

# Council AGENDA

**Monday, 5<sup>th</sup> October 2020 at 7.15 pm**

In accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held via Zoom and by the Council's YouTube channel – Braintree District Council Committees.

Members of the public will be able to view and listen to this meeting via YouTube.  
To access the meeting please use the link below:

<http://www.braintree.gov.uk/youtube>

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**Members of the Council are requested to attend this meeting to transact the business set out in the Agenda.**

**Membership:-**

Councillor J Abbott	Councillor P Horner	Councillor V Santomauro
Councillor J Baugh	Councillor D Hume	Councillor Mrs W Scattergood
Councillor Mrs J Beavis	Councillor H Johnson	Councillor Mrs W Schmitt
Councillor D Bebb	Councillor A Kilmartin	Councillor P Schwier
Councillor K Bowers	Councillor D Mann	Councillor Mrs G Spray
Councillor G Butland	Councillor T McArdle	Councillor P Tattersley
Councillor J Coleridge	Councillor J McKee	Councillor P Thorogood
Councillor G Courtauld	Councillor A Munday	Councillor N Unsworth
Councillor Mrs M Cunningham	Councillor Mrs I Parker	Councillor R van Dulken
Councillor T Cunningham	Councillor Mrs J Pell	Councillor D Wallace
Councillor C Dervish	Councillor I Pritchard	Councillor T Walsh
Councillor P Euesden	Councillor M Radley	Councillor L Walters
Councillor T Everard	Councillor S Rehman	Councillor Miss M Weeks
Councillor Mrs D Garrod	Councillor F Ricci	Councillor Mrs S Wilson
Councillor A Hensman	Councillor B Rose	Councillor J Wrench
Councillor S Hicks	Councillor J Sandum	Councillor B Wright
		Vacancy

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](mailto:governance@braintree.gov.uk) by 3pm on the day of the meeting.

A WRIGHT  
Chief Executive

## INFORMATION FOR MEMBER – DECLARATIONS OF MEMBERS' INTERESTS

### Declaration of Disclosable Pecuniary Interests (DPI), Other Pecuniary Interests (OPI) or Non-Pecuniary Interests (NPI).

Any Member with a DPI, OPI or NPI 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 DPI or OPI 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.

### Public Question Time – Registration and Speaking:

In response to the Coronavirus the Council has implemented procedures for Public Question Time for its virtual meetings which are hosted via Zoom.

The Agenda allows for a period of up to 30 minutes for Public Question Time.

Participation will be via the submission of a written question or statement which will be read out by an Officer or the Registered Speaker during the meeting. All written questions or statements should be concise and should be able to be read **within 3 minutes** allotted for each question/statement.

Members of the public wishing to participate are requested to register by contacting the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto: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 for Public Question Time if they are received after the registration deadline.

Upon registration members of the public may indicate whether they wish to read their question/statement or to request an Officer to read their question/statement on their behalf during the virtual meeting. Members of the public who wish to read their question/statement will be provided with a link to attend the meeting to participate at the appropriate part of the Agenda.

All registered speakers are required to submit their written questions/statements to the Council by no later than 9am on the day of the meeting by emailing them to [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk). In the event that a registered speaker is unable to connect to the virtual meeting their question/statement will be read by an Officer.

Questions/statements received by the Council will be published on the Council's website. The Council reserves the right to remove any defamatory comment in the submitted questions/statements.

The Chairman of the Committee has discretion to extend the time allocated for public question time and to amend the order in which questions/statements are presented to the Committee.

**Documents:** Agendas, Reports, Minutes and Public Question Time questions and statements can be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk)

**Data Processing:** During the meeting the Council will be collecting performance data of participants' connectivity to the meeting. This will be used for reviewing the functionality of Ms Teams/Zoom and YouTube as the Council's platform for virtual meetings and for monitoring compliance with the legal framework for Council meetings. Anonymised performance data may be shared with third parties.

For further information on how the Council processes data, please see the Council's Privacy Policy. [https://www.braintree.gov.uk/info/200136/access\\_to\\_information/376/privacy\\_policy](https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy)

We welcome comments 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 to [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk)

<b>PUBLIC SESSION</b>		<b>Page</b>
<b>1</b>	<b>Apologies for Absence</b>	
<b>2</b>	<b>Declarations of Interest</b> 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.	
<b>3</b>	<b>Minutes of the Previous Meeting</b> To approve as a correct record the minutes of the meeting of Full Council held on 27th July 2020 (copy previously circulated).	
<b>4</b>	<b>Public Question Time</b> (See paragraph above)	
<b>5</b>	<b>To receive any announcements/statements from the Chairman and/or Leader of the Council.</b>	
<b>6</b>	<b>Motion by Councillor James Abbott - Cycling Motion</b>	<b>5 - 6</b>
<b>7</b>	<b>Update to Appointments to Committees of Council</b>	<b>7 - 15</b>
<b>8</b>	<b>White Paper - Planning for the Future. Braintree District Council consultation response</b>	<b>16 - 40</b>
<b>9</b>	<b>Horizon 120 – Enterprise Centre - PUBLIC</b>	<b>41 - 50</b>
<b>10</b>	<b>Cabinet Report to Full Council</b>	<b>51 - 64</b>
<b>11</b>	<b>Exclusion of the Public and Press</b> To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.	
<b>PRIVATE SESSION</b>		
<b>12</b>	<b>Horizon 120 – Enterprise Centre - PRIVATE</b>	

**Motion by Councillor James Abbott - Cycling Motion**

**Agenda No: 6**

**Motion presented by:** Councillor James Abbott  
**Motion Seconded by:** Councillor Nick Unsworth  
**Motion support by:** Councillor Mrs Joanne Beavis  
Councillor Stevie Hicks  
Councillor Mrs Jenny Sandum  
Councillor Paul Thorogood  
Councillor Tom Walsh  
Councillor Miss Michelle Weeks  
Councillor Bob Wright

Cycling Motion:

*Council welcomes the recent investment from Government in cycling and the publication by the Government of Gear Change (2020) - 'A bold vision for cycling and walking' - that recognises the transport, health, air quality and economic benefits of cycling.*

*Council notes that the Cycling Motion agreed unanimously at the [June 2020 Braintree District Council Full Council](#) meeting is very supportive of the Government priority to boost levels of cycling.*

*Council notes that to date much of the immediate investment in Essex has been targeted to town centre areas.*

*Council further notes the ambitions, proposals and recommendations contained within the Essex Cycling Strategy, the Braintree District Cycling Action Plan and the Draft Braintree District Local Plan, but that many of these have not yet been delivered and that within the 3 main towns in the District, the cycling network remains somewhat "fragmented".*

*Council recognises that National Cycle Network routes 16 and 50 offer important longer distance cycling opportunities but that these are confined to the south west of the District and that there are no other National Cycle Routes within Braintree District.*

*Council notes that the Motion agreed at the [June 2020 Braintree District Council Full Council meeting](#) supports "the long term development of a comprehensive cycling network that is, as far as possible, segregated from traffic and which serves residents both within towns and villages and between them, and which also links in with key public transport infrastructure such as railway stations."*

*To this end Council agrees that it will work with partners including Essex County Council, neighbouring District and Borough Authorities, local communities, Sustrans and voluntary cycling groups such as EC2K, both to deliver on existing Plans and Strategies*

*and to develop the longer-term comprehensive cycling network. Potential sources of funding can include the Local Highways Panel (which can also act as a delivery mechanism), developer contributions and regional and national funding.*

*Council agrees that the following strategic route corridors will form the basis of the initial development work for new and enhanced cycling links between the towns, larger villages and railway stations:*

- *Earls Colne - Coggeshall – Kelvedon Railway Station (EC2K);*
- *Witham Railway Station - Silver End - Cressing village – Braintree Railway Station (B1018 corridor);*
- *Hatfield Peverel Railway Station - Witham - Rivenhall End - Kelvedon - Feering - Marks Tey Railway Station (A12 corridor);*
- *Rayne – Braintree (Flich Way) - Bradwell - Coggeshall - Marks Tey Railway Station (A120 corridor).*

Appropriate Notice of the Motion has been given to the Chief Executive in accordance with Council Procedural Rule 18 of Chapter 2 of the Constitution.

Note: Please note that the blue underlined text are hyperlinks to the meeting of Full Council of 1<sup>st</sup> June 2020 and have been added by the Governance Service to assist Members.

<b>Update to Appointments to Committees of Council</b>		<b>Agenda No: 7</b>
<b>Portfolio</b>	<b>Overall Corporate Strategy and Direction</b>	
<b>Corporate Outcome:</b>	<b>A high performing organisation that delivers excellent and value for money services</b>	
<b>Report presented by:</b>	<b>Councillor G Butland, Leader of the Council</b>	
<b>Report prepared by:</b>	<b>Kim Cole. Head of Governance and Monitoring Officer</b>	
<b>Background Papers:</b>	<b>Public Report</b>	
<p>Constitution Report and Minutes of Full Council – <a href="#">21<sup>st</sup> May 2019</a> and <a href="#">22<sup>nd</sup> July 2019</a></p> <p><a href="#">Delegated Decision by Andy Wright, Executive – Remote hearings and democratic processes during pandemic – 23<sup>rd</sup> April 2020</a></p>	<b>Key Decision: No</b>	
<b>Executive Summary:</b>		
<p>At the Annual General Meeting of the 21<sup>st</sup> May 2019 the Council appointed seats to committees in accordance with the proportions of Councillors in political groups at that time. These appointments were amended following a further decision of Full Council on 22<sup>nd</sup> July 2020.</p> <p>Due to the Coronavirus pandemic, the implementation of the Local Authorities and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (the Regulations), the Chief Executive by delegated authority agreed that no AGM would be held for 2020/21. A consequence of this decision was that all Committee appointments and appointments to outside bodies made at the AGM for 2019/20 continued during the 2020/21 Civic Year.</p> <p>As part of the annual AGM preparation it is the Council's usual practice to review the Committee Memberships and appointments to outside bodies. While the Council did not hold an AGM, the Council has carried out this review and this report sets out the changes to the Committees and outside appointments.</p> <p>This change in proportion required a reconsideration of the balance of the various groups and the allocations of seats.</p>		

**Recommended Decision:**

That the Council:-

1. Notes the political balance requirements and to agree the allocation of seats to political groups as set out in this report;
2. Approve the appointments to the Committees and Outside Bodies as set out in paragraphs 4.2 of the report;
3. Approve the change to the Licensing Committee as set out in paragraph 4.3 of the report;
4. Approve the changes to the Chairman of the Performance Management Board as set out in paragraph 5.1 of this report;
5. Notes the changes to size and membership of the Cabinet Sub-Committee - Local Plan Sub-Committee as set out in paragraph 6.2 and 6.3 of this report;
6. Notes the changes to the Membership of the Cabinet Sub-Committee - Developing Democracy Group and the membership of the remaining Cabinet Sub-Committees as set out in paragraphs 6.6, 6.7 and 6.9 of this report; and
7. Authorise the Head of Governance to amend the Council's Constitution to reflect the changes detailed in this report.

**Purpose of Decision:**

To comply with legislation and to enable the Council to discharge its functions through Committees and Cabinet Sub-Committees.

<b>Any Corporate implications in relation to the following should be explained in detail.</b>	
<b>Financial:</b>	There are no material financial implications to this decision. Any marginal costs associated by an increase in the size of the Local Plan sub-Committee can be met from existing budgets.
<b>Legal:</b>	<p>Article 4 Section 1.1.6 of the Constitution states that it is a function of Council to make appointments to Committees unless the appointment is a Cabinet function or has been delegated by Council to a Committee or Officer. Other matters are addressed within the body of the report.</p> <p>Article 4 of the Constitution, states that it is a matter for the Leader of Council to create Sub-Committees to discharge executive functions as set out in the Local Authorities (Functions and Responsibilities) (England) Regulations. These committees are not subject to the rules of political proportionality and the size and membership can be altered by the Leader. The Leader is only required to report any amendments to Cabinet Sub-Committees and does not need to seek Full Council approval.</p>
<b>Safeguarding:</b>	No matters arising out of this report.
<b>Equalities/Diversity:</b>	<p>The determination of the political proportionality on committees is determined in accordance with the statutory provisions.</p> <p>Formally it is a matter for political groups to determine the membership of individual committees within the proportionate allocation to the groups.</p>
<b>Customer Impact:</b>	No matters arising out of this report.
<b>Environment and Climate Change:</b>	No matters arising out of this report.
<b>Consultation/Community Engagement:</b>	The Council undertakes consultation with the relevant groups in order to finalise the allocation of seats and the Membership of Committees.
<b>Risks:</b>	The political balance rules can only be departed from if there is no dissenting vote at Council. Failure to comply would result in a breach of statutory duty which could be the subject of judicial review proceedings.
<b>Officer Contact:</b> Kim Cole	
<b>Designation:</b> Head of Governance and Monitoring Officer	
<b>Ext. No:</b> 2629	
<b>E-mail:</b> <a href="mailto:kim.cole@braintree.gov.uk">kim.cole@braintree.gov.uk</a>	

## **1. Introduction**

- 1.1. This report outlines the requirements set out in the Local Government and Housing Act 1989 to allocate seats on Council Committees and Sub-Committees to Political Groups on a politically proportionate basis. The Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 apply with some exceptions to any Committees established under the Constitution.
- 1.2. On 24<sup>th</sup> August 2020, Councillor Ronald Ramage resigned as a District Councillor with immediate effect. As a consequence of the resignation the Council is to reconsider the political proportions on Committees.
- 1.3. The revised membership of the Council (49 seats with one vacancy) for the purpose of the allocation of seats is broken down as follows:-
  - 33 - Conservative Group
  - 9 - Green and Independent Group
  - 4 - Halstead Residents Association
  - 2 - Labour Group
  - 1 – vacancy

## **2. Political balance requirements**

- 2.1. The allocation of seats on ordinary Committees must be in the same proportion as the number of Members of the Group bears to the membership of the Council as a whole.
- 2.2. The Council has a duty when allocating or reviewing the allocation of seats on Committees to give effect so far as is reasonably practicable to the following four principles:-
  - (i) all the seats are not allocated to the same political group;
  - (ii) the majority of the seats go to the political group in the majority on the full Council;
  - (iii) subject to the above two principles, the total number of seats on the ordinary Committees of the Authority are allocated to each Political Group in the same proportion as the Group's representation on the full Council; and
  - (iv) subject to the above three principles, the number of seats on each Committee are allocated to each political group in the same proportion as the Group's representation on the Council.

