

Cabinet Agenda



9 July 2024 at 7pm

Council Chamber, Civic Centre, Chelmsford

Membership

Councillor S J Robinson (Chair and Leader)
Councillor M C Goldman (Connected Chelmsford
and Deputy Leader)

and Councillors

Councillor C Davidson (Finance)
Councillor N Dudley (Active Chelmsford)
Councillor D Eley (Safer Chelmsford)
Councillor L Foster (Fairer Chelmsford)
Councillor R Moore (Greener Chelmsford)

Local people are welcome to attend this meeting remotely, where your elected Councillors take decisions affecting YOU and your City.

There is also an opportunity to ask your Councillors questions or make a statement. These have to be submitted in advance and details are on the agenda page. If you would like to find out more, please telephone Dan Sharma-Bird in the Democracy Team on Chelmsford (01245) 606523 email dan.sharma-bird @chelmsford.gov.uk

If you need this agenda in an alternative format please call 01245 606923. Minicom textphone number: 01245 606444.

THE CABINET

9 July 2024

AGENDA

PART 1 – Items to be considered when the public are likely to be present

1. Apologies for Absence

2. Declarations of Interest

All Members must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

3. Minutes and Decisions Called in

Minutes of meeting on 12 March 2024. No decisions had been called in.

4. Public Questions

Any member of the public may ask a question or make a statement at this point in the meeting. Each person has two minutes and a maximum of 20 minutes is allotted to public questions/statements, which must be about matters for which the Cabinet is responsible. The Chair may disallow a question if it is offensive, substantially the same as another question or requires disclosure of exempt or confidential information. If the question cannot be answered at the meeting a written response will be provided after the meeting.

Any member of the public who wishes to submit a question or statement to this meeting should email it to committees@chelmsford.gov.uk at least 24 hours before the start time of the meeting. All valid questions and statements will be published with the agenda on the website at least six hours before the start time and will be responded to at the meeting. Those who have submitted a valid question or statement will be entitled to put it in person at the meeting.

5. Members' Questions

To receive any questions or statements from councillors not members of the Cabinet on matters for which the Cabinet is responsible.

6. Active Chelmsford Item

6.1 Community Infrastructure Levy, Neighbourhood Cap funding

7. Fairer Chelmsford Item

7.1 Rent Setting Policy and Fair Charging Policy

8. Greener Chelmsford Item

8.1 Norwich to Tilbury Powerline consultation response

9. Deputy Leaders Item

9.1 North Essex Economic Board

10. Leaders Item

10.1 Constitution Updates

11. Urgent Business

To consider any other matter which, in the opinion of the Chair, should be considered by reason of special circumstances (to be specified) as a matter of urgency and which does not constitute a key decision.

12. Reports to Council

The officers will advise on those decisions of the Cabinet which must be the subject of recommendation to the Council.

**MINUTES OF
CHELMSFORD CITY COUNCIL CABINET**

on 12 March 2024 at 7pm

Present:

Cabinet Members

Councillor S Robinson, Leader of the Council (Chair)
Councillor M Goldman, Deputy Leader and Cabinet Member for Connected Chelmsford
Councillor N Dudley, Cabinet Member for an Active Chelmsford
Councillor L Foster, Cabinet Member for a Fairer Chelmsford
Councillor I Fuller, Cabinet Member for a Growing Chelmsford
Councillor R Moore, Cabinet Member for a Greener and Safer Chelmsford

Opposition Spokespersons

Councillors, J Jeapes, J. Raven, M Steel, S Sullivan, A, Thorpe-Apps and R Whitehead

Also present: Councillors H Clark, D Eley, S Goldman, R Hyland, J Potter and A Sosin

1. Apologies for Absence

Apologies for absence were received from Cllrs Hawkins and Wilson.

2. Declarations of Interest

Members of the Cabinet were reminded to declare at the appropriate time any pecuniary and non-pecuniary interests in any of the items of business on the meeting's agenda.

3. Minutes and Decisions Called-in

The minutes of the meeting on 30 January 2024 were confirmed as a correct record.

4. Public Questions

No public questions were asked at the meeting.

5. Members' Questions

No questions were asked at this stage of the meeting, they were instead asked under the relevant items.

6.1 Discretionary Business Rate Relief Policy 2024/25 (Connected Chelmsford)

Declarations of interest:

None.

Summary:

The Cabinet received a report asking them to amend the existing Discretionary Business Rate Relief Policy to give effect to the Government's intention to extend the existing Retail, Hospitality and Leisure relief and the introduction of the Non-Domestic Rating (Heat Networks Relief) (England) Regulations 2023 which had put Heat Network Relief on a mandatory basis. Cabinet heard that the amendments and additions were a helpful assistance for local business and should be incorporated into the Council's discretionary rate relief policy.

Options:

To agree or reject the proposals.

Preferred option and reasons:

To agree the proposals as the policy was a helpful assistance for local business.

RESOLVED that the Discretionary Rate Relief Policy 2024/2025, attached as Appendix A, is agreed.

(7.01pm to 7.03pm)

6.2 Community Funding Scheme – Discretionary Grant (Connected Chelmsford)

Declarations of interest:

None.

Summary:

The Cabinet considered a report asking them to agree the allocation of the discretionary grant funding for 2024/25 to voluntary and charitable organisations as part of the Council's Community funding Scheme.

Options:

1. To agree the recommendations contained in this report made by the Community Funding Panel.
2. To agree, with amendment, the recommendations contained in this report made by the Community Funding Panel.

Preferred option and reasons:

To agree the allocations as recommended which had been through a thorough process of assessment and aligned to the Council's corporate priorities.

Discussion:

In response to a question, it was noted that the service level agreements were reviewed every two years, but details were not currently published. It was also noted that the service level agreements included promises of funding and some were ending, for example because the organisation no longer existed.

RESOLVED that;

1. Cabinet agrees to allocate £130k in 2024/25 to fund the 24 organisations in the amount shown in Appendix 1, and one year core funding for 3 organisations.
2. That the Director of Connected Chelmsford is authorised to prepare and issue the grant offer letters and grant funding agreements to those organisations receiving the grants for 2024/25

(7.03pm to 7.08pm)

7.1 Temporary Accommodation Placement and Procurement Plan (Fairer Chelmsford)

Declarations of interest:

None.

Summary:

The Cabinet considered a report which presented a refreshed policy framework for the procurement, supply and management of Temporary Accommodation to help address management of the increasing demand and effectively manage cost and value for money.

Options:

1. Approve the Temporary Accommodation Placement and Procurement Plan.
2. Approve the Temporary Accommodation Placement and Procurement Plan with amendments.
3. Decline to approve the Temporary Accommodation and Procurement Plan.

Preferred option and reasons:

To approve the Temporary Accommodation Placement and Procurement Plan as presented to assist with the procurement, supply and management of Temporary Accommodation.

Discussion:

The Cabinet heard that the primary purpose of the Plan was to make sure the Council was meeting its legal obligation, adopting good practice and ensuring the sufficient supply of suitable accommodation whilst minimising financial impact. It was noted that in some cases, residents were accommodated elsewhere outside of Chelmsford and are then moved back at a later date closer to Chelmsford, due to the obligation to house nearby. The plan would allow the Council to potentially leave residents outside of the area if they were happy elsewhere and would give people the choice of where to live, instead of continuously moving. It was noted that the plan would be beneficial for both the City Council and any residents. It was noted that this plan was one of the actions that had arisen from the Council's Housing Action group.

RESOLVED that the Temporary Accommodation Placement and Procurement Plan be approved as presented.

(7.08pm to 7.12pm)

7.2 Tenancy Strategy 2024-2029 (Fairer Chelmsford)

Declarations of interest:

None.

Summary:

The Cabinet's approval was sought to externally consult on an updated draft Tenancy Strategy 2024-29, as the previous one had been published in 2018 and was due for review and replacement in 2024.

Options:

1. Approve the Tenancy Strategy, as presented, for consultation.
2. Approve the Tenancy Strategy, with amendments, for consultation.
3. Decline to approve the Tenancy Strategy for consultation.

Preferred option and reasons:

To approve the Tenancy Strategy for consultation as it was an important document to revitalise conversations with Registered Providers about the challenges and opportunities to create joint solutions through partnership and collaboration.

Discussion:

The Cabinet heard that the Council wanted to reenergise their relationship with registered providers to make sure that every home was used effectively and in resident's interests, the base document would allow those conversations to start with all of the registered providers. In response to questions, the Cabinet Member for a Fairer Chelmsford stated that an occupancy rate of around 80% wasn't unusual due to the short time circumstances involved. They also stated that CHP had undertaken a review of under occupation numbers but that it was not clear if all registered providers had done so, but the new strategy would encourage that to take place. It was also noted that the incentive for registered providers to respond to underoccupancy was the resolution of health and welfare issues in over occupied properties. It was also noted that the document dealt with registered providers and there was a separate discussion to be had with private sector landlords and that service charges were included on certain properties from registered providers.

It was noted that if approved, any amendments, following the consultation, would be notified to opposition spokespersons.

RESOLVED that;

1. The Tenancy Strategy, as presented be approved for consultation.
2. Following the consultation, the Director of Sustainable Communities be authorised in consultation with the Cabinet Member for a Fairer Chelmsford to make, if required, minor amendments and approve the Tenancy Strategy.

(7.13pm to 7.23pm)

8.1 Proposed Change to the Constitution (Leader)

Declarations of interest:

None.

Summary:

The Cabinet considered a proposal to change the terms of reference for the Treasury Management and Investment Sub committee, to increase the membership from five to seven Councillors.

Options:

To recommend or not recommend the change.

Preferred option and reasons:

To recommend the change as it would allow additional members to sit on the Sub-Committee.

RECOMMENDED TO COUNCIL that the terms of reference for the Treasury Management and Investment Sub Committee be changed to increase the membership from five to seven Councillors.

(7.23pm to 7.23pm)

9. Urgent Business

There were no items of urgent business.

10. Reports to Council

Item 8.1 was subject of a report to Council.

Exclusion of the Public

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for items 11.1 and 12.1 on the grounds that they involved the likely disclosure of exempt information falling within paragraph 3 of Part 1 of the Schedule 12A to the Act (information relating to the financial or business affairs of any particular person including the authority holding that information).

11.1 YMCA Funding Request (Fairer Chelmsford)

Public interest statement: It is not in the public interest to release details of this report at present, on the grounds that the report contains information that is commercially sensitive and to place the information in the public realm will be detrimental to the negotiations to be undertaken by the Council.

Declarations of interest:

None.

Summary:

The Cabinet were asked to consider a funding request from the YMCA in support of their development proposals to provide young person accommodation in Chelmsford.

Options:

To provide or not provide the grant.

Preferred option and reasons:

To provide the grant as it would provide the delivery of units of which the Council would receive nomination rights for some of the units.

Discussion:

The Cabinet heard that providing the grant would benefit the Council in the long term with reduced temporary accommodation costs and that the grant would enable the YMCA to seek further funding from elsewhere and was within an existing capital budget. It was noted that further funding or a loan could be provided in the future by the Council, but that a grant had been the best option at this stage. It was noted that social value benefits would be managed and the current number of units was felt to be suitable starting point for nomination rights.

RESOVLED that;

1. The Director of Public Places after consultation with the Cabinet Member for Fairer Chelmsford pursuant to para 3.4.5.46 of the Constitution be authorised to consider, negotiate and agree terms as described in the report.
2. That the grant be funded from the existing capital programme Housing Initiatives budget.

(7.25pm to 7.33pm)

12.1 Council's Allocating and Spending CIL Document (Growing Chelmsford)

Public interest statement: It is not in the public interest to release details of this report at present, on the grounds that the report contains information that is commercially sensitive and to place the information in the public realm will be detrimental to the negotiations to be undertaken by the Council.

Declarations of interest:

None.

Summary:

The Cabinet considered proposed changes to the Council's Community Infrastructure Levy (CIL) Allocating and Spending CIL Document to agree in principle the spend of the strategic allocation of CIL raised as part of a new development in Chelmsford Garden Community, on necessary infrastructure projects directly supporting the delivery of the development.

Options:

To either approve or not the proposed amendments to the Council's CIL Governance – Allocation and Spending Document.

Preferred option and reasons:

To approve changes to the Council's CIL Governance - Allocation and Spending CIL Document in relation to Chelmsford Garden Community to allow, if required, necessary and viable infrastructure to be delivered to support a new development.

Discussion:

The Cabinet heard that the proposed amendments would allow strategic CIL receipts to be used to fund infrastructure and support delivery where it was independently verified that the cost of infrastructure might make development unviable. It was noted that S106 and CIL were still separate and S106 funding would still be secured to fund elements of developments that were needed. It was also noted that within the proposals for Chelmsford Garden Community, due to its scale, there is a greater need for infrastructure resulting in higher costs , which means CIL could be used to fund some of the required infrastructure to ensure development remains viable. It was also noted that the changes would not mean developers were able to reduce the percentage of affordable housing on the development site. It was also noted that the current stage was just an agreement in principle but Legal Services were happy with it and would monitor compliance as required.

RESOLVED that;

1. The Council's CIL Governance – Allocation and Spending CIL Document be amended as set out at Appendix 1 of the report.
2. Responsibility be delegated to the Director of Sustainable Communities in consultation with the Cabinet Member for a Growing Chelmsford to make any subsequent final amendments to the Council's CIL Governance – Allocation and Spending CIL Document before publication.

(7.33pm to 7.57pm)

The meeting closed at 7.57pm

Chair



Chelmsford City Council Cabinet

9th July 2024

Community Infrastructure Levy – Neighbourhood Cap funding

Report by:

Cabinet Member for Active Chelmsford

Officer Contact:

Stuart Graham, Economic Development and Implementation Manager, 01245 606364,
stuart.graham@chelmsford.gov.uk

Purpose

To consider the re-allocation of previously agreed funding from the CIL Neighbourhood Cap in North-West Chelmsford to an alternative project.

Options

1. Approve the re-allocation of funds from the Neighbourhood Cap
2. Approve, with amendment, the re-allocation of funds from the Neighbourhood Cap
3. Decline to approve the re-allocation of funds from the Neighbourhood Cap

Recommendations

It is recommended that

1. Cabinet agrees to re-allocate £26,065 of the Neighbourhood Cap fund to the St Andrews Church windows and insulation project, and
 2. Cabinet authorises the Director of Sustainable Communities to prepare and issue a grant funding agreement to St Andrews Church
-

1. Background

- 1.1. The Community Infrastructure Levy (CIL) was adopted by Chelmsford City Council on 1 June 2014. It is a non-negotiable charge on new buildings to help pay towards the infrastructure needed to support growth in an area.
- 1.2. As per the CIL regulations and guidance, the income from CIL is proportioned for spending, with 15% collected passed to the parish tier council. This rises to 25% where a Neighbourhood Plan is in place. In the nine non-parished wards the funding is overseen by the Community Funding Panel (previously known as the CIL Spending Panel). A general CIL Neighbourhood Fund for community uses is now set at 15% of all receipts in that area.
- 1.3. The CIL Regulations (59A) state that the total amount of CIL receipts passed to a parish tier council is capped at £100 per Council Tax dwelling per year. This cap is index linked to the year in which the transfer is made. The CIL Regulations do not state what should happen to any surplus Neighbourhood Allocation, once the £100 per Council Tax dwelling cap has been reached.
- 1.4. The Council has set out its governance arrangements for the Neighbourhood Cap in the 'Community Infrastructure Levy Governance – the Neighbourhood Cap' document, published in June 2018 following Cabinet approval. The process set out in this document is summarised below.
- 1.5. In instances where a Parish reaches its Neighbourhood Cap, the CIL Spending Panel will be informed and provided with financial information detailing the surplus CIL that remains following the Parish allocation.
- 1.6. After reviewing the financial information, the CIL Spending Panel may recommend that the Council invites 'Neighbourhood Expressions of Interest' detailing projects that the surplus CIL monies could be spent towards.
- 1.7. Neighbourhoods which are invited to express an interest for the surplus CIL monies can include both parish tier councils and the Non-Parished Neighbourhood Groups. However, bids can only be made for projects which are in the vicinity of the development in which the CIL money was originally collected.
- 1.8. Expressions of interest are to be made using a standard detailed project proposal form, and projects must meet the eligibility criteria.
- 1.9. Project proposals received will be validated by a Council officer, and a report detailing the project proposals will then be taken to the CIL Spending Panel

for consideration. The Panel will review the proposals and make recommendations which will go forward to Cabinet. If agreed by Cabinet, the relevant parties will be informed and funds will be allocated, alongside a funding agreement.

2. Chignal Parish Cap

- 2.1. In 2018, the Neighbourhood Cap was reached for Chignal Parish as a result of the Little Hollows development on Hollow Lane on the edge of the North Western edge of Chelmsford's urban area where the development adjoins the St Andrew's ward. This resulted in the region of £94,000 of non-allocated neighbourhood surplus available for projects that are either within the wards of St Andrews and Patching Hall, or the parish of Chignal.
- 2.2. Expressions of interest were received, and considered by the CIL Spending Panel on 29th August 2018. One of the projects that was granted funding was the refurbishment of the St. Andrew's Scout Building, Melbourne Avenue.
- 2.3. The 5th and 9th Scout Group at that time utilised a building on the site of St Andrew's Church, Melbourne Avenue. The Scout Group owns the building, but it is situated on land owned and controlled by the Church PCC. The building is in a poor state of repair and there is restriction through the lease on its use to the Scout Group only. This restricts the ability of the building to be used by other community groups, which can help raise funding to sustain the Scout Group.
- 2.4. Following a full building survey, a programme of works to bring the building up to standard and extend its life for a further 20 years was identified. The estimated cost of the work, including fees, was calculated at £80,000. The project was therefore granted an in-principle allocation of £80,000. This was considered and approved by Cabinet on 16th October 2018.
- 2.5. Unfortunately, it has not been possible to take the project forward and the Scout Hut is currently not in use. As things stand, it is not economically viable to invest in the building being brought into use. The 5th and 9th Chelmsford Scout Group has instead been meeting in St Andrews Church Hall. Many other community uses also take place in the Hall, such as NHS clinics, exercise groups, Foodbank, a toddler group and an Autism Youth Group.
- 2.6. Since 2018, when the Scout Group application was approved, the CIL Cap fund has grown through further development in the area. The current funding position is shown in the table below.

	Allocated	Spent	Balance remaining
Chignal Road Junction Landscaping	11,068	9,668	1,400
St. Andrews Scout Hut Refurbishment	80,000	200 (building survey)	79,800
Unallocated		-	64,744
Total			145,944

- 2.7. The Council received a Neighbourhood CIL application for funding from St Andrews Church in March 2024 for help towards the costs of replacing the windows of the church hall with new PVC double glazing and installation of lintels if needed, and the installation of a further 200mm of insulation in the loft space to bring that up to modern standards. The estimated cost of this project is £30,000, with £3,935 having already been raised by the Church or allocated from existing Church funds. There is therefore a shortfall of £26,065.
- 2.8. The application requested £10,000. However, it is considered that it would be beneficial to fully fund this project (£26,065) so that it can be delivered now through the reallocation of funds originally allocated to the St. Andrews Scout Hut Refurbishment from the CIL Cap, as this project has not been able to be taken forward. This is recommended owing to the limited amount of funding left available for the general Neighbourhood CIL budget in the unparished area (across all nine unparished wards) where only £155,000 is currently available for community organisations. It is also considered that this project would go some way to addressing the principle behind the original funding allocation.
- 2.9. This project directly benefits the 5th and 9th Chelmsford Scout Group to whom the original funding was approved, and they have been consulted on this proposal. The Scout Group have been advised that the Council could re-engage with them in the future to discuss funding if a potential project comes forward to replace the scout hut.
- 2.10 There will also be benefits for the many community groups that utilise the space in terms of keeping hiring costs low, as well as benefits to the wider community through the lowering of energy consumption and therefore contributing to the Council's Climate and Ecological Emergency priorities.

3. Conclusion

3.1. The re-allocation of the funding from the Chignal Parish CIL Cap to the St Andrew's Church improvement project is considered to be an appropriate use of available resources. It will help retain the general CIL Neighbourhood pot to fund as many projects as possible in the future in the nine unparished wards. There will remain in the region of £120,000 within the CIL Cap fund for other projects in the wards of St Andrews, Patching Hall or parish of Chignal.

List of appendices:

None

Background papers:

None

Corporate Implications

Legal/Constitutional: This decision falls to Cabinet to approve. Legal considerations and implications are set out in the report.

Financial: Re-allocation of funds from the CIL Cap is within existing held funds.

