



EXECUTIVE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE EXECUTIVE TO BE HELD IN THE PRINCIPAL COMMITTEE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON WEDNESDAY 22ND SEPTEMBER 2004 AT 18:15.

AGENDA

1. Apologies
2. Minutes
3. Public Question Time
4. Capital Strategy 2004 - 07
Report of Financial Services Manager (enclosed)
5. Asset Management Plan 2004 and the performance of the Property Portfolio. Report of the Corporate Property Officer (enclosed).
6. Public Rights of Way Agency Agreement
Report of Head of Development (enclosed)
7. Neroche Project
Report of Head of Development (enclosed)

The following item is likely to be considered after the exclusion of the press and public because of the likelihood that exempt information would otherwise be disclosed relating to the Clause set out below of Schedule 12A of the Local Government Act 1972.

8. Proposed Industrial Development Scheme at Frobisher Way, off Bindon Road, Taunton
Report of Chief Valuer (enclosed)

G P DYKE
Member Services Manager

The Deane House
Belvedere Road
TAUNTON
Somerset

TA1 1HE

14 September 2004

Executive Members:-

Councillor Williams (Chairman)

Councillor Bishop

Councillor Mrs Bradley

Councillor Mrs Bryant

Councillor Cavill

Councillor Edwards

Councillor Garner

Councillor Hall

Councillor Mrs Lewin-Harris

Executive – 25 August 2004

Present: Councillor Williams (Chairman)
Councillors Bishop, Mrs Bryant, Cavill, Edwards, Hall and
Mrs Lewin-Harris.

Officers: Miss S Adam (Head of Finance), Mrs A Templeton (Business
Development Manager) and Mr A Melhuish (Review Support Officer).

Also Present: Councillor Henley.

(The meeting commenced at 6.20pm.)

42. Apologies

Councillors Mrs Bradley and Garner.

43. Public Question Time

Mr Harris asked the following questions:-

- (1) “Why was the Council continuing to treat Mr Robins unfairly by not allowing him to enter the Deane House, despite receiving an apology from him? Why had the Council not replied to Mr Robins letter of 29 July 2004 concerning his ban?”
- (2) “Could Councillor Williams explain why there was a requirement that the meter cupboard door at 47 South Street, Taunton be top hung?”

Councillor Williams replied that although a form of apology had been received from Mr Robins, conditions were attached to it. Councillor Williams pointed out that Mr Robins was banned from the building as he had behaved in an unacceptable manner and that all attempts by the Council to move this situation forward had not been met with any support from Mr Robins. He further replied that there had been considerable correspondence regarding the top hung door on the electrical cupboard at 47 South Street, Taunton. This matter would not be resolved until Mr Robins co-operated fully with officers to allow access to the property so that a full inspection can be carried out.

Councillor Henley as a member of the public asked the following questions:-

(1) Housing Stock Options Transfer

“Could Councillor Williams advise him why tenants were only being given the option to a yes vote regarding the housing stock transfer? why was the Council selling each property for £6,000?, what were the campaign costs and why were tenants not being allowed to consider all four options?”

Councillor Williams replied that the option being put to tenants concerning a yes vote was as a result of extensive work carried out by the Council's advisors Pricewaterhouse Coopers who had concluded that a whole stock transfer was the only option that provided resources for the short, medium and long term investment in the stock. The selling price of each property had been calculated to reflect an external validation survey that had been carried out that predicted that the Council would not have sufficient resources to maintain the housing stock the level required by the Decent Homes Standard after 2010. The costs associated with the housing stock transfer would be in the region of £400,000 and had been included in the Council's budget.

(2) Green Box Recycling Scheme

“Could Councillor Edwards advise him why boxes in his area had not been emptied and when the scheme would be extended throughout Taunton Deane?”

Councillor Edwards replied that some properties had not received a collection on their allocated day. Following this an extra team visited the area to collect any boxes that had been left out and residents were sent a letter advising them that a further collection would take place and details of the normal collection day. He confirmed that the scheme would be introduced in the autumn once any problems had been resolved. He also read out a letter from the Minister for the Environment which praised the Council for meeting its recycling target of 18% for 2003/2004.

(3) Open Space at Lillebonne Close, Wellington

“Could Councillor Mrs Bradley advise why residents and Councillors had not been informed of proposals to site a shelter on “The Mound” area at Lillebonne Close?”