## **3. Council Committee and Sub-Committee allocations**

- 3.1 A review of the political proportions has been carried out to reflect the changes caused by the resignation of Councillor Ramage who was a member of the Conservative Group. The changes in political balance are set out below:
  - Conservative Group – over percentage variance of -0.4%
  - Green and Independent Group - over percentage variance of +0.3%
  - Halstead Residents Association - over percentage variance of +0.2%

- Labour Group - over percentage variance of 0%

3.2 The Council has a duty when allocating or reviewing the allocation of seats on Committees to give effect to these changes, so far as is reasonably practicable. As there is no significant changes to the existing arrangements of Committees, it is proposed that there are no changes to the Political Proportionally of the Committees. This will be reviewed in event of an election, which are currently suspended in accordance with the Regulations.

#### 4. Council Committee and Outside Body Appointment Vacancies

4.1 As a consequence of the resignation of Councillor Ramage, there are number of Committee vacancies and a vacancy on an outside body appointment.

4.2 The table below sets out those vacancies and the Member to be appointed to fill the vacancies. As the vacancies are a result of the resignation of a Conservative Group Member the proposed replacement Member must also be selected from the Conservative Group. The appointment to the outside body will be for the remainder of the 2020/21 Civic Year and is not required to be an appointment from the Conservative Group.

<b>Committee:</b>	Proposed Member:
Licensing Committee (1 seat - Conservative)	Councillor Richard Van Dulken
Partnership Development Group (1 seat - Conservative)	Councillor Andrew Hensman

<b>Outside Body Appointments for 2020/21:</b>	Proposed Member:
Braintree and Greenfield Community Grants Panel	Councillor Mrs Sue Wilson

4.3 In addition there is a further amendment to the membership of the Licensing Committee, which is as follows:

<b>Previous Member</b>	<b>Replacement Member</b>
Councillor Jenny Sandum	Councillor Tom Walsh

4.4 Accordingly the membership for the Licensing Committee will be as follows:

- Councillor J Baugh (Chairman)
- Councillor B Rose (Vice Chairman)
- Councillor J Beavis
- Councillor P Euesden
- Councillor A Hensman
- Councillor H Johnson
- Councillor J Pell
- Councillor S Rehman
- Councillor P Schwier
- Councillor Robert Van Dulken

- Councillor T Walsh
- Councillor L Walters
- Councillor S Wilson
- Councillor B Wright

4.5 The resignation of Councillor Ramage also creates a vacancy of the Vice-Chairman of the Partnership Development Group. This posting can only be filled from the membership of the Partnership Development Group, therefore it is proposed that Councillor Ian Pritchard will be appointed a Vice-Chairman. As Vice-Chair Councillor Ian Pritchard will be entitled to a Special Responsibility Allowance in accordance with Member Allowance Scheme (as set out in Chapter 3 of the Council's Constitution), which if accepted will commence from the date of appointment by Full Council.

## **5. Changes to Performance Management Board.**

5.1 It is propose to change the Chairman of the Performance Management Board from Councillor Nick Unsworth (Green and Independent Group). In accordance with the Constitution, the Chairman of the Performance Management Board can not to be a Member of the Majority Group (Conservative Group). Therefore it is proposed to appoint Councillor Mick Radley (Halstead Residents' Group) as Chairman of the Performance Management Board. Councillor Unsworth will remain as a Member of the Performance Management Board.

5.2 As Chairman, Councillor Radley, will be entitled to a Special Responsibility Allowance in accordance with Member Allowance Scheme (as set out in Chapter 3 of the Council's Constitution), which if accepted will commence from the date of appointment by Full Council, 5<sup>th</sup> October 2020. Councillor Unsworth's entitlement to the Special Responsibility Allowance will cease on the date of decision of Full Council, 5<sup>th</sup> October 2020.

5.3 Accordingly, the Membership for Performance Management Board will be:

- Councillor Mick Radley (Chairman)
- Councillor Peter Schwier (Vice-Chairman)
- Councillor James Coleridge
- Councillor George Courtauld
- Councillor Charlie Dervish
- Councillor Tony Everard
- Councillor Saif Rehman
- Councillor Bill Rose
- Councillor Nick Unsworth

## **6. Changes to Cabinet Sub-Committee**

### **Local Plan Sub-Committee**

6.1 As set out in Article 4 of the Constitution, it is a matter for the Leader of Council to create Sub-Committees to discharge executive functions as set out in the Local Authorities (Functions and Responsibilities) (England) Regulations. The Local Plan Sub-Committee is a Sub-Committee of Cabinet

and not of full Council, therefore it is not subject to the rules of political proportionality and the size and membership of the Local Plan Sub-Committee can be altered by the Leader. The Leader is only required to report any amendments to Cabinet Sub-Committees and does not need to seek Full Council approval. The changes to the Local Plan Sub-Committee will come into effect from the date of Full Council, 5<sup>th</sup> October 2020

- 6.2 The size of the Local Plan Sub-Committee will expand by two Members, increasing the membership from 10 to 12 Members.
- 6.3 The Membership of the Local Plan Sub-Committee will also change. Councillors James Abbott, James Coleridge and Jenny Sandum will join the Committee taking up the additional seats and replacing Councillor Tom Walsh who will be removed.
- 6.4 Accordingly, the Membership for Local Plan Sub-Committee will be:
- Councillor Mrs Gabrielle Spray (Chairman)
  - Councillor David Bebb (Vice-Chairman)
  - Councillor James Abbott
  - Councillor Kevin Bowers
  - Councillor Graham Butland
  - Councillor James Coleridge
  - Councillor Tom Cunningham
  - Councillor Tony Everard
  - Councillor Patrick Horner
  - Councillor David Hume
  - Councillor Jenny Sandum
  - Councillor Justine Wrench

### **Developing Democracy Group**

- 6.5 As set out in Article 4 of the Constitution, it is a matter for the Leader of Council to create Sub-Committee to discharge executive functions as set out in the Local Authorities (Functions and Responsibilities) (England) Regulations. The Developing Democracy Group is a Sub-Committee of Cabinet and not of full Council, therefore it is not subject to the rules of political proportionality and the membership of the Developing Democracy Group can be altered by the Leader. The Leader is only required to report any amendments to Cabinet Sub-Committees and does not need to seek Full Council approval. The changes to the Developing Democracy Group will come into effect from the date of Full Council, 5<sup>th</sup> October 2020.
- 6.6 It is the discretion of the Leader to include in the membership of the Developing Democracy Group the Chairman of the Performance Management Board. In light of the changes to the Chairman of the Performance Management Board, the Membership of the Developing Democracy Group will also require amendment. Accordingly Councillor Nick Unsworth will be removed from the Developing Democracy Group and will be replaced with Councillor Mick Radley as the newly appointed Chairman of the Performance Management Board.

6.7 In addition, Councillor James Abbott (Leader of the Green and Independent Group), Councillor Hylton Johnson and Councillor Mrs Wendy Schmitt will also be removed from the Developing Democracy Group, and will be replaced by Councillor Tom Cunningham and Councillor Richard van Dulken.

6.8 Consequently the Membership for Developing Democracy Group will be:

- Councillor Graham Butland (Chairman)
- Councillor Tom Cunningham
- Councillor David Bebb
- Councillor Mick Radley
- Councillor Mrs Gabrielle Spray
- Councillor Richard van Dulken
- 1 x Member of the Labour Group, currently identified as Councillor David Mann
- 1 x Member of the Halstead's Residents Association, currently identified as Councillor Mrs Jackie Pell

6.9 The membership of the remaining Cabinet Sub-Committees are as follows:

#### **Member Development Group**

Membership:

- Councillor Frankie Ricci (Chairman)
- Councillor Mrs Charley Dervish
- Councillor Peter Schwier
- Councillor Mrs Sue Wilson
- 1 x Member from the Labour Group – yet to be nominated
- 1 x Member from the Halstead Residents Association – yet to be nominated
- 1 x Member from the Green Party – yet to be nominated

#### **Strategic Investment Programme Group (SPIG)**

Membership:

- Councillor John McKee (Chairman)
- Councillor David Bebb
- Councillor Kevin Bowers
- Councillor Tom Cunningham
- Councillor Peter Schwier
- 1 x Member of the Green Party – yet to be nominated

#### **Horizon 120 Project Reference Group**

Membership:

- Councillor Tom Cunningham (Chairman)
- Councillor John Baugh
- Councillor Frankie Ricci
- Councillor Bill Rose
- Councillor Peter Schwier
- Councillor Richard van Dulken

- 1 x Member of the Labour Group, currently identified as Councillor David Mann
- 1 x Member of the Green Party, currently identified as Councillor James Abbott

### **Housing Development Company Project Reference Group**

#### Membership:

- Councillor Kevin Bowers (Chairman)
- Councillor David Bebb
- Councillor Patrick Horner
- Councillor Mrs Iona Parker
- Councillor Ian Pritchard
- Councillor Justin Wrench
- 1 x Member of the Labour Group, currently identified as Councillor David Mann
- 1 x Member of the Halstead Residents Association, currently identified as Councillor Mrs Jackie Pell

### **Manor Street Project Reference Group**

#### Membership:

- Councillor Tom Cunningham (Chairman)
- Councillor Kevin Bowers
- Councillor Mrs Mary Cunningham
- Councillor Andrew Hensman
- Councillor Saif Rehman
- Councillor Mrs Wendy Schmitt
- 1 x Member of the Labour Group, currently identified as Councillor Tony Everard

7. No other sizes of committees, the appointments of Members or the appointments of Chairman or Vice Chairman are impacted as a result of this report.

<b>White Paper: Planning for the Future. Braintree District Council consultation response</b>		<b>Agenda No: 8</b>
<b>Portfolio</b>	<b>Planning</b>	
<b>Corporate Outcome:</b>	<b>Connecting people and places Promoting Prosperity</b>	
<b>Report presented by:</b>	<b>Councillor Gabrielle Spray – Cabinet Member for Planning</b>	
<b>Report prepared by:</b>	<b>Andrew Martin – Senior Planning Officer</b>	
<b>Background Papers:</b>	<b>Public Report</b>	
White Paper: Planning for the Future <a href="https://www.gov.uk/government/consultations/planning-for-the-future">https://www.gov.uk/government/consultations/planning-for-the-future</a>	<b>Key Decision: No</b>	
<b>Executive Summary:</b>		
<p>On the 6<sup>th</sup> August 2020 the government released a consultation on a White Paper: Planning for the Future which proposes fundamental reforms to the planning system across 3 pillars:</p> <p>Pillar 1 – Planning for Development Pillar 2 – Planning for beautiful and sustainable places Pillar 3 – Planning for infrastructure and connected places</p> <p>The premise to seek to simplify the planning system and make greater use of technology, whilst ensuring community involvement, are supported, as are many of the broad proposals set out within the White Paper. However the Council has a number of detailed questions and points that it will wish to raise in response to the consultation and as a result of the Council's own experiences.</p> <p>Consultation closes on the 29<sup>th</sup> October 2020 and <b>Appendix 1</b> includes a proposed draft response to the consultation from Councillor Mrs Spray.</p>		
<b>Recommended Decision:</b>		
<ol style="list-style-type: none"> <li>1. Council notes the publication of the White Paper 'Planning for the Future' and that the Government is seeking responses to its proposals by 29th October 2020.</li> <li>2. Council agrees that following the briefing session held for all Members on 18th September 2020 and the debate on the White Paper held at Full Council on 5th</li> </ol>		

October 2020 the Cabinet Member for Planning, Councillor Gabrielle Spray, will submit the Council's response.

**Purpose of Decision:**

To consider and debate the White Paper: Planning for the Future and agree to delegate responsibility for a final response to the central government consultation questions set out in the White Paper.

