

WITHAM LOCAL COMMITTEE

AGENDA

PUBLIC MEETING

Date: Tuesday 24th March 2009
Time: 7.15pm
Venue: Public Hall, Collingwood Road, Witham (see location map on page iii)

Members of the public and representatives from local organisations are encouraged to come to the meeting, ask questions or raise matters of relevance to Witham and the surrounding area.

Local Chairman: Cllr T J W Foster

Contact Point for further information: Linda Morgan - Locality Co-ordinator. Tel: 01376 551414
Ex: 2602 Linda.morgan@braintree.gov.uk.

Membership:

Councillor J E Abbott	Councillor J E B Gyford
Councillor Miss L Barlow	Councillor Mrs S A Howell
Councillor D L Bebb	Councillor P J Hughes
Councillor G Cohen	Councillor M C M Lager
Councillor J G J Elliott	Councillor S J Lambourne
Councillor R Elliston	Councillor A M Meyer
Councillor Dr R L Evans	Councillor R G S Mitchell
Councillor T J W Foster	Councillor Mrs J M Money
Councillor Mrs M E Galione	Councillor R Ramage

1. Opening Items:

1.1 Apologies for Absence.

1.2 Declarations of Interest.

To declare any 'personal' or 'personal and prejudicial' interests relating to items on the agenda having regard to paragraphs 8 to 12 (inclusive) of the Code of Conduct for Members in Part 5 of the Constitution and having taken appropriate advice (where necessary) before the meeting.

1.3 Minutes of Meeting held on 27th January 2009.

Copy previously circulated. Minutes are also available on the Council's web site.

1.4 Question Time.

Immediately after the Minutes of the previous meeting have been approved there will be a period of up to 30 minutes when members of the public can speak about Council business or other matters of local concern. People wishing to speak should contact the Locality Co-ordinator on (01376) 552525 or email Linda.morgan@braintree.gov.uk prior to the meeting. The Council's "Question Time" leaflet explains the procedure and copies of this may be obtained at the Council's offices at Braintree, Witham and Halstead.

2 Local Committee Funding:

- 2.1 Budget Update.** To receive an update on the Witham Local Committee Funding – report attached at page 1
- 2.2 Bids for grants from the Witham Local Committee.** To consider the following application for funding:
W0018 – Witham Skateboard Park – Page 3

3. Local Decisions:

- 3.1** Economic Development Strategy 2009-13. Russell Everard. Report Page 5
- 3.2** Consultation Responses to Local Development Framework Draft Core Strategy Relating to the Witham Area. Eleanor Dash. Report Page 8
- 3.3** Maltings Lane Forum – Election of representatives. Darren Roberts. Report attached Page 23
- 3.4** Local Highway Panel for the Braintree District. Paul Munson & Paul Partridge. Report attached Page 26
- 3.5** Proposal by D C Leisure to close the Cafeteria at Bramston Sports Centre. (Report to Follow) Mark Taylor and Joby Humm
- 3.6** Proposed Expenditure of Balance of Funding Provided by Benton Hall Golf Club Eleanor Dash. Report Page 30

4. Witham Local Committee Priorities:

- 4.1** Feedback from extra meeting of Witham Local Committee on 23rd February 2009, and any input from Members who subsequently attended either one or both of Braintree Local Committee on 10th March and Halstead Local Committee 18th March 2009.

5. Future Items:

To note the forthcoming items scheduled for the next few meetings of the Committee: -

Land of Joseph Gardens, Silver End	19 th May 2009	Janet Whyte	Cllr Harley
Health Care Review (NHS Mid Essex)	19 th May 2009	Charmaine Dean	Cllr Schmitt
Review of Community Halls	19 th May 2009	Charmaine Dean	Cllr Schmitt
Housing Strategy	June/July	Joanne Albini	Cllr Schmitt

NOTE - Call in Procedure

*Key Decisions can be identified by the prefix **. Any 5 Members of the Council may refer any key decision made on this Agenda to the Overview and Scrutiny Committee for 'call in'. This must be undertaken within 6 days of publication of the minutes. Any decisions made and not 'called in' by this date and time will become effective*

Health and Safety

Any persons attending meetings in the Public Hall are requested to take a few moments to familiarise themselves with the nearest available fire exit, indicated by the fire evacuation signs. In the event of a continuous alarm sounding during the meeting, you must evacuate the building

**WITHAM LOCAL COMMITTEE
 EVALUATION OF APPLICATIONS FOR GRANTS**

Agenda Item 2.1

Contact Details: - Linda Morgan
Designation: - Locality Co-ordinator
Ext. No: - 2602
E Mail Address: - linda.morgan@braintree.gov.uk

Background Papers: - original of the full application
Financial Implications: - see individual application
Equalities Implications: - see individual application
Legal Implications: - see individual application
Options: (a) To consider the application and approve it in full or in part; (b) to reject the application or (c) to defer the application or to request further information prior to the application being considered at a future meeting of the Committee.
Risks: details contained in the application

EXECUTIVE SUMMARY: The Committee is asked to consider the application detailed below having received a presentation from the organisation and/or the sponsoring Councillor. The application has a supporting evaluation sheet attached setting out essential details of how it meets the criteria. Members will see from the evaluation form that the evaluation panel has indicated where it feels that there are areas that could be strengthened.

Applications to be considered:

Name of Organisation	Name of Project	Funding Requested	Sponsoring Councillor(s)	Evaluation Form attached
Witham Town Council	Witham Skateboard Park	£4,742	Lucy Barlow	Page 7

Attached to this report is an evaluation of the application.

Summary of Grants Awarded since July 2007 and those to be considered at this meeting

Project ref. no.	Description	Budget committed	
		Capital	Revenue
		07/08 - £45,000	07/08 £ 63,000
	2007/08		
W0001	Heritage Improvement Scheme Newland St Witham (£15k per year for 3 years)	£15,000	
W0002	British Legion - Witham Memorial	£3,500	
W0003	Hatfield Peverel Speed Detection Equipment	£5,000	
W0004	Little Elms Pre-School	£1,575	
		£25,075	
	Carried Forward	£ 19,925 + £45,000	£63,000 + £27,000
	2008/09	08/09 - £64,925	08/09 - £90,000
W0001a	Heritage Improvement Scheme Newland St Witham (£15k per year for 3 years)	£15,000	
W0005	Kelvedon Spring Watch		£1,180
W0006	Feering Gazebos	£340	
W0007	Witham in Bloom	£1,302	£2,197
W0008	Witham Boys Brigade	£2,500	£ 3,790
W0012	Templars Fun Day		£500
W0009	Kelvedon and Feering Cricket Club	£9,500	
W0010	Witham Town Xmas Lights		£2,040
W0014	Witham Town CCTV	£20,000	
W0015	Silver End Allotments	£20,000	
W0013	Hatfield Peverel Street Lighting	£3,000	
W0016	Terling Swimming Club	£19,500	
W0017	Kitchen Refurbishment at Recreation Hall, Black Notley	£7,560	
	Budget So Far Committed	£98,702	£9,707
	Remaining Budget*	- £33,777	£80,293
	<i>For Consideration at This Meeting</i>		
W0018	Witham Skateboard Park	£4,742	
	Remaining Budget if the bid is approved*	- £38,519	£80,293
	Commitments to 2009/2010		
	Heritage Improvement Scheme Newland St Witham (£15k per year for 3 years)	£15,000	

*NB: Overspend on Capital can be met by viring from the Revenue account at year end.

**LOCAL COMMITTEE GRANT APPLICATION
EVALUATION FORM**

Date assessed: 10 March 09	Local Committee: Witham	Reference No. W0018	Meets all criteria. Yes
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DESCRIPTION

Name and type of Organisation: Witham Town Council	Ward Member/s supporting application: Cllr Lucy Barlow
Name of Project: Witham Skateboard Park	Place of Project: Witham

Brief description of Project:

There is an existing skateboard park installed by Braintree District Council. Following representations from the Witham Youth Council, the Town Council plans the construction of a bowl, which will effectively double the skateboard facilities.

District Council officers have provided valuable expertise from the project's inception. The District Council has given its permission, as owner, for Town Council funded equipment to be installed on its land: and there are precedents.

Planning permission will not be required.

Partnership working:

Witham Skate Park has worked closely with all involved.

ASSESSMENT

Impact on Community:

The skateboard park is well used. Surveys during holidays, weekends and summer evenings showed 30 to 40 young people using it at any one time. Obviously, the total number of users will be greater than the snapshots. The new bowl would obviously be welcomed by those using the skateboard park. There will, however, be an indirect benefit to the wider community, to the extent that the facilities keep young people occupied and out of mischief.