Potential impact on climate change and the environment: Fully funding this project through the CIL Cap would ensure that this project can take place. The project will have a positive impact on climate change and the environment through energy saving measures.

Contribution toward achieving a net zero carbon position by 2030: A positive impact due to the energy saving measures this project will deliver.

Personnel: None

Risk Management: Appropriate checks on organisations will be carried out before funding is distributed, including insurance, financial and charitable status. A CIL funding agreement will be required to be entered into by the organisation receiving the funding.

Equality and Diversity: None

Health and Safety: The funding agreement will include a requirement that organisations working on the project comply with health and safety regulations.

Digital: None

Other: None

Consultees:

Community Funding Panel.

Relevant Policies and Strategies:

Our Chelmsford Our Plan



Chelmsford City Council Cabinet

9th July 2024

Rent Setting Policy and Fair Charging Policy

Report by: Cabinet Member for a Fairer Chelmsford

Officer Contact: Paul Gayler, Strategic Housing Services Manager,
paul.gayler@chelmsford.gov.uk Tel: 01245 606375

Purpose

To present the Rent Setting and Fair Charging Policies for approval, which set out the principles Chelmsford City Council will apply in calculating its rents and service charges for housing that it uses as temporary accommodation.

Options

1. Approve the Rent Setting and Fair Charging Policies as presented.
2. Approve the Rent Setting and Fair Charging Policies as presented with amendments.
3. Decline to approve the Rent Setting Policy and/or the Fair Charging Policy

Recommendations

1. The Rent Setting and Fair Charging Policies be approved as presented.
-

1. Background

- 1.1 Chelmsford City Council's owns 59 properties and 18 modular units which have been purchased to enable the Council to provide cost effective, quality temporary accommodation to fulfil its statutory homelessness duties.

- 1.2 As a Local Housing Authority the Council is a Registered Provider of Social Housing and must comply with the requirements and standards set by the Regulator of Social Housing. This means that all properties owned by the Council must have rents that comply with the Regulator's Policy Statement on Rents for Social Housing including those that are used for temporary housing.
- 1.3 Properties that are leased by the Council for use as temporary accommodation are exempt from this regulation but in order to comply with our statutory responsibilities to those who need this accommodation the homes must be suitable and this includes ensuring that the rent charged is affordable. In both cases there may also be a charge for services in addition to the rent and this should also be affordable.
- 1.4 The principle of affordability also applies to any other temporary accommodation used by the Council which may be owned and managed by other organisations including private landlords and letting agencies. In these cases the Council often pays the cost directly to the landlord and seeks to recover payment from the homeless households. In such cases it is necessary to set and ensure that this charge, as is the case with the service charge is fair and reasonable bearing in mind many will be homeless because they are on a low income and unable to afford anything other than social housing.
- 1.5 The Rent Setting and the Fair Charging Policies establish the procedural framework for rent setting in homes owned by the Council which will be regulated social rents, rents in leased properties which must be affordable and therefore set at Local Housing Allowance rates, and the charge for homes provided by others which will also be set at Local Housing Allowance rates. The rates for service charges should also be based on a fair and transparent basis but should not exceed general recognised levels of what is reasonable for households on low incomes.
- 1.6 Being able to demonstrate that both rents and charges are legally fair and reasonable also strengthens the Council's ability to take enforcement action when necessary in cases where payment is refused or withheld.

2. Context

- 2.1 The development and growth of a residential property portfolio by the Council has been undertaken to support the growing need for access to social and affordable homes to enable the Council to meet its statutory homelessness duties through the provision of temporary accommodation and to control the cost of temporary accommodation.
- 2.2 The Council is a Registered Provider and is therefore subject to regulation by the Regulator of Social Housing (RSH). Therefore, the Council must demonstrate how it meets the RSH Standards including the Rent Standard which sets the regulatory framework for the calculation to set the rent and the

extent to which it can be increased each year. By following this guidance, the Council is compliant with both its duties as a Registered Provider of social housing and also its duties under the homelessness legislation regarding the suitability of temporary accommodation.

- 2.3 In addition to this, the policy establishes the framework for operations which meets the statutory and regulatory obligations, provides a rental income to effectively manage and maintain the homes and ensure financial viability for future investment needs.
- 2.4 Properties that are leased specifically for use as temporary accommodation are exempt from these regulations so there is more flexibility in determining the level of rent to be charged. However the Homelessness (Suitability of Accommodation) Order 1996 creates a duty to ensure that homes are affordable. The Code of Guidance states that Local Housing Authorities should be guided by Universal Credit (and Local Housing Allowance) rates, it is therefore recommended that this is used as the basis for setting the rent in properties that are leased, as opposed to those owned by the Council, as this will be affordable but in most cases at a slightly higher rate than regulated social rents.
- 2.5 It is possible to set regulated rents at a higher rate in the case of households with incomes above £60,000 a year, for the purposes of setting rents for temporary accommodation we would in these cases expect an applicant to be able to relieve their homelessness through other options and not be in need of temporary accommodation. All homelessness households are only placed into temporary accommodation with the approval of a senior officer who is satisfied not only that there is a prima facie duty to accommodate but also that this is the only option to avoid a vulnerable household from being roofless.
- 2.6 In the case of properties that are used as temporary accommodation and neither owned or leased by the Council (or another Registered Provider who would also be operating with the same standards) the Housing Service pays the provider directly as this ensures access to temporary accommodation by reducing the risk and concern of landlords that they will not be paid. To protect the Council's financial interests a charge is then made to the household and conventionally this has been paid from their entitlement to Housing Benefit. The policy will formalise this. In cases where people may be in work or not entitled to the full level of Housing Benefit it will be a requirement that they make up the difference from their own means.
- 2.7 In most cases temporary accommodation will be self-contained and the cost for utilities such as lighting and heating will be charged in the same way as it would be if the household were living in settled housing. In some cases there may also be a service charge, most often for the maintenance of communal areas and as with the cost of utilities we would expect this to be set at a reasonable rate by the landlord and therefore be something that can and should be paid directly by the occupant.

- 2.8 There are a small number of cases however where some of these services will be included within the rent and will not be eligible for Housing Benefit. Where this occurs, in the absence of information that itemises these additional costs, a standard deduction will be made from their entitlement to the benefit payment for their accommodation. To ensure fairness and consistency with other households in temporary accommodation and to reduce the financial cost to the Council it is proposed in the Fair Charging Policy that a contribution is made by the household.
- 2.9 A copy of both policies are attached as Appendices to this report. Subject to approval the regulated rents that will apply to Council owned properties will be adjusted each year in accordance with the guidance set by the Regulator of Social Housing. Rents and charges that are set in line with Local Housing Allowance will remain linked to these rates.

3. Financial implications

- 3.1 The new rent setting policy will change the rents charged on Council owned/retained properties compared to existing levels. The changes will affect properties differently according to bedroom numbers.
- 3.1.1 Impact on Council; The overall impact is of this an overall net loss of some £10k per annum of rent income. However, stronger compliance with Housing regulation will make enforcement and tenancy management more legally robust. There should improvement in rent collection and lower non-payment losses, however, these benefits are impossible to quantify before implementation.
- 3.1.2 Impact on Tenant; changes in rent will in most cases be neutralised by equal changes in housing benefit paid to tenant.
- 3.2 The charging policy will increase the charge to some tenants and lower for other, however:
- 3.2.1 Impact on Council; any increases in rent collectable will be offset by less Government funding (subsidy loss).
- 3.2.2 Impact on Tenant; as charges (rents) will not exceed local housing allowances changes will be neutralised by Housing Benefits. Generally, tenants will not suffer any additional financial burden. Where rent has been reduced for tenants, the contribution if any that they personally make in most cases will not change.

4. Conclusion

- 4.1 The adoption of these policies will enable the Council to deliver a transparent and consistent approach to rent and services charges, whether applied to homes owned or leased by the Council or provided by another landlord. This will also create a sound basis for informing and planning income management and investment decisions and improve the ability of the Housing Service to manage individual rent accounts.

List of appendices:

Appendix 1 Rent Setting Policy

Appendix 2 Fair Charging Policy

Background papers:

None

Corporate Implications

Legal/Constitutional:

This section includes the relevant legislation and guidance considered in developing the policies:

- Welfare Reform and Work Act 2016 (including amendments)
- Housing Act 1985 Section 24: the Council can make such reasonable charges as it determines for the tenancy or occupation of its houses.
- The Council is obliged, from time to time, to review rents charged and make such changes, as circumstances may require.
- The Council may increase the rent for its tenants by giving no less than four weeks' notice, pursuant to section 103(4) of the Housing Act 1985.
- Social Housing Rents (Exceptions and Miscellaneous Provisions) Regulations 2016 Housing and Planning Act 2016 3.7 Housing and Regeneration Act 2008 section 197:
- The Direction on the Rent Standard 2019 3.8 Ministry of Housing, Communities and Local Government: Policy statement on rents for social housing, February 2019 3.9 Regulator of Social Housing: Rent Standard, April 2020.

Financial: There is a small cost to the Council compared to current charging mechanism of approximately £10,000 per annum, although this should be offset by lower rent arrears

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: Setting rents within a compliant framework reduce the risk of challenge both from the Regulator and enforcement for arrears.

Equality and Diversity: None

Health and Safety: None

Digital: The Housing Service systems will be updated to ensure rent accounts and service charges can be managed in accordance with the policies.

Other: None

Consultees:

Counsel

Accountancy Services Manager

Relevant Policies and Strategies:

Housing Strategy 2022- 2027

Homelessness & Rough Sleepers Strategy 2020-2024

Rent Setting Policy June 2024

1.Scope & Purpose

The Policy seeks to set out the principles Chelmsford City Council applies in calculating its rents and service charges for its housing stock that it owns and has responsibility to manage and maintain.

The Council transferred its housing stock in 2002 but retained a small number of properties for use as temporary accommodation to meet its duties to homeless households. These small number of homes has increased since that time through a combination of homes that have been purchased, leased and there are currently 18 modular homes all used as temporary accommodation.

The Council is a Registered Provider of social housing and must therefore comply with the requirements of the Regulator of Social Housing as well as legal requirements which stipulate the type of tenancies that can be granted and how rents should be set.

The Policy creates the procedural framework for rent setting; service charges; and income collection for council housing. The policy is intended to promote transparent, equitable and sustainable rent and service charge setting and collection.

The policy sets out:

- How the Council will set rents for its housing stock.
- How the Council will work to meet best practice on rents and service charges.
- How the Council will ensure decisions and actions are compatible with corporate debt policy by ensuring a policy on income collection is in place.

The purpose of this policy is to:

- Ensure that rents and service charges will be set in accordance with relevant statutory, regulatory, audit and contractual obligations.
- Ensure rents and service charges are set at a level which ensures that the Council meets its obligations to tenants, maintains stock at a high standard of repair, plans for future investment and continues to function as a financially viable organisation.

- Protect tenants from excessive increases in charges.
- Help ensure homes are suitable having regard to the need for affordability;
- Provide a clear framework for the setting and review of rent levels for each property.
- Ensure that all tenants are made aware of the weekly rent payment due to the Council in respect of their property, both at the beginning of their tenancy and when it changes in April every year, linked to the RSH Rent Standard, currently set at CPI & 1%
- Ensure that our customers are advised of the availability of benefits to help with housing costs and are given support to claim benefit where applicable.

2.Rent Setting

The policy relates to the setting, charging and collection of income related to Council Owned & Retained, including modular residential accommodation.

The policy also relates to rents charged for properties which the Council leases for use as temporary accommodation.

The Council's Housing Service will monitor all individual rent accounts and provide to other Services within the Council information on the collection of income and expenditure for temporary accommodation to inform future planning and allocation of the Council's finances.

2.1 Council owned properties

Rents will be set annually, in accordance with the relevant regulatory standards. The Council must set these rents at social rent levels which should be calculated using a formula that is based on the size of the home and the cost of build or acquisition.

Homes which were retained at the time of stock transfer will therefore have rents that are slightly lower than more recent properties that have been built or acquired for use as temporary accommodation.

The table below shows the indicative weekly rent to be charged for those homes that were retained at the time of stock transfer and those that have been subsequently acquired from that date.

	Retained stock	New stock
1 Bed	£ 131.74	£ 162.06
2 Bed	£ 134.21	£ 198.19
3 Bed	£ 148.31	£ 215.43
4 Bed	£ 199.27	£ 323.16

Rents as set for April 2024

Rents will be set each financial year and will be adjusted in accordance with the Social Housing Regulators Rent Standard.

All tenants are given at least 28 days' notice of increases (or decreases) in their own rent through the annual rent notification letter.

2.2 Properties leased by the Council

In addition to homes owned by the Council there are also properties which are leased from private owners that are used as temporary accommodation. These properties are outside of the Rent Standard giving the Council more flexibility over the rent that is charged.

In using these homes as temporary accommodation the Council must however ensure that it complies with The Homelessness (Suitability of Accommodation) (England) Order 2012. This means, amongst other requirements, that they must be affordable to those who will be on low incomes or reliant on benefits.

To meet this requirement the Council will therefore set rents that are within the Local Housing Allowance levels. Any variation including increase to rents will therefore follow any change to the Local Housing Allowance levels.

3. Tenancies and Rent Collection

The Council will only provide non-secure tenancies to households in temporary accommodation.

Households who are owed a duty for settled accommodation under Housing Act 1996 s.193 will have protection from eviction so tenancies can only be ended by an end to the Council's duty to provide temporary accommodation or in cases where enforcement is needed because of a breach of the tenancy agreement.

All tenants will be provided with a copy of their tenancy agreement which will explain the weekly rent, any additional service charges and the weekly payment required from them.

In cases where there is a breach of the tenancy agreement the Council will act in accordance with its policies and procedures for recovery of payment and where necessary the ending of the tenancy agreement and eviction.

It is recognised that in some cases those who have become homeless and are reliant on benefits may find that there is still a shortfall in meeting the weekly cost of accommodation. In these cases it will be required that the tenant cooperates with the Council in maximising their entitlement to benefits and takes all reasonable steps to reduce and repay any shortfall.

4.0 Service Charges

Service charges for communal and additional services at a property are additional to the rent. These will be itemised separately from each rent account.

The policy for the setting and charging of these charges is in the Council's Fair Charging Policy.

5.0 Supported Housing.

The Rent Standard allows landlords to apply a different approach to "specialised supported housing" which is accommodation that is specifically intended for, and offers a high level of support for, residents who would otherwise not be able to live independently. If the Council develops or procures supported housing a specific approach will be taken to address the needs of the residents.

6. Compliance and Performance

This policy will be approved by the Council's Cabinet and an annual budget report is made available to show performance and compliance. This will include information about any variation to the level of rent charged and the Service's performance on income collection as reflected in its Key Performance Indicators.

The service will also seek to make use of benchmarking data and external challenge to assess performance.

The service is subject to internal audit from time to time which identified areas of risk and makes recommendations for change.

7. Review

This policy will be regularly monitored and formally reviewed every three years or where there are changes to relevant legislation or guidance.

8. Legislation and Guidance

The relevant legislation and guidance considered in developing the policy:

- Welfare Reform and Work Act 2016 (including amendments)
- Housing Act 1985 Section 24: the Council can make such reasonable charges as it determines for the tenancy or occupation of its houses.

- The Council may increase the rent for its tenants by giving no less than four weeks' notice, pursuant to section 103(4) of the Housing Act 1985.
- Social Housing Rents (Exceptions and Miscellaneous Provisions) Regulations 2016 Housing and Planning Act 2016 3.7 Housing and Regeneration Act 2008 section 197:
- The Direction on the Rent Standard 2019 3.8 Ministry of Housing, Communities and Local Government: Policy statement on rents for social housing, February 2019 3.9 Regulator of Social Housing: Rent Standard, April 2020

Fair Charging Policy – Temporary Accommodation

1. Introduction and Purpose

1.1 Charges for Accommodation

The Council has a duty to provide temporary accommodation to households who have become homeless, either pending an investigation into the Council's substantive duties to them, or whilst waiting in cases where there is a continuing duty to secure settled accommodation, e.g. through the Housing Register.

Temporary Accommodation takes the form of two types of accommodation:

- i) Shorter-term accommodation for use during the relief stage of homelessness and whilst a household's homelessness application is being assessed. This could be self-contained or shared accommodation, either through a private proprietor arrangement or through a Registered Provider. (Section 188)
- ii) Longer-term accommodation for households where the Council has accepted an ongoing accommodation duty. This accommodation is provided until a suitable offer to discharge that duty can be made. (Section 193)

In cases where the Council pays landlords directly for temporary accommodation it will make a charge to the lead tenant to recover some or all of this cost. This is a charge and not a rent as the Council is not the landlord.

The Council's Rent Setting Policy details how rents are set for temporary accommodation which is owned or leased by the Council.

1.2 Service Charges

This policy also applies to the setting of service charges which may be required for some occupants of temporary accommodation. This may be for the maintenance of properties including communal areas or the use of utilities where they are included within the cost of the accommodation.

Where charges are ineligible for Housing Benefit a reduction will be made to the applicant's benefit payments to reflect this, either on the basis of information provided by the landlord on the cost of accommodation and the cost of other

services, or if this is not explained a deduction will be made based on a nationally applied assumption.

In cases where the Council pays the provider directly, it will be necessary to make an additional charge, one for the accommodation ('rent') and another for the services that are ineligible and cannot be recovered through Housing Benefit.

1.3 Other Charges

There are other services which the Council may provide as part of its statutory duties to homeless households. These will not relate to the cost of accommodation but may involve ancillary services such as the removal or storage of personal belongings or transport to or from temporary accommodation. In these cases if the Council is required to make payments on behalf of a household reasonable steps will be taken for reimbursement taking into account the circumstances of each case.

As these costs are fixed by the provider and will often be incidental to the Council's main duties this policy does not seek to prescribe in any further detail how applicants will be charged for these services as it is dependent on the circumstances of each case.

1.4 Purpose of the Policy

This policy creates the procedural framework for setting charges for rent and services. The policy is intended to promote transparent, equitable and sustainable rent, service charge and utilities setting and collection.

The purpose of this policy is to:

- Ensure that the cost of temporary accommodation and service charges will be set in accordance with relevant statutory and contractual obligations.
- Help ensure charges applied are affordable (within Local Housing Allowance) for those in housing need.
- Provide a clear framework for the setting and review of charges.
- Ensure that all licensees and tenants are made aware of the weekly charges & payment due to the Council in respect of their property, both at the beginning of their tenancy and when it changes.
- Ensure that our customers are advised of the availability of benefits to help with housing costs and are given support to claim benefit where applicable.

2.0 Context

In the provision of temporary accommodation Chelmsford City Council will have regard to the Homelessness (Suitability of Accommodation) (England) Order 2003 which came into force on the 1st of April 2004.

Suitability includes the cost of accommodation provided to households; as many will be on low incomes any costs above the level of Local Housing Allowance would therefore be unreasonable. Households who have incomes in excess of this will generally be expected to be able to prevent or relieve their homelessness with help from the Council in the open housing market. An objective financial assessment will be undertaken for all applicants to determine if temporary accommodation is needed and if so, what contribution should be made towards the costs based on the household's income and expenditure.

The order outlaws the use of B&B accommodation for households with dependent children or an expectant mother unless:

- there is no other accommodation other than B&B available for occupation by an applicant with family commitments; and
- the applicant occupies B&B accommodation for a period, or a total of periods which does not exceed 6 weeks.

The Homelessness Service will seek to avoid the use of B&B in all cases and especially for those with children, care-leavers and others included under the Homelessness Code Guidance as being unsuited to this type of temporary accommodation, unless the alternative is street homelessness for applicants that it has a duty towards.

In most cases the Council's preferred intention will be to use temporary accommodation it either owns or leases, or properties owned and managed by other Registered Providers as this will be the most suitable in both cost and location.

There is a considerable gap between the supply of affordable and temporary accommodation that is available from the Council and other Registered Providers necessitating other types of temporary accommodation. The most common alternative option is privately owned property that is provided on a nightly let basis.

The proposal seeks to recover an affordable amount for the applicant, not the necessarily the whole cost of the placement.

3.0 Charging Policy

3.1 For accommodation (occupation charge) secured and paid for by the Council

The Council will make a charge up to the level of Local Housing Allowance for the size of the property. The table below shows the current rates.

Property size	Monthly payment / occupational charge
Shared Room	£425.14
1-bedroom	£792.83
2-bedroom	£947.40
3-bedroom	£1196.69
4-bedroom	£1446.06

Rates from April 2024.