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

<b>Financial:</b>	None at this stage.
<b>Legal:</b>	None at this stage. However if the government wishes to make some of the amendments set out in this consultation document then it will need to follow the relevant legal processes.
<b>Safeguarding:</b>	No matters arising out of this report.
<b>Equalities/Diversity:</b>	The government will need to consider the implications of the proposed policies.
<b>Customer Impact:</b>	None at this stage. If the proposals in the consultation are taken forward these will impact on all customers of the planning service.
<b>Environment and Climate Change:</b>	None at this stage.
<b>Consultation/Community Engagement:</b>	The Council has undertaken an all member briefing to seek views which have fed into this report.  The government is seeking wider views in this consultation period which closes on the 31 <sup>st</sup> October.
<b>Risks:</b>	No matters arising from this report
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## **1 Introduction**

- 1.1 On the 6<sup>th</sup> August 2020 the Government published 'Planning for the Future', a planning White Paper which sets out proposals for major reform to the current system. A consultation on the White Paper is now open and closes on the 29<sup>th</sup> October 2020.
- 1.2 Within the document the proposed changes being consulted upon are grouped into three separate pillars which are; planning for development; planning for beautiful and sustainable places; and planning for infrastructure and connected places. Under each pillar a number of proposals are set out, many of which have corresponding questions to focus the consultation responses.
- 1.3 The White Paper sets out a total of 26 questions, although it is notably that not all of the questions may be relevant or necessary for the Council to respond to. It is not proposed that all of the questions are proposed to be answered. A full version of the White Paper document can be found here:  
<https://www.gov.uk/government/consultations/planning-for-the-future>
- 1.4 There is also a separate consultation which closed on the 1<sup>st</sup> October 2020, relating to short term changes to the current planning system. This was subject to a separate response by Braintree District Council.

## **2 Engagement**

- 2.1 A Member Briefing was held on 18th September 2020 where Officers presented a summary of the proposals across the 3 pillars (Pillar 1 – Planning for Development; Pillar 2 – Planning for beautiful and sustainable places; and Pillar 3 – Planning for infrastructure and connected places). 29 Members were in attendance at that briefing and were able to ask questions of Officers and debate the initial views on the proposals. The draft consultation response seeks to capture the views and comments expressed by Members during the briefing session.

## **3 Responding to the Consultation**

- 3.1 Within the White Paper there are 26 specific questions, which the government is seeking views upon. Responses must be submitted by the deadline of the 29<sup>th</sup> October 2020.
- 3.2 In this Council, the Constitution sets out that responses to these types of consultations are a function which has been delegated to the relevant Cabinet Member, in this case the Planning portfolio. Whilst this remains the case for this consultation, given the importance of planning in affecting all residents and businesses in the District; and the scale of the changes proposed to the system it was considered appropriate that the Members be given the opportunity to debate the white paper. This took place with Officers present at a briefing in 18<sup>th</sup> September 2020 and the debate as part of tonight's meeting.
- 3.3 A proposed draft response is therefore set out as Appendix 1 to this report for information.

#### **4 Recommendations**

- 4.1 Council notes the publication of the White Paper 'Planning for the Future' and that the Government is seeking responses to its proposals by 29th October 2020.
- 4.2 Council agrees that following the briefing session held for all Members on 18th September 2020 and the debate on the White Paper held at Full Council on 5th October 2020 the Cabinet Member for Planning, Councillor Gabrielle Spray, will submit the Council's response.

## **Appendix 1 Draft Consultation Response**

The following sets out each of the questions which are within the government's white paper and a draft response to them, based on officer views and views expressed by members at the briefing evening on the 18<sup>th</sup> September 2020.

Please note that not all questions are proposed to be answered.

### **Q1. What three words do you associate most with the planning system in England?**

No response proposed

### **Q2. Do you get involved with planning decisions in your local area? [Yes / No]**

No response proposed

**Q2(a). If no, why not?** *[Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]*

No response proposed

**Q3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?** *[Social media / Online news / Newspaper / By post / Other – please specify]*

No response proposed.

**Q4. What are your top three priorities for planning in your local area?** *[Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]*

No response proposed.

### **Q5: Do you agree that Local Plans should be simplified in line with our proposals?**

In principle there is no objection to the proposed land designations and the desire to simplify the Local Plan process is strongly supported. However, this would be on the basis that it is confirmed that the three designations proposed can be layered, with flexibility built-in for local planning authorities to define the remit of what can be protected, within reason. What can and cannot be defined in each layer would also need to be clearly set out in guidance.

For instance, it is envisaged that a Renewal area could have an overlaying Protection area, in order to safeguard say a local park or Conservation Area. From reviewing the information set out under Proposal 1 it appears that this would be the intention, with open countryside outside of Growth and Renewal areas, Conservation Areas, Local Wildlife Sites, areas of significant flood risk, important areas of green space, and gardens all highlighted as being capable of protection.

Nonetheless, clarification would be welcomed on the remit of Protection areas at a local level, alongside how the different types of land falling under a Protection area would be treated in policy terms. Additional information is also required on how the designation areas would interact with one another where there is an overlap. Critically, though the Council would need to be satisfied that its interpretation is correct insofar as Growth areas are not proposed to be the primary designation, and that Protection areas are not to be limited to specific instances such as Green Belt and AONBs, at the expense of local countryside designations and green spaces of importance within urban areas. For development proposed within the Protection areas, we would also need to be assured that elected Councillors would still continue to have a role in considering the appropriateness or otherwise of any development proposed.

**Q6: Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?**

In part yes, as it is recognised that there are a range of policies that could be readily addressed at a national level, such as those pertaining to heritage, highways, flood risk, householder extensions, and so on. At the same time it is also noted that nationalising general development management policies could significantly reduce the length and complexity of local plans, which could in turn speed up the local plan adoption process.

However, firm assurances would be needed that there would remain scope for area and site specific issues to be addressed at a local level, as inevitably it will not be possible to capture the vast differences between local plan areas, or even within local plan areas, when it comes to matters such as design. In light of this there should be a mechanism to deviate from the national policies where, as an exception, local circumstances indicate otherwise. This could be achieved through the accompanying text to designations within the local plan, as well as through local design guides and codes.

It is encouraging to understand that local planning authorities and local communities, through Neighbourhood Plans, would continue to play a crucial role in producing design guides and codes that reflect local character and preferences for new development. The system proposed would though have significant implications for the role of Neighbourhood Plans (NP), which is very important to consider when

many local communities in the District, as elsewhere, have invested a lot of time and resources into producing NPs.

Therefore, going forward, we would need to understand whether the role of NPs has been fully considered in relation to the land designation proposals and the changes to development management policies. A further commentary on the changes to NPs is provided in response to Q13(a) and Q13(b) below.

**Q7(a): Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?**

Reducing the onerous requirements of the existing soundness tests would be a positive measure. At present producing a Sustainability Appraisal is a very time and resource intensive process which is difficult to understand and engage in. Replacing it with a simpler process, that would still satisfy the environmental impact requirements of UK and International law, is therefore viewed favourably.

Similarly, a slimmed down assessment of deliverability would be an agreeable change, particularly as the existing approach to delivery can hinder ambition and forward-thinking beyond the plan period, something that become particularly pertinent in the context of many Garden Communities that have been found unsound at examination, including one within our own District. This is not to say that deliverability of the plan should not be a consideration, but rather expectations should be realistic, not overly burdensome, and reflective of commercial realities.

Moreover, whilst the Duty to Cooperate can be useful when determining the impacts of local plans beyond their administrative areas of jurisdiction, it is acknowledged that the requirement can led to significant disruption in the progress and adoption of local plans. This has been particularly the case when it comes to considering housing numbers. How strategic, cross-boundary issues could be addressed in the absence of the Duty to Cooperate, including but not limited to housing requirements is discussed in response to Question 7(b) below.

As a caveat to all of the above, it is very difficult at this stage to provide a definitive response to the question posed, based upon the very limited amount of information that has been provided with respect to the consolidated test of “sustainable development”. It is cited that the concept of sustainable development is an existing and well-understood basis for the planning, however, the way in which this concept would be translated into a test for assessing local plans has not been made clear.

Furthermore, sustainable development is founded upon the interpretation of economic, social, and environmental objectives. Differences in interpretation of the concept, between stakeholders, would therefore inherently continue to arise during the local plan adoption and assessment process.

**Q7(b): How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?**

One way in which cross-boundary issues could continue to be addressed, in the absence of the Duty to Cooperate, would be through the promotion of joint local plans. Many local planning authorities have already adopted this approach, including Braintree District Council and its North Essex partners, as in principle joint local plans are an effective way of planning for strategic development and infrastructure across a greater geographical area than individual authorities.

Other proposals outlined within the White Paper, such as the proposed standard method for housing, in addition to digitalising local plans and producing a national map of strategic planning, could also in part overcome some of the current strategic issues faced, in terms of housing and infrastructure planning, when producing and adopting a local plan.

However, there would still need to be a mechanism in place to ensure that substantial development and infrastructure proposals are appropriately planned for by necessitating that local planning authorities, infrastructure providers, and statutory consultees work together collaboratively.

One of the major shortfalls of the current Duty to Cooperate is its binary nature, insofar as it is a pass or fail test. Therefore, unlike other plan-making matters, there is no provision to work through the Duty to Co-operate at the examination stage, if shortfalls are identified. Accordingly, failure to meet the test means withdrawing the local plan and starting again, with significant time and cost implications. Any measure introduced in the absence of the Duty to Cooperate should be far more flexible in terms of the examination process.

**Q8(a) Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?**

In principle there is no objection to the introduction of a standard method. This is on the basis that it would generate binding housing targets that would be issued to local planning authorities to comply with. Such an approach would increase certainty and streamline the plan-making process, however, no further details have been provided at this stage as to how the housing figure would be calculated. Agreement to the standard method will therefore be dependent on a transparent and detailed consultation on the method to be utilised and a realistic number of homes to deliver. Targets which take no account of local circumstances or the realism of the local market are not achievable and it is unfair to then punish local planning authorities and their residents because these targets are not being met.

Furthermore, additional guidance would be required on how local planning authorities can be expected to demonstrate that they have met their figure as part of their local plan, given the proposed land designation classifications are intended to set out

general parameters and design considerations rather than a specific yield. Further guidance on the calculation of windfalls (such as those from permitted development rights changes) and lapse rates would also be helpful, as these could become major points of contention.

The removal of the five-year housing land supply requirement is welcomed, as it has put an emphasis on planning permissions rather than completions, when there is evidently a discord between those two measures. Nonetheless, the retention of the Housing Delivery Test (HDT) indicates that local planning authorities will still be held accountable for delivery, which is an ill-conceived strategy. Local planning authorities should not be subject to penalties as a result of circumstances beyond their control.

In essence, as has been found through the Letwin Review, and other research completed by bodies such as the RTPI, TCPA, and Shelter, the issue is with the number of completions not the number of planning permissions. As such, measures need to be introduced that target landowners and developers, especially where sites are intentionally being stalled to benefit from optimal market conditions.

**Q8(b): Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?**

A simplistic approach of increasing housing requirements in the least affordable places is unlikely to overcome the issue of affordability. This is evident from the fact that this approach has been consistently applied for some time, yet in the least affordable region of the south-east home ownership is still not a viable option for many, with house prices continuing to rise. Affordability is a complex issue that is not solely linked to supply. Cost and the availability of affordable credit are perhaps two of the most notable factors that have hindered affordability, and neither are intrinsically or exclusively linked to the planning system.

With regards to using the extent of existing urban areas as an indicator of the quantum of development to be accommodated, for the Braintree District it is inevitable that growth will be required beyond existing towns and key service villages, as increasing the scale and density of development alone would be insufficient and also inappropriate to a predominantly rural district with historic centres. Moreover, there will not always be sufficient infrastructure within existing urban areas to accommodate substantial growth, and in any event the extent of existing urban areas is not determinative of local ambition, future needs, and trends.

Additionally, using a work-based earnings ratio as part of the affordability measurement has a disproportionate impact on commuter towns, particularly those which serve London.

Applying a high affordability 'adjustment factor' or 'multiplier' to volatile household projections, released every two years, will lead to further uncertainty in the

calculation of figures and a fixed figure, over say a 5 year period linked to Local Plan reviews would be more appropriate.

**Q9(a): Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?**

Yes, it would be appropriate for the principle of development to be firmly established through the adoption of a local plan, and an outline planning permission would seem to be a sensible route to achieving this. It follows that this outline permission could become an implementable planning permission through the approval of a reserved matters application or, as is also proposed, a Local Development Order. Clarification would though be required on how the outline permission would stand in legislative terms. For instance, it is unclear whether the outline permission or the evidence supporting it would expire, as it currently would through the planning application route, or whether it would remain extant for the entirety of the proposed 10 year plan period, or how it would be possible to prove deliverability in the Housing Delivery Test.

The Council has recently adopted an LDO for a large employment area in the District. It is noted that this was a time consuming process for officers to consider all the relevant issues that were needed to be addressed and provide a suitable balance between flexibility and high quality design and environmental credentials. It therefore may be worth noting that the LDO route, in our experience, was no quicker than an outline planning permission.

Additional information is also needed on how the outline permission would be achieved. From our understanding of the proposals, under this Pillar and beyond, the onus would be on the landowners and developers to submit the necessary information to the Council in order to determine the outline permission. Confirmation of this would be gratefully received.

The achievement of this objective, by front-loading the planning process, with outline planning permissions considered at the plan-making stage, will not doubt be a significant challenge planning departments in terms of time and resource capacity. Subsequently, the success of the proposal will be dependent on local planning authorities being sufficiently supported, as otherwise there is a risk that the ambition might fall short of reality.

Moving onto the proposal for faster routes to detailed consent, this is not agreeable. This is because whilst the matter of principle would be addressed at the plan-making stage, considering the detailed matters for a strategic or large-scale major development is not a small task, even where design codes and guides are in place. The existing 13 week determination period is considered to be an appropriate timescale for resolving a major development, providing that any statutory consultees are able to respond to consultations more efficiently.