Evidence of Need: As indicated above, the project was the initiative of the Witham Youth Council. One of its members attended the Town Council's Community Committee and the Committee was greatly impressed. That member was, on behalf of the Youth Council, involved with officers of the District and Town Council in drawing up the design brief.

A consultation exercise with local residents was undertaken (534 households). The responses were mostly positive.

Sustainability:

Little or no maintenance work is anticipated until 3 to 5 years after construction. The contractor recommends a rolling budget be built up through an annual sum of £764. This will be funded from the Town Council's budget.

Contribution to Corporate Ambition and Direction:

3. Everyone can enjoy a healthy lifestyle✓

Expansion of the facilities will encourage greater use of the skateboard park by more people, who will benefit from the exercise.

5. People take a pride in their local areas✓

Witham residents will take pride in the fact that the town will have one of the best skateboard parks in the county

FINANCIAL

Total Cost Of Project £ 56,000

Total Request from the Grant £ 4,742

Total Capital £ 56,000

Total Capital £ 4,742

Total Revenue Costs £ 0

Total Revenue Costs £ 0

Value for Money:

The following monies have already been secured for the project

£25,500 Witham Town Council's Budget

£758 Witham Youth Council's Budget

£25,000 Essex County Council's Community Initiative Fund (Youth)

At the project's conceptual phase an application for £10,000 to Awards for All in November 2007 was unsuccessful.

**Match funding secured:
Yes – see list**

OTHER INFORMATION

Has this application been accepted for a committee decision? yes

**If YES enter Date of Local Committee
24th March 2009**

Report to Witham Local Committee**Braintree District Economic Development Strategy & Action Plan**

Contact Details:	Russell G Everard
Designation:	Head of Enterprise, Culture & Leisure
Ext. No.:	2852
Email:	russell.everard@braintree.gov.uk

Background Papers: Final Draft Economic Development Strategy and Action Plan.

Financial Implications: Existing BDC staff and resources, primarily the Enterprise and the Local Development Framework teams, plus external funding: Essex LAA Performance Reward Grant (2009 – 2011): £95,000 to meet new business registrations target and £100,000 to contribute to improving NVQ 2 and 3 attainment; and utilising Growth Area Funding to allow the Council to purchase land for employment purposes.

Equalities Implications: Equalities issues are addressed in the body of the Economic Development Strategy document.

Legal Implications: None.

Options: None.

Risks:

1. Lack of partner engagement could prevent the ambitions of the Action Plan being delivered.
2. Partners could lack resource to deliver against the Action Plan.
3. The recession could be a disincentive for new business creation and inward investment.
4. The proposal for upper tier authorities to produce economic assessments and the pooling across Essex of Local Authority Business Growth Incentive (LABGI) awards could affect the delivery of the District's own economic strategy.

EXECUTIVE SUMMARY:

1. The Council's Corporate Strategy (2008-2012) sets out its priorities in relation to economic development. These include regenerating town centres, improving skills levels, providing opportunities for long-term inward investment and lobbying to secure key infrastructure improvements in the District.

2. This Economic Development Strategy and Action Plan has strong linkages with targets associated with the Local Area Agreement 2, and is a key delivery mechanism for the Council.

2. An emerging consensus view from partners and stakeholders, influenced greatly by local business people is that the Council needs to provide strong leadership and give a clear message that it has an appetite for change and is prepared to put out the "welcome mat" to new investors and to support existing and start-up businesses.

3. The final draft Economic Development Strategy for the District sets out a shared vision for the way that local government and other public and voluntary organisations can support potential entrepreneurs, employers and those employed or seeking jobs: "*An environment within which community leadership and collaboration with partners and stakeholders generates and supports employment growth and creates conditions for economic prosperity*".

5. The economic development strategy has five strategic priorities:

Priority 1: Workforce Development and Employment

- We need to support the improvement of performance in the District's secondary schools, particularly in literacy and numeracy, to provide a local workforce with higher level skills.
- We need to address the unacceptably high numbers of adults with no qualifications/skills and the poor levels of attainment at all NVQ levels.

Priority 2: Location, Infrastructure and Land

- We need to secure investment to overcome the transport infrastructure deficiencies that are a barrier to the District's growth aspirations.
- We need to reduce the economic costs of congestion and travel reliability.
- We need to clarify the District's alignment with surrounding sub-regional growth areas/partnerships to ensure that it can benefit from economic investment and funding opportunities.

Priority 3: Business Creation and Survival

- We need more one to one sustained support for small businesses to start up, grow and survive beyond the first three years.

Priority 4: Inward Investment and International Trade

- We need to derive more economic benefits from the District's proximity to Stansted Airport.
- We need to have a co-ordinated "can do" approach and clear offer to attract and retain business investors.

Priority 5: Business Growth and Innovation

- We need to promote the uniqueness of the District's physical location, high quality environment and its businesses.
- We need to attract high value jobs to the District to increase local earnings levels and to reduce the dependence on commuting.

5. Five Task & Finish Groups, led by prominent business people met twice in December and January to generate ideas on what needs to be done to turn each of the priorities into concrete, practical actions. These ideas have formed the basis of a detailed action plan.

6. The Economic Development and Transportation Partnership Board considered the draft economic development strategy and action plan on 9th February. The Local Committees will be consulted in March (Braintree 10th, Halstead 18th and Witham 24th March). The strategy, action plan and executive summary will be considered by Cabinet on 30th March 2009 and recommended for endorsement by Full Council on 6th April 2009.

RECOMMENDATIONS:

1. That Witham Local Committee endorse the draft economic development strategy and action plan.
2. That Witham Local Committee submit any proposed amendments to the strategy and action plan to Cllr Nigel Harley, Deputy Leader and Portfolio Holder for Enterprise, Culture & Leisure, no later than 26th March 2009.

Background:

1. The District Council and the Economic Development and Transportation Partnership Board commissioned the strategy in October 2008. It represents the views and ideas of over sixty organisations and individuals and will also deliver the economic priorities in 'One District, One Vision'.

2. Since October 2008, the economic downturn has turned into a full-blown recession and challenging housing growth targets up to 2031 have been suggested for the District in studies that are contributing to the Review of the East of England Plan. The strategy has been coloured by these events and includes both short-term measures initiated by the Council and other public agencies to support businesses and communities through the recession and longer-term aspirations for managing economic growth. The Council is proposing to hold an economic summit in June 2009 to consider the impact of the recession on businesses and the local economy.

Agenda Item 3.2

**Consultation Responses to Local Development Framework Draft Core Strategy
Relating to Witham Area**

Contact Details: Eleanor Dash
Designation: Planning Policy Manager
Ext. No: 2563
E Mail Address: eleanor.dash@braintree.gov.uk

Background Papers: One District-One Vision A Draft Strategy for People and Places in the Braintree District to 2025
Financial Implications: Relating to future development as set out in the Core Strategy
Equalities Implications: Relating to the Core Strategy- which would require an equalities assessment
Legal Implications: Not at this stage
Options: To make recommendations to the Local Development Framework Panel in response to these consultation responses.
Not to make any recommendations to the Local Development Framework Panel in response to these consultation responses.
Risks: That the Core Strategy would either be amended by the Planning Inspectorate, or would not be found sound by them.

EXECUTIVE SUMMARY

This report summarises the public consultation responses to the proposed Core Strategy proposals in Witham Area. The report sets out recommendations to the Local Development Framework Panel.

1. Background

The Council published the 'One District-One Vision A Draft Strategy for People and Places in the Braintree District to 2025' in October 2008. This was a joint document setting out the draft Local Development Framework Core Strategy and the Community Strategy proposals for the District.

The East of England Plan requires the Council to provide land for 4,599 dwellings, plus employment and other services, to be built in Braintree District between 2008 and 2025. The Council's Strategy is to concentrate development on the main towns of Braintree, Witham and Halstead by developing infill and urban capacity sites, within the existing boundaries and at proposed growth locations that are extensions to Braintree and Witham. There are two growth locations proposed at Braintree and Great Notley and three locations proposed at Witham and in the Parish of Rivenhall.

There was public consultation on the proposals during November and December 2008. 403 people sent in 6,540 comments on the Draft Strategy. These comments can be viewed in full on the Council's website, following the links to the Planning Policy page.

This report summarises the comments, which have been received, concerning the growth locations at Witham and Rivenhall and the regeneration site at Silver End and recommends responses to these comments, to be submitted to the Local Development Framework Panel, who will decide whether to make changes to the Strategy.

