

# Annual Council Meeting Agenda

Wednesday, 19 May 2021 at 7pm

Civic Theatre, Fairfield Road, Chelmsford

## MEMBERSHIP

The Mayor – Councillor Jude Deakin  
The Deputy Mayor – Councillor Linda Mascot

and Councillors

R H Ambor, L Ashley, H Ayres, K Bentley, M W Bracken,  
N B Chambers, D J R Clark, P H Clark, W A Daden,  
A E Davidson, C K Davidson, S M Dobson,  
N A Dudley, J A Frasca, I D Fuller, J Galley, R J E Gisby,  
M C Goldman, S M Goldman, I S Grundy, N Gulliver,  
P V Hughes, R J J Hyland, A M John, D G Jones, G B R Knight,  
J C S Lager, J S Lardge, R J Lee, M J Mackrory, R Massey,  
L A Millane, R J Moore, G H J Pooley, J A Potter, R J Poulter,  
S Rajesh, J M C Raven, I C Roberts, S J Robinson, T E Roper,  
E J Sampson, C M Shaw, R J Shepherd, M Sismey, A B Sosin,  
J E Sosin, M S Steel, C R Tron, N M Walsh, R T Whitehead,  
T N Willis, I Wright, S Young (and one vacancy)

Local people may attend this meeting, although numbers  
must necessarily be restricted owing to distancing requirements  
and you will need to obtain an admission pass beforehand.

If you would like to attend, please telephone  
Brian Mayfield in the Democracy Team on Chelmsford (01245) 606923  
or email [brian.mayfield@chelmsford.gov.uk](mailto:brian.mayfield@chelmsford.gov.uk)

# Annual Meeting of the Council

19 May 2021

## AGENDA

### OPENING THE MEETING

The current Mayor will open the meeting and ask her Chaplain to say prayers.

#### 1. Apologies for Absence

The current Mayor will ask for any apologies for absence

### CEREMONIAL BUSINESS

The Chief Executive will explain that owing to the disruption caused by the Covid-19 pandemic, the Groups on the Council have agreed that, subject to the agreement of the Council, the current Mayor and Deputy Mayor should continue in office for another year.

#### 2. Election of Mayor and Deputy Mayor

The Chief Executive will conduct the formal election of the Mayor for the forthcoming year.

The Mayor will nominate Councillor Linda Mascot as the Deputy Mayor for the forthcoming year.

#### 3. Declarations of Acceptance of Office

The Mayor will take the Declaration of Acceptance of Office.

The Deputy Mayor will take the Declaration of Acceptance of Office.

#### 4. Mayoress and Deputy Mayor's Consort

The Mayor will introduce to the Council her Mayoress for her year in office.

The Deputy Mayor will introduce to the Council her Consort for her year in office.

## 5. Address by Mayor

The Mayor will address the Council.

## 6. Mayor's Announcements

To receive the Mayor's announcements, including the appointment of the Chaplain and the Mayor's charities for the year.

## ADMINISTRATIVE BUSINESS

### 7. Leader's Scheme of Delegation

To note any changes to the Scheme of Delegation.

### 8. Arrangements for and Appointments to City Council Bodies and Outside Bodies

To consider the proposed Schedule of appointments (to follow).

### 9. Chelmsford North-East By-Pass Bridge – Forward Funding

To consider the attached report



## Chelmsford City Council

19 May 2021

### Leaders Scheme of Executive Delegation for 2021-22

---

Report by: Leader of the Council

---

Officer contact: Brian Mayfield, Connected Chelmsford,  
brian.mayfield@chelmsford.gov.uk, 01245 606923

---

#### Explanatory

1. The Scheme of Executive Delegation set out in paragraph 3 below is the current Scheme and has been agreed by the Leader. It describes who and/or which bodies exercise the Executive functions of Chelmsford City Council ("the Council").

