

Minutes

Cabinet

2nd December 2019



These minutes principally record decisions taken and, where appropriate, the reasons for the decisions. A webcast of the meeting is available at www.braintree.gov.uk.

Present:

Portfolio	Cabinet Member	Present
Leader of the Council	Councillor G Butland	Yes
Deputy Leader of the Council Economic Development and Infrastructure	Councillor T Cunningham	Yes
Communities Culture and Tourism	Councillor F Ricci	Yes
Corporate Transformation	Councillor J McKee	Yes
Environment and Place	Councillor Mrs W Schmitt	Yes
Finance and Performance Management	Councillor D Bebb	Yes
Health and Wellbeing	Councillor P Tattersley	Yes
Homes	Councillor K Bowers	Yes
Planning	Councillor Mrs G Spray	Yes

Also present as an invitee of the Leader: Councillor Mann, Leader of the Labour Group

Apologies had been received from Councillors Abbott and Mrs Pell.

28 **MINUTES**

DECISION: That the Minutes of the meeting of the Cabinet held on 9th September 2019 be approved as a correct record and signed by the Chairman.

29 **DECLARATIONS OF INTEREST**

INFORMATION: There were no interests declared.

30 **QUESTION TIME**

INFORMATION: There was one statement made in relation to Agenda Item 5a "Crossing Neighbourhood Plan (2019) – Procedure to Referendum". Mrs Susan Simpson, on behalf of Crossing Neighbourhood Plan Group & Crossing Parish Council, expressed her gratitude towards staff at Braintree District Council for their

work in respect of the Neighbourhood Plan. Mrs Simpson also passed on her thanks to the numerous residents and volunteers who became involved in the process and made valued contributions towards the Plan.

31 **** CRESSING NEIGHBOURHOOD PLAN (2019) – PROCEDURE TO REFERENDUM**

Minutes Published: 9 th December 2019 Call-in Expires: 17 th December 2019

INFORMATION: Members considered a report on the Cressing Neighbourhood Plan, procedure to referendum.

Members were provided with a brief introduction to the report. In 2013 Cressing Parish Council applied for a Neighbourhood Plan area covering their parish which was agreed and reaffirmed in September 2018. The Neighbourhood Plan group was set up by the Parish, and was responsible for developing the Neighbourhood Plan and undertaking its initial round of formal consultation. The group took comments received at this stage and modified the draft plan, before submitting it to the Local Planning Authority. The Local Planning authority was then responsible for the remainder of the Neighbourhood Plan process and had to undertake formal consultation, appoint an examiner, in consultation with the Parish, and once the examiners report was received, carry out the process for adopting the Neighbourhood Plan which included holding a referendum.

Members were advised that the examiner's report concluded, *"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."*

It was reported that a date for the referendum had not been set, however this was likely to be in early 2020.

Councillor Mrs Spray congratulated Cressing Parish Council and the Cressing Neighbourhood Plan Group for their continuous effort and commitment in producing the Plan.

DECISION: That Cabinet agreed:

1. 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. That a referendum on the Cressing Neighbourhood Plan take place.

REASON FOR DECISION: To enable the Cressing Neighbourhood Plan to progress to a local referendum.

32 **COUNCIL TAX – COLLECTION FUND SURPLUS – ALLOCATION TO TOWN AND PARISH COUNCILS**

INFORMATION: Members were advised that the Council’s budget setting process included estimating the amount of Council tax expected to be collected. Variation from the estimate would result in either a surplus or deficit on the Council Tax Collection Fund which would be either returned to, or requested from council taxpayers in the following year. The surplus or deficit was 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.

It was reported that the estimated balance on the Council Tax Collection Fund available for distribution in 2020/21 was a surplus of £1,229,000, and would be allocated as follows; Essex County Council would receive £888,303, Braintree District Council would receive £155,120, Essex Police, Fire and Crime Commissioner Policing & Community Safety would receive £134,919 and Essex Police, Fire and Crime Commissioner – Fire and Rescue Authority would receive £50,658.