2. Proposed Overall Strategy

Points Raised in Opposition

There is likely to be a downturn in the deliverability of previously developed land due to current economic conditions. Large growth areas do not have sufficient flexibility to make up shortfall in deliverability. An additional option to include Bosted Wood (a representation suggesting a new settlement west of Rayne) should be considered. Urban extension growth does not allow for smaller scale growth in the villages.

Points Raised in Support

Agree that development should be directed to main settlements. Support the need to identify greenfield sites.

3. Proposed Growth Location at Forest Road, North East Witham in the Parish of Rivenhall.

The Draft Strategy proposes mixed use development of 300 dwellings, plus community facilities, local shops and open space. The growth location boundary is not defined, but could include:-

- Land between Forest Road and the golf course boundary
- Land south-east of Rectory Lane; between Rectory Lane and the golf course boundary.

Summary of Comments

Total Number of Detailed Comments 25

Agree 3

Disagree 22

Points Raised in Opposition

Points raised by Witham and Countryside Society, Rivenhall Parish Council, Cllr Gyford, Cllr Abbott, Bellway Homes and the Raven Group, Berkeley Strategic and 13 local residents

- All the greenfield growth for the District should be accommodated at Braintree
- Building an estate off Forest Road would connect Rivenhall to Witham
- Development within the Parish of Rivenhall goes against the Village Design Statement.
- Do not blur the boundaries between towns and rural areas
- Concern that the road network will not cope with an increased level of traffic
- This is environmentally and visually important land
- This does not fit with your proposed hierarchy as Rivenhall is an 'Other Village'
- A parish appraisal questionnaire clearly demonstrated that parishioners wanted to preserve the current land boundaries of the parish
- There must be a focus on developing brownfield land first.
- The development would rely too much on car travel
- There is a lack of services in the area to support this new development.
- Indicative masterplan for the growth location submitted by developer, proposes a 'preferred option' site area of 22 hectares, that is bounded by Forest Road, Rickstones Road, part of Rectory Lane and the Rivenhall Oaks Golf Club. This area could accommodate over 800 dwellings (at a density of 40 dws per hectare), which is more than twice the level of growth that the Draft Core Strategy is proposing for this location.

Points Raised in Support

Points raised by Bellway Homes and the Raven Group

- Support the identified growth location but request the detail of parish is removed from the description as no other growth location is identified by parish. (Also see points in opposition).

In addition Question 12 of the Have Your Say Form asked; '*Growth locations for housing should be off Forest Road in Witham*'. The results were;

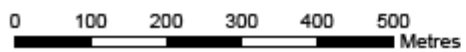
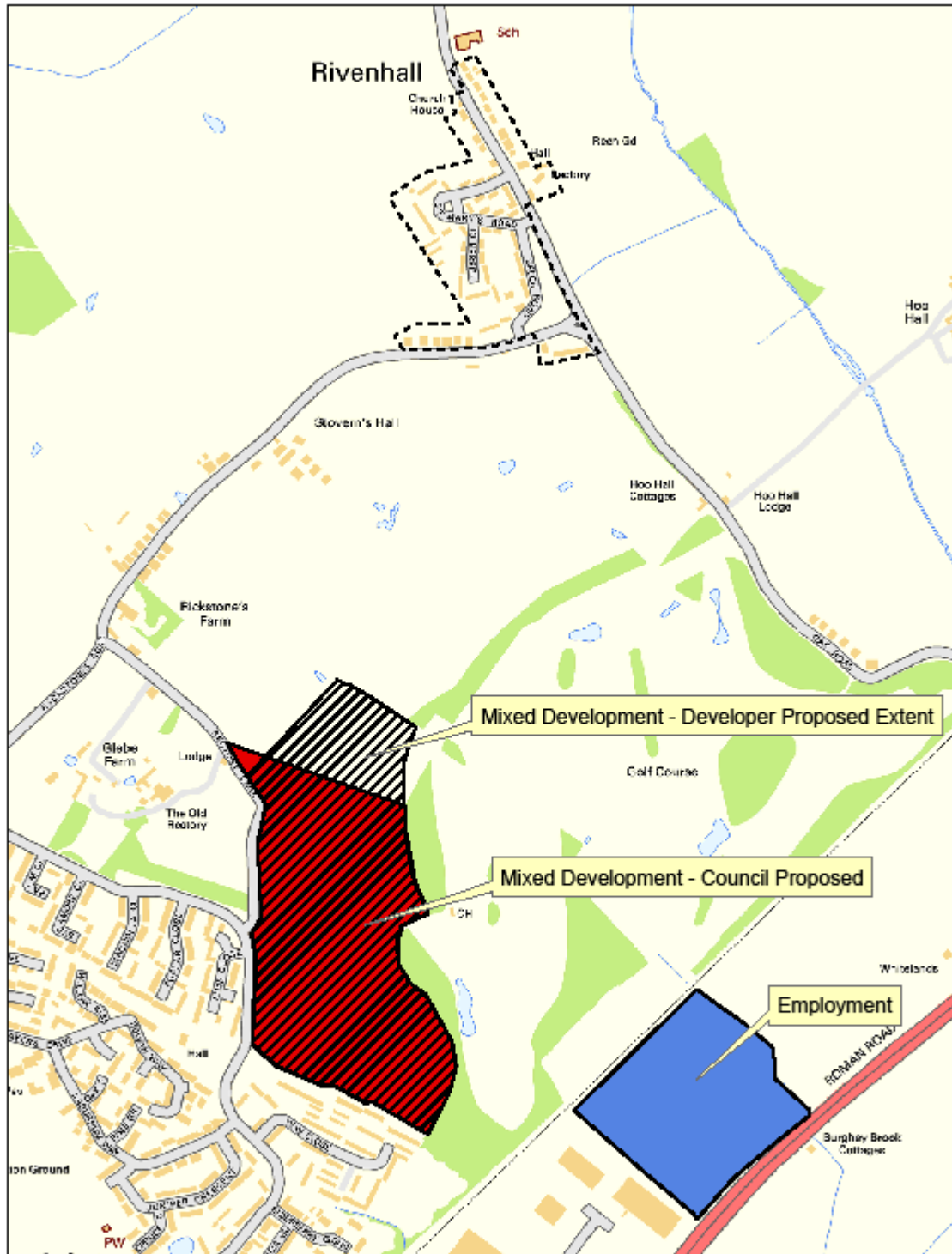
Strongly Agreed 9
Agree 24
Disagree 17
Strongly Disagree 53

Officer Comments

Coalescence

The proposed masterplan submitted to the Council by developers covers a larger area than that required to provide the 300 dwellings that are proposed in the Draft Strategy. An extension of this growth area significantly north of Rectory Lane, or along Rickstones Road would erode the separation of Rivenhall and Witham.

The Draft Core Strategy cannot be site specific, but the scale of growth that is proposed, of 300 dwellings is not proposed to extend north of Rectory Lane (see accompanying map). The eastern boundary of the growth location would be the existing edge of the golf course. Whilst there are some constraints on the location, for example a no build zone around a gas pipeline, this area could accommodate 300 dwellings at a reasonable density level (around 40 dwellings per hectare). Whilst this will reduce the gap between the growth location on the edge of Witham and Rivenhall village, the area adjoining Rickstones Road will remain undeveloped, retaining the separation between the two settlements.



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Hierarchy of Development and Boundary Issues

Rivenhall is classed as an 'other village' in the hierarchy set out in the draft Core Strategy, which proposes major growth locations only around the two main towns of Braintree and Witham. The Forest Road growth location is currently in Rivenhall Parish. However, this is being proposed as growth around the periphery of Witham and would be physically completely unrelated to the villages of Rivenhall or Rivenhall End. It would therefore be more appropriately included within a redrawn Witham town boundary, provided this had the joint support of the District Council, Rivenhall Parish Council and Witham Town Council. The procedure for making a request to amend a boundary requires the support of 250 local government electors (resident in Rivenhall Parish). The boundary review could only be considered once the growth locations proposals have received Ministerial consent. (Clarification would be sought as to whether this would mean following the approval of the Core Strategy, or of the Core Strategy and Site Allocations Strategy.) If following full consultation with all interested groups, the boundaries were to be moved, any changes would come into force at the following Full Local Government Elections.

Transport

A transport study by Mouchel on the effects of the Core Strategy growth location found that:

- There would be 50 extra trips in each peak period on Oak Road, Rivenhall because of the development
- N-bound diverge at A12/Oak Road may need to be upgraded to accommodate extra traffic
- Double mini roundabout of Cressing Road/Rickstones Road/Cypress Road and Braintree Road shows significant delays in peak hours in 2025 without development, and this development would add to these delays.

