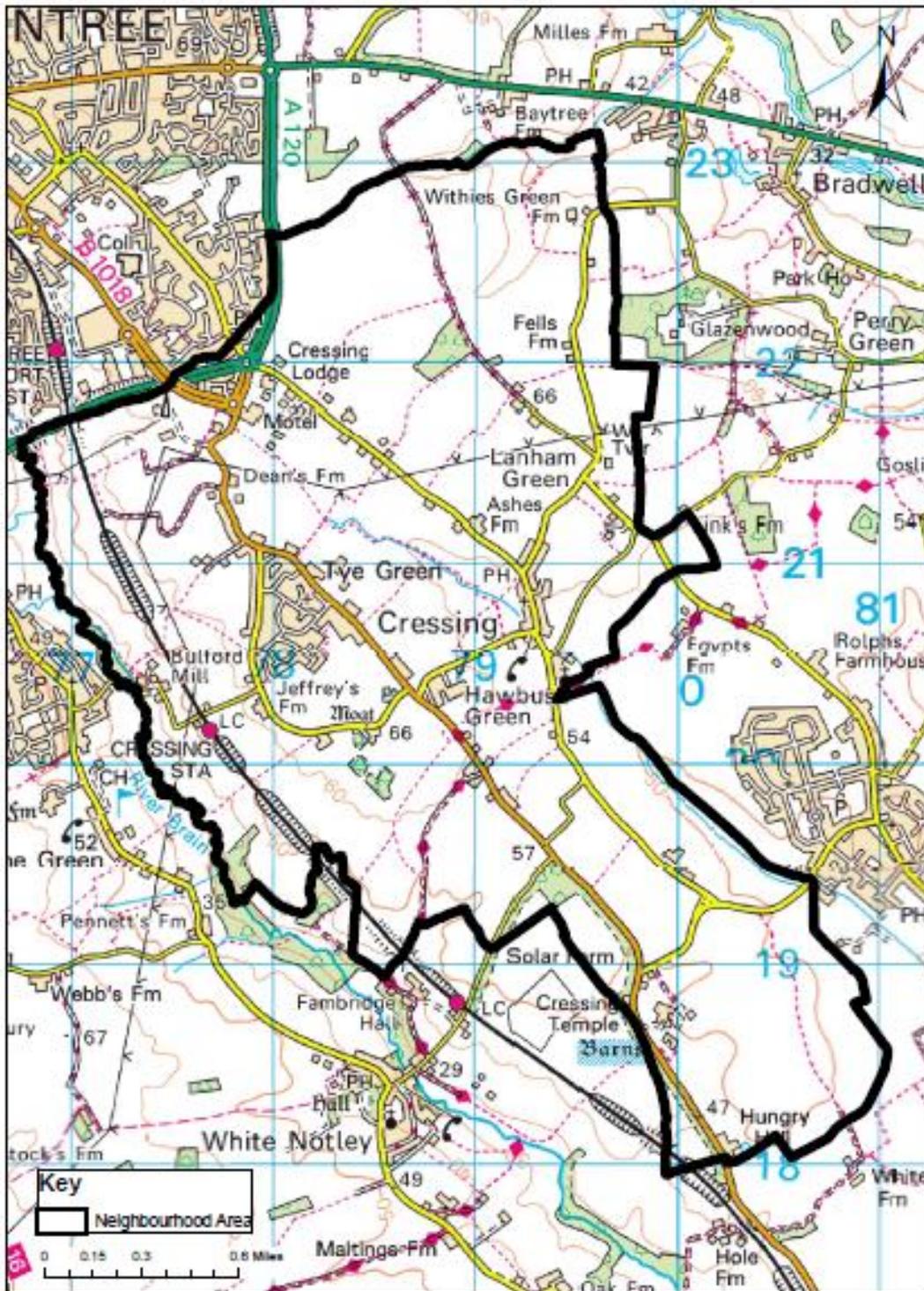
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The wording of the referendum question is prescribed under paragraph 1 of Schedule 1 of The Neighbourhood Planning (Referendums) Regulations 2012.

The date the referendum will be held on is Thursday XX/XX/XXXX

Crossing Neighbourhood Area

Crossing Neighbourhood Area



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| Council Tax – Collection Fund Surplus – Allocation to Town and Parish Councils | | Agenda No: 6a |
| Portfolio | Finance and Performance Management | |
| Corporate Outcome: | A high performing organisation that delivers excellent and value for money services Delivering better outcomes for residents and businesses and reducing costs to taxpayers | |
| Report presented by: | Councillor David Bebb, Cabinet Member for Finance and Performance Management | |
| Report prepared by: | Trevor Wilson, Head of Finance | |
| Background Papers: | Public Report | |
| | Key Decision: No | |
| Executive Summary: | | |
| <p>1. The Council's budget setting process includes estimating the amount of council tax expected to be collected. Variation from the estimate results in either a surplus or deficit on the Council Tax Collection Fund which must be either returned to or requested from council taxpayers in the following year. The surplus or deficit is allocated between the four major preceptors: Essex County Council, Braintree District Council and Essex Police, Fire and Crime Commissioner for Policing & Community Safety and for Fire and Rescue Authority.</p> <p>2. It is estimated that the balance on the Council Tax Collection Fund available for distribution in 2020/21 is a surplus of £1,229,000. The surplus will be allocated to:</p> <ul style="list-style-type: none"> • Essex County Council – £888,303 • Braintree District Council – £155,120 • Essex Police, Fire and Crime Commissioner– Policing & Community Safety – £134,919 • Essex Police, Fire and Crime Commissioner – Fire and Rescue Authority – £50,658 <p>3. This Council's proportion of the council tax surplus, to be returned to council taxpayers in 2020/21 is £155,120. Since 2015/16, when the surplus allocated to the Council first exceeded £100,000, the Council has agreed to allocate part of its surplus to the town and parish councils. The allocations are made in proportion to each council's precept for the current year.</p> | | |

4. The allocation calculated for town and parish councils is £29,450 for 2020/21. This compares to the surplus returned to council taxpayers of £113,625 in 2019/20 (of which £21,040 was returned via payments to the town and parish councils).
5. A schedule of the proposed allocation to each parish and town council is provided in the Appendix attached to this report.
6. It is proposed that this is recommended for approval by Full Council in order that the parish/town councils can be notified in sufficient time to enable this resource to be discussed as part of their budget and precept setting process for 2020/21.

Recommended Decision:

Cabinet recommends to Full Council to agree that:

A total of £29,450 of the surplus on the Council Tax Collection Fund be allocated to parish/town councils in 2020/21, as detailed in the Appendix to this report.

Purpose of Decision:

To agree the allocation of the surplus on the Council Tax Collection Fund for 2020/21 in advance of the Council's own Budget setting process in order that the parish/town councils can be notified in sufficient time to enable this resource to be discussed as part of their budget and precept setting process for 2020/21.