As a final note, we would not support the expansion of the Permission in Principle consenting route as a means of achieving this objective.

**Q9(b): Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?**

No. The consenting routes proposed for Renewal areas would be unacceptable. For instance, automatic planning permissions, subject to the prior approval of pre-specified forms of development under a patternbook model, seems to go against the stated intention within Pillar Two of fostering greater design through opposition to generic design and a promotion of local distinctiveness, civic engagement, and beauty. This is discussed further in response to Q20.

Likewise, introducing a faster planning application process for other development proposals within Renewal areas is not supported, as even with greater certainty being provided through a digital, concise and legible local plan, there will remain a need for meaningful public consultation and flexibility to resolve contentions between stakeholders. Assessment processes are not instant and reducing the amount of time allotted for local planning authorities to determine applications could impact upon the quality of decision-making or lead to more planning applications being refused. Existing statutory timescales should be retained.

The concept of a Neighbourhood Development Order does not seem necessary. By introducing further consent routes, across a wide range of scales, would lead to further complexity and uncertainty.

In terms of the proposed consenting arrangements for Protection areas, there are no immediate concerns, given proposed developments would come forward as they do now through a conventional planning application.

Likewise, there is no objection to maintaining the option for development proposals to come forward within Growth and Renewal areas that differ from the local plan parameters, subject to this being the exception rather than the rule under a planning system with a strengthened plan-led approach.

**Q9(c): Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?**

Development Consent Orders (DCO) have proven to be quite effective in terms of their approval rate. However, they have not been used at great length, and have not to date been applicable to residential development, meaning their effectiveness at delivering new settlements is unknown.

It is though recognised that delivery of new settlements by means of a DCO through the Nationally Significant Infrastructure Projects regime could be explored further.

This proposal could be tested and developed through a pilot, perhaps alongside other pilots such as an LDO or a Locally Led Development Corporation.

**Q10: Do you agree with our proposals to make decision-making faster and more certain?**

It is acknowledged that having a greater level of certainty over determination timescales is desirable for all parties. However, a number of measures are set out under Proposal 6 for the purpose of ensuring that the statutory timescales are met, some of these measures are considered acceptable and some of them are not.

As a starting point, we would support the digitalisation of the application and planning process, and in many respects the Council has already endeavoured to bring some of the changes to fruition through software updates and the implementation of an interactive local validation checklist. It is though accepted that the Government has a more wholesale change in mind and to that end the intention to bring forward a specific Spending Review proposal for modernising the planning system is viewed favourably.

Standardising planning application submissions could be beneficial, but limiting the content of a major planning application to drawings, plans and a planning statement of no more than 50 pages could oversimplify the submission requirements to a point where it is difficult to fully assess the impacts of the planning application. Indeed, it is rather misleading to suggest that such requirements would be all that is needed to validate an application, when in a subsequent paragraph under Proposal 6 reference is made to the necessary technical information needed to determine a planning application. Matters of highways, flood risk, tree, ecology, drainage, landscape impact, heritage, and so on, all need to be considered as part of the planning process and cannot be sufficiently covered by plans, drawings, and a planning statement.

If standardising planning applications and their supporting technical information is to proceed as a proposal, we would expect to see a much greater level of detail on how the objective will be satisfactorily met, without detriment to the ability of local planning authorities to fully assess the impacts of a proposed development.

Standardising planning conditions for certain issues is again something that could be supported, subject to careful consideration of what matters they would cover, in addition to their specific wording. A consultation on this would be beneficial once draft conditions have been formulated.

Increasing the use of delegated powers, where the principle of development is established, would certainly reduce the time taken to decide certain applications. It could also allow planners more discretion in applying professional judgement. Notwithstanding this, it is an issue that should be given sensitive consideration, particularly given the impact it would have on the way in which local democracy is exercised. Nevertheless, under the proposed system, as part of which there would

be an emphasis on front-loading the planning process by converging plan-making, the principle of development, and design expectations, it would seem more appropriate for locally elected members to have an increased role at the plan-making stage rather than the detailed application stage.

In terms of the specific proposal to introduce strict adherence to statutory timescales, it must be recognised that delays often occur for a variety of reasons, including as a result of outstanding statutory consultation responses, and mutual negotiations to ensure a high-quality of design is achieved. Planning departments should not be penalised for circumstances beyond their control. It is also ill-advised to further strip resources from planning departments that are not meeting deadlines by introducing automatic refunds of the planning application fee. The issue will only get worse and the likelihood is that more planning applications will be refused. Likewise, automatic fee rebates for applications allowed at appeal would not assist in tackling the central issue of ensuring that planning departments are adequately resourced, but in any event such a proposal should not proceed until suitable measures have been introduced to ensure an appropriate quality and timeliness for PINs decisions in their own right. For example BDC has just received an appeal decision after a 2 year wait. This has caused substantial issues in terms of evidence going out of date, has taken significant time and costs resources for all parties and has led to an intolerable time of uncertainty for the local residents. Issues such as this need urgent address and we would welcome further proposals for the reform of the Planning Inspectorate to be brought forward at pace.

Introducing deemed consents, for certain types of planning applications, would also be a completely unacceptable way of incentivising performance. A measure of this nature would also undermine the Government's objective to foster beauty and high-standards of design through planning outcomes, as set out under Pillar Two.

Alternative incentives for consideration, with regards to speed of decision-making, should be:

- Re-introducing a planning grant or bonus for planning departments that meet performance expectations.
- Removing the 'free-go' fee exemption.
- Introducing a fee for Listed Building Consents.
- Establishing certain instances where a mutually agreeable extension of time may be acceptable for a prescribed period of time.
- Returning a more suitable proportion of the application fee where statutory timescales are exceeded without a mutually agreeable extension of time in place.

It is noted that the Government proposes to increase planning application fees. The fee increases should fairly reflect the time and resources required to assess and determine the various application types.

**Q11: Do you agree with our proposals for accessible, web-based Local Plans?**

Whilst the Council already publishes development plan documents online, alongside an interactive mapping system, it is understood that the current format of local plans revolves around a core document, its associated evidence, and supplementary guidance. Notably, local plans in their current format typically comprise of extensive text-based policies, to which maps and plans can appear secondary. This can of course make it difficult for members of the public to engage with planning in their local area, particularly in instances where they have no prior experience or knowledge of the planning system.

Therefore, it is agreed that web-based local plans, which are focussed on maps rather than supporting text, could facilitate an interactive, visual and legible system which is more easily understood by all parties. Standardising digital local plans, so that they can be stitched together as part of a national strategic map of planning, would also assist in generating a greater understanding of what is occurring beyond individual local authority boundaries. The effectiveness of this will however be dependent on all of the local planning authorities bringing forward digital local plans at a similar time.

There is no disputing that a digital system could enable new civic engagement processes, by harnessing the latest technologies available through mobile phones and other smart devices, making it easier and more convenient for a wider range of people to understand what is being proposed where and how it will affect them. This is particularly pertinent in the case of engaging younger generations, who ordinarily have a very limited response rate to public consultations in relation to planning. It is however important to ensure that any changes do not disengage other members of our community, and those within rural areas

Removing the requirement for newspaper advertisements is a welcomed measure on the basis that is a very costly and outdated means of generating public participation.

Nonetheless, it must be acknowledged that there are many people who do not have access to the latest technology, or who may not feel comfortable using digital technologies. Similarly, it has to be stressed that it is not clear how inclusive the digital system would be for individuals with disabilities. Therefore, whilst the ambition for a streamlined digital system is commended, it would be necessary to retain some of the more traditional forms of local plan presentation and publication for those who would otherwise be excluded.

As a closing comment, successfully achieving the digital revolution proposed for the planning system will require significant investment into planning departments.

**Q12: Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?**

In principle a 30 month statutory timescale for the production of local plans seems reasonable, when also taking into account the transitional timescale of 42 months for local planning authorities who have adopted a local plan within the previous three years, or where a local plan has been submitted for examination.

However, given the degree of front-loading proposed as part of the plan-making process, the most significant challenge will be ensuring that sufficient resources and support are in place to deliver the ambition. This because, whilst 30 months may seem like a generous length of time, when the various tasks at hand are outlined, not least of which are designating all land within one of the three land categories; completing public consultations; assessing outline planning permissions for Growth areas designations; producing comprehensive design guides, design codes, and masterplans; in addition to successfully navigating the examination process, it becomes apparent that the timescales are in reality going to leave very minimal room for unexpected circumstances or setbacks, including a change in Council strategic direction or election changes. Officers experienced in these matters at local authorities are usually small in number and therefore it may not be possible for a small number of officers to undertake all the work required in this time.

Consolidating the numerous existing regulations into a simple, easy to understand, five stage process is not objectionable, as presently the plan-making and adoption processes are not conducive of wide-spread understanding by those not involved in the planning profession. But the intention to incorporate strict timescales for public engagement, which would take place during two of the five stages, could hinder the ability to carry out meaningful engagement, especially seeing as there would only be six weeks of public consultation at Stage 3. Guarantees and measures would need to be brought forward to satisfy the Council that high-quality, meaningful, public participation will be central to the production and delivery of local plans. The Council would also need to be assured that local elected members were also able to have the time to fully consider the Local Plan and the increased detail of design that would be within it, despite the shortened timescale.

The alternative option proposed, in terms of removing the examination stage entirely and allowing local planning authorities to undertake a self-assessment. There are concerns that this would put local planning authorities at even greater risk of a legal challenge.

**Q13(a): Do you agree that Neighbourhood Plans should be retained in the reformed planning system?**

Neighbourhood Plans have proven to be a popular way for local residents to engage in planning matters within the District. There is however a discord between the amount of weight that can be afforded to a neighbourhood plan, which has lesser examination requirements, in comparison to the overarching local plan itself. This is particularly evident in instances where there is an absence of a five-year supply, given in such circumstances the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits in the tilted balance, meaning those areas without a neighbourhood plan are potentially prejudiced.

Furthermore, due to their integral relationship with the local plan, neighbourhood plans can in some cases introduce duplication of policy. Likewise, despite their intended objective to make development more acceptable to communities, by giving them a greater role in shaping how it comes forward, they can become vehicles for resisting development rather than shaping it.

In light of the above, it is unclear as to the purpose that Neighbourhood Plans would serve within the new system. Neighbourhood plans take considerable effort and resources from local communities and therefore need clearly defined parameters and to bring a real benefit to the local community. If the Local Plan must designate all land, and set design codes for their development, and development management policies would be set at a largely national level, it is unclear what the continuing purpose of neighbourhood plans would be.

Lastly, if statutory deadlines are to be introduced for local plans, they should also be considered for the preparation and adoption of neighbourhood plans.

**Q13(b): How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?**

As set out in our response to question 13(a) we are unclear as to the function of neighbourhood planning in the new system of digitalised, streamlined planning. Local communities should be involved in the process of producing design guides and codes that reflect local character and vernacular, however this could be done through the local plan process.

Neighbourhood plans could continue to serve an important role for place making by establishing design expectations for their respective areas of jurisdiction. Careful consideration would though need to be given as to how such design preferences would relate and interact with the design expectations set out as part of the overarching local plan. It could lead to uncertainty if there are numerous design guides and codes applicable, at various scales, to the same area.

The proposal to adapt the concept of neighbourhood plans so that they can be produced at an individual street level is not supported. This could undermine

comprehensive design strategies for an area and lead to additional layers of complexity and inconsistency.

**Q14: Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?**

It is positive to see that the findings of the Letwin Review are being taken seriously, as planning is only one factor of many when it comes to the delivery of housing. A planning permission is essentially futile if not implemented or built-out.

Updating the NPPF to require that substantial development sites are not homogenous, by seeking to incorporate a variety of development types by different builders, could help in addressing this issue. This is because it would generate more phases for delivery, alongside greater competition between developers, as a result of the increase in outlets.

There are though potential shortfalls to this approach in the short term and medium term. Landowners, site promoters, and developers tend to enter into lengthy Option agreements, in certain circumstances they can be 10 or 15 years in duration, with opportunities available to extend them even further. This is a trend that is growing within the development industry as housebuilders have become acutely aware of the financial gain that can be achieved through promoting sites themselves rather than buying sites at an inflated price from a land promoter at a later date.

As a consequence, future sites proposed for substantial development may already be under Option to a single developer, meaning that by enforcing variety such sites could be stalled due to time consuming land transactions and general land assembly negotiations. For instance, the distribution of dwellings across a large-scale site will become contentious, as each developer or landowner will be seeking to maximise the return from their own respective parcels.

As such, local planning authorities should be given more powers to exercise on occasions where sites have been stalled for prolonged periods of time, or where an impasse has clearly been reached between interested parties. Further options could include making better use of compulsory purchase powers; introducing financial penalties; and bringing forward a process to remove sites from a local plan, where there is clearly no intention or prospect of delivery, in place of an alternative option.

**Q15 What do you think about the design of new development that has happened recently in your area?**

No response proposed.

**Q16 Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?**

In respect of Q16, concern is raised over the lack of specific proposals within the White Paper to address issues of sustainability, climate change, and how more can be done to reverse the decline of nature. While it is acknowledged that the White Paper highlights other initiatives that are coming forward, we would welcome further clarification and detailed proposals for the role that the reformed planning system will have to help address these critical issues. Furthermore, there is no reference to other issues such as stress on water resources which is a particular concern in the local area. Issues such as this need more consideration as part of these wider reforms.