They conclude that many junctions in Witham will suffer from delays due to background increases in traffic levels in 2025, which any development may add to and so some amendments to junction layouts may be required. Any application for this site would also need to encourage travel to the site by walking, cycling and public transport.

Development would be better located elsewhere

The Urban Capacity Study has shown that although there are some opportunities for development within the existing boundaries of towns and key service villages, further development is needed in order to meet the housing targets laid out in the RSS East of England Plan. Braintree and Witham were considered the most sustainable locations for this additional growth.

An assessment of peripheral growth locations around the two towns was carried out and is detailed in pages 50 – 61 of the One District One Vision Technical Supplement. This shows that the land off Forest Road and Lodge Farm were the most sustainable locations for growth around Witham. This assessment of proposed Core Strategy growth locations, identified only one site in Witham as amber 'less suitable for development'. This site (16) to the north of Conrad Road is further away from the town centre, railway station and employment opportunities. If either the Forest Road, or Lodge Farm proposed locations were considered unsuitable by the Council, this could be

the next most appropriate location for peripheral growth around the edge of Witham.

Lack of Services

As one of the main towns in the District, Witham has a wide range of shops and services, as well as good links by road, rail and public transport to other parts of the District and beyond. No concerns have been identified by Essex County Council relating to the provision of health and education services for this site.

Landscape Character

The Braintree District Settlement Fringe Landscape Capacity Assessment completed in November 2007 shows that the landscape around Witham all has a low – medium landscape capacity to absorb new development. However the report does highlight a number of areas around Witham where additional development may be possible, including a site it describes as between Yew Close and the Golf Course. Any proposal would need to have an approved landscape and boundary scheme and appropriate protection would be sought for the protected grassland and listed building of The Old Rectory.

Recommendations to the Local Development Framework Panel

That the growth location north of Forest Road should not be enlarged to provide more than 300 dwellings.

To investigate the possibility of redrawing the Rivenhall Parish Boundary to exclude the proposed growth location north of Forest Road and to consult Rivenhall Parish Council and Witham Town Council on this issue.

4. Proposed Employment Growth Location land to the north-east of Eastways.

The Draft Core Strategy proposes a general employment growth location of 6.0 hectares as an extension to the existing Eastways Industrial Estate.

Summary of Comments

22 detailed comments were received on this growth location.

Agree 11

Disagree 10

Comment 1

Points Raised in Opposition

Rivenhall Parish Council, Witham and Countryside Society, Cllr Abbott, Cllr Gyford and 2 residents

- Witham already has large amounts of vacant or allocated employment land and does not need any more.
- Support ALT12 option for supplying a lower amount of employment land by deleting this requirement

- Environmentally and visually important land which provides separation between Witham and Rivenhall End.
- Development here would be contrary to the Rivenhall Village Design Statement
- The planting belt at the end of Eastways was put in place to signify no further development should be allowed in that direction

Points Raised in Support

Points raised by Sible Hedingham Parish Council, CML Microsystems and Chelmsford Diocese Board of Finance

- Increased employment should be provided in Witham because of its good transport links
- Will help to reduce out commuting by providing jobs for the residents of Witham.
- Site is accessible by a wide range of transport modes.
- Will encourage major commercial business to invest in the town and to further its success

Points Raised in Comment

- This site is in close proximity to suggested site A1 identified for mineral extraction within the MDD Further Issues and Options Paper from Essex County Council

In addition Question 12A on the Have Your Say Form asked; 'Growth location for employment should be an extension of Eastways, alongside the A12, between Witham and Rivenhall End'

Strongly Agree 1
 Agree 4
 Disagree 8
 Strongly Disagree 22

NB This question was mistakenly omitted from the original form and only added later, hence the lower number of returns

Officer Comments

The purpose of the lower level of housing requirement for Braintree District in the current East of England Plan is to allow the District to reduce out-commuting, by providing more jobs in relation to the number of residents. The draft Core Strategy proposes to locate the majority of this new employment growth in the most sustainable locations; the two largest towns. The Employment Land Availability Study identified some available sites within current boundaries, but suggested that further land would be needed to provide employment for the period to 2025. An assessment of peripheral growth locations was carried out and is detailed in pages 50 – 61 of the One District One Vision Technical Supplement. This does not identify any alternative growth locations for employment in Witham apart from those set out in the draft Core Strategy.

Eastways is a proven successful employment location with good links by a range of transport modes. The proposed extension will provide more general

employment opportunities for the eastern part of Witham, in addition to land already available for business uses at the Maltings Lane business park. The A12 junction at Eastways is multi-directional.

There is a distinct gap between the proposed development and houses in Rivenhall End. The area between the two is rural in nature and provides a clear gap between the settlements when viewed from the A12 or railway line. The proposed employment location is within the Parish of Rivenhall, but is geographically an extension of the Witham employment area. Members views are sought on whether a potential boundary review request should include this employment location.

Recommendations to the Local Development Framework Panel

To investigate the possibility of redrawing the Rivenhall Parish Boundary to exclude the proposed employment growth location at Eastways and to consult Rivenhall Parish Council and Witham Town Council on this issue.

5. Proposed Growth Location at Lodge Farm, off Hatfield Road, Witham

The Draft Strategy proposes mixed use development of 600 dwellings, plus community facilities and local shops. The growth location boundary is not defined.

Summary of Comments

7 detailed comments were received on this growth location.

Q11 on the Have Your Say Form was 'Growth locations for housing and employment should be north of Hatfield Road, Witham'. The results were;

Strongly Agree – 21

Agree – 51

Disagree – 15

Strongly Disagree – 17

Total responses - 104

Points Raised in Opposition

Received from Witham and Countryside Society, 2 developers and 2 residents.

- Environmentally and visually important space which provides separation with Hatfield Peverel.
- Traffic problems with the A12.
- Walking and cycling along the B1389 is dangerous.
- Braintree should be the focus of development as it is accessible.
- Development would cause a loss of agricultural land.

Points Raised in Support

Received from The Ramblers and 1 developer.

- The Ramblers stated, '*Given that Hatfield Road growth is residential and the Colchester Road area is industrial we have no criticisms in principle*'.
- Growth locations for housing and employment should be north of Hatfield Road in Witham.

Representation from the Developer Promoting the Site

It is proposed that the site can incorporate housing, employment land, associated public open space, community facilities and infrastructure. The representation states that the site comprises approximately 38 hectares of land lying immediately to the south west of the existing urban area of Witham.

A Concept Plan has been produced for the site which includes

- Approximately 20 hectares for residential development.
- Assuming the average net density of 40 dwellings per hectare, the site is capable of accommodating approximately 800 dwellings.
- Approximately 6 hectares of employment land
- Opportunities for formal and informal recreation activities at various locations. These will include 'kickabout' areas and children's play facilities together with pitch provision.

Officer Comments

Size of Development

The Core Strategy proposes that this growth location only needs to accommodate 600 dwellings. Additional development would add to the delays that are already identified in the Mouchel traffic study.

Landscape Impact.

The Landscape Character Assessment identifies the proposed growth location at Lodge Farm, Hatfield Road as being situated within the Boreham Farmland Plateau. It is recognised that the A12 is a dominant feature of the landscape as the traffic noise carries across large swathes of the area reducing some tranquillity. The Landscape Fringe Assessment recognises that the area provides a distinctive rural approach and setting to western Witham, with its medium to large arable fields, scattered blocks of woodland and farmstead clusters.

In summary, the Landscape Fringe Assessment recommends that the visual impact that the new residential development could have on the surrounding agricultural fields should be taken into account. It is important to ensure that any new development is of a small-scale, responding to historic settlement pattern, landscape setting and locally distinctive building styles. Any development would need to ensure that it conserves and enhances the existing hedgerow pattern and strengthens through planting where appropriate to the local landscape character. Overall, this area has low to moderate sensitivity to change.

Farmland Value

Agricultural land in the Braintree District is classified as Grades 2 and 3 with 66% of agricultural land classified as Grade 2 and 33% as Grade 3. The Lodge Farm, Hatfield Road proposed growth location is situated on land classified as Grade 2. The majority of Witham is surrounded by Grade 2 although there are strips of Grade 3 soils which follow the path of the River Brain to the north west of Witham and the River Blackwater to the east of Witham. Land classified as Grades 1, 2, 3 falls into the 'best and most versatile' category in PPS 7 Sustainable Development in Rural Areas. However, considering that most of the District has land classified as Grades 2 and 3 it is inevitable that any proposed green field development on arable land would be affected. It is considered that this issue should not affect the acceptability of identifying this growth location.