Mr P Drohan and Mrs Hellings, residents of Lillebonne Close also asked a number of questions regarding “The Mound” area in particular the fact that football posts had been erected without any consultation with local residents concerning their location. They also expressed their concerns regarding the lack of consultation concerning the proposed siting of the shelter.

Councillor Williams replied that this was a proposal that was being carried out by the Council's Parks Department and Housing Section and that he would investigate this matter and provide a full response to Mr Drohan and Mrs Hellings in writing.

44. Minutes

The minutes of the meeting of the Executive held on 21 July 2004 were taken as read and were signed.

45. Review of the Corporate Strategy 2004/2007

Submitted report previously circulated regarding the Corporate Strategy.

The Corporate Strategy was reviewed on an annual basis and informed the content of the Heads of Service and Team Plans. It was also used to determine the allocation of resources across the Council through the Medium Term Financial Plan and service budgets.

The Corporate Strategy was published in June 2004 together with the Performance Plan. Through a series of workshops and meetings with the Senior Management Team, Corporate Management Team and the Review Board the objectives and outcomes of the Corporate Strategy's ETCHED Action Plan were determined for each year to 2007/2008. The ETCHED Action Plan was submitted for the information of the Executive.

Noted that delivering the Vision for Taunton remained the Council's highest priority, followed by working with partners to tackle transport issues, tackling anti-social behaviour and housing.

RESOLVED that the Council be recommended that the Corporate Strategy ETCHED Action Plan 2004/2007 be agreed.

(The meeting ended at 7.11pm.)

TAUNTON DEANE BOROUGH COUNCIL

EXECUTIVE 22 SEPTEMBER 2004

REPORT OF THE FINANCIAL SERVICES MANAGER

CAPITAL STRATEGY 2004-07

1 Executive Summary

- 1.1 Attached at Appendix A is the draft Capital Strategy for 2004-07. The Executive is invited to comment on the draft strategy before it goes to Full Council in October.

2 Introduction

- 2.1 The ODPM have recently removed the requirement for the Council to submit to Regional Government Offices the annual Capital Strategy and Asset Management Plan. However it is deemed to be good practice to continue to prepare an AMP and Capital Strategy annually.
- 2.2 The Capital Strategy is a summary of the Council's approach to capital investment including:-
- Development and ongoing management of the Capital Programme,
 - Partnership working on capital projects,
 - Consultation, and
 - Performance measurement.

3 Capital Strategy 2004-07

- 3.1 The revised draft Strategy for 2004-07 is attached at Appendix A. It has been updated from the 2003 version by taking recent developments in the Corporate Strategy and other corporate developments and incorporating them into the revised document.
- 3.2 The Review Board has already considered the draft document and Appendix A takes into account their comments. The Executive is requested to note the Strategy and suggest amendments as appropriate.
- 3.3 After consideration by the Executive the Capital Strategy is programmed to go to the October Full Council meeting.

4 Recommendation

- 4.1 The Executive are requested to note the attached draft Capital Strategy for 2004-07 and to make comments on the content prior to submission to Full Council.

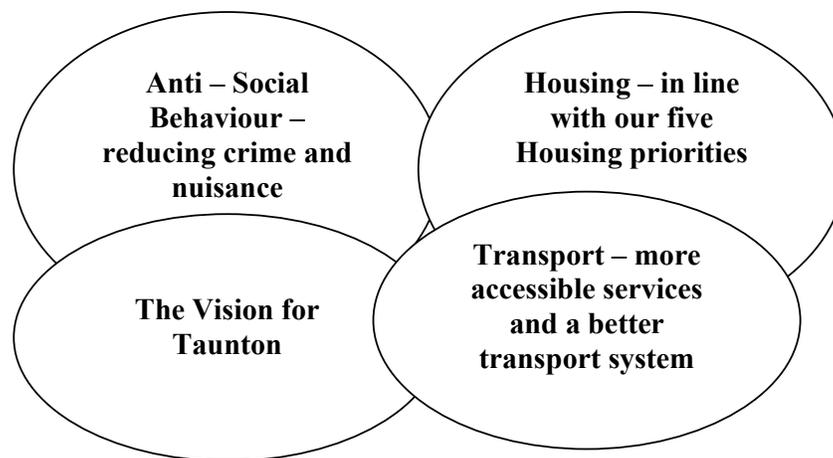
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Taunton Deane Borough Council Capital Strategy 2004-2007