The occupation charge will be amended as and when the Local Housing Allowance rate is altered subject to the policy and process for notification of changes. This may be paid by the Council receiving payments of Housing Benefit awarded to the household but it will be their responsibility to arrange this. If the applicant is ineligible for Housing Benefit or only entitled to a partial award they will be charged the outstanding balance.

Households in temporary accommodation will be responsible for the cost of utilities and pay these directly to the provider of the temporary accommodation or utilities company depending on the arrangements for the agreement to occupy the property.

3.2 Service charges

3.2.1 Communal Facilities

Where there is an additional charge to the cost of accommodation set by the provider of the accommodation the Council will expect a contribution from the household provided it is a reasonable charge as this would be similar were they to be in settled accommodation in a like-for-like property.

3.2.2 Utilities

The Supreme Court in *Samuels v Birmingham City Council* [2019] UKSC 28 stated local authorities must have an objective source to refer to when setting reasonable charges or deductions for households on low income. The Council will therefore make an objective assessment as to the charge it will make in cases where the cost of utilities is included within the rent and would be ineligible for Housing Benefit.

For energy costs that need to be recovered through this policy the charge will be based on 80% of what Ofgem provides as the average usage for a household of the same size.

For water and sewage this will be based on the average annual charge, adjusted by 50% reduction for smaller or 50% increase for larger families.

This methodology is based on the guidance provided by the Association of Housing Advice Services (AHAS) and is consistent with the Homelessness Code of Guidance.

4.0 Payment and Action for Non-payment of Charges

Homeless applicants will be expected to pay their charges one week in arrears. If the client does not stay for the full 7 days any charges paid in advance will be refunded to the client less any other amount owed to the Council's Housing Service.

Applicants are also required to notify the Council when their occupation of temporary accommodation ends, this includes cases where the Council has successfully

nominated them for a tenancy with another landlord. Applicants will remain liable for the cost of rent and other charges up to the date when the keys of the property are returned to the landlord and personal belongings have been removed.

In cases of abandonment the Council will charge rent, charges and other costs up to the date when it became aware that the property had been left.

Where applicants fail to maintain their charges payments in advance the following considerations will be made:

- Clients who are in financial difficulty and who are unable to pay in advance, alternative arrangements will be made to accommodate their payments, for example, agreeing that the payment will be made on the day they receive their next benefit payment.
- Applicants who fail to maintain regular and full payment of rent or occupation charge may be served notice or otherwise have their agreement for occupying temporary accommodation terminated and this may affect the duty the Council has to provide any subsequent accommodation in accordance with its duties under Homelessness legislation.
- Officers will advise applicants when they sign the Terms and Conditions of Occupation (sometimes referred to as the Licence, or Tenancy Agreement) the consequences of failing to ensure that their rent is paid and provide help and advice to help meet the cost and other responsibilities associated with the agreement.
- Applicants who fall into arrears will be given an opportunity to pay their rent or charges and explain why they have failed to do so. The applicant must be advised of the level of the arrears and the consequences of failing to ensure payment. If the applicant does not pay or provide a reasonable explanation for the arrears, then the accommodation should be withdrawn. Written notification of the reasons for the eviction and which duty (s 188 or s 193) has been ended, will be provided.

Applicants will be advised, as part of their offer letter, that they will be invoiced for the costs of their accommodation, in line with the above proposed policy from the date of the commencement of the tenancy or licence.

On the basis that they have been informed about the charges prior to accepting the offer of accommodation, and to maximise the Council's recovery of income in relation to temporary accommodation, it is recommended that these charges are collected retrospectively.

5.0 Compliance and Performance

An annual budget report is made to Cabinet on request. This will set out the projected recovery of payments for the Strategic Housing Service and will demonstrate that the proposed charging levels comply with this policy.

The service's performance on recovery of rent and charges is reflected in KPIs reported each month.

The service will set internal performance indicators and targets that reflect the aims of this policy and will show how well it is performing against those expectations. The service will also seek to make use of comparable benchmarking data and good practice to assess performance.

The Service is subject to internal audit which will identify areas of risk and makes recommendations for change.

The Service will ensure that this policy is compliant with the Council's legal duties and responsibilities to those who are homeless and the regulation of its duties as a Registered Provider of social housing.

6.0 Complaints

Complaints about properties or the management of accounts should be made in the first instance to the relevant officer involved with the placement or management of accounts.

Complaints about the behaviour or actions of Council staff should be made through the Council's corporate complaints policy.

7.0 Review

This policy will be reviewed every two years or sooner where there are changes to relevant legislation.

June 2024



Chelmsford City Council Cabinet

9th July 2024

Norwich to Tilbury Powerline Proposals – Statutory Consultation Response

Report by:

Cabinet Member for a Greener Chelmsford

Officer Contact:

Sally Rogers

Principal Planning Officer, strategic.development@chelmsford.gov.uk, 01245 606 826

Purpose

To seek approval on the City Council's consultation response to the Norwich to Tilbury Nationally Significant Infrastructure Project (NSIP) statutory consultation which has been extended until 26th July 2024, and to approve the necessary Officer delegations for the Council's future involvement in the forthcoming Independent Examination.

Options

- 1a Cabinet agrees the proposed consultation response attached at Appendix 1
- 1b Cabinet recommends amendments to the proposed consultation response attached at Appendix 1 and agrees for the amended consultation to be issued to National Grid under delegated powers.

2a Cabinet delegates to the Director of Sustainable Communities, in consultation with the Cabinet Member for a Greener Chelmsford, the Council's future involvement in the forthcoming Independent Examination.

2b Cabinet does not delegate to the Director of Sustainable Communities, in consultation with the Cabinet Member for a Greener Chelmsford, the Council's future involvement in the forthcoming Independent Examination.

Preferred option and reasons

Option 1a – to agree the proposed consultation response attached at Appendix 1.

Option 2a – to agree delegating to the Director of Sustainable Communities, in consultation with the Cabinet Member for a Greener Chelmsford, future involvement in the forthcoming Independent Examination. This is to ensure that tight Examination deadlines are not missed and that the City Council is fully represented during this period.

Recommendations

That the Cabinet approve the consultation response attached at Appendix 1 and that this can be sent to National Grid before the 26th July 2024.

That the Cabinet delegates to the Director of Sustainable Communities, in consultation with the Cabinet Member for a Greener Chelmsford, the Council's future involvement in the forthcoming Independent Examination.

1. Introduction

1.1. The Norwich to Tilbury project is proposed by National Grid to provide a new link on the transmission system by upgrading and reinforcing the electricity transmission system in East Anglia between Norwich and Tilbury. The project will require the construction of new pylons and overhead cables and will include approximately 159km of new overhead lines and 25km of underground cabling between Norwich to Tilbury. The proposed route will run through the administrative boundaries of Chelmsford.

1.2. The proposal is a "Nationally Significant Infrastructure Project" (NSIP). National Grid will need to apply for a Development Consent Order (DCO), which will be submitted to, and examined by the Planning Inspectorate on behalf of the Secretary of State. Chelmsford City Council (CCC) is a consultee in this process and the Secretary of State will make the final decision on the DCO based on the Planning Inspectorate's recommendations.

- 1.3. An NSIP is effectively a large scale and all-encompassing planning application, other local examples are the A12 widening scheme and the Longfield Solar Farm.

2. Background

- 2.1. National Grid held a non-statutory consultation between 21 April 2022 and 16 June 2022. This was followed by a second non-statutory consultation held between 27 June 2023 and 21 August 2023.
- 2.2. The Council's consultation response is attached at Appendix 1, within the consultation response it refers to the Council's previous consultation response in September 2023, this previous response is a background paper to this report and can be viewed at this link [Previous Consultation Responses](#)
- 2.3. The City Council's representations on the second non-statutory consultation stated that the Council continues to strongly object to the proposal as the project was still considered to be premature and not all the potential alternative options had been fully explored and assessed. The City Council also raised serious concerns about the heritage and landscape impact of the proposed powerline alignment and design which it considered had not been fully assessed and therefore the draft preferred alignment was premature.

3. Summary of Consultation Response

- 3.1 Whilst the need for clean energy transmission is understood, it is proposed that the City Council maintains an objection in principle to the use of onshore pylons and power lines. This objection is because insufficient evidence has been provided to show that the powerlines are needed by 2030 and that the accelerated programme of consultation has taken the project outside of the scope for Holistic Network Design (HND) as part of the Offshore Transmission Network Review (OTNR). The preferred strategic option for Norwich to Tilbury remains an integrated offshore technology that minimises onshore transmission infrastructure and does not include overhead lines and pylons.
- 3.2 Notwithstanding the overall objection in principle, the City Council provides comments on the proposed alignment and raises concerns over the harmful landscape impacts, potential for harm to residential amenity and in particular the harm to designated heritage assets along the route.
- 3.3 There is significant concern regarding the impacts on designated and non-designated heritage assets at Little Waltham and Great Waltham, where the route passes between the two historic villages.

3.4 There is also significant concern that the archaeological remains of an Iron Age and later settlement at Ash Tree Corner at Little Waltham extends beyond the designated scheduled monument area. This area, extending into the order limits, may be of national significance and therefore further work is needed to determine the extent of the archaeology.

3.5 Insufficient effort has been provided to mitigate the impact of the Project (particularly on heritage assets) and insufficient information has been provided to be able to properly assess the likely impacts of the Project and mitigation proposed.

4. Conclusions

4.1 The City Council maintains its objection in principle on the Norwich to Tilbury project on the basis of the following three grounds:

- i. That insufficient evidence has been provided in the 2024 statutory consultation documents to be certain about how much additional electricity transmission capacity is required in the southeast, and by what date, to fully demonstrate that an onshore solution is required by 2030.
- ii. Object to National Grid undertaking an accelerated programme of consultation to meet an uncertain 2030 date prior to the conclusion of the Offshore Coordination Support Scheme (OCSS) and proper consideration of the ESO East Anglia Study Report (March 2024)
- iii. The presence of overhead lines and 45-50m high pylons will be visually harmful and would result in unnecessary harm to heritage, landscape, ecology and residential amenity across the Chelmsford area.

4.2 It is recommended that Cabinet agrees the consultation response attached at Appendix 1. The response incorporates the advice from specialists at Essex County Council and Place Services.

List of appendices:

Appendix 1 – Norwich to Tilbury Powerline Project Statutory Consultation Response from Chelmsford City Council

Background papers:

National Policy Statement for energy EN-1

National Policy Statement for electricity networks infrastructure EN-5

The National Planning Policy Framework 2023
The Chelmsford Local Plan 2020
Previous Consultation Responses <https://www.chelmsford.gov.uk/planning-and-building-control/developments-and-improvements-in-chelmsford/new-electricity-power-lines-norwich-to-tilbury/>

Corporate Implications

Legal/Constitutional:

The consultation response falls to cabinet for approval. The delegated power referred to in recommendation 1 b can be found in the officer scheme of delegation in the Council's constitution at paragraph 3.4.7.25. This empowers the Director of Sustainable Communities to respond to government consultation relating to Nationally Significant Infrastructure proposals.

Financial:

N/A

Potential impact on climate change and the environment:

Whilst the need for clean energy transmission is understood, the City Council's preferred strategic option for Norwich to Tilbury remains an integrated offshore technology that minimises onshore transmission infrastructure and does not include overhead lines and pylons.

Contribution toward achieving a net zero carbon position by 2030:

The preferred strategic option for Norwich to Tilbury remains an integrated offshore technology that minimises onshore transmission infrastructure and does not include overhead lines and pylons. The City Council recognises that this option would need to be delivered at pace and without risk to national net zero, renewable energy and decarbonisation targets, and energy security.

Personnel:

N/A

Risk Management:

N/A

Equality and Diversity:

N/A

Health and Safety:

N/A

Digital:

N/A

Other:

N/A

Consultees:

Chelmsford City Council Planning Policy Team
Chelmsford City Council Development Management Team
Essex County Council
Place Services

Relevant Policies and Strategies:

Chelmsford Local Plan 2013-2036, 2020



**Norwich to Tilbury Powerline Project
Statutory Consultation June 2024**

Response from Chelmsford City Council

The City Council continues to object in principle. The Norwich to Tilbury project should be part of an integrated offshore scheme that does not include overhead lines and pylons.

1. Overall summary response

- 1.1. Whilst the need for clean energy transmission is understood, Chelmsford City Council (CCC) maintains an objection in principle to the use of onshore pylons and power lines. This objection is because insufficient evidence has been provided to show that the lines are needed by 2030 and that the accelerated programme of consultation has taken the project outside of the scope for Holistic Network Design (HND) as part of the Offshore Transmission Network Review (OTNR). The preferred strategic option for Norwich to Tilbury remains an integrated offshore technology that minimises onshore transmission infrastructure and does not include overhead lines and pylons.
- 1.2. Notwithstanding the overall objection in principle, CCC provides comments on the proposed alignment and raises concerns over the harmful landscape impacts, potential for harm to residential amenity and in particular the harm to designated heritage assets along the route.
- 1.3. There is significant concern regarding the impacts on designated and non-designated heritage assets at Little Waltham and Great Waltham, where the route passes between the two historic villages.
- 1.4. There is also significant concern that the archaeological remains of an Iron Age and later settlement at Ash Tree Corner at Little Waltham extends beyond the designated scheduled monument area. This area, extending into the order limits, may be of national significance and therefore further work is needed to determine the extent of the archaeology.
- 1.5. Insufficient effort has been provided to mitigate the impact of the Project (particularly on heritage assets) and insufficient information has been provided to be able to properly assess the likely impacts of the Project and mitigation proposed.

2. Context

2.1. This consultation follows two previous non-statutory consultations, which were held by National Grid Electricity Transmission Ltd (NG) between 21 April 2022 -16 June 2022 and 27 June 2023 - 21 August 2023. Following consideration by the CCC Policy Board, detailed responses were submitted to NG outlining strong objections in principle to the Project for an overhead powerline scheme. The second consultation response in particular raised serious concerns about the heritage and landscape impact of the proposed powerline alignment and design. It was CCC's position that this had not been fully assessed and therefore the draft preferred alignment was premature.

2.2. For completeness the most recent consultation response from CCC (September 2023) is attached at Annex A of this response.

2.3. This consultation is based on the following consultation documents:

- Project background document
- Preliminary Environmental Information Report (PEIR)
- Design Development Report (2024)
- Strategic Options Backcheck and Review (2024)
- Non Statutory Consultation Feedback Report (2023)
- Construction Access Plans
- Draft Outline Construction Traffic Management Plan
- Consultation Plans
- Environmental Constraints Plan
- Typical drawings for instance showing haul road typical cross section and typical junction visibility splay

2.4. CCC area is shown in Section F and a small area of Section G of the consultation plans.

3. National Planning Policy Context

3.1. The Project is to be assessed against relevant National Planning Policy Statements (NPS)

- National Policy Statement for energy EN-1
- National Policy Statement for electricity networks infrastructure EN-5

3.2. The National Planning Policy Framework and The Chelmsford Local Plan will also be material considerations to the Development Consent Order application.

4. Principle of proposal and Onshore Route

4.1. CCC declared a Climate and Ecological Emergency in 2019. CCC supports the transition towards a low or zero carbon economy to address the impact of climate

change and improve sustainability. This includes renewable energy production where this can be appropriately located and suitably mitigated.

- 4.2. CCC also recognises the rapidly growing need for electricity as the climate emergency requires us to help support the replacement of fossil fuels such as oil and gas as soon as possible. However, this does not mean that all proposals which may assist in reducing climate change should be approved at any cost.
- 4.3. The City Council maintains its objection in principle on the Norwich to Tilbury project on the basis of the following three grounds:
 - i. That insufficient evidence has been provided in the 2024 statutory consultation documents to be certain about how much additional electricity transmission capacity is required in the southeast, and by what date, to fully demonstrate that an onshore solution is required by 2030.
 - ii. Object to NG undertaking an accelerated programme of consultation to meet an uncertain 2030 date prior to the conclusion of the Offshore Coordination Support Scheme (OCSS) and proper consideration of the ESO East Anglia Study Report (March 2024)
 - iii. The presence of overhead lines and 45-50m high pylons will be visually harmful and would result in unnecessary harm to heritage, landscape, ecology and residential amenity across the Chelmsford area.
- 4.4. Within the last set of consultation documents, NG provided information on strategic options testing with the inclusion of a Strategic Options Backcheck and Review Document (June 2023) and Design Development Report (June 2023). Both of these documents have been updated but remain materially unchanged from the 2023 iteration and continue to conclude that the current overhead line onshore proposal must be progressed.
- 4.5. Since the last round of consultation there have been two reports published which consider alternative strategic options, namely the East Anglia Transmission Network Reinforcement Report by Hiorns Smart Energy Networks (2023) (The Hiorns Report) and the Electricity System Operator East Anglia Network Study (March 2024) (The ESO Report).
- 4.6. The Hiorns report was commissioned in 2023 jointly by Essex, Suffolk and Norfolk County Council's. The report reviewed the need and timing for additional capacity out of the East Anglia region against the Electricity Systems Operators (ESO) contracted generation. It also considered the need against a range of credible generation scenarios to assess the robustness of the need case.
- 4.7. The ESO report was carried out by the Electricity Systems Operator (ESO). The ESO carries out several roles on behalf of the electricity industry, including making formal offers to applicants requesting connection to the National Electricity Transmission System. The report sought to independently assess the different ways the electricity being generated could be transported, once it has landed, to where it is needed.

- 4.8. The Hiorns Report acknowledges that if all the generation which is presently contracted proceeds in accordance with its contracted dates, then there is a requirement for additional transmission capacity identified and that the proposed solution provides the most economical. The Hiorns Report did not, however, support National Grid's programme delivery date of 2030 and argued that that the need for additional transmission capacity would more likely be closer to 2035 and that National Grid could delay progressing the Project for at least five years.
- 4.9. The City Council is therefore concerned that NG have proceeded with statutory consultation on a strategic proposal and 2024 preferred route for Norwich to Tilbury prior to any meaningful outcome from the Offshore Coordination Support Scheme (OCSS). Because the Norwich to Tilbury proposals are included within the Government's Accelerated Strategic Transmission Investment programme (ASTI) for delivery by 2030, it appears that this will take it out of scope for Holistic Network Design (HND) as part of the Offshore Transmission Network Review (OTNR). The OTNR was launched by the government in 2020 and concluded in May 2023. It reviewed the way that the offshore transmission network is designed and delivered. A core outcome on the OTNR is the HND. The Holistic Network Design (HND) was published by the Electricity System Operator (ESO) in July 2022 and focuses on moving offshore wind connections from a radial (point-to-point) approach for individual projects, to a more coordinated one which considers future projects and the sharing of infrastructure
- 4.10. The City Council wishes to reiterate that its preferred strategic option for Norwich to Tilbury remains an integrated offshore technology that minimises onshore transmission infrastructure and does not include overhead lines and pylons. The City Council recognises that this option would need to be delivered at pace and without risk to national net zero, renewable energy and decarbonisation targets, and energy security.

5. Changes from the previous non-statutory consultation

- 5.1. The alterations to the previous alignment are relatively minor. These are set out within the Design Development Report. For the Chelmsford Area the changes are as follows:
- Where the alignment crosses the 132kV overhead line at Fuller Street it is proposed to replace the 132kV overhead line with underground cabling in order to prevent a cumulative effect of overhead lines.
 - Minor adjustment to the crossing of the A131 by moving the powerlines and pylons TB132 and TB133 slightly further south
 - To the west of Broomfield the 2023 draft alignment has been straightened between TB148 and TB155
 - Minor adjustments to the positioning of TB160 to TB164 (west of Cow Watering Lane, Writtle) to move the line out of a flood zone and to increase the distance to the nearest residential properties

- Minor pylon position adjustments at Edney Common but the same alignment as the 2023 consultation

- Minor realignment to move TB189 - TB197 (near Buttsbury, Stock) slightly further east to reduce an oversail of Remus animal rescue establishment and avoid the placement of pylons within flood risk areas.

5.2. The minor changes above are welcomed but do not make any significant difference to the overall powerline route from the 2023 alignment.

5.3. It is particularly disappointing that the route still proposes to traverse the sensitive area between the villages of Great Waltham and Little Waltham, where the route passes between the two Conservation Areas, close to the Langleys Registered Park and Garden and within the setting of the grade I listed house Langleys, near to the Ash Tree Corner Scheduled Monument, the Church of St Mary and St Lawrence (grade I) and 65 grade II listed and 2 grade II* buildings within 1km.