Coalescence with Hatfield Peverel

Although the proposed growth location at Lodge Farm on the edge of Witham would reduce the gap between the settlements of Witham and Hatfield Peverel, the open countryside between the proposed growth location and Hatfield Peverel would remain undeveloped therefore retaining the separation between the two settlements. The village of Hatfield Peverel is situated some 1.5 kilometres to the south west of the site, beyond the A12.

Infrastructure/Traffic Problems

The proposed growth location at Lodge Farm, Hatfield Road, Witham is situated close to the A12. The Highways and Transportation Study completed by Mouchel indicates that they expect access to the proposed site (Lodge Farm) to be provided via a new arm on the roundabout of the B1389 Hatfield Road/Gershwin Boulevard Roundabout.

The study summarised that the B1389 Hatfield Road/Maltings Lane and B1389 Hatfield Road/Howbridge Road/Spinks Lane Junctions are both shown to suffer significant congestion in AM/PM peak hours in 2025. The addition of traffic from the proposed Lodge Farm development would further contribute to these delays. It also stated that although not as notable, delays are also predicted for the signalised junctions of B1389 Newland Street/Collingwood Road/Maldon Road and B1389 Newland Street/The Avenue/The Grove in 2025 for AM/PM peak hours. Once again, the proposed Lodge Farm development would only add to these delays. Given the reasonably low flows onto the A12 northbound main carriageway at this proposed development location, it is considered that its current layout could satisfactorily accommodate the 2025 base and proposed Lodge Farm development in the AM/PM peak periods. However, the A12 southbound merge is expected to have higher than acceptable flows in the AM peak in 2025. The proposed development would only serve to exacerbate this. It is understood that a scheme to upgrade the junction might be completed in future by the Highways Agency which could potentially increase the scope for additional development in the locality.

The Highways and Transportation Study concludes that the addition of a development at Lodge Farm will further contribute to delays in the vicinity.

However, it identifies potential delays at all the proposed growth locations which could be eased with junction improvements. Any development at this proposed growth location must contribute towards the improvement of the cycle/pedestrian and public transport network.

Additional Employment Site

The Draft Core Strategy identified the growth area at Lodge Farm as a mixed use growth location, but does not specify employment use here (*as proposed by developer*). This had not been suggested as an employment site because of concerns about the capacity of the A12 junction and specifically the fact that HGV's wishing to access the site from the Colchester direction, would need to travel through Witham. It would therefore need to be tested for transport and environmental impacts before a conclusion could be reached.

**Recommendation to Local Development Framework Panel
To recommend that the suitability of Lodge Farm for employment development should be examined, in terms of highway access.**

6. Proposed Regeneration of Silver End

The Draft Core Strategy proposes regeneration of the former Crittall Works site at Silver End.

Summary of Comments

18 detailed comments were received on this proposed regeneration area.

Q14 on the Have Your Say Form was 'Silver End and Sible Hedingham would benefit from improvement and regeneration'. The results were;

Strongly Agree – 17

Agree – 67

Disagree – 8

Strongly Disagree – 7

Total responses– 99

N.B. It is important to note that the above question referred to both Silver End and Sible Hedingham. It is therefore difficult to determine if objection/support comments were directed towards both areas or a specific area i.e. just Silver End (unless it has been otherwise specified).

Points Raised in Opposition

Received from the Braintree LSP Executive Group, 1 Councillor, 7 developers/agents and 1 resident.

Main objection comments included:-

- Sustainability concerns – lack of infrastructure/transport network in Silver End.
- More detail is required on the proposals for the redevelopment of the site. Concern is raised regarding the uncertainty of costs in delivering these sites i.e. ground conditions and degree of contamination.

- Objection to the settlement hierarchy. Silver End should be identified as a *secondary* key service villages as it lacks key infrastructure i.e. railway station. Silver End should be ranked lowest in terms of existing services and population when compared with other key service villages in the Core Strategy.
- Housing provision in the East of England Plan is expressed as a minimum figure therefore, it is inappropriate to set out figures in the strategy if they represent maximum housing provision.
- Silver End should be allowed to expand with the potential of land to south east of village.

Points Raised in Support

Received from the Witham and Braintree Rail Users Group, English Heritage, 3 developers/agents and 2 residents.

Main support comments included;-

- Regeneration of Silver End is in accordance with RSS policy ENV 6 which refers to the strategic importance of factory villages.
- Silver End is located between Braintree and Witham with good road and public transport links.
- The Crittall site has been demolished in anticipation of redevelopment.

Other Points Raised

Any proposed regeneration at the Crittall site should reflect the historical and conservation importance of Silver End.

Officer Comments

Sustainability

Although Silver End is not located on a railway line it is situated 4 miles from Witham Station. The main bus route between Braintree and Witham also goes through Silver End. Silver End is located between the main towns of Braintree and Witham.

Further Detail on Site

A development brief would be required for the Crittall site to identify housing/employment numbers and locations to ensure that the development is delivered sympathetically, reflecting the important historical and conservation values of Silver End.

Settlement Hierarchy

Silver End has been proposed as a Key Service Village because of its range of services and facilities available in the village and due to its large size. The regeneration of the Crittall site in Silver End must contribute towards this important role.

Representations have been received regarding the approach for designating a key service village. Further analysis will be needed to look at the strategic issues regarding key service villages in response to these representations, which will be discussed at the Local Development Framework Panel.

Housing Targets

The proposed 200 new dwellings identified in paragraph 4.3 are intended to be divided between Silver End and Sible Hedingham (proportions unknown at this stage). The East of England Regional Plan does refer to a minimum target and not a maximum housing target. The proposed 200 dwellings figure should be removed from the Core Strategy document, to comply with the East of England Plan and to avoid confusion.

Historical/Conservation Influence

Silver End is recognised to be important historically and in conservation terms. Any proposed regeneration of the Crittall site would need to reflect this and as mentioned above a development brief would be needed for the site. Although the majority of the Crittall site has been demolished, the original Crittall factory buildings and garden have been retained and would need to form part of the regeneration and development proposals on the site.

Recommendations to the Local Development Framework Panel

That a design brief would be required for the Crittall site.

To amend the Core Strategy removing reference to actual housing figures for the regeneration areas.

7. Other Alternative Growth Locations

A number of alternative growth locations for Witham have been submitted as part of the preparation of the Allocations Document. They are as follows;

Land adjacent to Conrad Road, Witham CWO Parkers Settlement (5.22ha)

Land at Woodend, Hatfield Road, Witham R and JR Wood and others (22.63ha)

Land between Hatfield Peverel and Witham, south of the A12, Ultings Trust (69.91ha)

Land to the northwest of Witham, south of the A12, Brett Aggregates (154ha) (A leisure/country park use is proposed).

Land at Coggeshall Road (south of Observer Way) Kelvedon, E W King & Co. Ltd, (10.24ha)

Land between London Road and Railway Line, Kelvedon, Messrs Hosford (35ha)

Land at Feering Hall, Feering, Booker Ltd (11.72ha)

Land between railway and River Blackwater, east of Coggeshall Road, Feering. Taylor Wimpey (8.5ha)

Land between London Road and A12, between A12 and Prestead Hall, Feering, Taylor Wimpey (57.45ha)

Land to the west of Marks Tey, Marks Tey Consortium (301.94ha)

Land at the Street (west of Hanover Square), Feering. RR Ward and ES Ward (5.7ha)

Land at London Road (west of New Lane), Feering, RR Ward and ES Ward (16.96ha)

Land to the west of Hatfield Peverel and east of Hatfield Place, Mr C Gray (6.34ha)

Land at Graceland, the Street, Hatfield Peverel. Croft Settlement, Graceland Trust and Others (5.12ha)

Land south of The Street (rear of William Boosey Public House), British Continental and Estates (10.5ha)

An assessment of these alternative locations is currently being undertaken and will be reported to the Local Development Framework Panel when these representations are considered.

Juliet Strathern Policy Planner 10.3.09

Emma Boaler Policy Planner 10.3.09

MALTINGS LANE FORUM – ELECTION OF REPRESENTATIVES

Agenda Item 3.3

Contact Details:- Darren Roberts
Designation:- Area Development Control Manager
Ext. No:- 2526
E Mail Address:- Darren.Roberts@Braintree.gov.uk

Background Papers:- None
Financial Implications:- None
Equalities Implications:- n/a
Legal Implications:- n/a
Options: To nominate members of the Witham Area Committee to serve on the Maltings Lane Forum
Risks: Purely relates to representation on the Forum

EXECUTIVE SUMMARY

It is necessary to nominate members to sit on the Maltings Lane Forum, which meets regularly to discuss issues relating to the Maltings Lane development in Witham. The Forum last met in December 2006 and some of the members in attendance at that meeting are no longer councilors.