Appendix A

1 Our Priorities

- 1.1 This Capital Strategy shows how Taunton Deane BC sets the direction of its capital spending plans, and also considers the effective utilisation of our capital assets and resources.
- 1.2 Full Council will be considering the updated Corporate Strategy in October 2004; this will help focus resources towards four key areas within our six agreed corporate priorities; which are our prime drivers for the medium term. The four areas are:



- 1.3 The Corporate Strategy sets out clearly which projects the Council will implement and lead on. Naturally these priorities give focus to our service planning and budget process and our revenue and capital resources will be directed to the projects in this strategy.
- 1.4 Below are actions within the Corporate Strategy that show how the Council will use its capital resources to achieve our priorities:
- **The Vision for Taunton** – partnership funding from the Borough Council, the County Council, the Regional Development Agency and the Environment Agency will kick start this exciting development. Developer contributions will enable the development of social housing, education, open spaces, cultural and transport initiatives within the Vision area. Capital receipts gained from the sale of assets and land disposals arising from the Vision, will be re-invested to deliver this priority project. This Council is currently reviewing all of its land holdings to ensure it is in a strong position to support the delivery of this key project. A land strategy will be developed to support this over the coming months.

- **Transport** – Taunton has recently been designated a Principal Urban Area and needs to ensure that there is sufficient transport investment to meet these demands. To do this the Council supports the North West Taunton Package and has provided £399,000 in its budget for its contribution. In addition a further £200,000 will be made available if required by the County Council. The Council also supports the operation of a Park and Ride site east of Taunton. Finally the Council has budgets for improving the performance and safety of its car parks.
- **Anti-Social Behaviour** – the Council plays a key role in this area through the local Crime and Disorder Partnership. The majority of Council support in this area relates to revenue support, however many schemes in the capital programme contribute towards this priority. For example the refurbishment of public conveniences and the removal from the Council's asset base of derelict/poorly maintained assets reduce opportunities for anti-social behaviour. Many of the improvements to the Council's housing stock ie double glazing programmes and door entry systems contribute to the reduction of crime. In addition the Council will secure funding for a re-locatable CCTV system.
- **Housing** – the Council as a major landlord has a significant capital programme, ranging from investment in its own stock to investment in the private sector through to grants to Registered Social Landlords and grants for private sector household renovation projects. The total housing capital programme for 2004/05 totals £7.4m. The Council has recently resolved to ballot tenants on a Large Scale Voluntary Transfer, which, if endorsed by tenants will result in the creation of a Housing Association separate from the Council.

2 **Capital Assets – Taunton Deane in Context.**

- 2.1 The Council is an active Housing Authority with over 6,000 Council Houses and Flats. In addition the Council owns several Leisure Centres, Parks, Car Parks and other operational assets. The Council also has numerous land holdings and investment properties. The value of the total asset base of the Council is in excess of £380m. Further details may be found in the annual Statement of Accounts for 2003/04.

3 **The Capital Programme**

- 3.1 A summary of budgeted capital spending for the period 2003/04 to 2006/07 is shown below. This covers a period of four years for General Fund services and two years for Housing services.

Portfolio	2003/04 £000	2004/05 £000	2005/06 £000	2006/07 £000	Total £000
Corporate Resources	419	290	85	85	879
Eco. Dev. Tourism & Council Businesses	479	653	127	0	1,259
Environmental Policy	705	120	0	0	825
Housing	5,788	7,410	0	0	13,198
Leisure, Arts & Culture	3,162	420	117	117	3,816
Planning & Transportation	673	30	0	0	703
Total	11,226	8,923	329	202	20,680

3.2 The Council recognises that the Capital programme must be affordable and it carefully monitors the resources available to finance the programme. The majority of capital investment will come from revenue contributions, capital receipts or new borrowing. New capital schemes, which generate additional revenue income, will, where possible, be funded through revenue contributions. For example refurbishments to the Taunton crematorium are being funded through increased income receipts. This enables some projects to be resourced on a self-financing basis.