The District Council’s proportion of the council tax surplus, to be returned to council taxpayers in 2020/21 was £155,120. Since 2015/16, when the surplus allocated to the Council first exceeded £100,000, the Council had agreed to allocate part of its surplus to the Town and Parish Councils. The allocations were made in proportion to each Council’s precept for the current year. The allocation calculated for Town and Parish Councils for 2020/21 was £29,450. This compared to the surplus returned to council taxpayers in 2019/20 of £113,625 (of which £21,040 was returned via payments to the Town and Parish Councils).

DECISION: That Cabinet agreed:

1. To recommend to Full Council 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 the report.

REASON FOR 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.

33 **A12 CHELMSFORD TO A120 WIDENING UPDATE – HIGHWAYS ENGLAND CONSULTATION**

INFORMATION: Consideration was given to a report that provided Cabinet Members with an update from Highways England on the widening of the A12 Chelmsford to A120.

It was reported that Highways England had announced the preferred route for the widening of the A12 between junction 19 at Boreham and junction 23 at Kelvedon South. This included indicative locations and purpose of junctions but did not provide detail at this stage. The new route would remove the two junctions either side of Hatfield Peverel, junctions at Witham North and Witham South would become all movements’ junctions and the A12 would bypass Rivenhall End.

Highways England had 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 had been proposed which were set out in the report.

It was reported that The Council remained 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 would dissect the tree lined avenue of well adapted black pines which lead up to the Hall. For this reason, along with a number of others, it was considered that option C would be the Council's favoured option.

The consultation on the new routes ran until the 1st December 2019, however Braintree District Council had been given an extension to the 3rd December 2019 to consider their views.

DECISION: That Cabinet agreed:

1. That the Councils response to the junction 23 to junction 25 additional consultation, as set out in the report, is submitted to Highways England.
2. 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 the report.

REASON FOR DECISION: To set out the views of Braintree District Council on the current Highways England consultation regarding the A12.

34 ACQUISITION AND DISPOSAL OF INTERESTS IN LAND ADJOINING HORIZON 120

INFORMATION: Members were reminded that this Item was linked to Item 9a in the Private Session of the Agenda, and that if any Member wished to refer to the private information contained within the report for that Item, it would be necessary for the meeting to be moved into Private Session.

DECISION: That, under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting if it is necessary to discuss Item 8a of the Agenda and the Private Report, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12(A) of the Act.

Both Agenda Items were taken together to enable consideration of all issues. It was not necessary for the debate to be moved into Private Session, although the report at Item 9a remained private.

INFORMATION: In December 2018, the Council completed the purchase of the Horizon 120 site. The terms of the purchase gave the vendors the right to connect to the Horizon 120 infrastructure. Following completion of acquisition, considerable progress had been made in drafting a Local Development Order (LDO) and in designing and procuring the estate infrastructure, to the extent that the LDO would be capable of adoption in December 2019 and infrastructure works are programmed to start in January 2020.

Members were advised that to secure planning consent, officers, working with the Members Reference Group, developed the concept of zoning, within the Horizon 120 site. The agreed objective was to segregate commercial uses and particularly to discourage heavy goods vehicles from travelling through the northern part of the site which had 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.

It was reported that Gridserve had agreed terms, with the same vendors. Gridserve's original proposal for an energy store had now evolved into a proposal for the UK's first fully electric vehicle charging forecourt. This had now received planning consent. Gridserve also required 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 collaborated to arrive at a mutually acceptable solution. Negotiations between the vendors, Gridserve and the Council had resulted in agreement on a bi-lateral heads of terms between the Council and the vendors and separately with Gridserve.

DECISION (PUBLIC REPORT): That Cabinet agreed:

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.

REASON FOR DECISION: To facilitate the provision of a second vehicle access, to Horizon 120, from the A131 and to accept the freehold transfer of additional land, to accommodate that access.

DECISION (PRIVATE REPORT): That Cabinet agreed:

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.

REASON FOR DECISION: To facilitate the provision of a second vehicle access, to Horizon 120, from the A131 and to accept the freehold transfer of additional land, to accommodate that access

The meeting commenced at 7.15pm and closed at 7:49pm.

COUNCILLOR G BUTLAND
(Leader of the Council)