5.4. This is the only location on the entire 184km route where permanent significant impacts are identified affecting any Conservation Area or Registered Parks and Gardens. A different alignment should be chosen, or alternative mitigation in the form of cabling should be used for this section. The current proposal to continue with the 2023 alignment at this point of the route does not appear to align with the Holford Rule 2.

6. Rural Area, Green Belt and Green Wedge

6.1. The route enters the City Council area from the northeast, south of Great Leighs, into and through land allocated as the Rural Area in the Chelmsford Local Plan. It runs adjacent to land allocated as Green Wedge north of Chelmsford with access routes extending into the Green Wedge. The route leaves the Rural Area, to the southwest of Chelmsford and enters land designated as Green Belt in the Chelmsford Local Plan. The Green Belt forms part of London's Metropolitan Green Belt.

6.2. The proposed route crosses many roads and public rights of way including the northwestern edge of the Centenary Circle and the Essex Way and would be visible in long, medium and short distance views.

Green Belt

6.3. The pylons would be 45-50m high and do not fall within the exceptions as set out in paragraphs 54 and 55 of the NPPF or within exceptions set out in the relevant policies in the Chelmsford Local Plan. The pylons would therefore be inappropriate development in the Green Belt.

6.4. Paragraph 156 of the NPPF, agrees that elements of many renewable energy projects, such as this project to transfer energy from wind farms across the country, will comprise inappropriate development. In such cases, developers will need to demonstrate very special circumstances if projects are to proceed, which may

include the wider environmental benefits associated with increased production of energy from renewable energy sources.

- 6.5. This approach is supplemented by the NPS. Paragraph 5.11.36 of NPS EN-1 states that when located in the Green Belt, energy infrastructure projects may comprise 'inappropriate development' and inappropriate development is by definition harmful to the Green Belt with references to the NPPF.
- 6.6. Paragraph 5.11.37 states that very special circumstances are not defined in national planning policy as it is for the individual decision maker to assess each case on its merits and give relevant circumstances their due weight. However, it does state that substantial weight is given to any harm to the Green Belt when considering any application for such development, while taking account, in relation to renewable and linear infrastructure, of the extent to which its physical characteristics are such that it has limited or no impact on the fundamental purposes of the Green Belt designation. Very special circumstances may include the wider environmental benefits associated with increased production of energy from renewables and other low carbon sources.
- 6.7. This matter is covered in the Non-Statutory Consultation Feedback Report (2023). In summary this states:
- To connect to Tilbury it is necessary to route through the Metropolitan Green Belt
 - Electricity networks are an established feature in our landscapes taking energy across open countryside to towns and cities where it is needed, hence many numerous electricity transmissions connections crossing Green Belts
 - Many of the connections are by way of overhead lines, and by their nature, within Green Belt due to need to transport energy around the country and avoid the need to avoid the most built up areas around towns and cities
 - Do not conflict with Green Belt purposes and preserve openness
 - Little physical change to the land they pass through and leave majority of the land beneath free from development and open
 - A planning statement will be submitted with the Development Consent Order application which will assess the impacts of the proposal on the Green Belt.
- 6.8. Concerns are raised to whether the principle objection can be overcome to justify the need for the route on shore, and hence through Chelmsford and the Metropolitan Green Belt.
- 6.9. The visual impact upon the landscape will be considered below.
- 6.10. If routing through the Metropolitan Green Belt, at present there is insufficient information to fully consider the very special circumstances and the balance between the impacts and benefits of the scheme. Therefore, CCC welcome the submission of a planning statement with the Development Consent Order application. CCC would expect this statement to assess the impacts of the Project on the Green Belt, setting out clear benefits of the Project, and provide appropriate weight to each element to demonstrate whether very special circumstances exist to outweigh the harm to the Green Belt.

Green Wedge

- 6.11. The Green Wedge is a unique designation in Chelmsford and has a multi-functional role providing opportunities for cycling and walking as well as being a wildlife corridor.
- 6.12. NPS ENV-1 in paragraph 5.11.40 concerns green wedges, and states that they do not convey the same level of permanence of a Green Belt and should be reviewed by the local authority as part of the development plan review process.
- 6.13. The Development Plan for Chelmsford is currently being reviewed, with consultation currently underway on the preferred options. There is no change to the position of the Green Wedge in relation to the Project.
- 6.14. Local Plan Policy DM7 states that new buildings and structures will be granted where the development does not conflict with the purposes of the Green Wedge and is for essential infrastructure which supports potential utility infrastructure where the Green Wedge location is appropriate and the benefits of which override the impact on the designation.
- 6.15. The Project would undertake minor works within the Green Wedge, with the provision of access roads. These roads would be for a temporary period for the duration of the construction, and in some cases provide a route for future maintenance. The haul roads would be made of granular sub-base or capping as set out in drawing, 'Typical cross sections of haul roads'. It is unclear whether these access roads into the Green Wedge would be of similar construction. Nevertheless, the roads used for construction only are intended to be returned to their previous state once no longer required, and CCC would request that the surface is considered carefully given its position in the Green Wedge.
- 6.16. The routes to be retained for maintenance have not been specified. CCC request this information to be provided with the Development Consent Order, so that the impact of these permanent routes on the Green Wedge can be considered and request that these are constructed in manner to contribute to providing opportunities for walking and cycling.

Rural Area

- 6.17. The impact upon the intrinsic character and beauty of the Rural Area will be considered below under Landscape and Visual.

7. Historic Buildings and Landscapes

- 7.1. The scheme through the Chelmsford section is not noticeably different from the previous options, so many of the comments from the previous non statutory consultations still apply. It still does not appear that the preferred option route is fully justified and the options to mitigate are too easily discounted.
- 7.2. The inclusion of heritage assessment work within the supporting evidence is welcomed. This seems somewhat overdue given the advanced nature of the

scheme alignment prior to the assessment work being undertaken. All relevant designated heritage assets within the 2km and 3km zones are identified.

- 7.3. Non designated heritage assets have not been adequately considered in the assessment work to date. Given Chelmsford's rich historic environment and the fact that there was no listing resurvey, there are potentially many non designated heritage assets of low-moderate value, which should be identified and the impacts on their settings fully considered. Likewise, locally listed buildings, protected lanes, designed and historic landscapes and other buildings and features of sufficient interest to be considered as non designated heritage assets should also fully inform assessment work.
- 7.4. The pylon route will be a massive intrusion of industrial scale features, which will impact considerably on the historic environment. The assessment work identifies permanent significant impacts on the setting of the grade I listed Langleys, Langleys grade II Registered Park and Garden and Great Waltham and Little Waltham Conservation Area's. This is the only location on the entire 184km route where permanent significant impacts are identified affecting any Conservation Area or Registered Parks and Gardens.
- 7.5. The most sensitive area on the route is that between the villages of Great Waltham and Little Waltham, where the route passes between the two Conservation Areas, close to the Langleys Registered Park and Garden and within the setting of the grade I listed house Langleys, the Ash Tree Corner Scheduled Monument, the Church of St Mary and St Lawrence (grade I) and 65 grade II listed and 2 grade II* buildings within 1km, also numerous non designated heritage assets including pillboxes associated with the GHQ defence line and various vernacular buildings. Most of these heritage assets have a rural setting which contributes to their significance. This harm would irreversibly destroy the unique and irreplaceable historic environment.
- 7.6. No mitigation or compensation measures are proposed in this sensitive area. Whilst it is acknowledged there are existing mature tree belts which will give some screening in summer, the impact will still be considerable, it is therefore essential that adequate mitigation is provided. National Grid's position that mitigation measures are not possible is unconvincing. There is a compelling case to find an alternative route, underground or use T-pylons for this section. Additional mitigation options should also be fully explored, including landscaping and heritage compensation measures. Whilst the Design Development Report refers to reduced heights east of Langleys, no further details are provided, making this aspect unclear.
- 7.7. There are also areas with permanent significant impacts near to the Church of St Mary, Stock (listed grade II*), Coptfold Hall, Margaretting (grade II listed barn and non designated landscape and buildings), southeast of Great Leighs at Goodmans Lane (group of grade II buildings), east of Writtle at Newney Hall and Sturgeons House (both grade II), and south of Writtle near to Southwoods Farm (group of grade II buildings). Again, no mitigation is proposed, but is essential.
- 7.8. Mitigation generally should ensure that land take is sufficient to allow for a range of mitigation options, for instance landscaping - potentially from closing up gaps in hedges to large scale woodland planting where necessary. Where harm is

unavoidable heritage compensatory measures should also be delivered, for instance repair of listed buildings and/or associated built and landscape features to offset harm to setting. This would be essential at Langleys, where there are a number of structures and features within the Registered Park and Garden, as well as the outbuildings and the house, which could have funded repairs to offset the acknowledged harm to the setting.

- 7.9. Little Waltham and Great Waltham are both picturesque villages with high quality vernacular historic buildings set within rural landscapes. The route comes to within c.155m and c.45m of the Conservation Areas respectively. The assessment acknowledges significant permanent harm to their settings' but provides no mitigation measures. Non-significant impacts are also identified to many listed buildings within the setting which should be considered cumulatively. These impact form part of an area of high heritage sensitivity, along with Langleys and other designated and non designated heritage assets referred to below.
- 7.10. Volume III of the Technical Appendices of the PEIR provides a detailed heritage assessment of the all the heritage assets within the routing corridor. Comments are set out below on the assessment.
- 7.11. Chelmsford Council have adopted local lists, known as the 'Register of Buildings of Local Value' for some parishes along the proposed preferred route – Broomfield, Chignal, Mashbury and Writtle. Further details can be found at: [Historic and important local buildings \(chelmsford.gov.uk\)](https://www.chelmsford.gov.uk/heritage). These buildings and structures should be included within the assessment as non designated heritage assets, their value and the impact of the proposals assessed, with mitigation proposed as necessary.
- 7.12. In addition to those buildings on the local list, other non designated built heritage assets within the 250m zone should also be identified and assessed within the report. This is particularly important where the local list does not currently cover relevant parishes – Great Leighs, Great Waltham, Little Waltham, Stock, Margaretting and Roxwell parishes.
- 7.13. Protected Lanes should also be identified within the evidence base, assessed and impacts mitigated. They should be considered as non designated heritage assets. The proposed route crosses or passes close to a number of Protected Lanes, including:
- Boreham Road, Great Leighs
 - Goodmans Lane, Great Leighs
 - Paulk Haul Lane, Little Waltham
 - Scurvey Hall Lane, Great Waltham
 - Larks Lane, Great Waltham
 - Broads Green, Great Waltham
 - Newney Green, Writtle
 - Nathans Lane, Highwood
 - Ivy Barns Lane, Margaretting
- 7.14. Coptfold Hall has a designed landscaped originating from the eighteenth and nineteenth centuries, including woodlands, gardens and historic buildings. It is included on the Essex Gardens Trust Register of Designed Landscapes and should

be considered as a non designated heritage assets in accordance with Chelmsford Local Plan Policy DM14. The proposed route passes directly through the landscape and at present its heritage value is not acknowledged. The site should be assessed, the impacts considered and mitigated.

- 7.15. Pleshey Castle Scheduled Monument (also designated as a Conservation Area and including one grade I listed building, one grade II* and 25 grade II listed buildings) lies outside the 3km zone, but was previously identified due to the potential for impacts on the wider setting. The viewpoint included within the landscape assessment from the adjacent public footpath is not adequate and a viewpoint should be taken from the top of the castle motte. These heritage assets should therefore be identified and assessed within the evidence base.
- 7.16. Langley House is grade I listed and lies within a grade II Registered Park and Garden. The house has major phases from c.1620 and c.1720 and has exceptionally fine interiors and architectural interest, together with ancillary buildings and landscape features. Given the exceptional level of architectural and historic interest the site has and its continued occupation as a single house within a parkland setting consideration should be given to judging it as being of very high heritage value.
- 7.17. A group of WWII pillboxes and archaeological remains of WWII defensive features forming part of the GHQ defence line are adjacent the proposed route between Little Waltham and Great Waltham. The assessment identifies these as being of low value and the former anti-tank ditch of medium value. Their setting is not assessed, only their historic interest. It is considered the group value, intervisibility and overlapping lines of fire, together with the rural setting contribute to the setting of the and significance of the features. The close proximity of the proposed route will impact on their setting.
- 7.18. In some cases the report notes outbuildings to listed buildings as being non designated heritage assets. Where outbuildings/farm buildings meet the tests to be curtilage buildings, they should be referred to as so, as this acknowledges a higher level of significance and protection, than being non designated.
- 7.19. The following non designated heritage assets are recommended for inclusion within the study. It is not intended to be an exhaustive list, but identifies from the key non designated buildings within the 250m zone:

Great Leighs

- The Old Rectory, Boreham Road. Early nineteenth century gault brick former rectory. Low-Medium heritage value.
- Bishops Hall Cottage, early C20. Low heritage value
- Valentines, Boreham Road. Early-mid nineteenth century timber framed cottage. Low heritage value.
- 1 and 2 Lowleys Cottages, Goodmans Lane. Late C19 farmworkers cottages. Low heritage value.
- Chatham Hall Lodge, Braintree Road. C18/C19 Cottage. Low-Medium heritage value.

- Little Stonage Farm, Scurvy Hall Lane. C18/19 farmhouse. Low-Medium heritage value
- Auxiliary Unit Operational Base, south of Goodmans Lane. WWII. Low-medium heritage value.

Little Waltham

- Albion House, Braintree Road. C17 timber framed house. Medium heritage value
- Cresseners, Chatham Hall Lane. Early C20 cottage. Low heritage value.
- Little Waltham Church of England Primary School and School House, 146 The Street, Little Waltham. Mid C19 school and school masters' house. Low heritage value.
- The Cottage, 144 The Street, Little Waltham. C19 house. Low heritage value.
- 126 The Street, Little Waltham. C18/C18 thatched cottage. Low heritage value.
- 98 The Street, Little Waltham. Late C19 house. Low heritage value.
- 82 The Street, Little Waltham. C19 house. Low heritage value.
- 45-47 The Street, Little Waltham. C19 cottages. Low heritage value.
- Sparrow Hawks, Main Road, Little Waltham. C19 farmhouse. Low heritage value.

Great Waltham

- Pond Cottage, Chelmsford Road, Minow End. C19 cottage. Low heritage value.
- Lake View Cottages, Chelmsford Road. C19 Cottages. Low heritage value.
- Park Cottages, Chelmsford Road. Early C20 Cottages. Low heritage value.
- Rose Cottages, Chelmsford Road. C19 cottages. Low heritage value.
- Little Bakers, Chelmsford Road. C18 Cottage. Medium heritage value.
- Windmill House, Chelmsford Road. C19 former pub. Low heritage value.
- Corner Cottage and Meadow View, Chelmsford Road. C19 cottages. Low heritage value.
- 1 and 2 Poplar Cottages, Chelmsford Road. Late C19 cottages. Low heritage value.
- The Red House, Larks Lane. Early C20 house. Low heritage value.
- Primrose Cottage, Larks Lane. Early C19 cottage. Low heritage value.
- Plum Tree Cottage, Larks Lane. Mid C19 cottage. Low heritage value.
- Yellow Cottage, Larks Lane. Early C19 cottage. Low heritage value.
- 1-2 and 3-4 Rose Cottage, Broads Green. C19 cottage. Low heritage value.
- Lilac, Mead, Cosy and Kelmscott Cottages, Broads Green. Mid-C19 cottage. Low heritage value.

- Willow Cottage, Margarett Woods Road. C16 origins. Low-Medium heritage value.

Broomfield

- Scravels Farmhouse. C17 origins. Local list. Medium heritage value.

Chignal

- Woodhall Farm, Woodhall Road. C18 or earlier. Local list. Farmhouse and Barn. Low-Medium heritage value.
- Beaumont Oates, Woodhill road. C19 farm buildings. Low heritage value.
- Brittons Hall Farm, Mashbury Road. C18 farmhouse. Local list. Low heritage value.
- The Three Horse Shoes (formerly). C18 pub. Local list. Low heritage value.
- The Old Rectory, Mashbury Road. 1834. Local list. Low-Medium heritage value.
- 1-3 Pit Cottages, Mashbury Road. Mid-C19. Local list. Low heritage value.
- K6 Telephone Kiosk, The Green/Mashbury Road. Local list. Low heritage value.
- Pengy Mill. C17 origins. Local list. Medium heritage value.

Writtle

- Sturgeons Farm, C19 farm buildings. Local list. Low heritage value.
- Montpelier's Farm, Margarett Road. Local List. C16/17. Medium heritage value.
- Gable Cottages, Margarett Road. Local list. 1840. Low heritage value.
- Ropers Farm, Margarett Road. Local list. C18/C19. Low heritage value.
- Lee Farm, Highwood Road. Local list. C18. Low heritage value.

Roxwell

- The Hare Roxwell, Roxwell Road. C17/C18 pub. Medium heritage value.
- 1-4 Batemans Cottages, Roxwell Road. Mid C19 Cottages. Low heritage value.

Margarett

- Copfold Hall Landscape. Essex Gardens Trust site – to be considered as a landscape non designated heritage asset.
- Copfold Farmhouse, Writtle Road. C19 farmhouse. Low heritage value.
- Furze Hill, Ivy Barns Lane. C19 country house now hotel. Low heritage value.

- Margaretting Primary School, Pennys Lane. 1864. Low heritage value.
- Handley Green Farm and Cottages. C18/C19. Low-Medium heritage value.
- The Old Vicarage, Church Lane. Early C19 and C18. Low heritage value.
- Ivy Cottages, Canterbury's Cottage and Canterbury's Lodge. C19 cottages. Low heritage value.
- Buttsbury Hall Farm, Stock Road. C18/C19 farmhouse and farm buildings. Low-Medium heritage value.

7.20. In terms of the assessment of heritage value/significance the following comments are made:

7.21. The agricultural landscape to the west of Broomfield Conservation Area is considered to form an important part of its setting and contribute to its significance. Its wider extended setting is considered to include the draft order area. The impacts on its setting should therefore factored into the assessment.

7.22. The outbuildings at Lyons Hall (1122128) are considered to be curtilage listed, rather than non designated, due to their ancillary functional relationship with the listed building.

7.23. The Church of St Mary and St Lawrence (1122058) at Great Waltham is a notable feature in the landscape, the proposed routing would form a backdrop to the tower in views from the north/northwest/northeast and the order limit should be considered to include its wider setting with the impacts assessed accordingly.

7.24. Hoe Street Farmhouse (1235763), its associated group of buildings and remains of the moat, represent an important group, together with the association with James I should be considered to be of high (rather than medium) heritage value. The impact on setting is assessed as negligible, which is not agreed.

7.25. Bishops Hall (1171200), Bishops Hall Cottage (1122129), 1 and 2 Larks Lane (122083) and Ramsey Tyrells' (1236593) are in reasonably close proximity to the order area. It is considered that the rural context forms part of the setting to these listed buildings. At present these buildings are scoped out, but there would be an impact on their settings', which should be scoped into the assessment.

7.26. The following buildings are scoped into the assessment, but the level of impact is not concurred with:

- Balls Farmhouse (1305428) – high impact on setting (rather than medium)
- Hole Farmhouse (1338437) – medium impact on setting (rather than low)
- Barn at Hole Farm (1171364) – medium impact on setting (rather than low)
- Vault West of Partridge Green Farm (1306289) – High impact of impact on setting (rather than medium)
- Rose and Crown (1122116) – medium impact on setting (rather than low)
- Coptfold Hall Barn (1247784) – medium impact (rather than low)

- 7.27. Short term construction impacts should also take account of the considerable removal of hedgerows and vegetation, which would have a notable impact on setting. Whilst mitigation re-planting can limit this impact, it would take many years to mature to a level where the pre-existing conditions are reinstated. This is particularly the case in the section of the routing at Great Waltham.
- 7.28. Overall, the proposed development would introduce vast incongruous features of industrial character into a rural landscape, which would have considerable impacts for the historic environment. The assessment does not adequately take account of the local heritage features, as outlined above. The scheme also underestimates the impacts on many heritage assets. The greatest impacts are at the section of route between Little Waltham and Great Waltham, near to Langleys and its Registered Park and Garden. The lack of mitigation is wholly unacceptable.