**Q17: Do you agree with our proposals for improving the production and use of design guides and codes?**

Yes, the proposal to expand the use and quality of design guides and codes is viewed favourably. It is also agreed that these design expectations should be set out early in the planning process. If design codes and masterplans are brought forward by developers at the plan-making stage it would also introduce a market incentive for developers to work proactively in achieving the highest-standards of design, as they will effectively be in competition with one another, with the Council taking the decision as to which sites should be brought forward in accordance with local design preferences and expectations.

Further clarity will be needed on how the various iterations of national design guidance, such as the National Design Guide, National Model Design Code, and Manual for Streets, will interact with the local design guidance in the form of masterplans, design guides and codes, and neighbourhood plans.

It would also be important to note that Design Codes are a delicate balance between the sufficient level of detail to ensure high quality development, without becoming too prescriptive and therefore stifling design. Guidance and support for local authorities in their production would therefore be welcome.

**Q18: Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officers for design and place-making?**

There is already a good understanding of design amongst planners within the Council's planning department which is supplemented by specialist advice from an experienced Urban Designer. Nonetheless, due to the volume of work that would be required to implement design guides and codes on a far wider basis, additional support would be gratefully received.

Introducing chief officers for design and place-making is also agreeable. It is though unclear whether this is a re-branding exercise of existing chief planner posts or whether it represents an additional post.

A further measure that would assist would be to generally increase the capacity of local planning authorities. It is noted that subsequent proposals within the consultation document recognise the need to further increase staffing levels within planning departments. The transition to the new system will require a huge amount of work and sustaining it will require even more investment.

**Q19: Do you agree with our proposal to consider how design might be given a greater emphasis in the strategic objectives for Homes England?**

Improving the design quality of housing and developments in general is of course strongly supported. It is though unclear what the role of Homes England would be in this. Further details would be required on this matter in order for the Council to respond fully to this question.

**Q20: Do you agree with our proposals for implementing a fast-track for beauty?**

The 'fast-track for beauty' proposal is far reaching. With regards to requiring masterplans to be agreed as a condition of the outline permissions granted through local plans, this is supported. However, the reference to Permission in Principle (PiP) under Proposal 14 is a cause for concern, as the Council would not support the expansion of that consenting route. This is because PiP gives rise to a number of issues and ultimately post-pones the assessment of critical information until a later date. There is as a consequence potential for sites to become undeliverable after the local plan is adopted, if a critical technical issue cannot be resolved. The Council's views on expanding the role of PiP have been relayed at length in response to the 'Changes to the current planning system' consultation.

Furthermore, as has already been discussed in response to preceding questions, expediting timescales for detailed applications within Growth areas is not supported. This is because the detailed matters in their own right require a considerable amount of assessment. It is not therefore plausible to suggest that the detailed assessment and resolution of a substantial development, including a meaningful period of public consultation, could be completed in all cases within less than 13 weeks. This is irrespective of whether a development is informed by local design preferences or not.

Turning to the proposal to increase the remit of the permitted development regime, this is again not supported. A recent review commissioned by the Government itself highlighted that permitted development rights have led to a substandard provision of design and amenity. It therefore seems perverse to respond to that finding by introducing further permitted development rights that would only serve to dilute the quality of design and amenity further. More housing should not be at the expense of high-quality housing. Permitted development rights should be viewed in the context of the habitable accommodation that they will provide, rather than their contribution towards increasing the housing stock.

With regards to the specific proposal of extending permitted development rights in Renewal areas to facilitate a pattern book model for new development, we would assert that this is not a good idea. To suggest that a historic model, applied to Bourneville, Belgravia, and the Royal Terrace in Bath, would be desirable and appropriate for application on a wholesale basis, to a hugely diverse country, within modern society, is ill-founded. Concepts of good design and beauty are subjective, and whilst there may be local preferences, quantifying those preferences so that they can be replicated on a large-scale basis drastically oversimplifies place-making. It is not realistic to suggest that popular and replicable designs can be produced at a national scale and yet positively respond to local context.

If implemented the proposed pattern book model would lead to conditions that favour developers who simply want to apply a standard house type model. Something that the Government has recently recognised can lead to 'anywheresville' housing. Allowing the parameters of the pattern book model to be altered through local orders would not mitigate against the resulting harm. Design guides and codes should be the vehicle for fostering high-quality design and places where people want to live, not a list of predetermined criteria that will lead to substandard and unresponsive designs being replicated on mass.

To summarise the Council objects strongly to the fast-track to beauty proposal.

### **Additional Point**

It is disappointing to note that whilst the White Paper discuss effective stewardship and enhancement of our natural and historic environment that the White Paper does not actually ask a consultation question on these matters. The Council would therefore like to take the opportunity to set out that whilst in principle it supports the simplification of the framework for assessing environmental impacts and enhancement opportunities, any process must still ensure that appropriate consideration is given to the environment.

Sustainability Appraisals and Environmental Impact Assessment have become very long and overly complex, making them difficult for those in the industry and residents to engage in them, but also making them time consuming and expensive, and therefore the need for change is recognised. However this should not come at the expense of proper consideration of the environmental impacts of development. The Council therefore urges the government to work with statutory and non-statutory environmental bodies to come up with an appropriate mechanism for considering these impacts.

**Q21 When new development happens in your area, what is your priority for what comes with it?** [More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

No response proposed

**Q22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?**

Braintree District Council acknowledges the delay and uncertainty that S106 can bring into the development process. However it would also note that the Council has been very successful in using the S106 system to secure affordable housing and contributions to key infrastructure improvements, alongside or in advance of new developments, when they are most needed.

The detail in the White Paper as to what the proposed infrastructure levy would look like, and crucially how much money it would provide to support infrastructure is not sufficient for the Council to say at this stage whether it would be supportive of the new Levy. However it would note that any new levy introduced would need to be transparent, efficient and secure at least the same or ideally more funding to the Council to support infrastructure being delivered at the right time, and to support the operation of Local Plan and enforcement teams.

**Q22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?**

Without further detail it is unclear as to how a nationally set rate of Infrastructure Levy would work. Development values differ dramatically across the country, as do requirements for infrastructure delivery, indeed this is often the case with developments in a single local planning authority area. It is therefore unclear as to how this would work in practice to secure at least the same overall value or more value to support infrastructure investment across the whole country.

It is recognised that a single nationally set rate of Infrastructure Levy would simplify and add clarity to the system, providing some certainty and reduction in the time taken, for example, to negotiate a S106 agreement. However it may be more appropriate for local planning authorities to be able to set a locally derived infrastructure levy based on a standardised local infrastructure delivery plan

**Q22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?**

It is critical that if the new Infrastructure Levy is implemented it captures the same or more value from development to support greater investment in infrastructure. There are many and competing demands on this infrastructure funding from a wide range of statutory bodies and at present it is not always possible to provide for all these demands and local planning authorities have to make difficult decisions between the

needs being expressed. Making appropriate contributions for new infrastructure is critical for the existing local residents who will often note the lack of school places, GP provision and open space, or the need for improved transport infrastructure as a reason for not supporting a development and who wish to ensure any issues they may have are not made worse by new development.

It should also be noted that the white paper notes that some of the infrastructure levy could be used to support Local Plan and enforcement teams, as well as to support other services and Council tax. If this is to be possible then the amount of infrastructure levy collected is less or the same as the amounts at present.

**Q22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?**

Braintree District Council is very concerned about the proposals to only secure infrastructure payments at the point of occupation for the development. The officers and members of the Council have worked hard with developers to ensure that the required infrastructure for a new development is built at the same time or in advance of new homes being built. This is a crucial factor for new residents when they are considering the acceptability of a new development in their area and therefore should be maintained. Any proposals that would affect the early delivery of infrastructure are therefore not supported.

The White Paper proposes that the Infrastructure Levy would be payable on occupation but it needs to be clarified as to whether this is the occupation of a single property, or the first occupation across the whole site, or even the last occupation on a whole site. Which one of these is intended would make a huge difference on the timing of the payments being received by the local planning authority. The administrative burden of monitoring and securing payments against single occupation for both the local planning authority and the developer may be substantial.

Braintree District Council notes and supports the government allowing local authorities to borrow against future Infrastructure Levy receipts, but is concerned in practice as to whether this would be appropriate and possible when considering the risks that the local authority would be taking in delivering substantial sums of money, against potential future receipts. This could be of particular concerns to smaller local authorities whose budget base is smaller. There are no guarantees that the development would be built out in a timely manner, or that the development values at the end of the development would be those that were expected at the beginning of the development, which further add to the risks for local authorities. In the current challenging economic climate, the risk that this borrowing would put on the finances of the Council may be too great. However it may be the only option for a Council which is looking to ensure proper infrastructure provision for new developments.

For the reasons set out above therefore, the Council is strongly against the proposals for the timing of the infrastructure levy receipts coming to the local planning authority

which risk the proper provision of facilities and services at a time when they are most needed.

**Q23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?**

Braintree District Council strongly agrees that the reformed Infrastructure Levy, if implemented, should apply to changes of use through permitted development rights. The increasingly level of residential development which is falling under permitted development rights should pay an appropriate contribution to local services and facilities. The eventual residents of an office to residential conversion for example, have no less use for education places, NHS services and road or public transport infrastructure, therefore the developers of these types of developments should make the appropriate contributions in line with the desire in the White Paper for those of benefit from the planning system to be those who pay for it.

**Q24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?**

It is critical that the new Infrastructure Levy, if implemented, should secure the required amounts of affordable housing delivery from all sites (In Braintree District this is currently 30% or 40% of the homes in the development). The need for affordable housing, has never been greater and therefore any changes to the system need to ensure that the supply of these homes continue.

It is also agreed that as much as possible of this affordable housing provision should be secured on site. This provides an appropriate community mix as part of a new development and avoids the potential 'ghettoization' of affordable only housing developments. Affordable housing is critical for delivery as it is often difficult or impossible for local authorities or registered providers to source appropriate land for affordable housing developments.

**Q24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?**

**Q24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?**

**Q24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?**

The proposals set out in the White Paper for the securing of affordable housing using the new Infrastructure Levy appear to be overly complicated and it is difficult to see at this stage how it would work in practice to ensure affordable housing provision is

secured on all new developments. Indeed the White Paper itself also recognises in paragraph 4.23 that the approach transfers risk to the local authority, although notes that the government could provide standardised agreements to codify how risk sharing would work as well as being addressed through policy design.

It is very important therefore that any process brought in such as the one outlined in the White Paper, is clear, transparent and ensures that affordable housing of appropriate quality, standard and volume can be brought forward efficiently.

### **Q25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?**

The White Paper proposes that local planning authorities may have more flexibility to spend infrastructure levy monies once the 'core infrastructure obligations are met'. It is unclear as to what how these would be defined and who would monitor whether the local authority has met these core obligations and deal with any disagreements over the spending of the infrastructure levy. It is also unclear how for example the local authority may balance the competing needs of funding existing staff and work such as those in the Local Plans teams, or enforcement teams.

It is the view of Braintree District Council that the Infrastructure Levy would need to bring in substantially higher receipts than it presently does, in order for the local authority to be able to utilise the funding in the flexible way envisaged here. However if that were to be the case, the flexibility is welcome.

As part of this flexibility the White Paper proposes to retain a 25% community share of the levy to be passed to the local parish Council. Braintree District Council strongly agrees with the white paper when it notes in paragraph 4.26 that it is important that there is a strong link between where development occurs and where funding is spent. However it is concerned that Parish Councils, may not have the skills, capability or appetite to be handed potentially substantial sums of money and get best value in spending that money on key infrastructure projects within their area. It is also assumed that, having built new infrastructure, such as open and play space, community buildings and the like, they will be required to take on the ongoing maintenance of such facilities. The ongoing risk and liabilities of this, may not be welcome from Parish and Town Councils.

Finally we have a concern about development, potentially large scale development, which may take place on the edge of larger towns or villages, but often that land falls within a neighbouring parish. The functional relationship may be with the bigger town or village and the facilities it has, but the money would go to the smaller parish, leaving the bigger area without local funding to support the facilities new residents may be using.

### **Q25(a). If yes, should an affordable housing 'ring-fence' be developed?**

The provision of affordable housing is one of the biggest benefits of new housing development and provides a key way that affordable housing levels are increased across the District. However that is not to say that other elements of infrastructure provision, such as funding school places and NHS provision are any less important.