DECISION

Decision is required to nominate members to sit on the Forum. It is suggested that 3 members are elected.

MALTINGS LANE FORUM – ELECTION OF REPRESENTATIVES

The Maltings Lane Forum is a meeting of councillors, town councillors, developers, local community representatives and other interested persons who meet to discuss and determine action on issues relating to the development of the Maltings Lane estate. Issues can include developer responsibilities, Section 106 issues, discussing forthcoming planning applications, highway issues, neighbourhood issues, etc.

The Forum has been in existence since 2000, and was set up initially to meet quarterly, however it has not met since December 2006. Councillors who attended that meeting were Councillor Abbott, Councillor Bigden and Councillor Phil Barlow. It has not met since that date due to no significant new applications being received, and the previous BDC officer responsible for Maltings Lane leaving BDC.

It is intended to re-start the Forum, starting with a meeting in late April/ early May. Meetings take place in the early evening on Wednesdays, usually at a venue in Witham and rarely lasting more than one hour. The frequency of the meetings has yet to be decided, but is likely to be quarterly

Confirmation of attendance has already been received from the Town Council, Essex Police, the Witham and Countryside Society and the agents for the consortium. It is felt important to have a maximum of three District members in attendance at the first meeting, and thereafter.

A typical agenda is enclosed, however items are put forward by forum members so this is for information only. Admin arrangements will be provided by BDC officers.

MALTINGS LANE FORUM

EXAMPLE AGENDA

MEETING ** 6.30PM

Venue: TBC

1. Election of Chair
2. Apologies for Absence
3. Update on Forum's Remit
4. Update on Recent Planning Applications BDC Officers
5. Update on Build Programme All Developers
6. Section 106 spending BDC Officer
7. Timetable of future applications Consortium
8. A.O.B
9. Date of Next Meeting

PROPOSED LOCAL HIGHWAYS PANEL FOR BRAINTREE DISTRICT

Agenda Item 3.4

Contact Details:-	Paul Munson	Paul Partridge
Designation:-	Head of District Development	Head of Operations
Ext. No:-	2560	2207
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Background Papers:-	Essex Localism Manual
Financial Implications:-	As set out in report
Equalities Implications:-	None
Legal Implications:-	None
Options:	
Risks:	

EXECUTIVE SUMMARY

Essex County Council has invited Braintree District Council to set up a Local Highways Panel to determine priorities for funding for local highways schemes. The Panel will have a membership of 15 people and the Local Committee is invited to nominate the Chairman and one other member to serve on the Panel.

DECISION

To endorse the establishment of a Local Highways Panel and to nominate the Chairman of the Local Committee and one other member to serve on the Panel

PROPOSED LOCAL HIGHWAYS PANEL FOR BRAINTREE DISTRICT

Background

1. As part of the “localism” agenda Essex County Council is proposing the establishment of Local Highways Panels in each District. The Panel would enable priorities, funding and highway works to be delivered in a way that best reflects local requirements. The County Council has carried out pilots in Castle Point, Colchester and Brentwood and now wants to introduce Panels in other Districts. ECC has produced a Localism Manual which sets out the proposals in more detail, a copy of which is appended.

2. The Panel will have responsibility for a substantial element of the highways budget. The aim is for decisions on many highways matters to be taken locally based on a detailed understanding of priorities and requirements for the area. Decisions taken by the Panel will be recommended to the ECC Cabinet Member and will be approved unless there is a strategic reason for not doing so.

Membership

3. The County Council proposes that a Local Highways Panel will comprise a mix of District members, Parish Councils, Residents Associations and other democratically elected groups. It should have at least 10 members with a minimum of 25% coming from groups other than District Council members.

Objectives

4. The main objectives of the LHP are proposed as follows:

i) To consider proposals for funding (including any joint funding) submitted by constituted bodies such as District / Borough Councils, Parish Councils, Residents Associations, Parish Meetings or similar elected bodies that represent the local community. These proposals will be set out in a schedule prepared by the Area Highway Manager.

ii) To consult the public on its proposals and priorities using existing or new networks.

iii) To oversee and set priorities in terms of localism funded projects and the work of the Highway Rangers.

- iv) To make recommendations for project approval to the Essex County Council Cabinet Member for Highways and Transportation.
- v) To consider progress on the processing and delivery of approved projects through reports received from the County Council's Area Highway Manager or their representative.
- vi) To consider issues that arise through the Highway Surgeries and as reported by the County Council's Area Highway Manager or their representative.
- vii) To liaise with the County Council at the relevant Area Highway Office as the point of contact between the panel and the County Council.

Meeting Arrangements

5. ECC's proposed arrangements for the meetings are as follows:
- i) The Local Highways Panel will meet at least every 3 months and where possible or required every 2 months.
 - ii) The Local Highways Panel will meet in public.
 - iii) Formal notice of the time, date and location of the meeting will be given. This will be published locally in accordance with normal practice.
 - iv) The Area Highway Manager will assist in the setting of each meetings agenda in consultation with the Chairman of the panel.
 - v) The Area Highway Manager will prepare reports for the panel and approve any other reports being put before the panel not prepared by the Area Manager.
 - vi) The District / Borough Council will arrange for a record of all proceedings at each meeting. Minutes will be circulated to all members of the panel within seven days of the meeting, and presented with the agenda at the next meeting of the panel.
 - vii) The Panel can liaise with other such Panels and invite members of appropriate bodies to attend and speak as should be deemed appropriate

Comment

6. ECC's proposals to devolve decision making on highways issues are to be welcomed. The establishment of a Local Highways Panel will, however, introduce another meeting into the corporate calendar. Its relationship with Local Committees and the Traffic Management Liaison Panels will need to be carefully considered. However, because the Panel will need to determine District-wide priorities it is difficult to see how this can be achieved without setting up a new District-wide Panel. Minutes of the Local Highways Panel

would be reported to the Local Committees and highways issues raised at Local Committees referred to the Panel.

7. In accordance with the ECC guidelines a possible membership of the Panel would be Leader of the Council, the Cabinet member for Environment and Sustainability (or Deputy), the Cabinet member for and Enterprise (or Deputy), Culture and Leisure, the Chairman and one other member from each of the three Local Committees, a representative from Halstead Town Council, a representative from Witham Town Council, two representatives from Parish Councils and two representatives from the business community. This would mean a Panel comprising 15 members of which 5 would be from groups other than District Council members.

8. It is proposed that these proposals be reported to the Local Committees in March for their views and inviting them to nominate representatives and then to Cabinet on 30th March with a view to holding a first meeting of the Panel in April.

9. The Local Committee is invited to nominate the Chairman and one other member to serve on the Panel.

**Proposed Expenditure of Balance of Funding Provided by Benton Hall Golf Club
Agenda Item 3.6**

Contact Details: - Eleanor Dash
Designation: - Planning Policy Manager
Ext. No: - 2563
E Mail Address: - eleanor.dash@braintree.gov.uk

Background Papers:

- Witham Local Committee Report and Minutes 1st May 2008.
- Designing for Cyclists: A Guide to Good Practice (Essex County Council) 2006
- Braintree District Local Plan Review 2005
- Unilateral Undertaking Agreement – Benton Hall Golf Club

Financial Implications: Funding needs to be spent by 2011.

Equalities Implications: Promoting accessibility for the disabled.

Legal Implications: Finance provided through Unilateral Undertaking Agreement.

Options:

1. Improvements to provide a cycle/pedestrian link along part of the Blackwater Rail Trail from Blue Mills Hill to Benton Hall Golf Club
2. Improvements to provide a cycle/pedestrian link along part of the Blackwater Rail Trail from Pasture Road to Blackwater Lane.
3. Contribution towards a toucan (pedestrian and cycleway) crossing on Maldon Road.
4. Proceed with improvement of section between Maldon Road and Constance Close as approved at Witham Local Committee in May 2008.
5. Provision of signage and ancillary cycle link works (such as fencing/ signs prohibiting motorcycles) at the Blackwater Rail Trail (excluding the section between Constance Close and Maldon Road) up to a maximum cost of £5,000.

Risks:

Loss of finance if not spent according to the legal agreement requirements.