3.3 We will seek to maximise capital resources by the following actions:

- The disposal of surplus property and other assets in line with our land strategy,
- Making the most of partnerships with other organisations,
- Seeking National Lottery funding (where applicable),
- Bidding for Central Government Grants (ie E-Govt),
- Securing S106 agreements,
- Making appropriate contributions from Revenue to fund specific capital schemes,
- Borrowing in line with the requirements of the “Prudential Code”,
- PFI & PPP partnership working (although no schemes have been identified as yet).

4 Capital Investment Prioritisation and Bidding Regime

4.1 The Authority has in place an established system to enable Corporate Management Team and the Executive to prioritise bids for new capital schemes. This system is known locally as the Project Appraisal Report (PARs) system. The purpose of the PAR is to provide comprehensive information on each new scheme, thereby enabling informed choices to be made

4.2 A PAR requires the following areas to be considered:

- Project Outline and Description,
- Category of Scheme (ie legal obligation, service necessity, service maintenance or service necessity),
- Establishment of Need – appropriate analysis of need and rationale,
- Fit with Corporate Priorities,
- Fit with Service planning objectives,
- Sustainability,
- Option appraisal – ie “do nothing”, full scheme, partial scheme, scheme provided by other agencies, scheme provided through partnership working,
- Risk identification,
- Overall project evaluation,
- Resource implications, capital and revenue, monetary and non-monetary,
- Timescale for implementation,
- Recommendations.

4.3 The Council is enhancing the PAR process through the development of a model which will score both financial and non financial factors when considering capital investment. This will be complete by Autumn 2004. The scores generated by the model will be used to decide which schemes are recommended for inclusion in the capital programme.

4.4 It is important that we do not forget the impact on the revenue budget of capital decisions, therefore the Council’s Medium Term Financial Plan includes specific details on the likely impact of the capital programme on the revenue budget.

4.5 The Council recognises that it is prudent to ensure that not all capital resources are committed at any one time and therefore the level of unallocated resources is carefully monitored. This enables financial flexibility to be retained in the event of new unexpected opportunities presenting themselves.

5 **Management of the Capital Programme**

5.1 The capital programme is reviewed and reported on a quarterly basis (along with all other budgets of the Council) to ensure not only spend against budget but also progress of each scheme against other non-financial aspects such as timetable and construction progress.

5.2 The process of strategic risk management is employed for high spend/risk/profile capital projects. Where applicable, multi discipline project teams are formed to manage these schemes and to report progress and risks to Corporate Management Team on a regular basis. Post project reviews are used to improve overall future project management techniques.

6 Partnership Working

- 6.1 The Council already works with a number of key agencies and bodies within the Borough. The Council chairs the Local Strategic Partnership, which includes representatives from the voluntary sector, private business and other public sector bodies such as the County Council and the Health Authority. The LSP is developing our Community Strategy and this is helping to shape the Councils Corporate Strategy and our key priorities. Ultimately this shapes the way in which Council services are delivered. This is shown below:



- 6.2 We recognise that the Council needs to work with partners to provide services that benefit the Borough. We cannot ignore the expertise that partners bring to the table, this can be either technical, administrative or financial expertise. The following is a schedule of some of the partners, which are actively engaged on schemes within our existing capital programme:

Capital Project	Other Partners
Implementing E Government	Other Somerset Local Authorities/Police Authority/ ODPM
North West Taunton Package	County Council/ Highway Agency/ GOSW
Flood Alleviation Schemes	Private Housing Developers/Environment Agency/ Parish Councils
Contributions towards Social Housing Projects	Housing Corporation/ Registered Social Landlords/Private Developers
Recycling Boxes	Other Somerset District Councils/Somerset County Council/Central Govt.
Somerset Direct (Funded via Government Grant)	Other Somerset District Councils/Somerset County Council/Central Govt.
Community Facilities Cotford St Luke	County Council/ Local Developers/ Community
Grants to Village Halls/ Play Equipment Grants	Parish Councils/ Local Village Hall & Playing Field Committees
Bridgwater & Taunton Canal	County Council/British Waterways

7 Consultation

- 7.1 The Council is committed to informing, consulting and involving residents in planning its services. To support this, consultation has shaped many capital

projects both through the initial identification of need through to scheme design and implementation.