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

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| Financial: | Allocation of the estimated balance on the Council Tax Collection Fund to or from the precepting authorities. The estimate is a surplus of £1,229,000 of which £155,120 is due to this Council in 2020/21. This report recommends allocating part of this surplus (£29,450) to the town and parish councils in the District. |
| Legal: | No matters arising out of this report. |
| Safeguarding: | No matters arising out of this report. |
| Equalities/Diversity: | There are no equalities and diversity implications arising from this report. |
| Customer Impact: | No matters arising out of this report. |
| Environment and Climate Change: | No matters arising out of this report. |
| Consultation/Community Engagement: | No matters arising out of this report. |
| Risks: | No matters arising out of this report. |
| Officer Contact: Trevor Wilson | |
| Designation: Head of Finance | |
| Ext. No: 2801 | |
| E-mail: Trevor.wilson@braintree.gov.uk | |

Allocation of the estimated Surplus on the Council Tax Collection Fund as at 31st March 2020

| Parish/Town Council | Precept 2019/20 £ | Allocation £ |
|--|----------------------|-----------------|
| Alphamstone and Lamarsh | 4,179 | 56 |
| Ashen | 4,584 | 61 |
| Belchamp Otten | 1,000 | 13 |
| Belchamp St Paul | 3,000 | 40 |
| Belchamp Walter | 5,315 | 71 |
| Birdbrook | 13,685 | 182 |
| Black Notley | 48,000 | 639 |
| Borley | 1,289 | 17 |
| Bradwell | 7,965 | 106 |
| Bulmer | 9,782 | 130 |
| Bures Hamlet | 28,817 | 384 |
| Castle Hedingham | 26,684 | 355 |
| Coggeshall | 161,923 | 2,155 |
| Colne Engaine | 24,364 | 324 |
| Cressing | 38,136 | 508 |
| Earls Colne | 87,287 | 1,162 |
| Feering | 54,206 | 722 |
| Finchingfield | 42,133 | 561 |
| Foxearth and Liston | 6,791 | 90 |
| Gestingthorpe | 7,500 | 100 |
| Gosfield | 34,019 | 453 |
| Great Bardfield | 37,499 | 499 |
| Great Maplestead | 5,804 | 77 |
| Great Notley | 87,269 | 1,162 |
| Great Yeldham | 44,631 | 594 |
| Greenstead Green | 9,046 | 120 |
| Halstead | 179,014 | 2,383 |
| Hatfield Peverel | 61,849 | 823 |
| Helions Bumpstead | 14,580 | 194 |
| Hennys, Middleton & Twinstead | 4,991 | 66 |
| Kelvedon | 108,072 | 1,439 |
| Little Maplestead | 3,778 | 50 |
| Little Yeldham, Tilbury Juxta Clare & Ovington | 5,700 | 76 |
| Panfield | 16,472 | 219 |
| Pebmarsh | 8,525 | 113 |
| Pentlow | 5,000 | 67 |
| Rayne | 42,396 | 564 |
| Ridgewell | 17,628 | 235 |
| Rivenhall | 11,500 | 153 |
| Shalford | 19,600 | 261 |
| Sible Hedingham | 105,854 | 1,409 |
| Silver End | 72,000 | 958 |
| Stambourne | 8,222 | 109 |
| Steeple Bumpstead | 42,350 | 564 |
| Stisted | 12,460 | 166 |
| Sturmer | 7,907 | 105 |
| Terling & Fairstead | 21,148 | 282 |
| The Salings | 9,700 | 129 |
| Toppesfield | 16,300 | 217 |
| Wethersfield | 29,180 | 388 |
| White Colne | 11,339 | 151 |
| White Notley and Faulkbourne | 13,500 | 180 |

Allocation of the estimated Surplus on the Council Tax Collection Fund as at 31st March 2020

| Parish/Town Council | Precept 2019/20 £ | Allocation £ |
|----------------------------|------------------------------|-------------------------|
| Wickham St Paul | 11,160 | 149 |
| Witham | 557,278 | 7,419 |
| Total | | 29,450 |

| | | |
|--|---|----------------------|
| A12 Chelmsford to A120 widening update – Highways England Consultation | | Agenda No: 7a |
| 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 A prosperous district that attracts business growth and provides high quality employment opportunities | |
| Report presented by: | Councillor Cunningham – Cabinet member for Economic Development and Infrastructure | |
| Report prepared by: | Gary Sung – Senior Planning Policy Officer | |
| Background Papers: | Public Report | |
| <ol style="list-style-type: none"> 1. Preferred route announcement for junctions 19 to 23 2. Report on public consultation – May 2017 3. Public Consultation for junctions 23 to 25 – brochure 4. Route options map 5. Consultation response form | Key Decision: No | |
| Executive Summary: | | |
| <p>Highways England have announced the preferred route for the widening of the A12 between junction 19 at Boreham and junction 23 at Kelvedon South. This includes indicative locations and purpose of junctions but does not provide detail at this stage. The new route will remove the two junctions either side of Hatfield Peverel, junctions at Witham North and Witham South will become all movements' junctions and the A12 will bypass Rivenhall End.</p> <p>Highways England have also launched a further non statutory consultation on the route of the A12 between junction 23 Kelvedon South and 25 Marks Tey to take into account the potential location of the Colchester Braintree Borders Garden Community in this location. Four new route options are proposed which are set out within this report.</p> <p>The consultation on the new routes runs until the 1st December 2019, however Braintree District Council have been given an extension to the 3rd December 2019 to consider our views.</p> | | |

Recommended Decision:

- 1 It is recommended that the following is submitted to Highways England as the Braintree District Council response to the junction 23 to junction 25 additional consultation.

Braintree District Council continues to welcome and support the overall A12 widening project from route 19 to 25 which is expected to facilitate safer, more reliable access and journeys on one of the most important trunk roads in the District. This will support the Council's aspirations for high quality infrastructure and support business and economic growth.

The Council welcomes the consultation on the proposed additional route options between junctions 23 to 25 which have been brought about by the close working relationship between Highways England, Essex County Council and District Councils with regard to the proposed Garden Community at Colchester Braintree Borders.

All four options provide for a better relationship between the A12 and the proposed Colchester Braintree Borders Garden Community and an offline solution to the A12 will allow consideration of how the existing infrastructure can best be used to support local traffic, public transport and active travel methods.

The Council remains concerned regarding the implications of the proposals on the Grade II listed Prested Hall in all proposed options and in particular options A and B which will dissect the tree lined avenue of well adapted black pines which leads up to the Hall. This feature is a valuable in landscape terms and can be appreciated both from the Hall and walkers along nearby footpaths. We would ask Highways England to work closely with Braintree District Council and all relevant parties to consider how best to mitigate these implications.