EXECUTIVE SUMMARY

This report sets out the details of the legal agreement providing funding for a cycleway between Benton Hall Golf Club and Witham Town Centre and options for the expenditure of the balance of this money.

DECISION

It is **RECOMMENDED** that Members approve the expenditure of the remaining funding provided by the Benton Hall Golf Club development on:-

1. Improvements to the Blackwater Rail Trail to provide a cycle/pedestrian link along the Blackwater Rail Trail from Pasture Road to Blackwater Lane.
2. Provision of signage and ancillary cycleway works at the Blackwater Rail Trail, (excluding the section between Constance Close and Maldon Road) up to a maximum cost of £5,000.
3. No further improvement works should be undertaken to the length of the rail trail between Constance Close and Maldon Road.

Proposed Expenditure of Balance of Funding Provided by Benton Hall Golf Club

Background

Phase 1 of improvements to the Blackwater Rail Trail to provide a cycle/pedestrian link between Constance Close and Blue Mills Hill and a link between Maldon Road and Constance Close was approved by Members at Witham Local Committee on the 1st May 2008. The works were subsequently completed during the summer of 2008 (*with the exception of the link between Maldon Road and Constance Close*).

Following the completion of phase 1 of the improvement works, there is approximately £37,000 remaining of the financial contribution which must be spent by 2011.

The scheme was funded by a Unilateral Undertaking Agreement with Benton Hall which stated the following:

Definitions

“ Cycle Link” the cycleway to be constructed by or on behalf of Essex County Council the Council or Sustrans to provide a cycle link between the Land and Witham Town Centre.

Clause 5 of the Undertaking states

“...pay to the Council the Cycle Link Contribution provided that the Council shall have first agreed in writing that:-

- a) ***the Cycle Link Contribution will be defrayed solely towards the costs of providing the Cycle Link***
- b) ***if at the end of the period of 5 years following the payment of the Cycle Link Contribution the whole of the Cycle Link Contribution has not been defrayed towards the cost of providing the Cycle Link the Council will refund... the Cycle Link Contribution or such part thereof as shall remain unexpended as soon as reasonably practicable following written demand therefore”***

Option 1: Improvements to provide a cycle/pedestrian link along part of the Blackwater Rail Trail from Blue Mills Hill to Benton Hall Golf Club.

The Blackwater Rail Trail continues in a southerly direction from Blue Mills Hill to Oliver's Farm. This section is owned and managed by Essex County Council Country Parks. The proposed route suggested in Option 1 would provide a safe off-road link for users of the golf club and health club. Please see map in Appendix A.

Essex County Council Highways will shortly be providing traffic signals at the junction of Maldon Road and Blue Mills Hill. If Members agreed to Option 1 further discussions would need to take place with Highways to ensure that pedestrians and cyclists could cross Blue Mills Hill safely to access the continuation of the route to the Golf Club.

Option 2: Improvements to provide a cycle/pedestrian link along the Blackwater Rail Trail from Pasture Road to Blackwater Lane.

The Braintree District Local Plan Review 2005 supports the provision of cycleways and indicates proposed routes on the Inset Maps, including a route along the Blackwater Rail Trail from Pasture Road to Blackwater Lane, Witham. Please see map Appendix B.

The remaining £37,000 could contribute towards the proposed improvements to provide a cycle/pedestrian link (gravel type surface) between Pasture Road and Blackwater Lane. The length of this section is approximately 400 metres. The estimated cost of the scheme is approximately £30,000. This includes site survey and an ecological survey, design, safety audit of proposals, construction works and fees.

This option would provide linkages for cyclists/pedestrians/wheelchair users to access the Whetmead Nature Reserve, Witham River Route and the Town Centre (*in accordance with the wording of legal agreement*).

As part of the scheme the existing steps on Blackwater Lane would be removed and replaced with a graded ramp enabling easy access for cyclists and wheelchair users. Lighting is not proposed as part of the scheme.

Planning permission is not required for these proposed improvement works.

Essex County Council Country Parks will remain responsible for the future maintenance of the Blackwater Rail Trail section between Pasture Road and Blackwater Lane.

Option 3: Contribution towards a toucan crossing on Maldon Road.

Essex County Council Highways are proposing to provide a Toucan Crossing on Maldon Road. However, Area Highways Officers have stated that there is a shortfall of funding to implement the scheme.

Members should note the wording of the Benton Hall Unilateral Undertaking Agreement as outlined above. Legal advice is that the creation of a toucan crossing is not compliant with the requirement to construct a cycleway. It is therefore suggested that if Members wish to pursue this option, that the Council should write to Clubhaus to see if they have any objections to this proposed expenditure.

Please refer to Appendix C which sets out details of the advice on the Unilateral Undertaking received from the Legal Executive of Asset Management which concludes, '*members must appreciate the need to comply with the wording of agreements made*

under S.106 Town & Country Planning Act 1990. If Members feel strongly about this, it is open to the Council to approach Clubhaus to request a variation of the Unilateral Undertaking. If Clubhaus were minded to agree, which they might not, it is only reasonable that the Council would be expected to be responsible for the fees of all parties involved.'

Option 4: Proceed with improvement of section between Maldon Road and Constance Close as approved by Members of Witham Local Committee in May 2008.

The proposal to improve the path between Maldon Road and Constance Close was approved at Witham Local Committee on 1st May 2008. (Please see Appendix D) It was anticipated that the path would provide access from Maldon Road to the Blackwater Rail Trail, promoting accessibility to the route and providing linkages to the River Walk.

The Sauls Bridge Residents Association have expressed concerns regarding the proposed improvements as they have stated that the path between Maldon Road and the disused railway line already attracts undesirables and suffers from problems with litter.

Land registry searches have failed to identify the land owner of the path although historical maps and photographs indicate that it probably formed part of an old track to the former railway line. Braintree District Council is unable to carry out improvement works to the path until a Public Right of Way Order has been implemented (due to be in 2010). If the path were to be adopted as a Public Right of Way, Essex County Council would remain responsible for the future maintenance of the path.

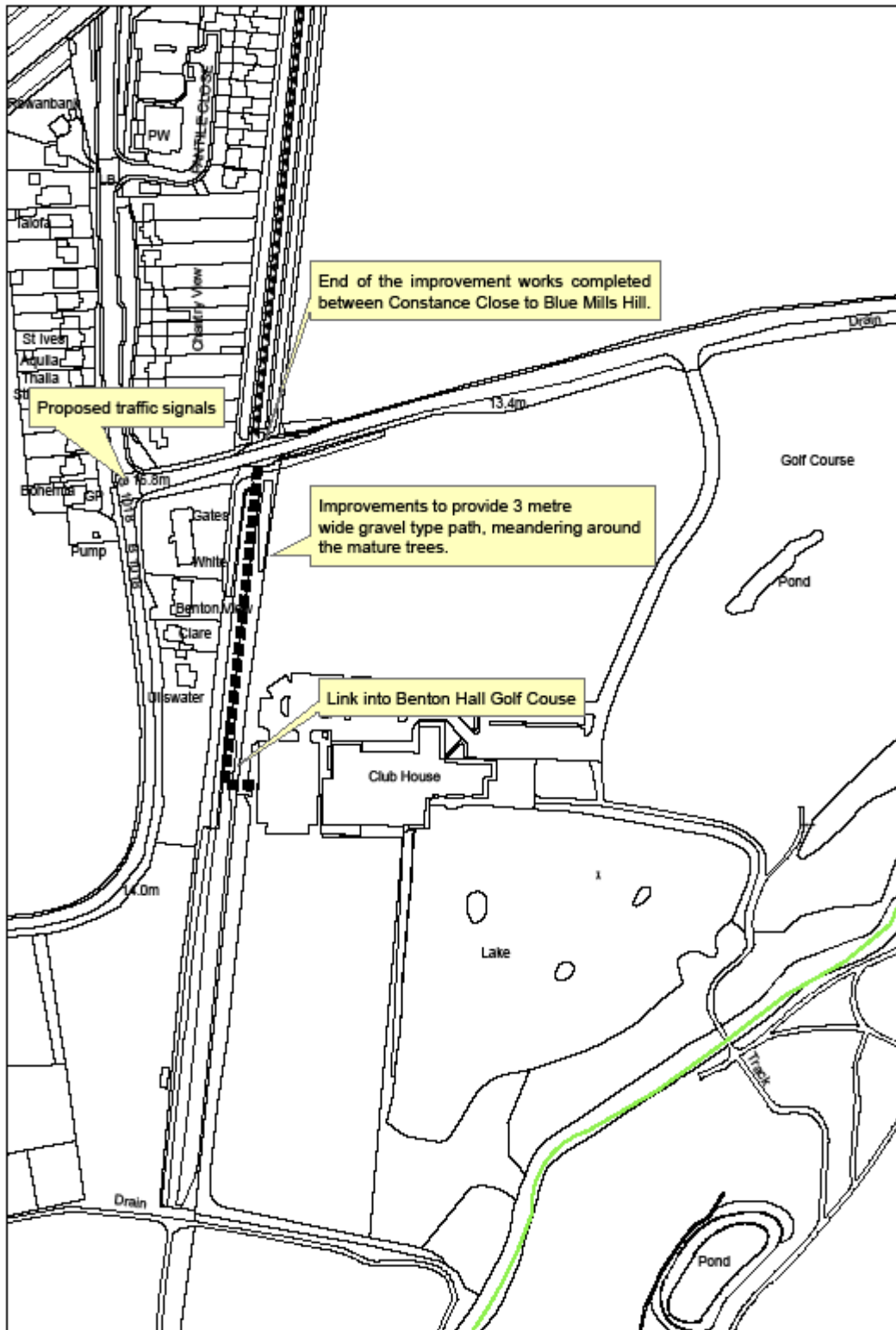
Witham Local Committee made a resolution in May 2008 to improve the existing path to provide a 2 metre wide tarmac footpath link to the Blackwater Rail Trail, replacing the broken fencing adjacent to the path and provide motor bike inhibitors and dog litter bins. A new gate and fencing were also to be provided at the north entrance to the Blackwater Rail Trail at Constance Close.