**Q26 Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?**

No response proposed

<b>Horizon 120 – Enterprise Centre</b>		<b>Agenda No: 9</b>
<b>Portfolio</b>	<b>Corporate Transformation</b>	
<b>Corporate Outcome:</b>	<b>A sustainable environment and a great place to live, work and play</b>	
	<b>A prosperous district that attracts business growth and provides high quality employment opportunities</b>	
<b>Report presented by:</b>	<b>Councillor John McKee, Cabinet Member for Corporate Transformation</b>	
<b>Report prepared by:</b>	<b>Aidan Kelly, Interim Head of Strategic Investment</b>	
<b>Background Papers:</b>	<b>Public Report</b>	
None	<b>Key Decision: Yes</b>	
<b>Executive Summary:</b>		
<p>This report summarises the proposal to develop an Enterprise Centre on the Horizon 120 Business &amp; Innovation Park (the Project), to be part funded by a grant allocation from the Getting Building Fund from the South East Local Enterprise Partnership (SELEP).</p> <p>Although the Council has had a long-standing intention for the enterprise centre to be developed at Horizon 120, the Getting Building Fund programme was not foreseen during 2019/20 and therefore the Project was not included within the Project capital budget which was previously approved by Council on 17<sup>th</sup> February 2020</p> <p>The purpose of this paper is to seek the inclusion of the Project within the Councils Capital Programme and the associated allocation of a capital budget, subject to consideration and approval of the business case by Cabinet at its meeting on 21 October 2020 and final agreement to the Project by SELEP at the meeting of its Accountability Board on the 20th November 2020.</p>		

**Recommended Decision:**

That Council:

1. Note that the Project is subject to approval of a business case by Cabinet on 21 October 2020 and subsequently by the SELEP Accountability Board on 20 November 2020.
2. Note that the proposed building along with ancillary facilities are to be sited on an area of land allocated within the Horizon 120 Business and Innovation Park which totals two net developable acres
3. Approves the inclusion of the Project within the Councils Capital Programme
4. Note the proposed Braintree District Council funding for the Project is subject to the Corporate Director (Finance) having the flexibility to determine the most appropriate means of financing the Council's overall capital programme.
5. The Corporate Director (Finance), in consultation with the Cabinet Member for Corporate Transformation, to authorise acceptance of tenders, for capital works, which would exceed the approved budget by up to 5%

**Purpose of Decision:**

The purpose of the recommended decision is to enable the Council:

- to progress the Project by securing the required Braintree District Council capital contribution to its delivery and the Projects inclusion in the authorities Capital Programme;
- to secure Getting Building Fund grant from SELEP and
- to deliver the new Enterprise Centre and secure its resulting impact and outcomes for Braintree businesses and residents.

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

**Financial:**

The proposed building along with ancillary facilities are to be sited on an area of land allocated within the Horizon 120 Business and Innovation Park which totals two net developable acres, This land was excluded from the projected serviced land receipts included in the business case for Horizon 120.

Whilst the Council anticipates a future receipt under the S106 Agreement for the Panfield Lane residential development of £2.93 million, to be used towards a new enterprise centre within the radius of Panfield Lane, at the present time the timescale for receipt of this money is uncertain as it depends on the quantum of development that is completed by the developer. However, the Council's Development Services Manager has confirmed that the agreement does allow the Council to proceed with this project in advance of receipt, and then to use the monies once received to retrospectively repay part of the costs.

Consequently, until such time this money is received the Council will be required to finance the whole capital expenditure relating to the Project.

A bid to the SELEP has provisionally been approved with an allocation of £7 million from the Getting Building Fund. This allocation is subject to the approval of a detailed business case by the SELEP Accountability Board on 20 November 2020.

A Cabinet paper to be considered by Cabinet on the 21st October 2020 will include a proposal that the above Council contribution will be met by a mixture of capital reserves and prudential borrowing. It is recommended that this be subject to the Corporate Director (Finance) having the flexibility to determine the most appropriate means of financing the Council's overall capital programme.

Where prudential borrowing is used as part of the funding mix this will have a revenue cost comprising annual minimum revenue provision (MRP) and interest. An initial high level business case for the operation of the Enterprise Centre indicates that once usage has matured the estimated net income generated would be sufficient to meet these financing costs However, these projections do indicate that there would be some short-term cost to the General Fund revenue account. Further detail on the business case will be presented to Cabinet.

	An allowance for a 5% contingency on tendered prices would result in the overall capital cost increasing, which would need to be funded either from capital reserves or increased prudential borrowing. If the latter is used this would increase financing costs with a commensurate reduction in the net General Fund revenue position.
<b>Legal:</b>	The Council will be required to enter into a Grant Agreement with Essex County Council (as the Accountable Body for SELEP and upper tier authority covering Braintree within the SELEP area) for the Grant Funding if approved by the SELEP Accountability Board. This Agreement will set out the terms and conditions of the Grant and will hold the Council to account in terms of being able to meet the required timescales for project delivery and Grant spend associated with the Getting Building Fund.
<b>Safeguarding:</b>	No matters arising out of this report
<b>Equalities/Diversity:</b>	The proposed building will meet all disability access requirements and will provide facilities and services to individuals and companies irrespective of any protected characteristics. An Equalities Impact Assessment will be carried out and its findings will be included in the report to Cabinet.
<b>Customer Impact:</b>	The Project will provide a conducive environment for local entrepreneurs to develop new and grow existing businesses and job opportunities
<b>Environment and Climate Change:</b>	The building will be rated against the BREEAM (Building Research Establishment Environmental Assessment Method) up to the standard of Very Good and will benefit from the immediate adjacency of Great Notley Country Park and the high quality landscape required of developments on the Horizon 120 Business and Innovation Park by the associated Local Development Order (LDO).
<b>Consultation/Community Engagement:</b>	No matters arising out of this report
<b>Risks:</b>	Risks associated with the Project are summarised in section 5 below.
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## **1. The Project**

- 1.1. As part of the ongoing development of the Horizon 120 Business and Innovation Park site (the Site) Braintree District Council (the Council) intends to develop a purpose built Enterprise Centre. The purpose of this Centre is to provide an exemplar working environment and business support services for new and/or small companies in growth sectors, including the green economy, the life sciences and medical technologies sectors. The Enterprise Centre will also provide a hub for support services to businesses locating on the Site and deliver 150 new jobs in Braintree each year.
- 1.2. The Enterprise Centre will be in a prominent location in northern part of the Site within Zone A as defined in the LDO, which is reserved for offices, hotel and an intended “Hub”.
- 1.3. Given the building’s prominence, particular emphasis is being placed upon design standards and specification in order to set the standard for subsequent buildings on the site. The building will be highly energy efficient and will achieve the minimum standard of Very Good, under BREAMM.
- 1.4. The Enterprise Centre will consist of three floors; a high quality reception and ground floor area which will provide an open-plan work-space, conference facility and cafe, designed and equipped to encourage and facilitate collaboration and innovation between businesses. The upper two floors will contain a series of meeting rooms and serviced offices which will be let on flexible terms.
- 1.5. A total of five design options have been considered in liaison with the Council’s Development Services Team. The current preferred design has been identified as the optimum solution, allowing for the Project to be delivered within the estimated capital costs, providing the best utilisation of the Site and supporting the delivery of the desired outcome of the Project through the provision of a mix of flexible individual workspaces and communal collaboration space. This includes an atrium area, providing “outside space”, which will be useable regardless of weather.

## **2. Business Case and Grant Funding**

- 2.1. Having successfully entered an initial bidding process in July of this year, the Council has been provisionally allocated funding under the Getting Building programme, administered on behalf of the government by the South-East Local Enterprise Partnership (SELEP).
- 2.2. The final business case for the Project will be considered by the SELEP Accountability Board on 20<sup>th</sup> November 2020. If approved the Council will be allocated £7 million by way of a grant towards the capital costs of the new enterprise centre.
- 2.3. Fundamental factors which enabled the Council to secure provisional allocation from SELEP were:

- 2.3.1. That the project will support the recovery of the Braintree economy from the Covid 19 crisis by supporting the development of new businesses and the growth of existing businesses
- 2.3.2. The project is deliverable within the short timescale that the Fund requires;
- 2.3.3. The Site is already owned by the Council;
- 2.3.4. Planning permission has been secured with the adoption of the LDO;
- 2.4. A key condition of the grant allocation by the SELEP will be the need for the Getting Building Fund monies are expended before 31<sup>st</sup> March 2022. To that end the Enterprise Centre will need to be substantially complete by 31<sup>st</sup> March 2022 however it will be acceptable for the internal fit-out and some external works to be completed in the following 2-3 months.
- 2.5. SELEP, and ECC have imposed a strict and demanding timescale for submission and evaluation of the business case for the project, to fit in with the condition of spending the Grant monies by the end of March 2022. If the Council wishes to proceed with the Project and seek SELEP consideration and approval of the funding, the Council must submit its final business case no later than 16<sup>th</sup> October 2020.
- 2.6. In order to support the Council in achieving this timescale an accelerated programme of work has commenced and is being led by a multi-disciplinary Project Team drawn from across the Authority. This has allowed initial design and technical work to be undertaken at speed.
- 2.7. Although the Council has had a long-standing intention for the enterprise centre to be developed at Horizon 120, the Getting Building Fund programme was not foreseen during 2019/20 and therefore the Project was not included within the Project capital budget which was previously approved by Council on 17<sup>th</sup> February 2020
- 2.8. The purpose of this paper is to seek the inclusion of the Project within the Councils Capital Programme and the associated allocation of a capital budget, subject to consideration and approval of the business case by Cabinet at its meeting on 21 October 2020 and final agreement to the Project by SELEP at the meeting of its Accountability Board on the 20th November 2020.

### **3. Finance**

- 3.1. It should be noted that the estimated Project cost includes a 10% contingency. This takes into account an unusually low level of development risk due to the following factors:
  - 3.1.1. The land is in the Council's ownership, therefore presenting no acquisition risk of cost or delay
  - 3.1.2. The plot is not encumbered by 3<sup>rd</sup> party interests other than a fully documented UKPN easement along the northern boundary with Great Notley Country Park
  - 3.1.3. Ground conditions have been thoroughly researched including extensive ground penetrating radar surveys as part of the existing Horizon 120 development works

- 3.1.4. Services and utilities, of sufficient capacity, are being delivered to the plot boundary through the existing Horizon 120 contract with Balfour Beatty
  - 3.1.5. The adopted LDO substantially addresses the risk of delays or changes during any planning process
  - 3.1.6. There is no risk of off-site works such as highways mitigation
  - 3.1.7. The plot is clear of any above or below ground obstructions
  - 3.1.8. The plot is clear of vegetation or wildlife habitats other than the vegetation on the northern boundary with Great Notley Country Park
- 3.2. The proposed building along with ancillary facilities are to be sited on an area of land allocated within the Horizon 120 business park and which totals two net developable acres. It should be noted that the approved business case, for Horizon 120, assumed the sale of 45 out of 47 net developable acres and that remaining 2 acres would not generate a receipt for the Council.
- 3.3. The S106 Agreement for the Panfield Lane residential development includes an obligation on the developer to make a financial contribution of £2.93 million towards a new enterprise centre within a radius of Panfield Lane. The timescale for receipt of this money is uncertain as its payment depends on the quantum of development that is completed by the developer. However, the S106 agreement does allow the Council to proceed with this Project in advance of receipt, and then to use the monies once received to retrospectively repay part of the costs. Consequently, until the Council is in receipt of the s.106 monies, it will be required to finance the whole capital expenditure relating to the Project.
- 3.4. It is proposed that the Council's contribution will be met by a mixture of capital reserves and prudential borrowing. It is recommended that this is subject to the Corporate Director (Finance) having the flexibility to determine the most appropriate means of financing the Council's overall capital programme, and within the borrowing limits approved by Full Council in the current Treasury Management Strategy.
- 3.6 Where prudential borrowing is used as part of the funding mix this will have a revenue cost comprising annual minimum revenue provision (MRP) and interest. An initial business case for the operation of the Enterprise Centre indicates that once usage has matured, the estimated net income generated would be sufficient to meet these financing. However, these projections do indicate there would be some short-term cost to the General Fund revenue account. Further detail on the business case will be presented to Cabinet.
- 3.7 An allowance for a 5% contingency on tendered prices would result in the overall capital cost increasing, which would need to be funded either from capital reserves or increased prudential borrowing. If the latter is used this would increase financing with a commensurate reduction in the net General Fund revenue position.

## **4. Options**

- 4.1. The Council could decline the SELEP grant and determine that it will consider the Project at a future date. However, without the funding, any future Enterprise Centre would be significantly reduced in scale and impact and would not come forward for a number of years. The Council would be missing a significant funding opportunity if it did not proceed with the Project at this time. Accordingly this is not the recommended option.
- 4.2. The Council could also postpone development until receipt of the S106 financial contribution from Panfield Lane. This would mean that the Project would not be available to help the local economy recover from the impacts of Covid 19, and the Council would still miss the funding opportunity provided by the SELEP. Accordingly this is not the recommended option at this time.

## **5. Risks**

- 5.1. The programme timescale requirements are demanding and require acceleration of all normal pre-development processes. The Project Team approach will provide assurance that issues, risks and concerns are registered and mitigated.
- 5.2. Failure to spend the Getting Building Fund by the required date of 31 March 2022, raises the risk that some or all of the grant may be clawed back by the government via SELEP. This risk is mitigated by the expectation that whilst the SELEP money is expended by that date it is not expected or required that the building is fully complete on that date. It will also be mitigated by active project management by the Braintree District Council project team and supported by ECC and SELEP oversight.
- 5.3. It is recognised that the pressurised project timescale will create challenges in fully appraising and testing the business case. However, the Council will also benefit from the scrutiny, of the business case, by ECC as upper tier accountable body and SELEP's own independent technical evaluator.
- 5.4. Confidence on the estimates of construction cost is regarded as imperative. Procurement of a contractor will therefore be commenced utilising an OJEU compliant framework and in close liaison with the Procurement Team. The early involvement of the proposed contractor will secure confirmation of overhead & profit (OHP) rates and facilitate market testing with the supply chain.
- 5.5. EU exit may have an adverse impact of procurement of materials and components as construction materials are often sourced from within the EU. The Construction Leadership Council (CLC) advice is that manufacture is unlikely to be affected but that there may be delivery delays in the event of disruption at the Channel ports. There is also a potential risk of a currency fluctuation affecting the cost of materials, priced in Euros. These risks will be at a national level and are being mitigated by considering the use of a UK, or at least a non-EU, supply chain.