As you will be aware Braintree District Council supported a Housing Infrastructure Fund bid made by Essex County Council of which the outcome is awaited. Within that bid the suggested routes put forward broadly align with routes A and C shown in the current consultation. Based on the information presented option C appears to have the least negative impacts on Prested Hall and therefore is our favoured option.

The Council seeks continuing engagement and close working relationships between all parties to ensure that a route is selected which provides the appropriate infrastructure for the Colchester Braintree Borders Garden Community whilst minimising the impacts on the surrounding environmental, heritage and residential assets.

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| 2 | It is recommended that the Council write separately to Highways England on the preferred route announcement between junctions 19 to 23 as set out in paragraph 2.6 of this report |
| Purpose of Decision: | |
| To set out the views of Braintree District Council on the current Highways England consultation regarding the A12. | |

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| Any Corporate implications in relation to the following should be explained in detail. | |
| Financial: | No matters arising out of this report |
| Legal: | No matters arising out of this report |
| Safeguarding: | No matters arising out of this report |
| Equalities/Diversity: | Highways England will be responsible for undertaking this assessment. |
| Customer Impact: | There may be implications for owners of land and property in the vicinity of the proposed new routes and for the users of the A12. |
| Environment and Climate Change: | Impacts on the environment have been considered by Highways England, and will need to continue to be considered as work progresses. |
| Consultation/Community Engagement: | A six week public consultation was undertaken by Highways England. |
| Risks: | No matters arising out of this report |
| Officer Contact: | |
| Designation: | Gary Sung |
| Ext. No: | Senior Planning Policy Officer |
| E-mail: | 2511 |
| | Gary.sung@braintree.gov.uk |

1 Background

- 1.1 The A12 widening project is continuing to progress as a funded scheme by Highways England. It was recognised that this economic link suffers from a number of congestion, safety and capacity problems and the proposed works will include the widening to at least 3 lanes between J19 for Chelmsford to J25 for Marks Tey. There would also be associated junction rebuilds and improvements in order to achieve 'expressway' standard.
- 1.2 A public consultation, in 2017 was undertaken by Highways England and included four options covering the whole route. However, neither of those options took into account the proposed Colchester Braintree Borders Garden Community (CBBGC). Braintree District Council along with colleagues at Colchester Borough, Tendring District and Essex County Council have been working closely with Highways England to ensure that infrastructure requirements of the proposed Garden Communities can be met.
- 1.3 Highways England have now announced the outcome of this consultation with a preferred route being published for the road between junction 19 and junction 23 and a further consultation on route options between junctions 23 and 25. This latest consultation explores options which can unlock land for housing in the Garden Community in line with a bid for the Housing Infrastructure Fund (HIF) which was submitted by Essex County Council and supported by Braintree District Council and Colchester Borough Council. The outcome of that bid is still awaited.

2 Preferred route announcement for junctions 19 to 23

- 2.1 A preferred route was announced by Highways England following careful consideration of safety, value for money environmental impact and the outcomes of the 2017 public consultation.
- 2.2 The existing A12 would be widened to three lanes in each direction where required. Widening works can be carried out either within the existing highway boundary or using land immediately next to it, however junctions and access will require additional land. However just before J22 (Witham North), a three lane bypass for Rivenhall End will be constructed on land currently in use for sand and gravel extraction at Coleman's Farm where a new junction will also be required. The bypass will leave the existing A12 corridor and re-join it in front of the Essex Fire and Rescue HQ at Kelvedon Park. The A12 will continue to be widened to three lanes on its existing corridor until it crosses Inworth road to the south of Feering.
- 2.4 As part of this widening it will be necessary to improve most of the junctions on the A12 to upgrade them to 'expressway' standard.

- Upgrades to junction 19 is partly funded through s.106 for Beaulieu Park and partly HIF funded, and is therefore subject to ongoing design review.
- Junctions 20a and 20b for Hatfield Peverel will be removed however bridges across the A12 will be retained.
- Junction 21 will need rebuilding to provide capacity necessary to serve Hatfield Peverel, Maldon and Witham.
- J22 for Witham north will likely be rebuilt on the route of the new bypass.

2.5 For junction 23, there are no firm proposals due to potential interaction with the Essex County Council's preferred route option for the A120 dualling scheme. Highways England have announced that works will be undertaken to accommodate a potential future link with the A120 and that they are considering routing access to Kelvedon via junction 21. Access to existing properties which currently front the A12 between Kelvedon Park and J23 is also likely to be part of this design. Designs which incorporate the A120 could necessitate the addition of a fourth lane between J23 and J25.

2.6 Officers welcome the announcement of the preferred route between junction 19 and 23 which appears to address many of the issues that were raised during the 2017 consultation. However at this stage there is little detail which officers understand can be very concerning for residents and property owners in the affected areas. Whilst Highways England are not formally asking for comments on this announcement, officers are proposing to write formally to Highways England and Essex County Council to confirm the arrangements for detailed engagement including on the following outstanding issues:

- Detailed design of each new junction between J19 and 23 and how these would interact with the local road network;
- Detailed consideration of the impacts of traffic diversions and routing for local traffic around Kelvedon and Feering.
- Detailed consideration of the impacts of the removal of junction 20a and 20b at Hatfield Peverel, including traffic modelling data for through traffic and on the junction of B1019/B1137 (Duke of Wellington Pub).
- Braintree, Maldon and Essex County Council are also committed through a Statement of Common Ground to promote a project that would link the new J21 with the B1019 which would direct traffic away from Hatfield Peverel. Traffic congestion should be tackled in the context of approved planning permissions for Garden Suburbs in North Heybridge and South Maldon.
- The footpath and cycle route between Hatfield Peverel and Witham is an important sustainable transport link between the two settlements. Junction works should include detail on how this can be made safer and more attractive to users. An opportunity to create a segregated green infrastructure link could be explored.
- Coleman's farm to the east of Witham is an active quarry and subject to outstanding planning applications, it is likely to be affected by either the bypass or the potential junctions.

3 Public Consultation for junctions 23 to 25

- 3.1 Four additional options are now being consulted on by Highways England between junctions 23 and 25. In all options, the A12 would bypass the existing corridor to enable substantial areas of land to be developed as part of the CBBGC. It could also allow the route of the ‘old A12’ to be incorporated into the new development as an access and/or rapid transport corridor.
- 3.2 The options differ in two main ways around Prested Hall and Marks Tey. These are indicatively mapped at **Appendix 1** of this report and the matrix below summarises these options.