#### Legal position

2. When elected, the Leader of the Council holds all of its Executive functions but may delegate them to one or more of the following: -
  - (a) the Cabinet as a whole
  - (b) individual members of the Cabinet
  - (c) committees of the Cabinet
  - (d) officers
  - (e) joint executive committees or under joint arrangements

#### The Scheme of Delegation

3. This Scheme of Executive Delegation provides that the following arrangements exist for the discharge of Executive functions:

- (a) The Cabinet may discharge all Executive functions. Functions to be discharged by the Cabinet are set out in Part 3.3.2(i) of the Council's Constitution.
  - (b) Individual members may only discharge functions delegated to them by the Leader in accordance with paragraph 2 above.
  - (c) The Leader may discharge any Executive function where it is not possible for the Cabinet to do so in a timely manner.
  - (d) Committees of the Cabinet may discharge the functions described in Part 3.3.4 of the Constitution.
  - (e) Officers may discharge, subject to paragraph 5, those delegations described in Part 3.4 of the Constitution, "Officer Scheme of Delegation", which are Executive functions.
4. Under this Scheme, no arrangements are made for the delegation of executive functions by:
- (a) a committee of the Cabinet
  - (b) an individual member of the Cabinet (other than the Leader)
5. Any officer authorised to exercise an Executive function by this Scheme of Executive Delegation may from time to time by giving written notice to the Legal and Democratic Services Manager nominate another officer as his deputy to exercise that Executive function in situations where he is not available through annual leave, sick leave or other leave of absence. The Legal and Democratic Services Manager will keep a record of these nominations. A nominated deputy exercising an Executive function must comply with the requirements of this Scheme of Delegation.
6. All current specific delegations of authority granted by the Cabinet prior to the making of this Scheme of Executive Delegation shall remain in full force and effect.
7. Deputising Arrangements. The Leader must appoint a Deputy Leader and notify their appointment to the Council. This will be done by notice in writing to the Legal and Democratic Services Manager, who will report the appointment to the next available meeting of the Council. If for any reason the Leader is unable to act, or the office of elected Leader is vacant, the Deputy Leader will act in his place. If the Leader is unable to act or the office of elected Leader is vacant, and the Deputy Leader is unable to act, or the office of Deputy Leader is vacant, then the Cabinet must act or arrange for a Cabinet Member to act.

### Interpretation and changes

8. Any questions about the interpretation of any part of this Scheme of Delegation will be determined by the Legal and Democratic Services Manager.

9. Any changes to this Scheme of Delegation will come into operation 48 hours after receipt by the Legal and Democratic Services Manager or another date or time specified by the Leader. The Legal and Democratic Services Manager will ensure that an up-to-date version of the scheme is available for councillors, officers and the public and notify any changes to councillors.



Chelmsford City Council

19 May 2021

## Chelmsford North East Bypass Bridge – Forward Funding

---

Report by: Cabinet Member for Sustainable Development

---

Officer contacts: Jeremy Potter, Spatial Planning Services Manager,  
[jeremy.potter@chelmsford.gov.uk](mailto:jeremy.potter@chelmsford.gov.uk), 01245 606821

---

### Purpose

To gain approval to forward fund the additional cost of the construction of a permanent multi-modal highway bridge across the Chelmsford North East Bypass.

### Recommendation:

That the Council agrees to provide a sum not exceeding £1.5M to Essex County Council in 2021/22 to forward fund the additional construction cost of a permanent multi-modal highway bridge on the condition that Essex County Council as Highways Authority and Countryside Zest as relevant developer enters into a satisfactory Memorandum of Understanding (MOU) which sets out the funding recovery commitments outlined in Section 4 of this report and that the Director of Sustainable Communities be delegated to agree the MOU in consultation with the Director of Financial Services, Legal and Democratic Services Manager, Cabinet Member for Sustainable Development and the Cabinet Member for Fairer Chelmsford.

---

## 1. Introduction and Context

- 1.1. Essex County Council (ECC) working in partnership with Chelmsford City Council (CCC) have secured £218M of Housing Infrastructure Funding (HIF) to construct the Chelmsford North East Bypass (CNEB) and a new rail station to the north east of Chelmsford.