8. Residential Amenity

- 8.1. The "Holford Rules" are used as the guiding principles for routeing new overhead lines. These were originally formulated by Lord Holford, formerly an adviser to the Central Electricity Generation Board (CEGB) in 1959, and later reviewed and supplemented by National Grid in the 1990s. These deal with a number of areas including route planning considerations for areas of high amenity value, scientific interest and urban areas.
- 8.2. The Holford Rules are not specific about residential amenity and simply states "Avoid routing close to residential areas as far as possible on grounds of general amenity".
- 8.3. The main considerations for residential amenity are the visual impact, in terms of whether or not the pylons would be overbearing to the residents, the perceived health impacts and any noise nuisance arising from the long-term positioning of the pylons close to residential properties.
- 8.4. It is noted that the alignment has been marginally moved in order to address the closeness to some residential properties, however, the pylons are still considered to be too close to some individual dwellings. The dwellings most affected and the relevant pylon numbers are listed below:
- TB141 – 136m from Balls Farm
 - TB142 – 143m from Annex at Two Hoots
 - TB153 – 190m from Springwood, Mashbury Road
 - TB154 – 150m from Brittons Hall Farm
 - TB160 – 174m from The Haven
 - TB167 - 144m from Range Cottage
 - TB169 – 129m from Annex at Halfway House
 - TB172 – 173m from Greenacre, Bumpsteads Farm
 - TB178 – 150m from Inner Lodge Writtle Road
 - TB179 – 177m from Hoopers, Ivy Barn Lane
 - TB180 – 127m from Marshalls Farm
 - TB190 – 86m from White Tyrrells Cottages
- 8.5. It is recognised and welcomed that most of the pylons have been sited so that they are not positioned either directly in front of or directly to the rear of residential properties. This helps to limit the possibility of the pylons being in the direct line of sight from front and rear facing windows. This is not, however, the case for TB180,

which would be in the direct line of sight of Marshalls Farm and should be re-positioned.

- 8.6. In addition, those pylons that are in close proximity could still be considered overbearing to the garden areas of these properties and could still result in concerns over health from electric and magnetic fields (EMFs). Pylon TB190, in particular, is far too close to White Tyrrells Cottages.
- 8.7. EMFs are associated within most electrical apparatus including overhead lines. They diminish rapidly with distance from the source. There is an ongoing debate over the possibility that EMFs could result in a hazard to health and the balance of the scientific evidence to date is against there being health effects. The Government has however brought EMF exposure limits into force in the UK. For public exposure the UK policy is to comply with the 1998 ICNIRP guidelines. In practical application this means an exposure limit of an electric field of 9kV/m and a magnetic field of 360uT where the time of exposure is significant; this will include domestic premises.
- 8.8. Policies for both noise and EMF are incorporated into the decision-making process for development consent as set out in National Policy Statement (NPS) EN-5. It is understood that National Grid will ensure that all its equipment complies fully with those policies and guidelines. An EMF compliance report is proposed to be submitted with the Development Consent Order. These are welcomed, however, given the fact that research is still ongoing, a precautionary approach to site the pylons and wires as far away from the residential properties as possible should be taken.
- 8.9. In terms of the noise impacts of the development it is understood that the overhead lines can generate a crackling sound accompanied by a low frequency hum known as "corona discharge". Whilst the overhead lines are constructed to minimise this it is understood that weather conditions, particularly damp weather can result in higher noise levels. The National Grid's own document "Design Guidelines for development near pylons and high voltage overhead power lines" states that it is possible for the developer to mitigate significantly the effects of noise from an existing overhead line by attention to site layout and design of new developments, for example by including landscaping or by placing the noise sensitive elements away from the lines.
- 8.10. The PEIR advises that embedded mitigation measures designed to avoid/reduce significant effects include sensitive routing and siting. It is considered that the pylons and wires located close to residential properties, as set out above should be moved further away as part of this mitigation.
- 8.11. It is understood that further assessment of construction noise, construction vibration and operational noise will be undertaken in the Environmental Statement.
- 8.12. The plans submitted show construction works close to and dissecting some residential plots but the detail of the specific works is not available. There are some pulling stations close to residential properties, such as Bylake Kennels, Roxwell, for example. It is not clear how long the works at pulling stations would be needed for and how this might affect the amenities of the neighbours. Similarly, some construction routes dissect or run close to private plots and it is not clear how long these would be needed for and how the amenities of the residents will be protected.

For example, the area around Copfold Hall TB177 and TB178, the construction routes seem very intrusive to the residents.

- 8.13. A main construction route for HGVs is also shown to run through Margaretting. ECC Highways have suggested using the existing slip road on the A12 instead of routing through Margaretting, and whether NG could achieve access from Writtle Road rather than using Ivy Barns Lane, which is unsuitable.
- 8.14. Further consideration is also needed to minimise total vehicle miles with associated reductions in emissions in transport.
- 8.15. The programme of working hours set out in Section 2.3 of the Draft Outline Construction Traffic Management Plan is beyond the working hours that would ordinarily be accepted as reasonable working hours. Working hours should exclude working after 1pm on Saturday and no working on Sunday and bank holidays, to allow much needed respite for residents at these more sensitive times. A full construction management plan would need to be submitted as part of the Environmental Statement to ensure that the amenities of neighbouring residents are protected throughout the construction period. In addition, the air quality impact assessment sets out that it will be necessary for the applicant to develop and implement a dust management plan for the construction related activities.

9. Landscape and Visual

- 9.1. The route planned through Chelmsford traverses rural landscapes. The Holford Rules, which advise the hierarchy for the placement of routes, state 'where possible choose routes which minimise effects on Special Landscape Areas, areas of Great Landscape Value and other similar designations of County, District or Local value'. CCC policy adheres to national policy on local landscape protection and base their policy on local landscape character assessments not designated are effectively penalised via this advice. The Holford Rules appear to have been last updated in the 1990s and would seem to be at odds with current general national landscape policy and guidance.
- 9.2. The treatment of undesignated landscape as blank space is compounded by adherence to Rule 5 of the Holford Rules which states that in routeing of high voltage overhead transmission lines, these should '... be kept as far as possible from smaller lines, converging routes and other poles, masts, wires, and vales to avoid a concentration or 'wirescape'. This has the effect of distributing adverse impacts over a wider area of unspoilt countryside rather than containing them in a narrower corridor.
- 9.3. Whilst existing landscape character assessments in the area may have some analysis of value, such data is not necessarily consistent with current understanding of valued landscapes and does not necessarily reflect current understanding of landscape in terms of sense of place and identity, cultural heritage, artistic inspiration, sustainability nor mirror current policy.
- 9.4. The Landscape Institute produced guidance on how to assess landscape value in 2021. The guidance clarifies that landscape value is the relative value or importance attached to different landscapes by society on account of their landscape qualities. It is considered that an up-to-date assessment of landscape value along the proposed swathe is required in order to understand what valued landscapes there are and what will be lost in the process of creating a substantially overhead cable route in the east of England. A valued landscape assessment should form part of the

Landscape and Visual Impact Assessment submitted as part of the DCO submission.

- 9.5. CCC sits within two National Character Areas, NCA 86 South Suffolk and North Essex Clayland and NCA 111 Northern Thames Basin. The East of England Landscape Typology (Landscape East, 2010) is a regional level study which identifies Landscape Character Types (LCT), four of which are along the proposed line. The Essex Landscape Character Assessment identifies the Landscape Character Areas (LCA) of Chelmsford, Braintree and Brentwood district areas, of which 15 are identified along the proposed line.
- 9.6. The PEIR acknowledges that the Project will have a significant negative landscape and visual impact at both construction and operational stages over the length of the Project. This is identified as up to 1Km from the Project in many situations. CCC consider that based on the information supplied, that significant negative impacts could occur at a greater distance than that identified.
- 9.7. The approach to the preliminary Landscape and Visual Impact Assessment (LVIA) is identified as in accordance with the 'Guidelines for Landscape and Visual Impact Assessment,' Third Edition (GLVIA3, 2013). Even where the effects are deemed not significant, the character of the landscape is changed over a much wider area, with proposed overhead lines reducing the provision of what GLVIA3 (Page 18. Para 2.11) describes as:
- Opportunities for aesthetic enjoyment
 - A sense of place and a sense of history which contributes to individual, local, national and European identity.
 - Inspiration for learning, as well as for art and other forms of creativity
- 9.8. The LVIA does not appear to include details of the agreed criteria on which the assessment judgements are based. Without details of these criteria, it is hard to appraise whether the impacts are significant or not. Where negative effects are judged not to be significant the experience of receptors is still likely to be negatively affected over a wide area, reducing aesthetic enjoyment, the sense of place, history and identity, and inspiration for learning.
- 9.9. The LVIA suggests that significant effects would likely be substantially limited to within 1 Km of the proposed line, generally at both construction and operations stages. Whilst accepting that at construction stage this is likely to be the situation in many instances, it is not accepted that this would be the case at the operational stage where the outcome is generally an overhead line with 50m pylons as opposed to undergrounding, and where intervisibility is frequently quite high.
- 9.10. The visualisations demonstrate that within the CCC area, the landscapes affected are often undeveloped, rural landscapes where intervisibility can be high due to large scale flat or gently undulating landscapes or where the scale of the pylons and overhead wires means the effect is a perceived industrialisation of the countryside up to 2Km away that can be significant in places. These are often landscapes without existing significant detractors.
- 9.11. In relation to specific Landscape Character Areas (LCA) the following comments are made:

LCA B1: Central Essex Farmlands

Query whether the operational effect would be significant negative only at 1Km or less as the presence of the 50m high pylons and overhead lines would likely have an impact on the sense of rurality and tranquillity, a key characteristic of the LCA as noted by the assessment.

LCA C5: Chelmer Valley

The Project would result in direct effects arising during construction which would include the removal of some landscape features including the disturbance to farmland (mainly arable fields) and riparian habitat associated with the River Chelmer and the loss of some field boundary hedgerows, field trees, and hedgerow trees. All of which form key characteristics of the LCA. Features such as hedgerows, riparian vegetation and hedgerow trees are present throughout the landscape and are well connected linear features. The disturbance or removal of part of these features does not limit effects to 1km of works. Fragmentation of these features potentially have significant impact in the wider LCA.

Furthermore, assessments have been made on the basis that beyond 1km of the Draft Order Limits, layers of vegetation including hedgerows and field boundary trees would reduce intervisibility with the wider LCA. Therefore, removing these elements would directly contradict justification of reduced intervisibility.

LCA D2: Brentwood Hills

The semi-enclosed nature of this LCA is noted and key characteristics such as undulating hills/ridge, semi enclosed character due to presence of numerous woodlands, frequent hedgerow trees and patchwork of small irregular pasture/arable fields within the scope of the landscape assessed. Severance of these elements could potentially cause effects further than 1km.

LCA G2: Chelmsford and Environs

The Project intercepts this LCA only between TB165 and TB168. The effects on the LCA would likely be significant (negative) within approximately 0.5 km of the draft Order Limits, and less likely to be significant elsewhere in the LCA.

- 9.12. The Zone of Theoretical Visibility (ZTV) mapping indicates relatively widespread theoretical visibility of the overhead line within the 3 km study area including from villages, the PRoW network, National Cycle Network routes in this area, from the rural lanes and road network. This highlights how widespread the potential negative landscape and visual effect of the scheme are.
- 9.13. The study also identifies that there would be theoretical visibility of one or more pylons from ground level to tip from the majority of the study area. From the more elevated parts of the study area, it is identified that there would be theoretical visibility of up to 80 pylons. This also highlights how widespread the potential negative landscape and visual effect of the scheme are.
- 9.14. The LVIA groups the viewpoints where visual receptors have been grouped according to Visual Receptor Areas (VRA). These VRAs have been identified based on geographical location, shared landscape characteristics and a similarity in the nature of views. It would be expected that the groupings might follow the landscape character areas or types far more closely.
- 9.15. In relation to the individual VRAs the following comments are made:

F1 – Great Leighs

This VRA is represented by Viewpoint (VP) 6.01 Great Leighs. It is agreed that the undulated well wooded landscape creates intermittent long distance views in this VRA, higher ground to the north of this viewpoint offers longer views. The City Council would welcome the additional VP 6.03 to the south to be assessed as this is located on a similar elevated position. For the most part effects beyond 1.5km are unlikely due to woodland blocks and undulations, however, there should be an assessment from footpath Great and Little Leighs 35 to the northwest beyond 2km to confirm this.

F2 – Peverel's Farm

This VRA is represented by VP 6.02 Essex Way near Fuller Street. This location presents gently undulating countryside views in all directions incorporating agricultural landscape falling to the south and plateau to the north. There is a high perception of existing pylons here. Despite the removal of some existing pylons, cumulative impact would likely degrade the landscape further by closing the openness to the north. Furthermore, the assessment covers 270 degrees of the view and omits the 90 degrees that incorporates the removals. This orientation should be included to provide wireframes demonstrating the effects of removals. The City Council is concerned that the effects are limited to 1km and it is therefore considered that views should be assessed from footpath Little Waltham 14 and Great and Little Leighs 56 beyond 1km.

F3 Great Waltham

This VRA is represented by VP 6.18 Langleys Park, Great Waltham. It is agreed that there will be close views from Langleys Parkland however there are concerns regarding the impact of the historic landscape setting associated with Langleys House. The viewpoint comprises the building itself and associated parkland trees that frame it. While views would likely be filtered, the introduction of pylons will likely degrade the setting entirely forming a backdrop behind the wider landscape. It is recommended that the Saffron Trail at footpath Great Waltham 46 is assessed for the effects beyond 1km.

F4 Little Waltham

VRA F4 is not clearly labelled on the map and therefore it is believed to be the unlabelled area south of F2, north of F6 and southeast of F3. There are no representative VPs within this VRA. While built settlement reduces the potential of visual impact within the wider landscape, it is recommended that the area in the northwestern corner of the VRA around footpath Chelmsford Garden 35 where elevated landscape could offer views north toward the Project particularly during construction is assessed.

F5 Chignal Smealy

This VRA is represented by VP 6.04 Broad's Green and VP 6.12 Pleshey Castle (outside the western edge of F5). VP 6.04 comprises fragmented mid distant views incorporating hedgerows, tree lines and clusters of trees. There are continued views travelling south along the PRow passing under the Project where a greater impact is anticipated from the turning pylon hidden behind the copse of trees in this VP 6.04. Due to the scale of the VRA, limited urbanised settlement and open agricultural flat landscape, a wider assessment should be undertaken around the area of the 'Chignals' to assess effects beyond 1km.

F7 Roxwell

This VRA is represented by VP 6.06 Roxwell. Cooksmill Green is an area where views would be experienced and therefore assessments should be carried out in this area extending north along byway Roxwell 70 and footpath Highwood 2.

F8 Writtle and Chelmsford West

There are no representatives within this VRA. Viewpoints are welcomed to the west of Writtle from the National Cycle Network (NCN) that travels through Anglian Ruskin University Writtle to assess effects beyond 1km.

E9 Edney Common

This VRA is represented by VP 6.09 Edney Common. For road users the roadside of this viewpoint is defined as managed hedgerow with intermittent views through gateways and hedge gaps. This VP does not represent the worst view along Highwood Road and could be misrepresenting the view by virtue of the location in front of a hedgerow. The Project crosses a section of the same road (Highwood Road turns into 'The Causeway') which is open with no hedgerow, which would be a more appropriate position for the viewpoint. While views are limited to the south of the area beyond 1km due to intervening woodland, the area west of Edney Common around footpath Highwood 7 should be assessed where long distance views are possible.

F10 Hylands Park

This VRA is represented by VP 6.15 Widford, Hylands Park. The City Council is concerned with the lack of assessment within Hylands Park given there are likely some long distance views from higher ground within the Registered Park. This assessment should be undertaken to confirm that significant (negative) effects are limited to 1km.

F11 Margaretting and Stock

This VRA is represented by VP 6.11 NCN Route 13 and St Peter's Way. Given the scale of this VRA, limited urbanised settlement and open agricultural flat landscape, a wider assessment needs to be undertaken around the area of the Stock to confirm that significant (negative) effects are limited to 1km.

- 9.16. The Design Development Report states that NG seek to reduce and re-position pylons to the east of Langleys Park and Garden to reduce effects on landscape in this area. Any reduction in height is likely to result in the positioning of pylons closer together. Since no further details are provided, it is unclear the impact of such change would have.

10. Archaeology

- 10.1. The Project will result in an impact on setting of designated assets and below ground archaeology from the construction of the pylons the haul road and compounds and access tracks. The main impact in relation to the below ground deposits will be the construction of a haul road needing a width of up to 21m of land take, capable of taking two lorries along the length of the route and foundations of 60 x 60m for the crane bases at each tower required for their construction.
- 10.2. The route bisecting the area between Little and Great Waltham lies within a highly sensitive area with extensive known archaeological deposits
- 10.3. Following further archaeological assessment in the Little Waltham area, with regard the proposed order limits there are serious concerns that the extent of the proposals

will impact the Ash Tree Corner Scheduled Monument (1002140) to the west of the Chelmsford to Braintree Road. This was scheduled following the large scale excavations undertaken by Paul Drury along the Little Waltham bypass.

- 10.4. The excavations found evidence of largely Iron Age occupation in the form of numerous round houses of mid to late Iron Age date as well as other features associated with the settlement. The excavation was concentrated on the road line, however, it was clear that occupation extended beyond this as hypothesised in figure 8 of the Little Waltham report (Excavations at Little Waltham 1970-71 a mainly Iron Age and Romano-British settlement site (archaeologydataservice.ac.uk)).
- 10.5. The area scheduled unfortunately is an old County number and has no details on how its extent was determined. Recent excavations, and geophysics in adjacent fields to the south has shown a large extensive Late Iron Age complex (excavation) including settlement and field patterns, and another probable more complex settlement on the southern edge of Little Waltham geophysics. This work is showing a major settlement surviving over a considerable period on the western side of the Chelmsford Road and suggests that the occupation may be wider than was suggested at the time of the excavation publication.
- 10.6. The route also abuts the site of a probable Roman villa (6099) and temple (6062) to the west of Broomfield, known from a range of data, and is likely to be more extensive than the present evidence suggests and will extend into the order limits. If further work was undertaken and the site defined this would likely be of scheduled standard and should potentially be regarded as of high value for this Environmental Statement.
- 10.7. The sequence of WW II pillboxes around the River Chelmer and Little Waltham form part of the regionally important GHQ defence line and this should be taken into account when providing a value to these heritage assets. This is identified in paragraph 3.7.422 in relation to the anti-tank ditch but needs to be extended to the other assets forming part of this important line of defensive structures.

11. Ecology

Designated sites

- 11.1. The PEIR states designated sites within 30km of the project were included within the assessment. The nearest Habitats sites within Chelmsford (Section F) are:
 - Crouch & Roach Estuaries Special Protection Area (SPA) – The River Crouch occupies a shallow valley between two ridges of London Clay. Unlike more extensive estuaries elsewhere in Essex, this leaves a relatively narrow strip of tidal mud which, nonetheless, is used by significant numbers of birds. The site is of importance for wintering waterbirds, especially dark-bellied brent goose *Branta bernicla bernicla*. The site is approximately 14.3km from the draft Order Limits.
 - Crouch & Roach Estuaries Ramsar – cited for extent and diversity of saltmarsh habitat present, rare plants and animal species, the full and representative sequences of saltmarsh plant communities and internationally and nationally important numbers of numerous species of wintering wildfowl and waders. The Ramsar is located ~14.3km from the draft Order Limits.
 - Essex Estuaries Special Area of Conservation (SAC) – cited for important coastal

habitats. The SAC is located approximately 14.3 – 16.7km depending on location along the project route from the draft Order Limits.

- Blackwater Estuary SPA - cited for supporting summer, nationally important breeding populations of an Annex 1 species (Little Tern), nationally important wintering populations of an Annex 1 species (Hen Harrier) and internationally and nationally important numbers of numerous species of wintering wildfowl and waders. The SPA is located ~16.7km from the draft Order Limits.
- Blackwater Estuary Ramsar – cited for extent and diversity of saltmarsh habitat present, rare plants and animal species, the full and representative sequences of saltmarsh plant communities and internationally and nationally important numbers of numerous species of wintering wildfowl and waders. The Ramsar is located ~16.7km from the draft Order Limits.

11.2. The River Ter Site of Special Scientific Interest (SSSI) has potential to be impacted indirectly by the works as the SSSI has hydrological connection to the draft Order Limits via the River Ter. Chelmer Valley Riverside local nature reserve (LNR) also has potential to be impacted indirectly by the works as the LNR has hydrological connection to the draft Order Limits via the River Chelmer.

Non-Statutory designated sites

11.3. Bushy Wood Local Wildlife Site (LWS) has overlapping borders with the draft Order Limits and a potential for direct impacts. There are 26 Local Wildlife Sites within close proximity which have potential to be indirectly impacted. It is important that the alternatives considered, impacts assessments and associated mitigation proposals are detailed in the Environmental Statement.