Table 1

| A12 Route | Option A | Option B | Option C | Option D |
|--|----------|----------|----------|----------|
| Crosses in front of Prested Hall | ✓ | ✓ | | |
| Routed south behind Prested Hall | | | ✓ | ✓ |
| Rejoin A12 before (J25) Marks Tey | ✓ | | ✓ | |
| Rejoin A12 after J25 at Copford | | ✓ | | ✓ |
| J24 (Feering) relocated east or west of Inworth road. | | | ✓ | ✓ |

- 3.3 Each option is accompanied by comparison summaries prepared by Highways England on a variety of key environmental factors. These assessments are high level because the consultation is at an early stage of highways planning.
- 3.4 Pages 23 to 34 of the consultation brochure contains summaries on the following topics:
 - air quality,
 - heritage
 - landscape,
 - biodiversity,
 - geology and soils,
 - noise and vibration,
 - people and communities,
 - water environment,
 - walkers cyclists, horseriders and public rights of way
 - safety,
 - traffic flows, and;
 - journey time savings.
- 3.5 For many of the above criteria the effects are broadly the same. How these environmental effects considered are summarised in table 2.

Table 2

| Key environmental factor | Option A | Option B | Option C | Option D |
|---|---|---|---|---|
| Air Quality | Expected to worsen on the route of the bypasses | | | |
| Heritage | Higher impact on grade II Prested Hall Impact on setting of Badcocks Farm | Higher impact on grade II Prested Hall Impact on setting of Badcocks Farm | Impact on setting of Badcocks Farm | Impact on setting of Badcocks Farm |
| Heritage - Settings of Listed buildings affected | 3 | 6 | 3 | 7 |
| Archeology | Potential for Archaeological burial sites when crossing Roman Roads | | | |
| Landscape | The avenue to Prested Hall is impacted | The avenue to Prested Hall is impacted | | |
| Biodiversity | New bypass will result in loss of habitat areas and have a severance effect, both issues should be mitigated as part of detailed design. | | | |
| Biodiversity -impact on priority habitats (edge of) | 3 (1) | 4 (2) | 2 (2) | 3 (4) |
| Geology and soils | Loss of agricultural land and mineral safeguarded areas | | | |
| Geology and soils – remedial work | | Passes through historic landfill which may need remediating at cost to Highways England | | Passes through historic landfill which may need remediating at cost to Highways England |
| Noise | Expected to worsen on the route of the bypasses | | | |
| People and Communities | Environment for properties adjacent to existing A12 corridor expected to improve. Impact on Braintree communities are broadly the same. | | | |
| Water environment | Loss of floodplain will have to be compensated. | | | |
| Walkers cyclists, horseriders and public rights of way | Historic severance of existing A12 to be addressed where possible. New severance issues caused by bypasses. | | | |
| Safety | Improvements for road users and for properties on the route of the existing A12. | | | |
| Traffic flows | Through traffic in Kelvedon reduced by 25% and Feering reduces by 50% Traffic along Inworth Road/Gore Pit junction broadly the same. | | Through traffic in Kelvedon reduced by 25% and Feering reduces by 50% Traffic along Inworth Road/Gore Pit reduces by a third and increases by 50% towards Tiptree. | |
| Journey time savings | Broadly the same combined time savings | | | |

- 3.6 A SWOT analysis has been undertaken by officers to assess the positives and negatives of the options as grouped together on the Braintree District. Options A&B are options which route in front of Prested Hall and options C&D are behind. These principally affect the Parish of Feering. However it is noted that all routes are capable of accommodating additional growth at the proposed Colchester Braintree Borders Garden Community.
- 3.7 The Council's landscape and biodiversity advisors have commented on the options A&B and C&D. The following was incorporated into the analysis in tables 3 and 4.
1. Landscape Setting: The tree lined avenue that leads to Prested Hall comprises a linear feature, almost 500 metres long, with a hedge boundary to both sides comprising established mature black pines and a mixed assemblage of broadleaf trees, planted as an informal double row at irregular distances along its length. The type of pine is a particularly valuable tree in this part of Essex because it is adapted to dry summers and is relatively resistant to strong winds. The planting along the avenue does contain some relatively large spaces where trees have been removed probably through age and decay but younger replacement trees have been added to provide a sense of continuity as a landscape feature. It is reasonable to assume that the line of the proposed road for Options A and Option B will require significant tree removal and leave the remnant as a relic landscape feature.
 2. Public Access and Visibility: PROW78_18 carries views of the local setting for much of its route within the locality of the Hall; the proposed route for the A12 across the avenue will largely remove the aesthetic provided by the avenue as a feature within the grounds of the Hall. By its nature and form it provides an interesting and attractive feature in the local landscape. The value of the avenue lies largely in the unbroken and undamaged quality and any engineering proposal which cuts through it or over it will largely destroy the cultural and historical narrative in the context of the hall and the amenity provided by a mature belt of trees in the open countryside.
 3. Biodiversity: The biodiversity impacts are not clear at this stage but it seems fair to assume that there will be a negative impact which could be offset with a suitable mitigation strategy; this may involve habitat creation and new planting; the latter will create new landscape features over time but the immediate impact of the additional road provision on the local landscape will be difficult to soften.
- 3.8 Taking into account all the positives and negatives of the route options in the balance, options C&D have notably greater strengths and opportunities while the degree of harm from crossing the avenue is considered to be more damaging in options A&B. Although options C&D is likely to result in more negative impacts on landscape, biodiversity and the flood plain, the scope for full mitigation of these issues through offsetting and other measures is considered to make the impact acceptable.
- 3.9 Route options C&D is considered more favourable following consideration of environmental impacts, subject to detailed analysis as the project matures.

Table 3

| Options A & B | | New junction 24 in front of Prested Hall Avenue to Prested Hall severed |
|---|---|--|
| <p>Strengths</p> <ul style="list-style-type: none"> • Businesses and homes fronting the existing A12 are not threatened by demolition. • Modelling states that through traffic will reduce by 25% in Feering and 50% in Kelvedon | <p>Weakness</p> <ul style="list-style-type: none"> • Link road to Inworth road still required (to be delivered as part of Strategic Allocation) • The landscape impacts are closer to Feering and the strategic allocation of Feering. • Would require land from the Strategic Allocation however this impact would be minimal as land is identified as possible country park. • Loss of mature pines lining the avenue leading to Prested Hall. • Remove the aesthetic value of the avenue, particularly the amenity provided by a mature belt of trees in the countryside. • The heritage and cultural narrative of Prested Hall is likely lost, with little opportunity for mitigation. | |
| <p>Opportunities</p> <ul style="list-style-type: none"> • Creates a defensible boundary for Feering after the completion of homes at the strategic growth site. | <p>Threats</p> <ul style="list-style-type: none"> • The avenue is left as little more than a relic landscape feature. • Difficult to soften impact of road provision on local landscape. | |