- 7.2 The Council has an extensive budget consultation process in place which allows the views of the public to shape specific capital investment proposals.

8 Performance Measurement and Procurement

- 8.1 The Council works within a performance management framework that brings together the various processes for setting objectives, priorities and targets at corporate, service and individual level.

- 8.2 As mentioned in section 5 of this document, financial monitoring of capital schemes takes place already, but this has been enhanced recently by providing Members with a comprehensive analysis of performance against the Corporate Strategy as well as financial performance. This is reported quarterly to the Council's Review Board.

- 8.3 Further developments are in progress and we communicate progress to residents in our Council newspaper, the Deane Dispatch.

- 8.4 The Council will use its dedicated Purchasing Unit to ensure that best value is obtained for all contracts. Recently revised tendering procedures and contractual standing orders supplement this process.

9 The Future for Capital Investment

- 9.1 At present the Council has surplus capital resources, however it anticipates that this will not be sufficient in the short term. In order to meet our priorities we will need to critically review our existing levels of service provision and review the levels of capital investment required. Indeed the service review process will identify surplus assets whose capital receipts can be directed towards achieving our key priority of the Vision for Taunton.

- 9.2 The Council has a clear vision and an agreed Corporate Plan. Capital investment is key to achieving our aims and we recognise that we cannot do this without help from partners.

- 9.3 The Capital Strategy will continue to develop over the forthcoming year in line with the Corporate Strategy.

TAUNTON DEANE BOROUGH COUNCIL

REPORT OF THE CORPORATE PROPERTY OFFICER TO THE EXECUTIVE - 22 SEPTEMBER 2004 (Report amended / updated 14 September 2004)

This matter is the responsibility of Executive Councillor N Cavill

ASSET MANAGEMENT PLAN 2004 AND THE PERFORMANCE OF THE PROPERTY PORTFOLIO

EXECUTIVE SUMMARY

The Asset Management Plan for 2004/2005 has been completed. The Plan has been updated from that submitted to Members in July 2003 and shows progress against objectives agreed at that time, shows how scarce resources have been used to their best advantage, and how they have contributed to the Council's Corporate Priorities. It also indicates a change in strategy for the future, in that the prime objective relating to properties in Taunton will be to ensure that those assets, whether they be enhanced or sold, contribute to the Vision for Taunton. The Asset Management Plan is therefore consistent with the Council's Corporate Priorities.

1. Introduction

- 1.1 The Asset Management Group, under the responsibility of the Executive Portfolio Holder for Economic Development and the Corporate Property Officer, was formed in 2001. Its purpose was to compile information required by Central Government and to ensure that the council's assets were efficiently managed. Legislation laid down strict guidelines as to information that was required. This was to be provided in the form of a plan – the Asset Management Plan (AMP) which was to be submitted once a year to the Government Office for the South West (GOSW).
- 1.2 Local Authorities were subsequently judged on their performance plans. If they were judged to be “poor” they were required to resubmit an improved plan the following year. If they were assessed as “good” they received £50,000 of capital spending approvals, and the Local Authority was not required to forward its future plans for formal assessment.
- 1.3 Following a “poor” on the first plan submitted in 2001, TDBC were awarded a “good” rating for their submission in 2002. Although this Authority's AMP was not required for Government approval purposes in 2003, GOSW was sent a copy. It is not intended to forward copies of the AMP in future years.
- 1.4 The 2004/2005 AMP has now been produced and is available for inspection. The body of this report contains a resume of the information found in that plan.

2. Information contained within the 2004/5 AMP

2.1 Condition of property

- 2.1.1 The Council's General Fund assets (non housing) are valued at approximately £44 million. All are in generally good condition. They comprise:-

- 5 leisure facilities (recreation/swimming)
- 27 car parks

- 26 public conveniences
- 5 cemeteries
- 60 commercial premises
- 8 council buildings for service delivery
- Various other Assets e.g. golf course, Wellington Park, etc

2.1.2 Properties are put into one of four categories:-

- A) Performing well
- B) Performing as intended but with minor defects
- C) Showing major defects / not operating as intended
- D) Life expired and serious risk of failure

The table below gives details of current and past performance:-

Category	2003/2004		2004/2005	
	Target	Actual	Target	Actual
A	39%	38%	42%	41%
B	55%	54%	54%	52%
C	6%	6%	4%	5%
D	0%	2%	0%	0%

2.1.2.1 The 2% in Category D relates to the Vivary Park Tennis Pavilion. This has recently been demolished. Some of the architectural features have been stored for possible re use elsewhere.