Ancient woodland

11.4. The route appears to generally be located across arable land, the buffer is adjacent to several ancient woodlands (Irreplaceable Habitat). Notably, Writtle-Writtlepark Wood and Bushy Wood are located within the draft Order Limits. There are several other ancient woodlands within close proximity of the project boundary, which could be indirectly impacted (e.g. changes to hydrology). Appropriate measures will need to be taken to protect these ancient woodlands.

11.5. Smaller ancient woodland parcels (< 2ha) are not included in the Natural England inventory, and likewise individual ancient and veteran trees may not all be inventoried. The completed habitat survey work must identify any such features in the study area.

Hedgerows

11.6. It is noted that all hedgerows within the draft Order Limits will be surveyed as part of the habitat surveys. Hedgerows that are more than 30 years old will be assessed by an ecologist as to whether they meet any of the eight criteria outlined in Part II, Schedule 1 of the Hedgerows Regulations (HMSO, 1997). This is welcomed.

Protected Species

Great Crested Newt

11.7. It is understood that National Grid has agreed with Natural England to apply to the District Level Licensing scheme for Great Crested Newt (GCN) instead of surveys. A countersigned impact assessment and conservation payment certificate (IACPC) will be needed to support the DCO. It is therefore acknowledged that GCN are therefore now scoped out from further assessment in the ES. However, it is expected that best practice methodology will be used during the construction phase to mitigate for potential impacts on other mobile species such as Priority amphibians, reptiles and Hedgehog.

Hazel Dormouse

11.8. Hazel Dormouse are present in Hylands Park LWS and Swan Wood LWS, as shown in Table A8.8.3. Many locations in Essex, including woodlands, have not been previously surveyed for Hazel Dormouse, so the influence of absent records on identifying survey locations should be limited. It is recommended that the Essex & Suffolk Dormouse Group should be involved in consultations on survey methodology.

Otter

11.9. The methodology outlined for Otter is acceptable. Within Chelmsford (Section F), surveys will need to be conducted for the River Ter and River Blackwater to confirm presence / likely absence and extent of likely impacts upon Otter.

Bats

- 11.10. Bat Activity surveys have been undertaken (Appendix 8.6 and 8.7). However, only the desk study report is available at present as the results of the data collected during the 2023 surveys and the results of the Ground Level Tree Assessments undertaken between November 2023 and March 2024 (Section 4) have not been provided.
- 11.11. There are five high risk level areas and two medium risk level areas shown as identified within the Section F limits by Figure A.8.7.1. Further information is required as to how the static detector survey results were appraised, and the criteria used for judging if an elevated survey effort was warranted or not.
- 11.12. There are 3 roost records and 21 activity records for the rare Barbastelle bat in Essex (Table A8.6.4). This Appendix II species (Bern and Bonn Conventions) will need adequate assessment to avoid severance to foraging and commuting routes within any sustenance zones of a maternity colony.
- 11.13. It is suggested that where hedge crossings or removals are necessary to retain connectivity during construction, an alternative to dead hedging is the use of Heras fencing with camouflage netting attached. Place Services can provide more information on request. This temporary measure will be needed to enable certain bat species to continue to use affected hedgerows as part of their established commuting and foraging networks.

Reptiles

- 11.14. No 'Key Reptile Sites' have been identified from across the draft Order Limits within Chelmsford, but six locations have been identified as having suitability for reptiles: River Ter; River Chelmer; River Can and Former Brittons Hall Farm Landfill site;

Chelmsford Compressor Station; Land off Roxwell Road; Willowmere Lake and Associated Habitat; Writtlepark and Associated Woodlands

- 11.15. These six sites have been ruled out from further presence / likely absence surveys, either because impacts are considered avoidable or because displacement by habitat manipulation is the most appropriate mitigation solution regardless of survey result. Whilst the logic of this approach is understood in principle, the applicant will need to provide a supported argument as to why this is the best approach for reptile species. This should include demonstrating how effective mitigation will be achievable in all instances.

Breeding birds

- 11.16. Natural England are stated as agreeing the acceptability of the approach taken for breeding bird surveys, but also that they have not commented on the selection of survey locations.
- 11.17. Seven 'Areas of Potential Importance for Breeding Birds' have been targeted based on desk study and the perceived risk of impact. These are the only sites to be subject to breeding bird surveys. The survey areas will cover 200 m buffers around "key areas of effects such as cable easement, cable sealing end compounds and substations".
- 11.18. No Areas of Potential Importance for Breeding Birds were identified for Chelmsford within Section F.
- 11.19. The position that a draft Order Limits 184 km long and 100-220m wide (plus a 200m buffer) cannot be completely surveyed for breeding birds is recognised, and that identifying priority sites for survey is the practical solution. However, it will be necessary for the applicant to demonstrate that they have not overlooked sites worthy of survey within Chelmsford. Furthermore, it is still expected that there will be a well-reasoned estimate of the potential overall cumulative impact on breeding birds from the project.

Water Vole

- 11.20. The methodology outlined for Water Vole is acceptable. Water Vole are noted as being present at Chelmer Valley Riverside LWS, which is within 2km of the draft Order Limits. Within Section F, surveys will need to be conducted for the River Ter, and River Blackwater to confirm presence / likely absence and extent of likely impacts upon Water Vole.
- 11.21. The ES needs to provide clarification of the method used (i.e., habitat parameters) for determining the Water Vole habitat suitability of a watercourse, and more detail as to how the issue of dense vegetation was resolved so that it did not present a significant survey constraint.

Badger

- 11.22. It is understood that surveys are identifying all badger setts within 30m of the draft Order Limits, and that these surveys are ongoing. The mitigation hierarchy should be implemented to reduce the impacts to Badgers and their setts.

Other matters

- 11.23. It is understood that noteworthy habitats (potentially including Priority Lowland Deciduous Woodland and ancient woodland (irreplaceable habitat) at Bushy Wood, east of Woodhall Hill Road, CM1 4ST (Grid Ref TL 687 105) would be impacted by these works. It is advised that a thorough impact assessment be undertaken for this site, along with appropriate application of the mitigation hierarchy. This will be necessary to include in the Statement of Common Ground (SoCG).

12. Trees

- 12.1. The PEIR advises that for the route of the overhead lines the Project would require the removal of a 40 metre wide swathe (20 m either side of the overhead line) and potential additional removal or management of vegetation within 100 m (50 m either side of the overhead line). It is also understood that a typical 12 metre wide swathe may also be required for the temporary haul roads. Vegetation will also need to be removed to allow for the access of HGV vehicles on the primary construction route.
- 12.2. At Fairstead it is understood that to facilitate the construction of the underground cable a typical 120 m wide swathe of vegetation is expected to be removed. The combined impact of this level of vegetation clearance is significant and concerning.
- 12.3. The information submitted as part of this consultation is not sufficient for the City Council to be able to determine the impact of these vegetation losses. The City Council would like to see full arboricultural impact assessments submitted in accordance with British Standard 5837:2012. The surveys should be completed in advance of a design being fixed to prevent any conflict with high value trees, woodlands and hedgerows. Once the design is fixed, an Arboricultural Method Statement (AMS) and accompanying Tree Protection Plan (TPP) will be required to ensure retained trees are suitably protected throughout the course of the development.
- 12.4. Where any trees or hedges are proposed to be lost a full mitigation package for their replacement needs to be provided. Where a tree is to be lost, there should be four trees planted to compensate for this loss and the size and species should be agreed with the City Council. Similarly, any hedgerow removal should be compensated for with replacement hedgerows and connectivity maintained between existing wildlife corridors.
- 12.5. There is a concern that the route may result in the loss of veteran trees. It is therefore recommended that a veteran tree assessment coincides with any other arboricultural surveys to identify any veteran trees that are within 15 metres of the application area.
- 12.6. It is noted that the route runs through a preserved woodland at pylon TB156. The line should be amended here to avoid the clearance of preserved trees.

13. Highways

- 13.1. There could be impacts on the local highway network and Public Rights of Way from construction traffic, albeit short term during the construction phase, and on going maintenance/operation. CCC will be guided by Essex Highways as the lead authority for this matter.

- 13.2. Section 16.2 of the PEIR sets out matters in respect of NPS EN-1 and EN-5. Paragraphs 5.14.8 (disruption to transport services and infrastructure) and 5.14.12 (encouraged a modal shift of freight from road to other modes) of the EN-1 are not mentioned and should be considered by NG. Section 2.5 of EN-5 is also not mentioned and should be considered.
- 13.3. No details on the proposed phasing of the construction of the scheme has been provided, making the impacts difficult to fully understand and assess. Details on phasing and an indicative construction schedule would be expected as part of the DCO submission.

Road Network

- 13.4. It is unclear whether the study area, set out in section 16.5.2 of the PEIR includes junctions connecting with the Strategic Road Network, and these should be included, unless evidenced otherwise.
- 13.5. The assessment is based on the impacts on the Primary Access Routes, and these are required within the DCO submission, via the CTMP (Construction Traffic Management Plan), that these will be the routes utilised by construction traffic. There is no commitment on the number of vehicles using these routes, which brings risks to any conclusion on the extent of impacts, for instance caps on HGV numbers should be presented to give confidence in the assessed results.
- 13.6. Preliminary construction workforce numbers are indicated as 800 FTE (full time equivalent) employees, however, no evidence is provided to support these figures. More details will be expected at the DCO submission including the origin of these figures and the profile across the life of the project, including origins of the workforce and how that informs the assessment of travel to site and the Travel Plan. These assumptions should feed into management and monitoring within the relevant management plans, including around shift patterns. Consequently, as there is limited data on workforce numbers, any conclusions reached on impacts relating to vehicle movements is treated with caution.
- 13.7. The assessment is based on changes in daily traffic flow, consideration is needed towards assessing the hour of greatest change.
- 13.8. The assessment identifies 12 hours shift patterns and it is recommended through the CTMP that a monitor and manage process is embedded to ensure these shift patterns are monitored and commensurate with those assessed. Typical shift patterns would also be expected. If not, to either assess if the impacts are material or to identify additional management measures that can be put in place to address these impacts. As a large proportion of traffic impact is likely to therefore be in a short specific time frame and only assessing the 12 hour impact dilutes this impact against a greater baseline of traffic.
- 13.9. Consideration should be given to the impact on delay to the highway network as a result of the use of crossing points. Further information on the crossing points would be expected as part of the DCO including visibility splays, vehicle swept paths, traffic management, data on relative use of the access, road construction and Stage 1 Road Safety Audit with designer's response.

- 13.10. It would be beneficial for the Environmental Statement to give a clear understanding of the impacts at all the relevant locations, potentially setting out a profile of the project so it will be clear what impacts are short term.
- 13.11. When considering traffic flows a growth factor is referred to. This should be set out including how it has been calculated and details on the calculation method for obtaining 12 hour flows. There is a concern over whether the application of generic figures from the strategic road network is applicable on rural roads.
- 13.12. The requirement for further environmental assessment has been identified where the scheme may give rise to any significant and transport effects following the Institute of Environmental Management Assessment (IEMA) criteria, and this has been found to occur to primary access route 50, A1016, as collision clusters have been found at its junctions with Rainsford Road and Chelmsford Road. These are a proportional change in HGV's is greater than 30%, indicating a material impact. Further details are needed on the relative impact, the context of the collisions and the potential need for mitigation.
- 13.13. No mitigation is identified for the primary access routes, PAR 44, 46, 49, 50, 51, and 53. One of these is a sensitive location identified experiencing effects, discussed above, it is unclear why there no mitigation is required for these locations.
- 13.14. Pinch points should be considered along the Primary Access route providing access to H28-A2 and H29-A1, shown on the Construction Access Plans, including on Rainsford Road to the immediate west of its junction with the A1016 and further assessment of the A1060 junction with Park Avenue. It would also be beneficial to know whether the presence of the haul road would negate the need for any traffic to travel through Chelmsford. If this route is used, the City Council would want to see peak hour restrictions on HGV movements on this route. Furthermore, part of this route has a collision cluster and consideration should also be given to what measures can be put in place as a result of road speeds.
- 13.15. Access H25-A2 as shown on the Construction Access Plans would be via a layby to the side of A131 Braintree Road, and concerns are raised between a conflict between the use of the layby and the use of the access by HGV vehicles.
- 13.16. The CTMP needs to set out what elements of the works would be covered by its provision. The Project would result in the removal of vegetation to obtain adequate access for construction and this has the potential to create disturbance to the highway network. It is expected therefore for the CTMP to be applicable to all works.
- 13.17. EN-1 sets out the need for achieving sustainable transport patterns. Measures should be put in place that ensure high levels of car share or other non-car modes reflecting any assumptions within the ES and Transport Assessment. This should be monitored, reported and managed to respond to low levels of car share.
- 13.18. Any gates to the site should be set back to ensure that waiting vehicles have sufficient space to sit without blocking the highway. These should be shown on any relevant plans showing the access to the site. Typical elevations of these gates shall also be provided.

Public Right of Way (PRoW)

- 13.19. The PEIR sets out the impacts upon the PRow however, this spread across four chapters of the report. This makes reviewing the holistic impacts on the PRow more difficult, particularly given the likely significant impacts on the PRow network from the Project.
- 13.20. The removal of vegetation at the distance stated (set out in paragraph 4.6.1 of this response) and the installation of pylons is likely to have a major negative impact on enjoyment of PRowS. Given the negative visual impact NG should provide improvements to the PRow network rather the pre-construction condition. This may not be applicable to all sections of the affected PRow but, in those circumstances, where a change in surface condition, drainage improvement or the permanent removal of an unlawful structure could resolve a long term issue, it is reasonable for that to be provided as per EN-5.
- 13.21. NG should set out any opportunities to connect people to the environment via improved transport connections that the development could deliver to mitigate its impacts on the transport, and particularly PRow network.

14. Benefits

- 14.1. The Project does not appear to bring any direct socio-economic benefits to Chelmsford. Opportunities for community benefit from the Project should be explored, for example, providing jobs and training opportunities to local people both during construction and operation. Consideration should also be given to how the new infrastructure could connect with new housing and employment allocations and to the provision of a local community fund to assist the wider community affected by the Project.
- 14.2. During construction non-local workers would require accommodation in the local area therefore NG should provide further information on the construction employment numbers, particularly those outside the local area and the impact upon the local accommodation market.
- 14.3. The route abuts one of the largest Rural Employment Areas in Chelmsford, Reeds Farm near Writtle. It also crosses a number of farms and runs very near a Anglia Ruskin University (Writtle) site. The route also runs close to residential properties and between the settlements of Little Waltham and Great Waltham. National Grid will need to consider appropriate compensation packages for homes and businesses directly affected by both the construction works and any long term impacts.
- 14.4. Any Project for temporary accesses that are not needed for operation to be made permanent as a legacy benefit, need to be treated on a case-by-case basis. Any design may need to be altered in order to be commensurate with their future use rather than the temporary use during construction.
- 14.5. No details have been provided at this stage regarding community benefits and social value, which is a concern of the City Council. The City Council considers that a package of community benefits and social value should be provided to increase the benefits of the scheme. A Social Value Statement should be provided as part of the DCO submission.

15. Future Developments

15.1. Phase 2 of the Chelmsford North East Bypass has planning permission. Concerns are raised regarding the length of the route and position of the pylons TB130 - TB132 and their proximity to the Bypass and the areas needed to ensure construction.

15.2. The junction of the A1060 with Lordship Road is proposed to be improved as part of an 880 dwelling residential development to the immediate north of the A1060 (Application reference 21/01545/OUT). The City Council is concerned about the potential for the DCO and these improvement works being undertaken simultaneously. This needs to be considered to minimise impacts.

16. Other Matters

16.1. The route crosses the river Chelmer in the north and River Can and Wid and their tributaries in the west and south. The rivers and river beds are located within Flood Zone 3 and this needs to be considered when finding safe grounds for positioning of pylons, footing and maintenance. NG is encouraged to liaise directly with the Environment Agency and ECC Local Lead Flood Authority.

16.2. The proposed route passes through a large hazardous substance site safeguarding zone near Newney Green. This is likely to be a former gravel pit and now contains two areas of hazardous waste, with a contaminated land category 4. The proposed route contains four additional large areas of contaminated land in the middle or on the edge of the proposed route as well as several small sites. The final route needs to be very carefully planned to avoid disrupting any of these sites. NG should liaise directly with Essex County Council on this matter, as the waste and minerals authority. It may also be necessary to liaise with HSE.



Chelmsford City Council Cabinet

July 2024

North Essex Economic Board (NEEB) – Partnership Agreement

Report by:

Deputy Leader of the Council and Cabinet Member for Connected Chelmsford

Officer Contact:

Stuart Graham, Economic Development and Implementation Manager, 01245 606364, stuart.graham@chelmsford.gov.uk / Jennifer Gorton, Economic Development Lead, 01245 606367, Jennifer.gorton@chelmsford.gov.uk

Purpose

To consider the adoption of the North Essex Economic Board (NEEB) Partnership Agreement.

Options

1. Approve the adoption of the NEEB Partnership Agreement
2. Decline to approve the adoption of the NEEB Partnership Agreement

Preferred option and reasons

The preferred option is Option 1. The City Council has been a partner of the North Essex Economic Board since 2020 and the partnership has been successful in delivering a range of economic development initiatives alongside the other partner authorities, sharing resources, expertise and delivering positive outcomes. The Partnership Agreement sets out in writing the framework for collaboration between partner authorities, providing clarity of the expectations and responsibilities of each local authority partner.

Recommendations

It is recommended that:

1. Cabinet approves the adoption of the NEEB Partnership Agreement
 2. Cabinet authorises the Deputy Leader of the Council and Cabinet Member for Connected Chelmsford, in their position as NEEB Board Member, to sign the Agreement on behalf of the Council.
-

1. Background

- 1.1. In 2019 Tendring, Colchester, Braintree, Uttlesford and Essex County Councils agreed to develop an economic strategy that would set out the opportunities within the North Essex economic corridor. A North Essex Economic Board (NEEB) was established to oversee the development of the Strategy.
- 1.2. Chelmsford City Council and Maldon District Council were invited to join NEEB in May 2020. In 2023 Epping and Harlow District Councils also joined NEEB.
- 1.3. The Board comprises of Leader and/or Cabinet Member representatives from each authority. An officer Steering Group oversees activity. Chelmsford City Council is currently represented on the NEEB Board by the Deputy Leader of Chelmsford City Council. Officers from the Economic Development Team sit on the Steering Group.
- 1.4. As a partnership, the local authorities have combined funding resources since 2020 to deliver a co-ordinated programme of business and skills support across North Essex. This has included funding from UK Shared Prosperity Fund which has resulted in a programme of business support being commissioned for 2023/24 and 2024/25, delivered by the Let's do Business Group.
- 1.5. In 2022/23 NEEB commissioned Henham Strategy Ltd to develop a refreshed Economic Strategy and Delivery Plan for the NEEB region. This document was adopted by Chelmsford City Council's Cabinet in September 2023 and comprised a strategic narrative, a delivery plan and an economic baseline. Work is now underway to implement the delivery plan, with various working groups having been set up across the different priority areas identified.

- 1.6. Alongside this activity of work, a Partnership Agreement has now been developed to formalise the arrangements of the NEEB partnership, providing details of how the partnership is to work, and the expectations and responsibilities of each partner local authority.

2. NEEB Partnership Agreement

- 2.1. The NEEB partnership agreement sets out the framework for collaboration between member authorities. It describes the role of NEEB, the structure of the partnership, responsibilities of partner authorities, decision making processes, the financial and resource management of the partnership, the relationship with the North Essex Councils Group and procedures for new partners joining and existing partners leaving the partnership.
- 2.2. Through detailing the mechanical working of the NEEB partnership, the NEEB Partnership Agreement ensures the continued transparency and accountability in the Partnership's operations, while enabling the effective collaboration to deliver on shared economic priorities to continue.
- 2.3. The Partnership Agreement can be viewed in Appendix A.

3. Conclusion

- 3.1. The adoption of the NEEB Partnership Agreement by Chelmsford City Council, will enable the Council to demonstrate its continued commitment to the NEEB Partnership. By adopting the Agreement it will help to ensure that the partnership continues to operate effectively, with all partners clear of their roles and responsibilities within the partnership.

List of appendices:

NEEB Partnership Agreement

Background papers:

None

Corporate Implications

Legal/Constitutional: The North Essex Economic Board is a partnership between a number of Essex local authorities and it is appropriate for partnerships of this nature to have a clear agreement in place as to how they plan to operate. The NEEB partnership has no statutory decision-making powers. These decisions are taken by the relevant local authority partners directly.