The Sauls Bridge Residents Association has objected to these improvements and stated they would wish to close the path and retain this as a wildlife buffer.

Due to the opposition to improvements to this stretch of path from the Residents Association, it is recommended that no further improvement works should be undertaken to the length of the rail trail between Constance Close and Maldon Road.

Appendix A

Option 1: Improvements to provide a cycle/pedestrian link along part of the Blackwater Rail Trail from Blue Mills Hill to Benton Hall Golf Club.



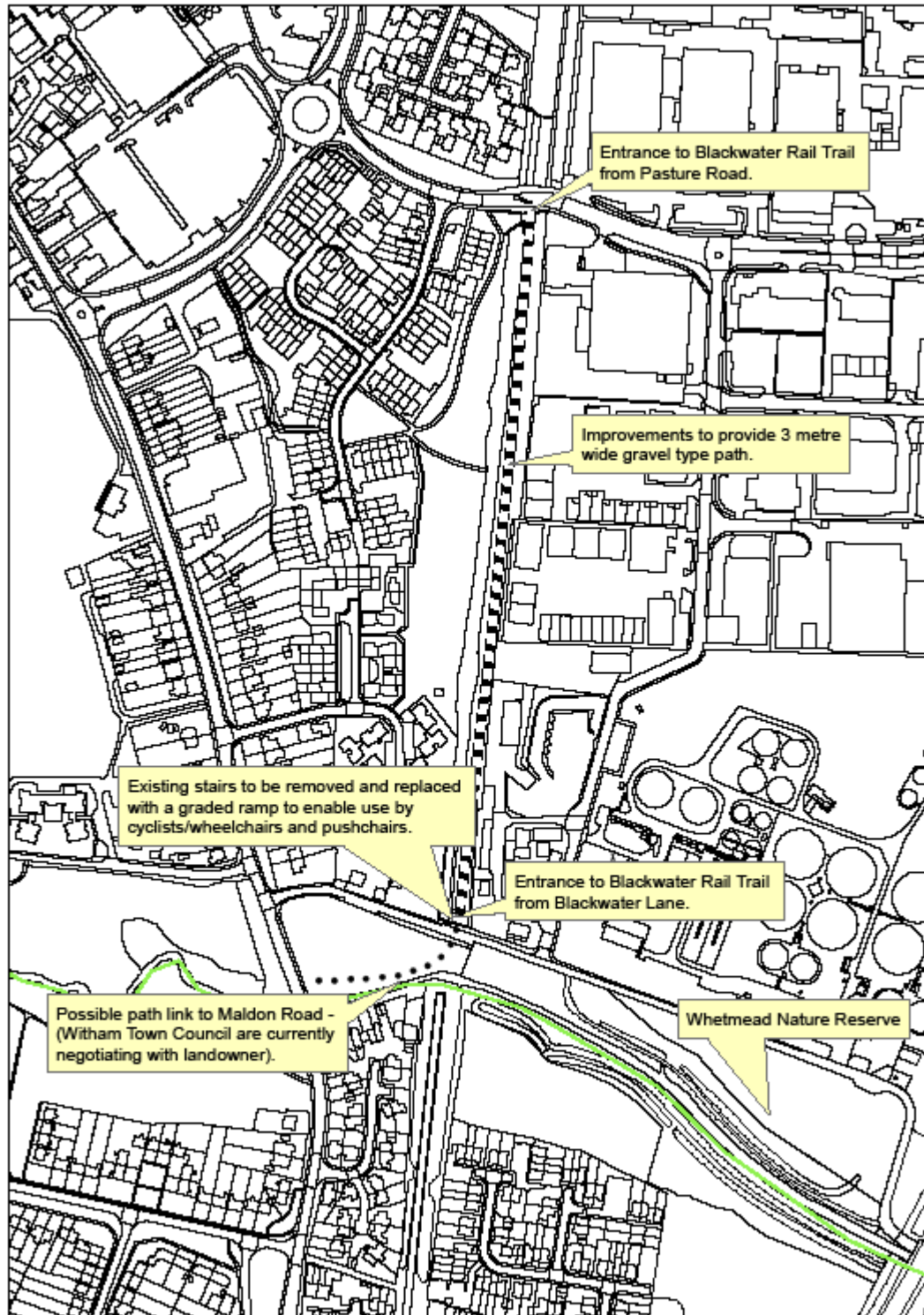
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Appendix B

Option 2: Improvements to provide a cycle/pedestrian link along the Blackwater Rail Trail from Pasture Road to Blackwater Lane.



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From: Sarah Burder,
Asset Management

To: Juliet Strathern – Development Services,
Planning Policy

Ref: AM/SAB/P.0145

Ext: 2927

Date: 27th February 2009

Unilateral Undertaking
99/00712/FUL – Benton Hall Golf Club, Witham

Further to your query, I have set out below some details regarding the cycle link covenant in the Unilateral Undertaking dated 20th October 2000 from Clubhaus Operations Limited.

Definitions

“Cycle Link” the cycleway to be constructed by or on behalf of Essex County Council the Council or Sustrans to provide a cycle link between the Land and Witham Town Centre

“Cycle Link Contribution” the sum of £92,500

Clause 5 of the Undertaking states

“... pay to the Council the Cycle Link Contribution provided that the Council shall have first agreed in writing ... that:-

- (a) the Cycle Link Contribution will be defrayed solely towards the costs of providing the Cycle Link*
- (b) if at the end of the period of 5 years following the payment of the Cycle Link Contribution the whole of the Cycle Link Contribution has not been defrayed towards the cost of providing the Cycle Link the Council will refund ... the Cycle Link Contribution or such part thereof as shall remain unexpended as soon as reasonably practicable following written demand therefore”*

The key wording here is that the £92,000 received should be expended on constructing a cycleway between Benton Hall and Witham town Centre. The route of the cycle link is not restricted to the Blackwater Rail Trail, although the intention to use the money on this route was confirmed to Clubhaus Operations Ltd in accordance with clause 5 further to your memo dated 24th January 2007 confirming such intention.

I understand that there is currently a balance of £37,000 and the suggestion has been made that this should be used to fund the construction of a toucan crossing on Maldon Road. You have indicated that Members intend to consider this at Witham Area Committee on 26th March.

In my opinion, the creation of a toucan crossing is not compliant with the requirement to construct a cycleway.

Members must appreciate the need to comply with the wording of agreements made under S.106 Town & Country Planning Act 1990. If Members feel strongly about this, it is open to the Council to approach Clubhaus to request a variation of the Unilateral Undertaking. If they were minded to agree, which they may not, it is only reasonable that the Council would be expected to be responsible for the fees of all parties involved.

If there another section of the cycle link that can be constructed with the remaining funds, this would be preferable and ensures that the funds are used for their original intention.

If you wish to discuss any matters further, please do not hesitate to contact me.

Legal Executive to Asset Management

Appendix D

Option 4: Proceed with improvement of section between Maldon Road and Constance Close as approved at Witham Local Committee in May 2008.



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