Table 4

| Options C & D | | New junction 23 to the east or west of Inworth road Routed behind Prested Hall estate |
|---|--|--|
| <p>Strengths</p> <ul style="list-style-type: none"> • Businesses and homes fronting the existing A12 are not threatened by demolition. • Modelling states that through traffic down 25% in Feering and 50% in Kelvedon. • Link to Inworth road not required. • Noise and air pollution from highway is further away from Feering village. • A12 can be easier to integrate into the landscape for longer views. | <p>Weakness</p> <ul style="list-style-type: none"> • Higher impact on priority habitats although fair to assume biodiversity offsetting as part of mitigation strategy can be implemented. • Higher impact on the floodplain which will also require offsetting. • Prested Hall will be left isolated within the revised road network resulting in loss of ambiance and character. | |
| <p>Opportunities</p> <ul style="list-style-type: none"> • As the link to Inworth road is no longer expected to carry heavy traffic, the design could be downgraded then better integrated into the new community. • Opportunities to utilise downgraded existing A12. • Opportunity to integrate the proposed Country Park better with the main village | <p>Threats</p> <ul style="list-style-type: none"> • Impact on tightly constrained Gore Pit junction is unknown. • Difficult to soften impact of road provision on local landscape. | |

4 Housing Infrastructure Fund (HIF) bid

- 4.1 Earlier this year Essex County Council submitted a HIF bid which proposes to realign the A12 between Kelvedon and Marks Tey. The purpose of the bid was to move the position of the A12 to the east of its existing alignment which would facilitate and realise the growth potential of this part of North Essex. The proposal also included a new junction 25 which would provide direct access to the proposed Colchester Braintree Borders Garden Community and to widen the Kelvedon bypass to four lanes in each direction to accommodate future traffic volumes in the vicinity of where a new A120 could meet the A12. The outcome of that Bid is not yet known, however information on the Bid can be found [here](#).
- 4.2 Route options A and C in the current consultation are broadly in alignment with the proposals which were set out by Essex County Council within the HIF bid.

5 Publication of the announcement

- 5.1 Letters were delivered to all addresses within 1.5km of the proposed route and a consultation portal was opened where the documentation were made available for public inspection. Letters will also be sent to landowners possessing an interest within the redline (proposed area for development) boundary.
- 5.2 Deposit points for the preferred route announcement and the public consultation in this district are at Causeway House, Witham Library, Hatfield Peverel Library and Kelvedon Library. The full suite of documents can also be accessed through the consultation portal where an online response may also be made. A paper form can also be returned via a freepost address.
- 5.3 Public consultation events, where representatives from Highways England and their project contractors, Jacobs, were available to discuss the scheme were scheduled at Rivenhall, Feering, Witham and Hatfield Peverel within the District.

| Date | Time | Location |
|---------------------|---------------|---|
| Saturday 2 November | Midday to 5pm | Best Western Hotel, London Road, Colchester, CO6 1DU |
| Tuesday 5 November | 3pm to 8pm | Rivenhall Hotel, Rivenhall End, Witham, CM8 3HB |
| Friday 8 November | 3pm to 8pm | Feering Community Centre, Coggeshall Road, Feering, Colchester, CO5 9QB |
| Monday 11 November | 2pm to 7pm | Spring Lodge Community Centre, Powers Hall End, Witham, CM8 2HE |

| | | |
|----------------------|---------------|---|
| Thursday 14 November | 3pm to 8pm | Civic Centre, Duke Street, Chelmsford, CM1 1JE |
| Friday 15 November | 3pm to 8pm | Boreham Village Hall, Main Road, Boreham, Chelmsford, CM3 3JD |
| Saturday 16 November | Midday to 5pm | Marks Tey Village Hall, Old London Road, Marks Tey, Colchester, CO6 1EJ |
| Tuesday 19 November | 3pm to 8pm | St Andrews Church, Church Road, Hatfield Peverel, CM3 2LE |

5.4 The online [consultation portal](#) provides all the detailed material published by Highways England.

6 Next Steps

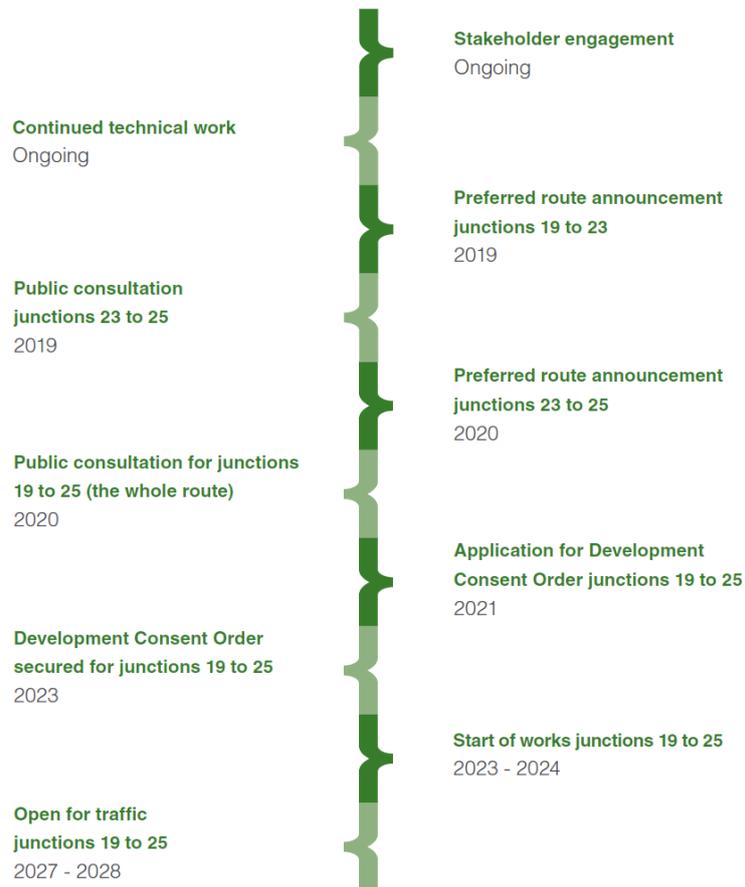
6.1 Highways England ran the public consultation route options for a minimum of six weeks between 21st October and 1st December 2019. A roadshow of public engagement events was scheduled to be held at 4 venues in Braintree District.

6.2 In the winter and spring, Highways England will also be engaging with the local community and stakeholders, particularly though engagement with landowners affected. Conversations between officers at Braintree and Highways England are ongoing.

6.3 Once the consultation concludes, Highways England will analyse the responses and make recommendations to the Board Investment and Commercial Committee who will make a decision on a preferred route announcement for junctions 23-25. This will be heavily dependent on the findings of the Planning Inspector for Section 1 Local Plan which is expected in the spring of 2020.

6.4 If the proposed Colchester Braintree Borders Garden Community goes ahead, one of the consultation options is likely to form part of the widening project. If it does not go ahead, the route between junctions 23 and 25 will be based on the 2017 consultation. The treasury will sign off the whole widening project in the summer 2020 following which an application for a Development Consent Order will be submitted in 2021. This could allow construction to begin in 2023.