- 5.6. It is not considered that EU exit will have a significant impact on the supply of labour
- 5.7. The impact of further waves, of the Covid-19 pandemic, will be mitigated by the adoption of the revised CLC Standard Operating Procedures for construction site.

**6. Impact assessment**

6.1. The impact is outlined in below

<b>Corporate Strategy Objective</b>	<b>Direct Impact of Proposed Scheme</b>
A sustainable environment and a great place to live, work and play.	A BREAMM Very Good & highly energy efficient building in full compliance with the LDO Design Code
A well-connected and growing District with high-quality homes and infrastructure.	An exemplar business environment with facilities and support services to create or sustain 150 jobs each year.
A prosperous District that attracts business growth and provides high-quality employment opportunities.	A future-proofed facility with excellent facilities for new and growing businesses
A high performing organisation that delivers excellent value for money.	Provision of a financially viable and exemplar enterprise centre

**7. Legal implications**

7.1. The Council will be required to enter into a Grant Agreement with Essex County Council for the Grant Funding if approved by the SELEP Accountability Board. This Agreement will set out the terms and conditions of the Grant and will hold the Council to account in terms of being able to meet the project delivery and associated Grant spend timescales required.

**8. Summary**

- 8.1. The Council has been provisionally allocated the sum of £7 million from the Getting Building Fund, subject to approval of a detailed business case by the SELEP Accountability Board on the 20<sup>th</sup> November.
- 8.2. This allocation will enable the Council to develop a larger and higher quality facility, several years before the likely date of delivery if the project relied entirely upon Council finance.
- 8.3. The new and enhanced facility will enable the Council to play a greater role, and to be more effective, in assisting the local economy to recover from the Covid-19 pandemic and to adjust to the post-EU Exit commercial environment.
- 8.4. As the Getting Building Fund was not envisaged at the time of approval of the Council’s budget, and Capital Programme, there is currently no approved budget for the project.

- 8.5. This report therefore summarises the opportunity and seeks Council approval to a budget provision specifically to allow the inclusion, of the project, in the Capital Programme
- 8.6. It is further proposed that the budget be subject to consideration and approval of a business case by Cabinet at an additional meeting to be held on 21<sup>st</sup> October 2020, and approval by SELEP through its Accountability Board on the 20<sup>th</sup> November 2020.

**1. Introduction**

In order to facilitate the transaction of business at this virtual meeting of the Full Council this report covers the activities of all Cabinet Members. This follows the process used at previous meetings.

**2. Councillor Graham Butland - Leader of the Council**

**(a) Essex Leaders' Meeting – 10.09.20**

The Leaders of Essex Councils met virtually to transact, amongst other items, the following business:-

- (i) To receive an update on COVID-19 from Dr Mike Gogarty, Director of Wellbeing, Public Health and Communities at Essex County Council;
- (ii) To discuss Local Government Reorganisation;
- (iii) To consider a paper from the Leaders of Essex County Council & Braintree District Council setting out proposals for Economic Recovery priorities.

**(b) Other Meetings “attended” by the Leader**

I have also attended the following meetings, as the representative of Essex District Authorities.

Success Essex Board on 10<sup>th</sup> August, the South East Local Enterprise Partnership Board on 4<sup>th</sup> September and Transport East on 10<sup>th</sup> September. The minutes of these meetings are available on the websites of the various organisations.

I have also taken part in a number of meetings with Ministers on a variety of issues.

**3. Councillor Kevin Bowers – Cabinet Member for Homes**

**(a) Housing Staff Working Arrangements**

Housing staff continue to work from home but now with a limited return to Causeway House on a rota basis. There will be a few Housing Staff in the office on most days.

Interviews with members of the public continue to be conducted over the phone and that is likely to be the case for some time.

**(b) Homelessness**

The stay on evictions ends on 20<sup>th</sup> September 2020, although Courts are expected to have a backlog of cases to work through, so it remains to be seen if there will be a significant surge in demand for the services of the Housing Options Team. At the end of August, there were 36 households in temporary accommodation in the District. This is higher than at the same point last year when there were 26, but is not unmanageable with existing resources and facilities.

**(c) Housing Register**

There has been a big rise in the number of applications to our Housing Register, with 832 applications over the last 3 months, compared to 608 over the same period last year. Given that we normally house between 500 and 700 households through the register each year, this rise is significant and shows the level of unmet demand that we are dealing with.

**(d) New Affordable Housing Development**

Our development programme is back on track, with 76 completions in the last 2 months, as work has resumed on building sites around the District. 57 of new homes are for 'Affordable Rent' and 19 for shared ownership. Provided there is no further interruption, we are expecting over 200 completions by housing associations during this financial year.

**4. Councillor David Bebb – Cabinet Member for Finance and Performance**

**(a) Council Tax and Business Rates**

Council Tax – 48.19% with £47.085m collected (compares to 49.25% for the previous year)

Business Rates – 45.13% with £11.942m collected (compares to 49.16% for the previous year)

914 dwellings have been added to the council tax list since October 2019 (+1.4%)

The number of dwellings charged empty home premium (empty for two years+) is 222.

Business Rate Discounts (new schemes introduced due to COVID-19):

- Nursery Discount 21 properties RV value 436,910 £185,074.76
- Retail Discount 894 properties RV Value 38,786,970 £18,957,076.58

**(b) MHCLG Covid-19 Local Authority financial monitoring return – 4<sup>th</sup> September**

Estimated shortfall in income for 20/21 - £2.538m of which 77% is assessed as irrecoverable

Estimated additional expenditure for 20/21 - £0.959m

Total estimated financial impact of £3.497m. Anticipated cost not covered by Emergency Fund & Business Support Grant allocations (£1.894m) from the Government is £1.603m. The Council will be submitting a claim to government under the recently announced Income Compensation Scheme for which the first return is due to be submitted by the end of September for an interim payment in respect of income losses suffered by the Council from sales, fees and other charges for the period 1 April 2020 to 31 July 2020.

Estimated non-collection for 20/21 – Business rates - £2.036m and Council Tax £3.337m (of which £1.067m relates to additional local council tax support awarded)

Council Tax Hardship Fund expected to be allocated to working age claimants in receipt of local council tax support (i.e. £150 per account) is £0.892m

**(c) Housing Benefits and local Council Tax Support**

262 new claims received in August – processed on average in 16.32 days

2,181 changes in circumstances actioned in August – processed on average in 3.75 days

**(d) Customer Services Centre**

Average telephone answering time for August was 32 seconds

Number of telephone calls received in August was 9,187

Number of emails received in August was 3,312

**(e) First Quarter Performance**

**Performance against Annual Plan 2020/21**

The Council normally provides a report to demonstrate the performance of the Council at the end of the first quarter in relation to our Annual Plan. Due to the Covid-19 pandemic, the Annual Plan for 2020/21 was amended to ensure it was able to reflect the support required to help our residents, communities and businesses recover and which was presented to Cabinet in July. Progress, therefore, against the activities contained in the Plan will commence from the second quarter. Rather than not providing a report, the first quarter, which was considered by Cabinet at its meeting held on 7<sup>th</sup> September 2020, reported differently, focusing on how the Council has dealt with the unprecedented challenge brought about by Covid-19.

## **Financial Performance**

Full Council approved a net budget of £15.226 million for the 2020/21 financial year. This included planned spending across all services totalling £13.888 million; corporate items amounting to £1.638 million; and an overall efficiency target to be achieved in-year of £300,000.

Financing of the budget was to be from a combination of: general government grants (£22,000); business rates (£5.192 million); and Council Tax (£10.012 million).

During the year individual budgets have been updated in accordance with the Council's Budget and Policy Framework Procedure, and against which performance has been reported.

## **Summary Projected Financial Position to the Year End**

The following summarises the financial position for the year as projected at the end of the first quarter:

- An overall adverse variance is projected for the year of £919,000 (+6%) against budget (net of Government Emergency Funding and Business Support Grant allocations of £1.894m\*)
- Across all services staffing budgets are forecast to be underspent by £425,000; however, after allowance for the corporate efficiency target of £300,000 and provision for a higher than anticipated pay award, this results in a net projected overspend of £10,000
- Other expenditure is projected to be over budget by £396,000
- Income is projected to be under achieved by £513,000\*

## **5. Councillor Mrs Wendy Schmitt – Cabinet Member for Environment & Place**

### **OPERATIONS**

#### **(a) Business Recovery**

All services have been reinstated following the Covid-19 restrictions, the last being some of the sports bookings including the local league football matches.

#### **(b) Missed Bins**

These remained low in July at just 2.9 per 100,000 collections. This was achieved at what was arguably the height of the pandemic and clearly demonstrates the commitment by staff to maintaining high standards of service.

#### **(c) Verge Cutting Trial**

Monitoring of the trial has not identified any significant concerns. (We have received more positive than negative comments from elected Members and members of the

public.) The Autumn cut will start on 7 September, following completion of which we will evaluate the trial and consult with County and District Members and town and parish councils. A decision will be made in conjunction with ECC prior to the start of the grass cutting season next year on whether to maintain two cuts across the District or reduce to a single cut in the Autumn.

**(d) Keep Britain Tidy Great British Spring Clean (Autumn)**

This event will be held later this year (11-27 September) owing to Covid-19.

**(e) National Recycling Week**

This is taking place from 21-27 September 2020 with the theme of ‘thanking the nation’. The Council will be participating in a range of activities in support of this campaign including a Q&A video series with members of the Recycling Team via social media channels and an event at George Yard Shopping Centre on 22nd September to promote recycling.

**(f) Street Scene Protection**

The information below shows the work undertaken by the Street Scene Protection Team from 1 June to 31 July 2020.

51	Dog barking complaints investigated
10	Dog fouling complaints investigated
9	Stray dogs detained (7 BDC / 1 Uttlesford DC)
6	Statutory Notices served
18	Fixed Penalty Notices served

Statutory Notices issued: S.108 Notices [Requisitions for Information]; notices to businesses to produce Duty of Care Waste Transfer Notes; Community Protection Notices and Micro-chips.

Fixed Penalty Notices served: General litter x 9; littering of cigarette butts x 2; Unauthorised Deposit of Waste [fly tipping] x 4; Commercial Duty of Care x 1; Unlicensed waste carrier x 1; and smoking in a smoke free place of work x 1.

Currently 17 cases are with the Council’s Legal Team awaiting prosecution: 13 for fly tipping and associated offences; 2 relating to dangerous dogs; 1 for failure to comply with S.108 Notice; and 1 for smoking in a smoke free vehicle.

## **Reports of Fly-tipping**

<b>Month</b>	<b>2020</b>	<b>2019</b>
April	94	48
May	65	55
June	104	108
July	69	104
<b>TOTAL</b>	<b>332</b>	<b>315</b>

As can be seen, despite national reports about a widespread increase in fly-tipping, in the Braintree District in the first four months of 2020/21, only 17 more reports of fly-tipping were received compared with the same period the year before.

## **ENVIRONMENTAL SERVICES**

### **(g) Food Team**

The Team continues to investigate complaints relating to Covid. Mainly these concern pubs / restaurants and workplaces where visitors have felt the premise is not Covid secure.

The main sector that we continue to receive complaints about are barbers and we are enquiring as to how other local authorities have dealt with persistent non-compliance, as the Covid secure guidance is (as the name suggests) guidance rather than regulation. Further work needs to be undertaken to understand how the new enforcement powers can be used to best effect between ECC, Essex Police and BDC, and officers are working with colleagues in each organisation to address this.

### **(h) Licensing**

A new process for pavement permits has been approved and the first applications are now being processed.

Knowledge tests for taxi drivers have recommenced. These are being done in the committee area, with controls in place to ensure that the test is carried out in a Covid secure way.

### **(i) Climate Change Group**

On 14 September the Climate Change Group met to consider the subject of Transport, with speakers from ECC and Charge Master giving presentations. I am attending a Climate Change Conference on 17/18 September.

### **(j) GREEN HEART**

The social media 'Twisted Tossed' campaign was the top performing post this year and many members of the public expressed their pleasure at the return of our Tosser Campaign.

6. **Councillor Mrs Gabrielle Spray – Cabinet Member for Planning**

**(a) Section 1 draft Local Plan**

Consultation on the proposed main modifications, revised Sustainability Appraisal and Habitats Regulation Assessment for the shared section 1 Local Plan is currently underway and the consultation closes on 9<sup>th</sup> October 2020. Responses are published online and will be sent directly to the Planning Inspector for his consideration.

The Inspector has opened up a separate 4 week consultation on the new ONS housing numbers. All responses are due direct to him via the Programme Officer by 12<sup>th</sup> October 2020.

**(b) Section 2 draft Local Plan**

Two Inspectors have been appointed to examine the Braintree, Colchester and Tendring section 2 Local Plans. We do not yet know what form the public hearing may take, or the timetable for that examination which will in large part depend on when the section 1 examination is concluded.

**(c) Government consultations**

Two consultations have been running on proposed Government changes to planning process: changes to the current system and the White Paper on major changes. The first consultation on changes to the current planning system closed on 1st October 2020 and the Council submitted a detailed level of response, following consultation with all Members. The second draft response is on the agenda for this evening's meeting.