2.1.2.2 It can be seen that the majority of the councils built assets (93%) are performing either well or as intended but with minor defects. This is an improvement on last year's position.

2.2 Maintenance Backlog

2.2.1 The AMP process identifies areas of priority for planned maintenance work (as opposed to reactive maintenance for which there is a general fund allocation managed by Deane Building Design Group and individual Unit Managers) and the funding needed to deliver this. The maintenance backlog identified is £638,345 including maintenance. (See Appendix 1)

2.2.2 This significant deficit has been highlighted in earlier AMP reports. The continuing pressure on the Authority's resources means that this backlog cannot be dealt with swiftly. The amount allocated in the 2004/2005 budget for maintenance priorities was only £78,000. This £78,000 has been directed towards some of the Council's leisure buildings to meet essential works.

2.2.3 This is a serious position and the Authority must continue to manage and monitor maintenance priorities to ensure the limited funds are used wisely.

2.2.4 In summary therefore, although the Assets are performing reasonably well, unless additional finance is available the maintenance backlog will continue to grow and the condition of the Assets will deteriorate.

2.2.5 In the 2003/2004 AMP proposals were identified to cater for this backlog. Comments have been added to give the latest position:-

Proposal	Progress	Comment
A	The identification of a rolling budget for 2004/05 to address the backlog over a five year period.	This will be produced for the 2005/06 budget setting round by officers of the AMP Group by the end of September 2004. Lack of resources prevented this exercise being carried out in 2003.
B	The identification of new money from the sale of assets (It was assumed that the money from sales would be ring fenced for maintenance for a period of five years).	This proposal was not accepted.
C	Priority Bids for any additional revenues were to be identified.	No additional revenue money has been identified
D	Aspirations for investment are to be targeted towards the poorest condition properties.	The limited investment available is being spent on Leisure facilities. The Waste Services Manager has produced a review of the Council's public conveniences which indicate in greater detail poorly performing properties
E	Investment of any savings from the Leisure Trust to be invested in the maintenance of Leisure facilities	The Leisure Trust has now been formed. It is anticipated that this proposal will materialise when the Trust is operational – although the Authority cannot guarantee this as increased competition within the Leisure Sector may negate this.
F	Investment in Assets likely to remain part of the Council's portfolio in the long term.	This proposal is one of the key drivers for this year's AMP and for future years. Those assets likely to be adversely affected by the Vision for Taunton will only have investment to ensure health and safety compliance. This exercise will be undertaken by officers of the AMP Group in conjunction with Planning Officers involved with the Vision, relevant Unit Managers and Portfolio Holders. Progress will be determined by the Vision programme.
G	Removing some of our poorest performing properties.	This is being actively investigated by the AMP Group. It is a continuous process and some examples are shown in 2.3.1 below

2.3 Poorest Performing Properties

2.3.1 Last years AMP included actions for the following properties and suggested proposals:-

Property	Proposal	Update
Vivary Park Tennis Pavilion	Demolish	Permission for its removal has been received from Heritage Lottery. The building has now been demolished.
Scotts Lane Garages	Demolish followed by development of one property	Development is not possible. Following the Portfolio holder's agreement to offer the five garages and two car parking spaces for sale the matter has now been "called in". It will now be considered by the The Review Board in October 2004.
Wellington Trading Estate	Demolish redundant unit followed by redevelopment	The design for the development of Unit 1 into 7 industrial units has been prepared. Demolition of the unit has commenced following a Capital Project Evaluation study undertaken by a CIPFA student as part of her final qualification process.
Frobisher Way, Bindon Road	Development of a Brown Field site	The redevelopment of part of this site with a range of industrial units is being pursued. The land is currently occupied by a tenant who may remain on the remainder of the site. Outline designs have been completed. The Chief Valuer has served a Section 25 Notice on the tenant which seeks possession of the site on 7 February 2005. The tenant has served a counter notice stating that he is not willing to give up possession. A report will be presented to the Executive on 22 September 2004