- 1.2. This strategic infrastructure will support significant levels of new housing to the north of Chelmsford contained within the adopted Chelmsford Local Plan, in particular the Chelmsford Garden Community. The Garden Community will be developed each side of the CNEB and therefore there will be a need for future bridge connections to ensure the development is well-integrated and connected.
- 1.3. Before new housing development of the Garden Community can commence on a parcel of land, known as Park Farm west of the CNEB route, there is a need to undertake mineral extraction which forms part of an extant planning permission. These works should take around 5 years from commencement. Therefore, a temporary mineral conveyor bridge is required to transport the sand and gravel to the plant site at Bull's Lodge Quarry to the east of the CNEB Route.
- 1.4. ECC are obliged to maintain access for Hanson Aggregates (the mineral operator) to the Park Farm site for quarrying activities as the CNEB will be completed in 2024/25 before the mineral extraction is complete. The temporary mineral conveyor bridge will cost circa £4M and is funded by the wider HIF for the CNEB. The bridge will be required for mineral operational purposes in 2023.

## 2. Permanent Multi-Modal Bridge

- 2.1. Once the mineral extraction is complete, there will be a need for a permanent multi-modal bridge at the location of the mineral conveyor bridge, to provide connections for the Garden Community. The cost of the permanent multi-modal highway bridge is £5.5M. Therefore, there is a shortfall in funding of £1.5M in the short-term if an opportunity is taken to construct a permanent bridge as part of the bypass works.
- 2.2. Ultimately a permanent multi-modal bridge would need to be delivered by the promoter/developer of the Garden Community as part of planning obligations related to a planning permission. However, planning applications for the Garden Community are not expected to be submitted until 2022 and the trigger for the bridge's delivery is likely to be later 2020s/early 2030s after the completion of phase 1 of the bypass in 2024.
- 2.3. Officers are keen to ensure that there is no abortive construction and cost. Therefore, Officers have been engaging with ECC, Countryside Properties and Hanson Aggregates fully explore whether a futureproofed bridge can be constructed as part of the CNEB works in order to fulfil the shorter term mineral requirements and provide a permanent multi-modal highway bridge as one structure.



### 3. Delivery Programme and Funding Comparison

3.1 Set out in the table below is a comparison between the base case and forward-funded solutions.

	Base Case Solution	Forward-Funded Solution
<b>Programme</b>	Install Temporary Structure in 2022 for quarry needs only. Designed for c. 15yr life  Remove temporary bridge and install Permanent Structure in late 2020s/early 2030s as part of Garden Community development.	Install Permanent Structure in 2022 sufficient for 2-way single carriageway, footway and cycleway. Designed for 120yr lifespan and future-proofed for Local Plan housing demand from garden community.
<b>Cost / Impact to Public Purse</b>	2022: £4M ECC funding (Temporary Structure)  2030: Circa £5.5M S106 funding (Permanent Structure)  £4M recovered from developers to HIF through s106 planning obligations	2022: £4M ECC funding + £1.5M CCC  £1.5M S106 (refunded to CIL) timing of reimbursement at point that mineral operations complete subject to negotiation as part of future S106 agreement.  £4M recovered from developers to HIF through s106 planning obligations
<b>Safety / Sustainability</b>	Closures of bypass to remove old bridge and install new structure – dangerous/disruptive operations and very unsustainable	Complete solution installed upfront – safest and most sustainable approach
<b>Other Comments</b>	Section 106 money from development will be a finite pot and additional spend on the bridge is likely result in less infrastructure provided elsewhere.	ECC would retain ownership/maintenance liabilities of the structure but not adopt until the Garden Community required it.  CCC, ECC and developer to enter into a MOU to formalise Funding Recovery Strategy

### 4. Funding Recovery Strategy

4.1 There is no additional money from the HIF funding to deliver the permanent multi-modal bridge. This bridge will be required as part of the future Garden Community development, but there is currently no planning application to secure its delivery against.