6.5 The indicative A12 widening project timeline is reproduced below:



Recommendation

- 1 It is recommended that the following is submitted to Highways England as the Braintree District Council response to the junction 23 to junction 25 additional consultation.

Braintree District Council continues to welcome and support the overall A12 widening project from route 19 to 25 which is expected to facilitate safer, more reliable access and journeys on one of the most important trunk roads in the District. This will support the Council's aspirations for high quality infrastructure and support business and economic growth.

The Council welcomes the consultation on the proposed additional route options between junctions 23 to 25 which have been brought about by the close working relationship between Highways England, Essex County Council and District Councils with regard to the proposed Garden Community at Colchester Braintree Borders.

All four options provide for a better relationship between the A12 and the proposed Colchester Braintree Borders Garden Community and an offline solution to the A12 will allow consideration of how the existing infrastructure

can best be used to support local traffic, public transport and active travel methods.

The Council remains concerned regarding the implications of the proposals on the Grade II listed Prested Hall in all proposed options and in particular options A and B which will dissect the tree lined avenue of well adapted black pines which leads up to the Hall. This feature is a valuable in landscape terms and can be appreciated both from the Hall and walkers along nearby footpaths. We would ask Highways England to work closely with Braintree District Council and all relevant parties to consider how best to mitigate these implications.

As you will be aware Braintree District Council supported a Housing Infrastructure Fund bid made by Essex County Council of which the outcome is awaited. Within that bid the suggested routes put forward broadly align with routes A and C shown in the current consultation. Based on the information presented option C appears to have the least negative impacts on Prested Hall and therefore is our favoured option.

The Council seeks continuing engagement and close working relationships between all parties to ensure that a route is selected which provides the appropriate infrastructure for the Colchester Braintree Borders Garden Community whilst minimising the impacts on the surrounding environmental, heritage and residential assets.

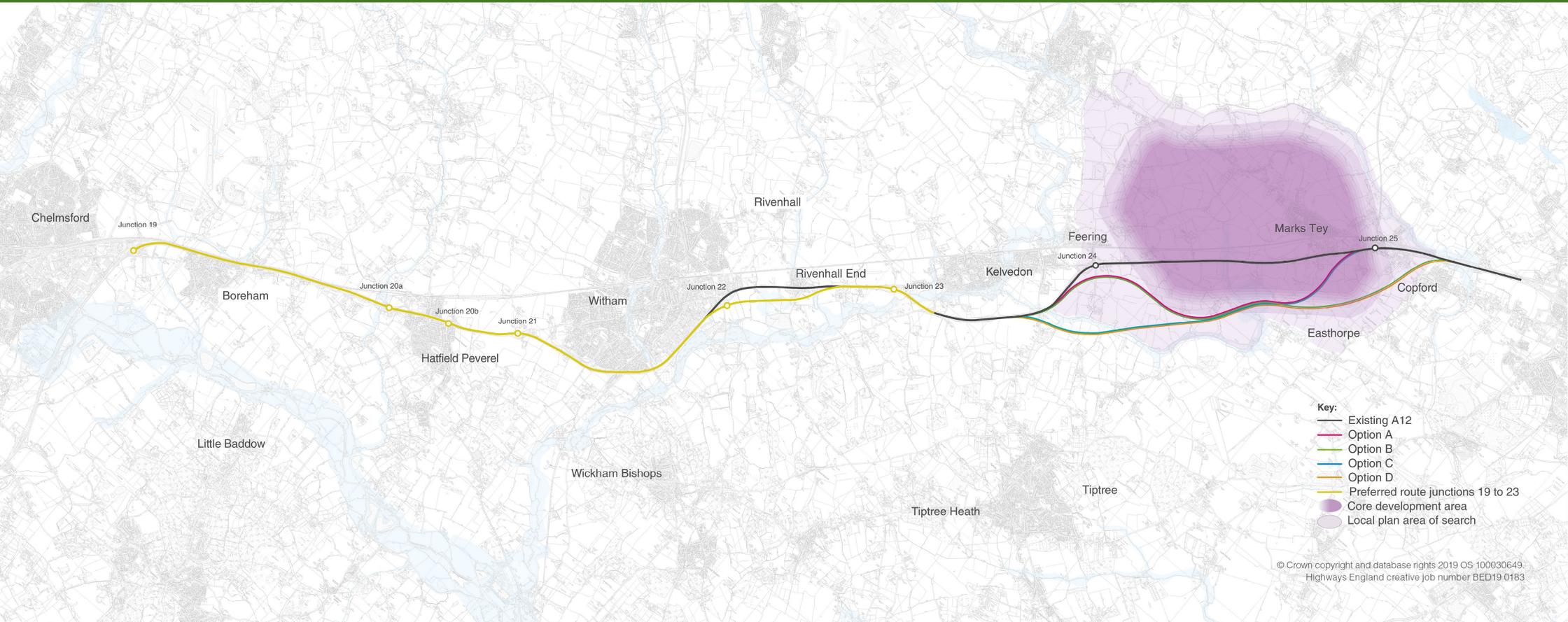
- 2 It is recommended that the Council write separately to Highways England on the preferred route announcement between junctions 19 to 23 as set out in paragraph 2.6 of this report

A12 Chelmsford to A120 widening

Preferred route junctions 19 to 23

Route options junctions 23 to 25 for public consultation

Note: route and junction locations are indicative



Key:

- Existing A12
- Option A
- Option B
- Option C
- Option D
- Preferred route junctions 19 to 23
- Core development area
- Local plan area of search

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| | | |
|--|---|----------------------|
| Acquisition and disposal of interests in land adjoining Horizon 120 | | Agenda No: 8a |
| Portfolio | Corporate Transformation | |
| Corporate Outcome: | A sustainable environment and a great place to live, work and play | |
| | A prosperous district that attracts business growth and provides high quality employment opportunities | |
| Report presented by: | Cllr John McKee, Portfolio Holder Corporate Transformation | |
| Report prepared by: | Aidan Kelly, Interim Head of Strategic Investment | |
| Background Papers: | Public Report | |
| Reports to Cabinet February 2019 and July 2019 | Key Decision: No | |
| Executive Summary: | | |
| This report proposes: | | |
| <ul style="list-style-type: none"> • The acquisition of additional land to accommodate the provision of a second highways junction at the southern boundary of the Horizon 120 site • The grant of a Deed of Easement, to Gridserve, in order that their vehicles and customers can access the proposed electric vehicle charging forecourt • The proposal is subject to receipt of satisfactory valuation advice | | |
| Recommended Decision: | | |
| That Cabinet approves and authorises: | | |
| <ol style="list-style-type: none"> 1. The Heads of Terms with the vendors 2. The Heads of Terms with Gridserve 3. The Corporate Director (Finance), in consultation with the Cabinet Member for Corporate Transformation, to approve the final Heads of Terms with the vendors 4. The Corporate Director (Finance), in consultation with the Cabinet Member for Corporate Transformation, to approve the final terms of a Deed of Easement, with Gridserve Limited | | |