2.3.2 For 2004/2005 in conjunction with the comments in 2.3.1 above it is anticipated that the following actions will also be pursued. New items identified in this year's AMP process include:-

Property	Proposal
Public Conveniences	A large scale review has been undertaken by the Waste Services Manager and will be submitted to Members for discussion.
Nursery, Mount Street	This asset is being reviewed to ensure we continue to deliver a high quality nursery service. All options will be reviewed including updating/renovating/ relocating to ensure the Council maximises this Asset.
Paul Street Multi Storey Car Park	A structural survey has been commissioned and the result is that no immediate structural work needs to be undertaken. A monitoring regime does need to be undertaken by the Authority. However, the structure does not comply with current Health and Safety requirements regarding crash barriers and this should be addressed without delay. This car park is likely to be affected by proposals submitted by consultants for The Vision.
High Street Car Park	Monies have been allowed for the resurfacing of the top deck for health and safety reasons. A structural survey has

	confirmed that this is not now required. There is, therefore, a saving of £53,000 allocated for the resurfacing work This money will be returned to the Unallocated Capital Resources Fund.
The Old Municipal Building	This building is steeped in history, but has some serious maintenance needs. Unless action is taken to resolve Disability and Fire Safety issues, the building will only have limited use and produce a limited financial return. It is regretfully a poor performing building. Alternative uses and users are being pursued.
Leisure Services	The Council has recognised the need to plan ahead and is currently looking at options for delivering leisure services to the public. This medium/long-term plan will review current service provision and assess how this could best be delivered in the future.

2.4 Investment Indicators

2.4.1 Overall average internal rate of return (IRR) for industrial and retail investment properties

Category	IRR	Target% 2002/2003	Actual% 2002/2003	Target% 2003/2004	Actual% 2003/2004
Industrial	16.97	17	16.65	15	14.67
Retail	16.99	17	16.57	15	13.8

2.4.2 Comment on performance:-

Changes for 2003/2004 are marginal. Slight reduction due to economic growth predictions not quite as high as originally envisaged.

2.5 Remainder of National Indicators

As appendix 1 (attached).

2.6 Local Indicators

2.6.1 Number of units void as a% of investment properties:-

Category	2002/2003	2003/2004
Industrial	19.39%	6.25%
Retail	11.29%	14.29%

2.6.2 Comment on performance:-

Figures for industrial premises are a considerable improvement on last year, as a result of disposing of Creech Mills, where a relatively high level of voids consistently occurred. Unit 1 Blackdown Business Park is still vacant but a feasibility study is currently being undertaken.

Retail. It should be appreciated that these units are mainly small shops in secondary retail areas which can result in a moderately high turnover of tenants.

3. **Impact on Corporate Priorities**

3.1 All the Corporate Priorities are affected by the actions of the AMP. The first priority, delivering the Vision for Taunton, is far reaching and will require significant forward planning, including the management of our assets.

4. **Recommendations**

4.1 That the contents of the report be noted .

Background Papers

Review Board 12 June 2003 – Asset Management Plan 2003 and the performance of the property portfolio

Contact Officer

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APPENDIX 1 2003/2004 2004/2005 2005/2006.