- 4.2 Therefore, Officers are recommending that CCC provide ECC £1.5M of forward funding (effectively loaned from the Community Infrastructure Levy (CIL) Strategic Allocation) to allow the delivery of the permanent bridge. This would be on the condition that Countryside Zest (or any successor developer) repay to CCC the £1.5M of forward funding when the use of the permanent bridge stops being required and used for the transit of minerals. This would be secured through a planning obligation forming as s106 legal agreement as part of the planning permission of the relevant phase of the Garden Community.
- 4.3 The remaining cost of the permanent bridge of £4M, already being funded by HIF, will also be recovered through planning obligations secured through s106 legal agreements for the Garden Community as part of the wider HIF Recovery and Recycling Strategy. This is currently identified to fund the dualling of the CNEB and/or future sustainable and active travel infrastructure in the CNEB corridor.
- 4.4 Planning obligations are required to meet the legal tests of being necessary to make the development acceptable in planning terms and being directly related to and fairly and reasonably related in scale and kind to the development. Officers consider that the proposed recovery strategy meets these legal tests.
- 4.5 It is proposed that CCC, ECC and Countryside Properties sign a Memorandum of Understanding (MOU) setting out the funding recovery strategy set out above. The MOU would include the following provisions:
- The CCC forward funding is capped at £1.5M. Any cost overruns to deliver the permanent bridge would be borne by ECC.
  - Any additional costs with associated non-structural re-purposing of the bridge to convert its use from a mineral conveyor bridge to highway use would be in addition to the CCC forward funding or HIF funding. These additional costs would be borne by the developer of the Garden Community and secured through s106 legal agreements.
  - The permanent bridge and approach roads will be designed to encourage and allow maximum use by pedestrians and cyclists.
  - CCC and ECC will ensure that this project increases biodiversity around the structure through suitable planting schemes; grasses, wildflower embankments, shrubs and trees, which could be incorporated (or at least planned for) in the early stages of the initial bridge construction.
  - ECC will work constructively with CCC and the developer to ensure that the final appearance of the bridge is visually enhanced and distinctive reflecting the objectives of the Garden Community e.g. use of public art.

## 5. Conclusion

5.1 Future-proofing new strategic infrastructure and being able to bring it forward earlier to support new development are considered important objectives. In addition, the forward funded proposal would have considerably environmental benefits by removing abortive construction work and maximising the construction resources. Initially the CNEB will be single carriageway at this location but the permanent bridge would be designed and constructed to span the width of a dual carriageway corridor providing further futureproofing.

5.2 The opportunity to forward-fund the permanent multi-modal bridge across the CNEB fulfils the objectives above with the added ability to recover the cost to CCC through future planning obligations.

### List of appendices:

Appendix 1 – Location Plan

### Background papers:

None

---

## Corporate Implications

### Legal/Constitutional:

Relevant legal considerations have been set out in the report.

### Financial:

There would be immediate financial implications of the decision to forward fund the permanent bridge as funds would need to be released in 2021/22. The funding would be effectively borrowed from the Community Infrastructure Levy (CIL) Strategic Allocation and be returned as part of s106 planning obligation.

### Potential impact on climate change and the environment:

The delivery of the new multi-modal highway bridge would ensure that walking, cycling and other forms of sustainable transport would be planned into the development from the outset which will reduce the need for private car trips in the long term and encourage active travel. Ensuring that only one bridge is constructed without abortive works and use of materials will also provide significant environmental benefits over the existing base case.

### Contribution toward achieving a net zero carbon position by 2030:

The delivery of the new multi-modal highway bridge would ensure that walking, cycling and other forms of sustainable transport would be planned into the development from the outset which will reduce the need for private car trips in the

long term and encourage active travel. Ensuring that only one bridge is constructed without abortive works and use of materials will also provide significant environmental benefits over the existing base case. Personnel: None

**Risk Management:**

The wider project for the delivery of the station and by-pass are included in the Council's Principal Risk Register and monitored regularly. As with any forward funding of infrastructure there is a risk that if the Garden Community development does not come forward as proposed the mechanism to recover the forward funding would not materialise. This risk is considered small taking into account the continued buoyancy of Chelmsford's housing market and the commitment of the landowners and developers to continue to develop in north east Chelmsford.

Equality and Diversity: N/A

Health and Safety: None

Digital: None

Other: The delivery of the Chelmsford North East Bypass is a key infrastructure priority of the adopted Local Plan.

---

**Consultees:**

Legal and Democratic Services Manager

Director of Financial Services

Accountancy Services Manager

Director of Sustainable Communities

Essex County Council Highways and Transportation

---

**Relevant Policies and Strategies:**

Adopted Chelmsford Local Plan and Our Chelmsford Corporate Plan.

---

## Appendix 1