Financial: None

Potential impact on climate change and the environment: None

Personnel: None

Risk Management: Adopting the Agreement will ensure greater transparency and accountability of the Partnership.

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Consultees:

NEEB Board

NEEB Steering Group

Relevant Policies and Strategies:

NEEB Economic Development Strategy and Delivery Plan

Appendix 1 – NEEB Partnership Agreement



**North Essex
Economic Board**
Partnership Agreement

Contents

1. Background	7
2. Purpose of agreement	7
3. The role of the North Essex Economic Board	7
4. NEEB Structure	8
5. NEEB Board	8
Board Meetings	8
Chairmanship	9
Agenda and Minutes	9
Decision Making	10
6. NEEB Officer Steering Group	11
7. North Essex Economic Board Programme Manager	11
8. Financial and Resource Management	12
9. Relationship with the North Essex Councils Group	14
10. Additional Local Authority Partners	14
11. Partner Exit Arrangements	14
Annex 1 – Diagram of NEEB Structure	15
Annex 2 – Scheme of delegation	16
Annex 3 – Financial Contributions from NEEB partners for 24/25	18

1. Background

- 1.1 Established in 2019, the North Essex Economic Board (NEEB) is a partnership of local authorities across North and Mid Essex, working together to drive economic prosperity across all parts of the urban, rural and coastal region.
- 1.2 The NEEB partnership is made up of Braintree, Epping, Harlow, Maldon, Tendring and Uttlesford district councils, Chelmsford and Colchester city councils and Essex County Council.
- 1.3 Since its inception, the NEEB partnership has continually demonstrated the value and effectiveness of working collectively for the benefit of the region and has delivered multi-million-pound business support and skills programmes, resulting in successful outcomes for thousands of businesses and residents.

2. Purpose of agreement

- 2.1 This document is an agreement between each of the individual local authority members that form the NEEB partnership.
- 2.2 Through this agreement, the roles, responsibilities, and decision-making processes for the NEEB partnership are clearly defined and formalised.
- 2.3 The Agreement serves as a commitment from each of the NEEB partners to work together in the way(s) outlined within this document, ensuring clear governance structures, effective collaboration and the long-term sustainability and success of the partnership.

3. The role of the North Essex Economic Board

- 3.1 The NEEB partnership represents the economic ambitions of partner members to work together to drive economic prosperity across North and Mid Essex.
- 3.2 NEEB provides strategic oversight of North and Mid Essex's diverse, inclusive, and productive economic priorities, ensuring tangible actions are delivered to support residents' and businesses' goals and aspirations.
- 3.3 NEEB promotes the region's potential and presents the strong and strategic rationale for further central government and private sector investment, needed to deliver North and Mid Essex's longer-term ambitions.
- 3.4 Much has been delivered by NEEB to date, including an extensive business covid-recovery support programme in 2020, which supported businesses through providing fully funded business support from industry specialists and opportunities for businesses and individuals to develop and learn new skills to build success.

3.5 In 2023, the NEEB partnership commissioned and subsequently adopted a North Essex Economic Strategy and two-year delivery plan. The adopted strategy sets out the following vision for North Essex:

"A proactive, productive and progressive North Essex that advances its economic potential through inward and outward-facing partnerships, with all residents, businesses and visitors benefitting from the region's economic prosperity".

3.6 The following four strategic priorities have been identified as the focus for NEEB's work:

- Innovative businesses and skilled residents.
- A green and high growth economy.
- A dynamic and connected region.
- Prosperous and inclusive communities.

4. NEEB Structure

4.1 The NEEB partnership is made up of nine local government partners, which represents over half of the second-tier local authorities in Essex.

4.2 Within the NEEB partnership each local authority will work together as equal partners

4.3 A diagram of the NEEB structure is provided at Annex 1 and highlights the different elements of the partnership, which include the NEEB Board, the NEEB Officer Steering Group and the NEEB Programme Manager.

5. NEEB Board

5.1 The purpose of the Board is to provide the formal leadership for NEEB. The Board is responsible for setting strategic direction. It will provide oversight for all of NEEB's work and is a forum to make decisions together.

5.2 The NEEB Board is made up of one Leader or Cabinet Member councillor representative from each partner local authority. Each local authority partner is responsible for identifying a suitable representative to join the NEEB Board.

5.3 All elected members representing their local authority on the NEEB Board are required to operate in accordance with the member code of conduct of the local authority they are representing.

Board Meetings

- 5.4 Board meetings will be held on a quarterly basis, providing an opportunity in which highlights of NEEB's work can be shared and decisions can be voted on as required.
- 5.5 Meetings will be held either in person or virtually and will be chaired by the Chair or Vice Chair.
- 5.6 A member who is unable to attend a meeting should submit their apologies in advance to the NEEB Programme Manager. Members are asked to send a substitution in their place, where possible.
- 5.7 An additional meeting of the NEEB Board may be convened at any time by the Chair as required.

Chairmanship

- 5.8 The Board comprises both a Chair and a Vice Chair.
- 5.9 The Chair is responsible for ensuring that the NEEB Board is effective in its task of setting and implementing the partnership's direction and strategy. The Chair will act as NEEB's leading representative and will ensure that Board meetings are run effectively. The Chair will work with the NEEB Programme Manager to set the agenda for the meetings.
- 5.10 The Vice Chair supports the Chair in ensuring the NEEB Board functions effectively and will also take on responsibilities delegated by the Chair and will be the Chair's deputy in times of absence.
- 5.11 Board Members can nominate other Board Members or themselves for the role of Chair or Vice Chair. Nominations are required to be seconded by another Board Member. In the instance of more than one nomination being received for the position of either Chair or Vice Chair, the NEEB Board will take a vote.
- 5.12 The positions of Chair and Vice Chair are held for one year.

Agenda and Minutes

- 5.13 The NEEB Programme Manager is responsible for drawing up the agenda for meetings with the approval of the Chair and ensuring that there is adequate supporting information.
- 5.14 Any Board Member wishing to request that an item is placed on the agenda for a meeting should communicate with the NEEB Programme Manager. The Chair has discretion over whether the item is included on the agenda.
- 5.15 The agenda (and relevant papers) for a meeting should be sent to each member, electronically, seven days in advance of the meeting.

5.16 Minutes of the meeting shall be taken by the NEEB Programme Manager and will include any decisions made by the Board.

5.17 Minutes will be approved by the Chair and then circulated promptly by the NEEB Programme Manager to all Board Members.

Decision Making

5.18 The NEEB partnership has no statutory decision-making powers. These decisions are taken by the relevant local authority partners directly. However, local authorities may delegate responsibilities to their elected representative in relation to decisions concerning the work of NEEB and economic activities. It is the responsibility of each NEEB partner to satisfy themselves that their own local authority decision making processes and protocols are being followed and adhered to.

5.19 The Scheme of Delegation in Annex 2 sets out how and by whom decisions can be made.

5.20 Where decisions have been delegated to the Board, it is preferable for decisions taken by the NEEB Board to be by consensus. In instances where it has not been possible to establish unanimity, a matter may be decided by a simple majority vote of the Board Members.

5.21 The quorum for meetings of the Board is five Board Members. Where there is no quorum the meeting may proceed, but no decisions can be taken. Alternatively, the meeting can be re-arranged.

5.22 The Board may consider a resolution proposed in writing (including by email) other than at a meeting if the Chair considers the circumstances are such that this would be the best course of action. Any reports considered on this basis must receive sufficient repose to constitute the quorum for a NEEB Board meeting. Board Members will be given a minimum of one week to consider reports circulated by email.

5.23 Each NEEB partner is responsible for reporting back to their respective authorities, as necessary on the work of NEEB. A formal annual report on NEEB's achievements, priorities for the future and budget position will be produced annually by the NEEB Programme Manager for NEEB partners to share with their own local authorities as appropriate.

Attendance to Observe

5.24 The following are able to attend meetings of the NEEB Board, to observe only and do not have authority to vote or approve any matter:

- Members of the NEEB Officer Steering Group.
- Such other persons as the Chair of the Board may from time to time determine.

6. NEEB Officer Steering Group

- 6.1 The purpose of the Officer Steering Group is to oversee delivery of the NEEB strategy. The Steering Group are responsible for collectively working towards achieving NEEB's shared objectives and reviewing the performance of commissioned contracts.
- 6.2 Each local authority partner is responsible for identifying a suitable representative(s) to join the NEEB Steering Group, which would usually be a senior officer with responsibility of or overview of local economic development.
- 6.3 The Steering Group is responsible to the NEEB Board and will provide regular updates to the Board of its activities. The NEEB Steering Group has no formal delegated powers from the local authorities in the partnership.

Steering Group Meetings

- 6.4 Steering Group meetings will be held monthly to discuss KPI's, and activities linked to achieving the partnership's shared objectives.
- 6.5 Meetings will be held either in person or virtually. The meetings will be chaired by the Corporate Director of Growth at Braintree District Council, as the current host authority for the NEEB Programme Manager.
- 6.6 The NEEB Programme Manager is responsible for setting the agenda for these meetings in liaison with the Chair for the Steering Group.
- 6.7 Officers who are unable to attend a meeting should submit their apologies in advance to the NEEB Programme Manager. Officers may wish to send a substitute in their place.

7. North Essex Economic Board Programme Manager

- 7.1 The Programme Manager is employed on a fixed term contract. Braintree District Council acts as the current host authority for the NEEB Programme Manager.

7.2 The NEEB Programme Manager provides organisational support to both the NEEB Board and to the NEEB Officer Steering Group. This includes:

- Arranging all meetings.
- Distributing agendas and papers.
- Minute taking.
- Acting as secretariate to the NEEB Board.
- Contract management.
- Budget holder and responsibility.
- Stakeholder engagement.
- Procurement of programmes.

7.3 The NEEB Programme Manager leads on the contract management of NEEB's activities and is responsible for monitoring the performance of NEEB's activities and for budget monitoring.

7.4 Additionally, the NEEB Programme Manager may be required to carry out research to support the direction of NEEB's work.

7.5 The role of the NEEB Programme Manager is funded jointly by all NEEB partners.

8. Financial and Resource Management

Financial

8.1 The partners are committed to the fair and equitable resourcing of NEEB. Each partner has agreed to contribute financially to the partnership to establish and maintain a pooled fund to support the work of NEEB. The financial contribution agreed for each NEEB partner is set out in Annex 3.

8.2 Each partner will contribute its financial contribution to Braintree District Council, as the current host authority of the NEEB Programme Manager, as detailed with the funding agreement.

8.3 The current host authority will provide the financial administration accounting system and appropriate associated support for NEEB finances. This shall be performed in accordance with the host authority's Financial Regulations.

8.4 The NEEB Board shall receive regular updates on NEEB's financial position. An annual financial report shall be received by the NEEB Board and will include:

- NEEB's budget position
- Details of any underspend
- Any requests for future financial contributions from partners
- Budget plan for future financial year

Procurement

- 8.5 Braintree District Council, as the current host authority for the NEEB Programme Manager, will act as the Procurement Agent for the NEEB partnership and as such will lead on the procurement of goods and services which support the activities of NEEB.
- 8.6 The Procurement Agent will ensure that it adheres to and satisfies its own local authority's procurements procedures.
- 8.7 NEEB partners agree to commit 4% of the overall NEEB financial contribution to Braintree District Council to cover the costs incurred of the host authority for procurement, legal, HR and governance etc.
- 8.8 Where appropriate, NEEB partners will have an opportunity to be involved in the procurement process, for instance commenting on tender documents or as a member of the evaluation panel.
- 8.9 Where the Procurement Agent enters into any contract or communications with any prospective supplier in relation to the work of NEEB, it shall make clear in any such contract or communications that it is doing so on behalf of all the local authorities that form the NEEB partnership.
- 8.10 The NEEB Programme Manager is responsible for the ongoing contract management of any contracts entered into on behalf of NEEB.

Communications

- 8.11 Tendring District Council is the current lead authority for NEEB communications.
- 8.12 As Communications Lead, Tendring District Council will provide a lead officer to provide communication support and advice to NEEB, to develop and maintain a communications plan and to work with the NEEB Programme Manager to effectively oversee and manage the partnership's communications budget.
- 8.13 The partnership's communication budget will be set annually through the budget setting process. The Communications Lead, working alongside the NEEB Programme Manager, may make recommendations to the NEEB Board on how best to utilise the communications budget to ensure the effective promotion of NEEB and its activities.
- 8.14 Any communications support procured to support with NEEB marketing activities will be contract managed by the NEEB Programme Manager with support from the Communications Lead from Tendring District Council.

- 8.15 All NEEB partners are expected to support NEEB communications using their own local communication channels and platforms.

9. Relationship with the North Essex Councils Group

- 9.1 The NEEB partnership complements the work of the North Essex Councils Group through providing clear direction and action to support the achievement of shared strategic objectives, specifically focused on realising economic prosperity of the North Essex area.
- 9.2 The NEEB partnership will work collaboratively with the North Essex Councils Group in the spirit of open and two-way communication providing details of priorities, workstreams and performance updates.
- 9.2 This relationship will be kept under review, particularly in relation to the work around LEP transition, combined authorities and activities relating to shared services.

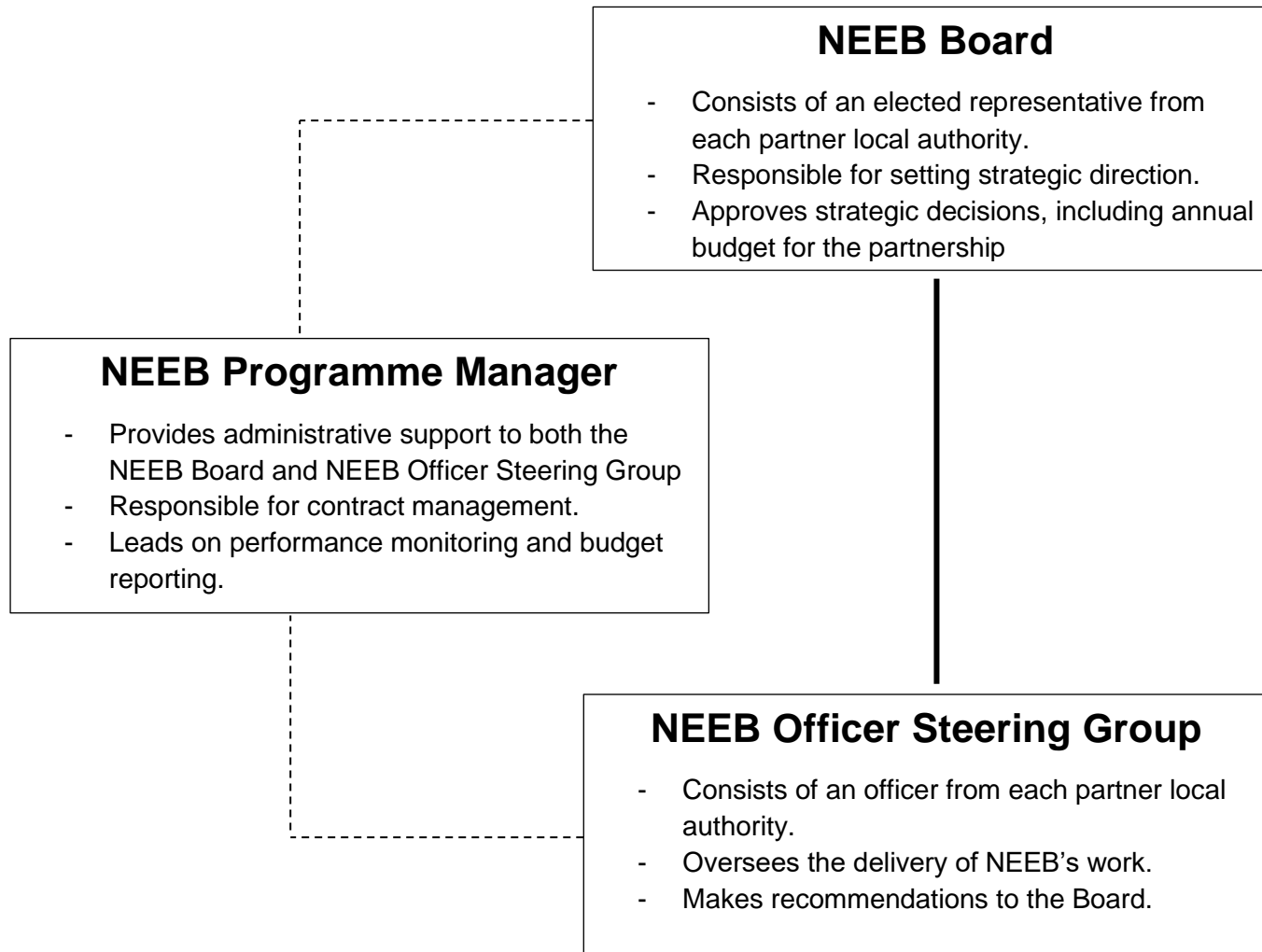
10. Additional Local Authority Partners

- 10.1 If appropriate, to achieve the objectives of NEEB, the partners may agree to include additional local authority members to the partnership.
- 10.2 In such instances, potential members should send a written request stating their wish to join NEEB to the Chair. The Chair will then take the request to the Board to vote upon.

11. Partner Exit Arrangements

- 11.1 Exiting the partnership can be initiated at any time, barring any contractual commitments.
- 11.2 A local authority partner who wishes to leave the NEEB partnership should set out their intention to leave in writing to the NEEB Programme Manager. At least three months' notice should be given. The optimal time for this to happen would be at the end of the financial year to allow for the partnership's plans and budgets to be synchronised with this change.
- 11.3 If a local authority leaves during the financial year, no refund on fees will be provided to cover costs already committed to resources and projects.

Annex 1 – Diagram of NEEB Structure



Annex 2 – Scheme of delegation

Issue	Delegated To
Strategy	
Vision missions and values	NEEB Board
Development and approval of Economic Strategy and delivery plan	NEEB Board (with approval of each local authority partner)
Implementation of Economic Strategy and delivery plan	NEEB Board (on recommendations from NEEB Officer Steering Group)
Approval of NEEB Brand	NEEB Board
Changes to NEEB operating structure	NEEB Board
Projects / Programmes	
Awarding of funding for projects or programmes	NEEB Board (following initial decisions on how spending is to be used from constituency authorities)
In programme funding changes up to: £1,000	NEEB Programme Manager (on recommendations from NEEB Officer Steering Group)
Over £1,000	NEEB Board (on recommendations from NEEB Programme Manager and NEEB Officer Steering Group)
Change requests from projects or programmes with no financial implications but changes to outputs or timeline	NEEB Programme Manager (on recommendations from NEEB Officer Steering Group)
Governance	
Timely production of agendas, reports and minutes	NEEB Programme Manager
Appoint Chair and Vice Chair	NEEB Board
Appointments of new Local Authority Partners	NEEB Board
Financial	
NEEB partner annual financial contribution	NEEB partner local authority (on recommendation of local authority representatives on both NEEB Board and NEEB Officer Steering Group)
Approval of financial budgets	NEEB Board
Day to day spend by NEEB Programme Manager	
Up to £499.00	NEEB Programme Manager
£499.00 - £9,999.00	NEEB Officer Steering Group Chair
£10,000.00 +	NEEB Board
HR	
Performance management of NEEB Programme Manager	Host Authority BDC (with input from Board / Steering Group)
Recruitment of Board Members	NEEB Board

Annex 3 – Financial Contributions from NEEB partners for 24/25

Authority	2024/25 Contribution		Total
	UKSPF	NEEB Delivery Costs	
Braintree DC	£52,000	£20,000	£72,000
Chelmsford CC	£60,000	£20,000	£80,000
Colchester CC	£65,000	£20,000	£85,000
Epping Forest DC	-	£20,000	£20,000
Harlow C	-	£20,000	£20,000
Maldon DC	£65,835	£20,000	£85,835
Tendring DC	£45,000	£20,000	£65,000
Uttlesford DC	-	£20,000	£20,000
Essex County Council	-	£20,000	£20,000
TOTAL	£287,835.00	£180,000.00	£467,835.00



Chelmsford City Council Cabinet

9 July 2024

Proposed Changes to the Constitution

Report by:

Leader of the Council

Officer Contact:

Lorraine Browne, Legal & Democratic Services Manager and Monitoring Officer, 01245 606560, lorraine.browne@chelmsford.gov.uk

Purpose

To consider proposed changes to the constitution in relating to working groups and planning related matters as set out in the report.

Options

1. Recommend the proposed changes to Council.
2. Do not recommend to Council that proposed changes are made.

Preferred option and reasons

The preferred option is Option 1.