Purpose of Decision:

The purpose of the recommended decision is to:

- Facilitate the provision of a second vehicle access, to Horizon 120, from the A131
- Accept the freehold transfer of additional land, to accommodate that access

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

| | |
|---|---|
| Financial: | This report recommends a land transaction. There will be associated professional fees, which will be met from the currently approved budget. Howes Percival have advised that Stamp Duty Land Tax will not become payable unless and until the option is exercised. The proposal will be subject to receipt of a satisfactory valuation report |
| Legal: | This proposal includes the disposal, acquisition and granting of separate interests in land. It therefore requires Cabinet authority to proceed. Howes Percival are advising on the property aspects of the proposed transaction. |
| Safeguarding: | No matters arising out of this report |
| Equalities/Diversity: | It has not been necessary to conduct an equalities impact assessment as this proposal is a refinement of an existing and approved project |
| Customer Impact: | No matters arising out of this report |
| Environment and Climate Change: | No matters arising out of this report |
| Consultation/Community Engagement: | No matters arising out of this report |
| Risks: | The additional risks, relevant to this proposal, are summarised in Section 5 below. On balance, the proposal is advantageous and serves to mitigate the overall level of risk |
| Officer Contact: | Aidan Kelly |
| Designation: | Interim Head of Strategic Investment |
| Ext. No: | 2580 |
| E-mail: | Aidan.kelly@braintree.gov.uk |

1. Background

- 1.1. On 21st December 2018, the Council completed the purchase of the Horizon 120 site, shaded cream in the plan attached as Appendix 1.
- 1.2. The terms of the purchase gave the vendors the right to connect to the Horizon 120 infrastructure when complete or, in any event, upon notice at any time after the tenth anniversary of completion.
- 1.3. Following completion of acquisition, considerable progress has been made in drafting a Local Development Order (LDO) and in designing and procuring the estate infrastructure, to the extent that the LDO will be capable of adoption in December 2019 and infrastructure works are programmed to start in January 2020. This report seeks authority for arrangements with the adjoining owner to facilitate this programme.
- 1.4. As part of the work to crystallise a vision, and to secure planning consent, officers, working with the Members Reference Group, developed the concept of zoning, within the Horizon 120 site. The agreed objective is to segregate commercial uses and particularly to discourage heavy goods vehicles from travelling through the northern part, of the site, which has the potential for higher-technology businesses, offices, ancillary retail and potentially a hotel. A second highway junction, in the southern part of the site, was identified as a necessary component of the proposed infrastructure.
- 1.5. In parallel to the above, Gridserve had agreed terms, with the same vendors, in respect of the land shaded pink in the plan attached as Appendix 1. Gridserve's original proposal for an energy store but this has now evolved into a proposal for the UK's first fully electric vehicle charging forecourt. This has now received planning consent.
- 1.6. Gridserve also require a new vehicle junction to provide access, egress, and visibility to/from the A131. Essex County Council Highways Department advised that only one additional junction would be permitted and requested that Gridserve and the Council collaborate to arrive at a mutually acceptable solution.
- 1.7. Negotiations between the vendors, Gridserve and the Council has resulted in agreement on bi-lateral heads of terms between the Council and the vendors and separately with Gridserve. These heads of terms are summarised in sections 2 and 3 below.

2. Heads of terms between the Council and the vendors

- 2.1. The vendors will transfer, to the Council, the freehold interest, in approximately 0.4 acres on the periphery of the Gridserve (pink) land illustrated in Appendix 1, for the purposes of construction of a new, left in/left out junction with the A131.
- 2.2. It should be noted that this proposal releases an equivalent area of net developable land, within Horizon 120.

- 2.3. The Council will release the current pre-emption agreement on the “retained land” (green and pale blue) illustrated in appendix 1.
- 2.4. The Council will be granted a call option on the “option land” (green) illustrated in Appendix 1. The option will require the Council to use reasonable endeavours to promote the “option land” for future development and will enable the Council to acquire the “retained land.”
- 2.5. The outcome would be to increase Horizon 120 from 65 to 91.5 acres gross and from 47 acres net to in the order of 65 acres net.
- 2.6. It should be specifically noted that this is a call option which does not empower the vendor to require the Council, as purchaser, to complete the purchase.
- 2.7. The vendors will retain ownership of, and absolute discretion over, the “Wheaton land” (pale blue) illustrated in appendix 1. This area is approximately nine acres and is not allocated for development in the current or emerging Local Plan. At this stage, there is no indication as to the owner’s intended use other than continued arable farming. Any development would require planning permission and the Horizon 120 Local development Order would be a material consideration.
- 2.8. The Council will procure the construction of the Horizon 120 infrastructure and include vehicle access to the boundary of the “Wheaton land”.

3. Heads of terms between the Council and Gridserve

- 3.1. The Council will procure the construction of the additional road junction and the estate infrastructure to include access roads, roundabouts and spine roads, all as per the design submitted to Essex County Council Highways, for technical approval and as illustrated in Appendix 2.
- 3.2. Gridserve will contribute to the capital cost of the southern (second) junction and will meet the full cost of the access, to the forecourt, from the southern roundabout. This is considered reasonable as the access will primarily serve Horizon 120 and the Council had planned to meet 100% of the costs for an access in another location.
- 3.3. The Council will grant Gridserve a deed of Easement to permit vehicular access and egress to/from the A131 to/from the new forecourt.
- 3.4. Gridserve will assume responsibility for the maintenance of landscape areas between the new access road and the forecourt.

4. Options

- 4.1. Essex County Council has stated explicitly that a shared access is the only acceptable option.

- 4.2. The Council could propose an alternative location, for the new junction, within the Horizon 120 boundary. This would entail loss of developable area, and therefore value.
- 4.3. Choosing an alternative location would require additional design and a new application for technical approval. It would also require delay to adoption of the LDO and to consideration of the separate planning applications for infrastructure and levels.
- 4.4. The Council's technical team has explored a range of options to optimise the design, location and dimensions of the access road while making proper provision for heavy goods vehicles.
- 4.5. The heads of terms outlined above represent both the best and the most practical solution for all parties.

5. Risks

- 5.1. This section will address the additional risks arising from this proposal and will not reiterate the risks previously considered in respect of the Horizon 120 development.
- 5.2. Failure to agree terms, and to expedite the proposed transaction, will lead to delay and loss of value, as outlined in 4b and 4c above.
- 5.3. Failure to expedite the proposed transaction, in a timely manner, will delay the commencement of infrastructure works with a consequent adverse impact on delivery of the Gridserve forecourt and the initial buildings on Horizon 120.