**(d) Neighbourhood Plans:**

Coggeshall Neighbourhood Plan is currently under examination and we are also responding to questions from the examiner. Consultation on the Salings neighbourhood plan is expected to have started at the end of September 2020.

**(e) Appeals**

The Council received the decision in relation to the Bocking appeal. After waiting 2 years for the result we were incredibly disappointed with the decision, which allowed the development of 265 homes to go ahead in this location. We have a number of upcoming appeals and inquiries and we will continue to vigorously defend our refusals to grant permission.

**(f) Enforcement**

I'd like to take the opportunity in thanking officers from the planning enforcement and legal teams who dealt quickly and robustly with a recent planning infringement in Gosfield. This involved the rare use of a High Court injunction halting the development progressing at a site in the village, much to the satisfaction of local residents and the MP.

**7. Councillor Tom Cunningham – Cabinet Member for Economic Development and Infrastructure**

**(a) Town Centres**

I am very pleased to report that the Council has received draft reports from our consultants on the potential physical improvements that could be made to the town centre public realm in Halstead and Witham. This has included liaison with Essex County Council on what is possible within the constraints of highway safety and full costing of options so we know what is being proposed is deliverable. I will be contacting the town councils and local ward members shortly with a view to considering the reports with them and undertaking wider consultation. Our programme aims for these schemes to be completed by the end of the financial year.

Braintree High Street was officially closed to traffic on Monday 21<sup>st</sup> September 2020 and contractors are now onsite delivering the new surface to the High Street along with new lighting, trees, street furniture and infrastructure. Together this will create new and exciting spaces in the town centre and the Council will be working with local businesses and stakeholders to consider how we can bring people and events to these spaces at the appropriate time.

**(b) Economic Recovery**

Delivery of the economic recovery plan is now underway through the collation of business needs and impact intelligence. Data collated from the Discretionary Grant Fund application process, on average, applicants across the district reported a loss of turnover between 69-73% due to the impact of COVID-19. A minimum of 200 businesses will be engaged from a balanced demographic profile by location as well as engaging with both home workers and rate payers, to inform support service provision. All COVID-19 related government grants are now closed to new applicants and all district businesses have been invited to attend a free business recovery session to explore tailored recovery plans.

**8. Councillor Peter Tattersley - Cabinet Member for Health & Wellbeing**

**(a) Latest ECC Communication re. Covid-19**

Essex County Council's Director of Public Health, Dr Mike Gogarty, is reiterating the importance of social distancing and urging those with symptoms to stop the spread by self-isolating and booking a test.

In just two weeks at the end of September/early October around 225 cases of coronavirus were confirmed.

Dr Gogarty said: “Over the last few weeks we have seen a rise in confirmed cases across the county. Obviously, this was expected but is still concerning. I would urge everyone to continue to be vigilant. Coronavirus has not gone away. It is extremely important to maintain social distancing guidelines, keeping at least two meters from others, and to maintain hand-washing. This is even more important now that schools have restarted.

“Key to stopping the spread is to ensure that if you have any symptoms, you must self-isolate, this is crucial. You must also get tested as soon as possible, and isolate until you know the result.

“We know that nationally, only 30% of people showing symptoms are requesting a test. People should not be put off of requesting a test if they have symptoms and are encouraged to do so as soon as possible. Unless people isolate and get tested we will see a strong resurgence of the virus and will be back in lockdown”

Anyone with coronavirus symptoms can get a test, key symptoms include a high temperature, a new, continuous cough and/or a loss or change to your senses of smell and taste.

You can [book a coronavirus test](#) on the NHS website or call 119.

Read the [latest NHS information and advice about coronavirus \(COVID-19\)](#).

### **(b) Dementia**

The Braintree Dementia Walk has re-started from Braintree Town Hall with 9 walkers attending this month. The Essex Fire Service has been working with Town Hall staff to ensure all the necessary safeguards are in place.

### **(c) Mental Health**

The Council has been asked by Healthwatch Essex to facilitate the Young Mental Health Ambassadors meetings. The group currently has a membership of 28 young people aged 10 – 21 years old who either have mental health illness or are affected by mental health in some way.

We have provided funding to 9 schools (infant, primary & secondary) to deliver small projects focusing on the impact Covid19 may have had on children & young people’s emotional health & wellbeing.

**(d) Social Prescribers**

Council officers have met with two of the social prescribers for the District to discuss issues that may have arisen from lockdown and shielding. A shared concern relates to the fact that even though people may no longer be shielding the social groups and activities they used to attend are currently not open. Officers will be working together to contact the various groups across the District to establish whether they are planning on opening and when.

**(e) Livewell Child**

As with many other services and projects, Covid-19 has posed great challenges to the Livewell Child project, one of the biggest being the lack of safe engagement with primary schools. During the lockdown period and for the summer holidays, the project team devised new ideas on how to resume engagement with the primary schools safely and in ways that would allow for continuity during the uncertain times ahead as well as tackling the ever increasingly important area of mental health. The Team will work with an external partner on a mental health project to be piloted in two schools, with scope for remaining schools to be involved. This will be discussed at a presentation the external partner will give to the project team. In order to maintain an approach that can be dynamic to the environment we are in, virtual projects and campaigns appear to be the best approach. The Team is looking to work with a personal trainer who operates an app that encourages whole school communities to engage in healthy recipes, exercise videos, maintaining good mental health and communicating with one another as a community.

**(f) Fusion**

The Council continues to support Fusion with the opening of facilities in a phased approach. The Leisure facilities are now all open and operating under the guidance issued by the government and professional bodies. Capacity is still limited and access is via online bookings only at present for residents. Attendance was a little slower than would have been liked in August, however this was a difficult month to gauge a response until children go back to school and working patterns for many of our residents are maintained again. Many of the 60+ age demographic are still to return to activity, post shielding, and there continues to be discussions with swimming clubs and other clubs regarding access to sessions that meet the needs of their users and the wider community.

9. **Councillor Frankie Ricci – Cabinet Member for Communities, Culture & Tourism Portfolio**

**(a) Community Transport**

As of 3<sup>rd</sup> August 2020 the team has resumed the minibus service for members utilising the two employed drivers only and ensuring all risk measures are in place to provide a safe service. As of 11<sup>th</sup> September 2020 we have transported 135

individuals to medical appointments, shopping and social appointments. The team is currently looking at how we can re-introduce the volunteer minibus drivers safely over the next month.

**(b) Holiday Hunger**

Essex County Council allocated £6k to the Braintree District from the funding they received from DEFRA’s Emergency Assistance for food and essential support grant. This funding was to support families most in need during the summer and to provide holiday activities for children and young people. Sessions took place at the Discovery Centre, Great Notley and Witham Leisure Centre. A full report will be made available at the end of the summer.

**(c) Eat out to help out results**

**Eat Out to Help Out**

<b>Parliamentary Constituency</b>	<b>Total number of registered restaurants</b>	<b>Total number of meals claimed for, rounded to the nearest thousand.</b>	<b>Total amount of discount claimed (£), rounded to the nearest thousand.</b>	<b>Average discount per meal (£)</b>
Braintree	76	79,000	370,000	4.69
Witham	72	78,000	410,000	5.25
<b>Total</b>	<b>148</b>	<b>157,000</b>	<b>780,000</b>	<b>£7.32</b>

Our local businesses have seen great success with the Eat Out to Help Out scheme, in fact some have chosen to extend the scheme at their own cost throughout September. We will continue to support and promote businesses within the district via our Visit Braintree District channels.

**(d) Town Hall recovery highlights**

- There are 11 Community price weddings booked in August and 11 in September. The maximum guests we can hold in our largest room with social distancing is 20 people, 11 people in our Community price wedding room.
- Cross-authority working has begun with Town Hall Centre management working on a combined marketing plan with the Enterprise Centre and Horizon 120 conference facilities with tasks assigned in a more joined up approach e.g. websites, booking systems etc.
- Slimming World bookings have returned and are working very well with an appointment system on Mondays and Tuesdays.
- Stagecoach (a stage school) started a new booking from September to December, hiring four rooms across the building, twice a week as they could not be accommodated in their previous venue, bringing in some new income.

- Newfields Market Research will commence their bookings in September with an appointment system in place.
- Maintenance, Health & Safety update
  - The clock face has finally been repaired and re-installed to show the correct timings
  - Upstairs kitchen water heater replaced
  - All wooden tables restored and French polished
  - A new washing machine installed so we can be fully COVID-19 compliant
  - upgrade of CCTV commissioned

#### **(e) Christmas planning**

The annual Christmas lights switch-on is a well-loved event which attracts thousands of visitors each year. Considering the size and scale, maintaining social distancing for those visitors during the event would be unachievable so we will not be hosting an outdoor event this year as the ongoing priority must be the safety of everyone involved. We will be hosting something virtually instead that will include the community, market traders and local businesses, and also have every intention of still having Christmas lights up around the town centre for people to enjoy throughout the festive season. We are currently working through the detail of what the virtual celebrations will look like and more information will be available in due course.

#### **(f) Museum opening**

The Museum re-opened to the public on **Tuesday 1<sup>st</sup> September 2020** and thereafter will resume its normal opening hours of 10.00-16.00 Tuesday to Saturday. Access will only be available to the shop and galleries that will feature the Courtauld exhibition for which we have successfully extended the loans. Access to the rest of the Museum will be extended later in the year. The Warner Textile Archive will remain closed to the public, as we will have insufficient resources to cover both buildings. COVID precautions considered include risk assessment, homeworking, social distancing, cleaning and hygiene, face coverings and protection of vulnerable workers.

#### **(g) Cycling Plan**

Over the last few months, BDC have been working on our Cycling Plan to identify how we can improve the cycling network across the district, as well as promoting cycling opportunities, linking with colleagues at Essex County Council and supporting delivery of the Essex Cycling Strategy. You may also have seen the recent national publication of GearChange, the government's vision for cycling and walking, which aligns well with the objectives of the current Essex and developing Braintree cycling strategy and plans.

Essex County Council have now submitted a bid to the DFT to access £7.76m allocated to Essex from the Emergency Active Travel Fund. This Fund is aimed at supporting the delivery of walking and cycling schemes as a response to Covid-19 issues. The ECC bid covers 5 schemes across the county, including a project in Braintree. The bid is not yet secured however ECC has approached Braintree with a

view to establishing a local reference group in order to develop the final scheme design with us.

## **10. Councillor John McKee – Cabinet Member for Corporate Transformation**

### **(a) Programme Management**

A newly created officer Programme & Project Assurance Team (PPAT) with representation across the authority will meet monthly from September to review progress, risks and issues arising from individual projects and programmes. Template project trackers will be used to generate a “dashboard” report, enabling consistent oversight of financial and delivery performance. DGOG (the District Growth Officers Group) will now meet quarterly and act as programme sponsor, taking key decisions.

### **(b) Manor Street Development**

Works are progressing well and are on programme, having allowed for the 5 week delay caused by UKPN’s suspension of work, following lock-down. Planning conditions have now been discharged allowing above ground construction to progress. Kier, the contractor will endeavour to pull back as much of the 5 week delay as possible. Work continues to establish a permanent solution to public toilets as part of the development. Eastlight Community Homes has now received formal Homes England grant confirmation and have instructed solicitors to agree contracts.

### **(c) Horizon 120**

The earthworks contract is now substantially complete with work now started on the southern access following the recent execution of the S278 Agreement. These works are planned to provide vehicle access to the Gridserve site to support their opening in the Autumn.

Subsequent to final negotiations with Balfour Beatty, the contracts for final infrastructure delivery were signed on Wednesday, 19<sup>th</sup> August which has allowed Marshgate to progress with signing contracts with their clients (see below).

Members asked for a “2<sup>nd</sup> opinion” around land values following the possible reduction in land values following the pandemic. The Strategic Investment Team have received this from an independent property consultant, offering their opinion that the inherent value is in the range of £675-700,000 for a net developable acre with discounts of 10-15% for larger plots. This is very similar to the £625,000 per acre for all sales previously suggested by Watsons, that has informed the business case upon which the project continues to be based.

Recent Government announcements, about changes to planning use classes, are likely to mean that the LDO requires revision to mitigate against changes of use by future occupiers. The Team, and its planning consultants, are working closely with Planning officers to agree the most effective revisions but it is acknowledged that any LDO review will require a similar process as adoption, including public consultation.

Marshgate are in final negotiation with the first two companies to locate on H120 and expect to trigger an initial land sale within weeks. They are also promoting Eos, as a “brand within a brand”, with proposals for 7 buildings to be developed and already are in discussions with 3 interested parties.

**(d) I-Construct**

The MHCLG grant funding agreement, collaboration agreement & Deed of Covenant have now been agreed and signed by all parties, the Council can now enter into the construction contract, which is agreed and engrossed and work is expected to begin on site.

**(e) Horizon 120 Enterprise Centre**

Following the announcement, of a £7 million grant allocation from SELEP, work is progressing on an initial business case and development of the built form and operating model for the new building. The SELEP programme is predicated upon a SELEP Accountability Board decision on 20<sup>th</sup> November and that the building is substantially complete by 31<sup>st</sup> March 2022. This is achievable but is pressurised and extremely demanding with the effect that there is less time than usual available for consultation. To that end, an item is being brought to this meeting of Full Council to confirm this Council’s financial contribution to the project.

The project is being driven by a multi-disciplinary Project Team, which includes officers from Finance, Commercial Services, Governance, Procurement and Asset Management.

Councillor Graham Butland  
Leader of the Council

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