Recommendations

It is recommended that:

1. Cabinet recommends to Council that the proposed changes set out in the report are made to the constitution.
-

1. Background

- 1.1. The Council's Constitution is reviewed regularly and at least annually to ensure that it remains complete, up to date and reflects current practice and legislation. Reviews are normally initiated by officers although can be requested by members. Any recommendations are submitted in the first instance to the Constitutional Working Group. Its recommendations are then passed to the Governance Committee, the Cabinet (where appropriate) and finally Full Council.
- 1.2. The proposed changes to the constitution arising from the latest reviews concern working groups and planning related changes. The Constitutional Working Group and Governance Committee have been consulted upon these changes. Changes relating to working groups are set out briefly below and in detail within Appendices 1 & 2 and planning related changes in Appendices 3 & 4. Cabinet is asked to consider these in advance of July Council:
 - The removal of the Civic Centre Panel from the Constitution as it has not met for some time.
 - Clarifying the arrangements for appointing a Chair to the Community Funding Panel
 - The addition of the Constitutional Working Group. Draft terms of reference can be found at Appendix 2.
 - The adoption of the model planning code which has been produced by Lawyers in Local Government. This can be found at Appendix 3.
 - Appendix 4 sets out two minor amendments to the planning code to retain the City Council's current approach to unopposed planning applications from officers/members and a decision contrary to officer recommendation.
 - Appendix 4 sets out consequential amendments arising from the adoption of the planning code to clarify speaker time limits at committee and new material.
 - Finally Appendix 4 sets out a clarification in relation to the timeframe for member call in.
- 1.3. The Planning Committee was also consulted in relation to proposed changes to planning related changes.

2. Conclusion

- 2.1. Cabinet is asked to consider whether to recommend the amendments to the Constitution set out in Appendices 1-4 before consideration by Full Council.

List of appendices:

Appendix 1 – Proposed changes to constitution in relation to working groups

Appendix 2 - Terms of Reference for Constitution Working Group

Appendix 3 – LLG Model Planning Code

Appendix 4 – Two minor changes to the planning code and consequential amendments to the constitution arising from adoption of the code.

Background papers:

None

Corporate Implications

Legal/Constitutional: These are set out in the report.

Financial: None

Potential impact on climate change and the environment: None

Personnel: None

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Consultees:

Constitution Working Group. Planning Committee have also been consulted upon the planning related changes to the constitution.

Relevant Policies and Strategies:

LLG Model Planning Code (updated January 2024)

Appendix 1 Cabinet (July 2024) Proposed changes to constitution – working groups

Agenda item	Current version	Proposed version (with changes highlighted)
<p>1. Working Groups</p> <p>A review of working groups has been undertaken. As a general approach it is recommended that standing working groups which operate in the long term and are still in operation are included in the constitution. It is not proposed to include other working groups that may arise from time to time.</p> <p>As a result of this review, it is proposed to add the Constitution working group to the constitution, remove the Civic Centre Panel and include arrangements for a chair of the Community Funding Panel to clarify cabinet member consultation in relation to delegations.</p>	<p>Constitution working group not currently included in constitution</p> <p>Civic centre panel TOR can be found at 3.2.4 under advisory panels for Cabinet</p> <p>Community Funding Panel</p>	<p>Suggest draft TOR attached at Appendix 2 are added after Mayoral working group at 3.2.4 as an advisory panel for Council functions</p> <p>Suggest that the Panel and TOR are deleted from the constitution</p> <p>Suggest add to the TOR that there will be a chair of the panel and that a Cabinet Member will be appointed by the Leader of the Council</p>

Constitutional Working Group			
Membership: Seven Members including the Leader of the Council and Chair of Governance Committee			
Quorum	Other attendees	Politically Balanced	Frequency of meetings
3	Monitoring Officer, Democratic Services officer	Yes (by convention see para 4.2.8A.1)	as necessary
Functions/Purpose		Delegations	
<p>The Constitutional working group will meet as necessary to review any proposed changes to the constitution where member consultation is required.</p> <p>The working group may also act as a consultative group for matters arising from the Governance Committee where it would be helpful for informal member consultation to take place prior to public consideration.</p>		Minor changes – see 2.16.3 of constitution	
Procedures	Constitution		
Codes	Part 5.1 – Code of Conduct for Councillors		



The Members Planning Code of Good Practice

Background

The Members' Planning Code of Good Practice was originally prepared in response to a series of successful court challenges concerning local planning authorities and the members' conduct or conflicts of interests. It replaced what was a number of individual and sometimes haphazard approaches in individual councils at the time. The drafting of the Model Code was subject to consultation and comment from a number of local authorities through the machinery of LLG as well as with the Local Government Ombudsman and from firms of solicitors or counsel. LLG then worked with the Local Government Association to publish the Code as part of a suite of guidance.

The Model Planning Code and Protocol was first published in 2003, was refreshed in 2007. Following the Localism Act 2011's introduction of the new law on members' conduct, the clarification in the law on bias and predetermination in that Act and in the courts¹ and commentary from the Committee on Standards in Public Life in better defining the Nolan Principles, it was reviewed and updated in 2014.

In 2017, the UK Supreme Court stated that the Code and Protocol "*offers sound practical advice*"².

The Model Council Planning Code and Protocol has thus now become a central plank of the guidance used by local authorities to give their members and others advice and to direct the business of the planning decisions to ensure fairness and legality. Many councils have incorporated it into their constitutional documents and a number have turned its provisions into standing orders to provide binding rules of procedure. The ability to do this was confirmed by the Court of Appeal in 2023³.

As we approach ten years since that last update, we have looked again at the Code and Protocol for use by local authorities. In doing this we would wish to thank Bevan Brittan and in particular Philip McCourt, together with Sharon Bridglalsingh, Director of Law and Governance at Milton Keynes City Council.

This refresh will help in having clarified some of the points concerning consistency and reasoning in decision making and underscores the potential impact of social media interactions upon proceedings.

The successful operation of the planning system relies on mutual trust and understanding of Member and officer roles. It also relies on the important legal principle that a decision-maker must not only ask themselves the right question, but to obtain the relevant information to enable them to answer it correctly and to be able and willing to understand it and then take it properly.

¹ R (Island Farm Development Ltd) v. Bridgend County BC [2006] EWHC 2189 (Admin), [2007] LGR 60, approved R (Lewis) v. Redcar & Cleveland BC [2008] EWCA Civ 746, [2009] 1 WLR 83

² Para 62, Dover District Council (Appellant) v CPRE Kent (Respondent) [2017] UKSC 79

³ The Spitalfields Historic Building Trust, R (On the Application Of) v London Borough of Tower Hamlets [2023] EWCA Civ 917



into account when making their decision. All of this requires Members and their officers ensuring that they act in a way which that is fair and impartial and is clearly seen to be so.

In reproducing the Model Council Planning Code and Protocol in 2023, we are seeking to endorse and ensure that those principles continue to be upheld.

LLG
January 2024



Introduction

The aim of this code of good practice: to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

One of the key purposes of the planning system is to regulate the development and use of land in the public interest. **Your role as a Member of the Planning Authority is** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. You are also a democratically accountable decision-taker who had been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies **provided** that you have considered all material considerations and have given fair consideration to relevant points raised.

When the Code of Good Practice applies: this code applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place.

1. Relationship to the Members' Code of Conduct

- **Do** apply the rules in the Authority's Code of Conduct first, which must be always be complied with. This is both the rules on disclosable pecuniary interests (and other interests if included in your authority's code) and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- **Do** then apply the rules in this Members' Planning Code, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning and development control. If you do not abide by this Members' Planning Code, you may put:
 - the Council at risk of proceedings on the legality or maladministration of the related decision; and
 - yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Localism Act 2011, a complaint being made to the police to consider criminal proceedings.
- **Do** be aware that, like the Authority's Code of Conduct, this Planning Code is a reflection and summary of the law on decision making and not a direct replication of it. If in doubt, seek the advice of your monitoring officer or their staff advising at the meeting.



2. Development Proposals and Interests under the Members' Code

- **Do** disclose the existence and nature of your interest as required by your members Code of Conduct.

- **Do take into account when approaching a decision that** the Principle of integrity is defined, by the Committee on Standards in Public Life in 2013, in terms that “*Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships*”. It is therefore advisable that you:
 - **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a disclosable or other personal conflict of interest in a proposal, using your position to discuss that proposal with officers or Members when other members of the public would not have the same opportunity to do so.
 - **Do** note that you are not prevented from seeking to explain and justify a proposal in which you may have a conflict of interest to an appropriate officer, in person or in writing, but that the Members' Code of Conduct may place additional limitations on you in representing that proposal
 - **Do** notify the Monitoring Officer in writing where it is clear to you that you have a disclosable pecuniary interest or other personal conflict of interest and note that:
 - you should send the notification no later than submission of that application where you can;
 - the proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers;
 - you must not get involved in the processing of the application; and
 - it is advisable that you employ an agent to act on your behalf in respect of the proposal when dealing with officers and in public speaking at Committee.

3. Fettering Discretion in the Planning Process

(natural justice, predisposition and predetermination)

- **Don't** fetter your discretion and therefore your ability to participate in planning decision making at this Council by approaching the decision with a closed mind. Fettering your discretion in this way and taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of bias, pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- **Do** be aware that in your role as an elected Member you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the law. Your prior observations, apparent favouring or objections in respect of a particular outcome will not on their own normally suffice to

Lawyers in Local Government is a limited company registered in England and Wales

Registered Number: [8379439](#)

Registered Office: Sycamore House, Sutton Quays Business Park, Sutton Weaver, Runcorn, Cheshire, WA7 3EH



make a decision unlawful and have it quashed, but you must never come to make a decision with a closed mind.

- **Do** keep at the front of your mind that, when you come to make the decision, you
 - must keep an open mind and hear all of the evidence before you, both the officers' presentation of the facts and their advice and the arguments from all sides;
 - are not required to cast aside views on planning policy you held when seeking election or when otherwise acting as a Member, in giving fair consideration to points raised;
 - are only entitled to take account a material consideration and must disregard considerations irrelevant to the question and legal context at hand; and
 - are to come to a decision after giving what you feel is the right weight to those material considerations.
- **Do** be aware that you can be biased where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)
- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district/borough and county councillor), provided:
 - the proposal does not substantially effect the well being or financial standing of the consultee body;
 - you make it clear to the consultee body that:
 - your views are expressed on the limited information before you only;
 - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
 - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee.
- **Do** explain that you do not intend to speak and vote as a member of the Committee because you will be perceived as having judged (or you reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes. (*Use the disclosure form provided for disclosing interests.*)
- **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Member (*where this is granted by the authority's standing orders or by the consent from the Chair and Committee*) where you have represented your views or those of local electors and fettered your discretion, but do not have a disclosable or other personal conflict of interest. Where you do:
 - advise the proper officer or Chair that you wish to speak in this capacity before commencement of the item;
 - remove yourself from the seating area for members of the Committee for the duration

Lawyers in Local Government is a limited company registered in England and Wales

Registered Number: [8379439](#)

Registered Office: Sycamore House, Sutton Quays Business Park, Sutton Weaver, Runcorn, Cheshire, WA7 3EH



of that item; and

- ensure that your actions are recorded in accordance with the Authority's committee procedures.

4. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to officers.
- **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should seek to arrange that meeting yourself through a request to the [*relevant Development Control Manager*] to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.
- **Do** otherwise:
 - follow the rules on lobbying;
 - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
 - report to the [*relevant Development Control Manager*] any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file [a profoma has been supplied to you for this purpose].

In addition in respect of presentations by applicants/developers:

- **Don't** attend a planning presentation without requesting an officer to be present.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.
- **Do** be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other Members would intend to vote at a committee.

5. Lobbying of Councillors

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the Committee's decision making, to express an intention to vote one way or

Lawyers in Local Government is a limited company registered in England and Wales

Registered Number: [8379439](#)

Registered Office: Sycamore House, Sutton Quays Business Park, Sutton Weaver, Runcorn, Cheshire, WA7 3EH



another or such a firm point of view that it amounts to the same thing.

- **Do** remember that your overriding duty is to the whole community not just to the people in your [ward][division][particular interest or area] and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible, including its addition to your register of interests where relevant.
- **Do** copy or pass on any lobbying correspondence you receive to the [*relevant Development Control Manager*] at the earliest opportunity.
- **Do** promptly refer to the [*relevant Development Control Manager*] any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- **Do** note that, unless you have a disclosable or overriding other personal conflict of interest, you will not have fettered your discretion or breached this Planning Code through:
 - listening or receiving viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, other Members or appropriate officers (making clear that you must keep an open mind);
 - seeking information through appropriate channels; or
 - being a vehicle for the expression of opinion of others in your role as a [Ward][Division] Member.

6. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will be seen to have fettered your discretion on the grounds of bias.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but you should normally disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal
- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken
- **Do** be aware of the power of social media posts or re-posting and be careful to not to give

Lawyers in Local Government is a limited company registered in England and Wales

Registered Number: [8379439](#)

Registered Office: Sycamore House, Sutton Quays Business Park, Sutton Weaver, Runcorn, Cheshire, WA7 3EH



the impression that you will definitively vote in a certain way or act with a closed mind if you intend to participate in the decision making on behalf of the authority.

- **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

7. Site Visits/Inspections

- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
 - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
 - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that you report back to the Committee any information gained from the site visit that you feel would benefit all Members of the Committee
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the [Ward][Division] Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express opinions or views.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
 - you feel it is essential for you to visit the site other than through attending the official site visit,
 - you have first spoken to the [*relevant Development Control Manager*] about your intention to do so and why (which will be recorded on the file) and
 - you can ensure you will comply with these good practice rules on site visits.

8. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally, in writing or by social media) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.
- **Don't** participate in social media or exchanges by texting as a member of the committee during the committee's proceedings as this may give the impression of undue external influence and may give the appearance of bias.

Lawyers in Local Government is a limited company registered in England and Wales

Registered Number: [8379439](#)

Registered Office: Sycamore House, Sutton Quays Business Park, Sutton Weaver, Runcorn, Cheshire, WA7 3EH



- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

9. Officers

- **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Development Control Manager, which may be incorporated into any committee report).
- **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a Member level.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

10. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your planning reasons are recorded and repeated in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter. (Where a matter is deferred and its consideration recommences at a subsequent meeting, only Members who were present at the previous meeting will be able to vote. If this renders the Committee inquorate then the item will have to be considered afresh and this would include public speaking rights being triggered again).
- **Do** have recorded the reasons for Committee's decision to defer any proposal [and that this is in accordance with the Council's protocol on deferrals].
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded (it will help to take advice from officers when and where necessary to do this and, if there are no indications allowing you to do this in advance of

Lawyers in Local Government is a limited company registered in England and Wales

Registered Number: [8379439](#)

Registered Office: Sycamore House, Sutton Quays Business Park, Sutton Weaver, Runcorn, Cheshire, WA7 3EH



the meeting, it may be helpful to request a short adjournment for these purposes). Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

11. Training

- **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus

assist you in carrying out your role properly and effectively.

- **Do** participate in the annual review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations.

LLG
January 2024

Acknowledgements

LLG would like to thank Philip McCourt, Legal Director at Bevan Brittan.

Bevan Brittan 

LLG would like to thank Sharon Bridglalsingh, Director of Law and Governance at Milton Keynes City Council.

The Members Planning Code of Good Practice has been produced by LLG for the benefit of its membership. It may not be copied, transmitted, or otherwise distributed to anyone who is not a member of LLG without prior express written consent.

The Members Planning Code of Good Practice V2 January 2024 Copywrite LLG ©

Lawyers in Local Government is a limited company registered in England and Wales

Registered Number: [8379439](#)

Registered Office: Sycamore House, Sutton Quays Business Park, Sutton Weaver, Runcorn, Cheshire, WA7 3EH

Planning related proposed changes to constitution 2024 - Appendix 4

Item proposed for change	Current version	Proposed version (with additions highlighted in yellow and deletions in pink)
<p>1. Planning Code – consider whether to adopt the LLG model planning code which is recognised good practice and been subject to judicial approval. Recommended to adopt the code with two clarifications to maintain existing Council approach – these are set out in the proposed version</p>	<p>Council existing planning code can be found at 5.2 of published constitution</p> <p>1. Applications by members/officers</p> <p>3.4.7.21 (e) currently provides that planning proposals from councillors/officers are referred to planning committee where an “adverse representation or comment” is made (and not in all cases) :-</p> <p>proposals, except for applications for certificates of lawfulness, identified as being submitted by or on behalf of City Councillors or employees where an adverse representation or comment has been received, unless the Monitoring Officer has notified the Director of Sustainable Communities Services in writing that they are satisfied that the delegation may be exercised in the case concerned;</p>	<p>It is suggested that the Council adopts the LLG planning code but makes two clarifications so as to retain its existing approach.:-</p> <p>1. Applications by members/officers</p> <p>Add to Section 2 of the new code “the proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers where an adverse representation or comment has been made – as per officer delegations set out in 3.4.7.21(e) of the council’s constitution”;</p>

	<p>2. Decisions contrary to officer recommendation</p> <p>contrary to officer recommendation are currently dealt with at 5.2.7. of the current planning code –</p> <p>DECISIONS CONTRARY TO OFFICER RECOMMENDATION</p> <p>5.2.7.1 If the Planning Committee wants to make a decision contrary to the officer’s recommendation the material planning reasons for doing so shall be clearly stated, agreed and minuted. The application should be deferred to the next meeting of the Committee for consideration of appropriate conditions and reasons and the implications of such a decision clearly explained in the report back.</p> <p>5.2.7.2 Only those Members of the Committee present at both meetings can vote on the reason for the decision. Exceptionally, the Committee may decide that circumstances prevent it from deferring the decision but its reasons must be clearly stated and recorded in the minutes. The Committee may be asked to nominate a ‘member witness’ at any subsequent appeal hearing in order to justify their decision.</p>	<p>2. Decisions contrary to the officer recommendation</p> <p>Propose to adopt the new code but clarify in final bullet at para 10 decision making (so as to retain the existing approach). Propose to delete the pink highlight and replace with the yellow highlight from model code. (note – para 10 already provides that a councillor must attend the original and deferred meeting to be able to vote)</p> <p>Do make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded (it will help to take advice from officers when and where necessary to do this and, if there are no indications allowing you to do this in advance of the meeting, it may be helpful to request a short adjournment for these purposes (where the planning committee is minded to make a decision contrary to officer recommendation the item will normally be deferred to the next meeting for consideration of appropriate conditions and reasons together with implications of such a decision clearly explained in the report back). Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.</p>
--	---	---

<p>2. If adopt the model code then changes are proposed to retain and update speaker time limits. This is proposed to add a new rule in the cabinet and committee procedure rules at 4.2.25.5 to cover this. A clarification has also been added to demonstrate that speakers cannot add new material at the meeting.</p>	<p>Speaker time limits are currently dealt with in the planning code. 4.2.25 sets out rules that are specific to certain committees, including Planning Committee at 4.2.25.3 & 4. It is proposed to add rules for speaker time limits at the new 4.2.25.5.</p>	<p>Planning Committee</p> <p>4.2.25.5 <i>In addition to any requirement to give notice of any questions or comments the following time limits will apply to any speakers at the committee:-</i></p> <p><i>Ward councillor(s) or cabinet member(s) – 5 minutes</i> <i>One lead Parish tier councillor speaking on behalf of a parish tier council – 5 minutes</i> <i>Any other public speakers – 2 minutes</i></p> <p><i>Nothing in this rule entitles a speaker to submit new material or documents at this point in the planning process.</i></p>
<p>3. 3.4.7.21 (a) – review of member call in</p> <p>To clarify the timeframe within which ward members can call in an item to Planning Committee and how to manage</p>	<p>3.4.7.21 Referral to the Planning Committee of:</p> <p>a) proposals where a representation has been received before the end of the 21-day consultation period that is contrary to</p>	<p>It is proposed that 3.4.7.21(a) is replaced with :-</p> <p>3.4.7.21 Referral to the Planning Committee of:</p> <p>a) proposals where a representation has been received before the end of the consultation expiry date that is contrary to the recommendation</p>

an extension of time for representations (eg by Parish tier Council).

the recommendation of the appropriate officer and a City Councillor(s) for the ward or wards in which the proposal is intended to take place has requested that the case should be reported to Members for determination:

of the appropriate officer, and a City Councillor(s) for the ward or wards in which the proposal is intended to take place has notified officers on or before the consultation expiry date that they wish the case to be reported to Members for determination;