6. Finance

- 6.1. The proposed transaction will not trigger a liability for Stamp Duty Land Tax.
- 6.2. The proposed transaction will facilitate the provision, of the second highways junction, on third party land and assist in maintaining the net developable acreage, within Horizon 120, at the forty-seven acres assumed in the financial modelling.
- 6.3. The additional fees incurred will be met from the currently approved budget.

7. Impact assessment

- 7.1. The impact is as per the impact assessment, for the wider development as outlined in below

| Corporate Strategy Objective | Direct Impact of Proposed Scheme |
|---|--|
| A sustainable environment and a great place to live, work and play. | The development will include extensive, structured landscape with links to the Great Notley Country Park. Should the "option land" be successfully promoted it is anticipated that the proposed Local Development Order, for Horizon 120, be |

| | |
|---|---|
| | amended and extended to include the “option land”. |
| A well-connected and growing District with high-quality homes and infrastructure. | A key objective will be to reduce outward commuting, by Braintree residents. |
| A prosperous District that attracts business growth and provides high-quality employment opportunities. | Despite the currently uncertain macro-economic climate, there is clear evidence that the site is attracting local and sub-regional companies seeking to expand. |
| A high performing organisation that delivers excellent value for money. | Horizon 120 is projected to realise an Internal Rate of Return (IRR). At this preliminary stage, it is anticipated that the “option land” will be equally successful. |

8. Legal implications

- 8.1. The Council can acquire the access land under the general powers to acquire land by agreement contained within the Local Government Act 1972. Accordingly it has the power to utilise the land for any related purpose including for use as a business park and ancillary land uses.
- 8.2. The Council has a matching power Section 123 of the Local Government Act 1972 to dispose of land for best consideration, which will be used to enable the sale or leasing of land.
- 8.3. In assessing individual transactions the Council will have to have regard to valuation advice which will need to indicate that the proposed transaction represents a commercially appropriate arrangement. For that reason, the authority requested will be subject to satisfactory valuation advice.
- 8.4. The proposals are considered to represent a strong proposition, but do not fit the scope of the delegations granted by Council in July 2019. The transaction is therefore referred to Cabinet for consideration. The July 2019 report is a key consideration against which the proposal can be assessed and it considered that the proposals are consistent with the Council’s agreed objectives.
- 8.5. Howes Percival Solicitors are advising on the property aspects of the proposed transaction.

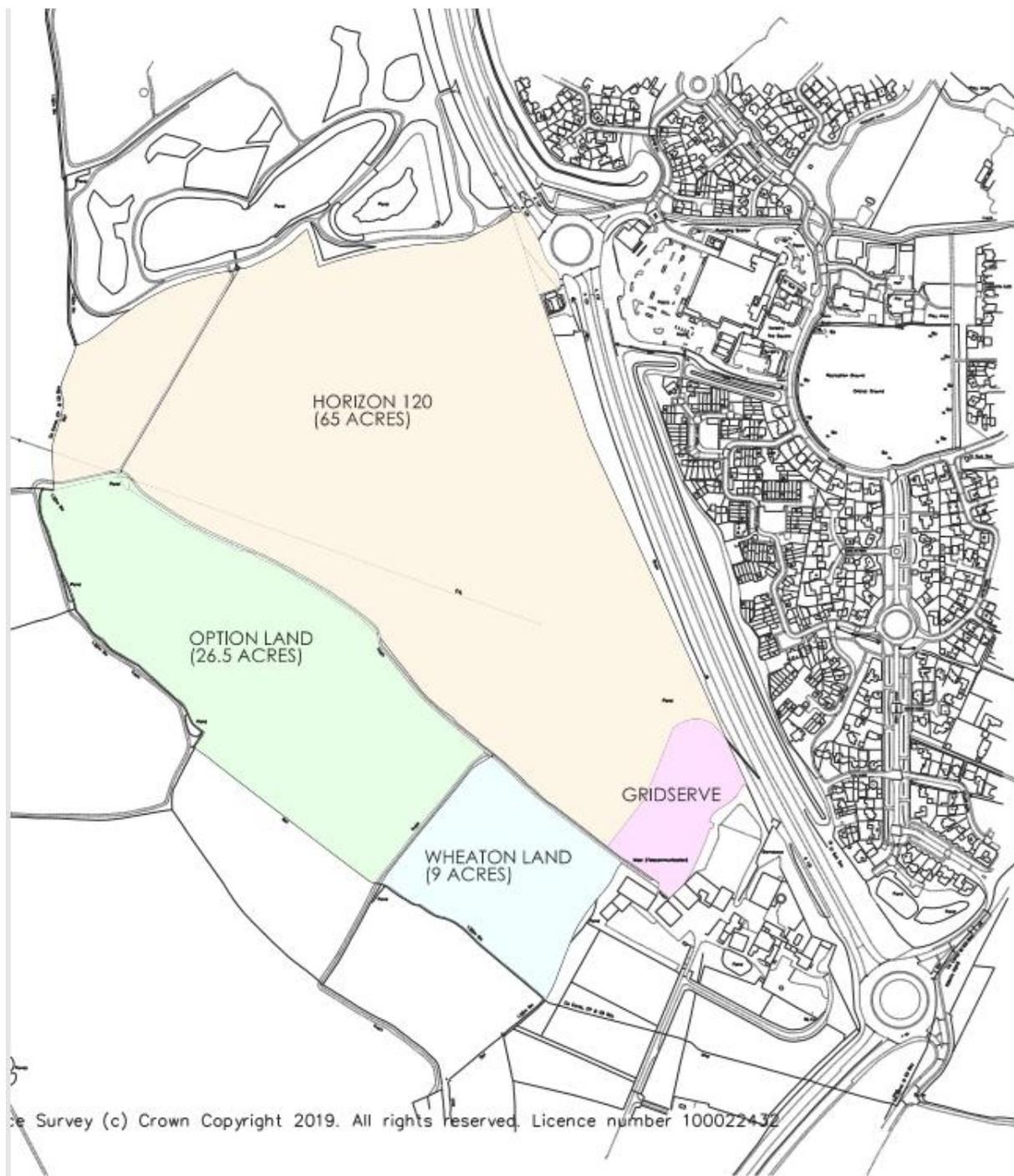
9. Summary

- 9.1. As stated, in the February 2019 Cabinet report, the Council now has both the opportunity and the responsibility to realise the potential, of Horizon 120, achieving what the private sector, working alone, failed to deliver over the preceding ten years.

- 9.2. The proposals above are consistent with the agreed vision but require decisions which lie beyond the delegated authorities approved in July 2019.
- 9.3. The purpose of this report is to make specific recommendations, and to seek further delegated authority, in order to expedite effective governance and decision making, whilst minimising delay.

Appendix 1

Horizon 120



Appendix 2 – Preferred estate road layout