National Indicators:	Indicator			Target 04/05	Target 05/06	Target 06/07
1(a). % Gross internal floor space in condition categories A-D.	<u>Category</u>	<u>%</u>		<u>%</u>	<u>%</u>	<u>%</u>
	A	41		42	44	46
	B	52		54	56	58
	C	5		4	0	0
	D	2		0	0	0
(b). Backlog of maintenance in priority categories 1-4.	<u>Priority Level</u>	<u>Value (£)</u>	<u>Value as %</u>	<u>Target as %</u>	<u>Target as %</u>	<u>Target as %</u>
	1	0	0	0	0	0
	2	12,000	2	2	0	0
	3	390,340	61	61	62	60
	4	236,005	37	37	38	40
	Total including general maintenance	638,345*	100.00			
2. Overall average internal rate of return (IRR) for industrial and retail investment properties.	<u>Category</u>	<u>IRR</u>				
	Industrial	14.67		15	15	15
	Retail	13.8		15	15	15
3(a)/(b). Total management costs per square metre (sq.m) for operational (a) and non-operational property (b).		(a) £0.66 m sq		£0.7 m sq	£0.68 m sq	£0.66 m sq
	(Indicator definition of management costs changed this year)	(b) £0.23 m sq		£0.2 m sq	£0.19 m sq	£0.18m sq
4(a). Repair and maintenance costs per square metre (sq.m) for operational buildings (including fees).		18.63 sq m		18.50 sq m	18.45 sq m	18.44 sq m
4(b). Energy costs per square metre (sq.m) for operational buildings.	<u>2002</u>	<u>2003</u>				
	Max	£138.37/m sq	£125/msq	£120.00 m sq	£115	£110
	Average	£65/m sq	£60/ m sq	£55/ m sq	£54	£52
	Minimum	£0.30/m sq	£0.46/m sq	£0.45/ m sq		
4(c). Water costs per square metre (sq.m) for operational buildings.	Max	£160.42/m sq	£148.78/m sq	£145/ m sq	£142/ m sq	£140/ m sq
	Average	£18.03/m sq	£20-£30/m sq	£20-£30/ m sq	£18/ m sq	£18/ m sq
	Minimum	£0.42/m sq	£0.31/m sq	£0.30/ m sq	£0.28/ m sq	£0.26/ m sq
4(d). CO ² emissions in tonnes of carbon dioxide per square metre (sq.m) for operational buildings.	Max	910 kg/m sq	164 kg/m sq	160 kg/m sq	158 kg/m sq	156 kg/m sq
	Average	66 kg/m sq	60 kg/m sq	60 kg/m sq	58 kg/m sq	56 kg/m sq
	Minimum	0 kg/m sq	0kg/m sq	0 kg/m sq	0 kg/m sq	0 kg/m sq
5(a). % of projects where outturn falls within 5% of the estimated outturn, expressed as a % of the total number of projects completed in the financial year.		100%		100%	100%	100%
5(b). % of projects		100%		100%		

falling within +5% of the estimated timescale, expressed as a % of the total number of projects completed in the financial year.			100%	100%	
Local Indicators:					
1. Number of units void as a % of investment properties.	Industrial Retail	6.25% 14.29%	6% 13%	.58% 12.5%	.56% 12%
2. % of rent arrears as a proportion of annual rent income for commercial property.	26.42%		15%	14%	13%
3(a). % of maintenance spend against total revenue budget.	13.61%		20%	19%	18%
3(b). % of maintenance spend against total capital value of assets.	1.176%		5%	4.9%	4.8%

Asset Management and the Disability Discrimination Act 1995.(DDA)

It should be noted that funding of £613,000 is likely to be required over the next three years for works to the Council's buildings / properties in order to fulfil our obligations under the DDA. This will be in addition to monies already requested for maintenance purposes.

**REPORT OF THE HEAD OF DEVELOPMENT
TO THE EXECUTIVE ON 22ND SEPTEMBER 2004**

PUBLIC RIGHTS OF WAY AGENCY AGREEMENT

This matter is the responsibility of Executive Cllr C Bishop

EXECUTIVE SUMMARY

Somerset County Council as Highways Authority would in normal circumstances be responsible for the maintenance of all public rights of way (footpaths, bridleways and RUPPs). Under the Agency Agreement the maintenance of unsurfaced public rights of way is discharged by staff employed by Taunton Deane Borough Council. The Borough Council currently contributes £54,160 per annum to this service and the County Council contributes £42,500. The Agreement may be terminated by either party on 31st March in any year; providing notice is served on the other not less than six months in advance. The Executive is asked to consider whether the Borough Council should inform the County that it intends to terminate the Agreement on 31st March 2005.

1.0 Purpose of the Report

1.1 To seek the Executive's views on the possible termination of the Agency Agreement whereby certain of the County Council's functions in relation to footpaths, bridleways and RUPPs (Road Used as Public Paths) are discharged by the Borough Council.

2.0 Background

2.1 Responsibility for the maintenance of Public Rights of Way (footpaths, bridleways and RUPPs) normally rests with the County Council as Highways Authority.

2.2 In the early 1990s an Agency Agreement was established whereby certain of the County's functions in relation to Public Rights of Way are discharged by the Borough Council. Similar Agreements were entered into by the other district councils in Somerset. These functions relate to maintenance, signposting, waymarking and diversions of unsurfaced public rights of way.

2.3 The Agreement may be terminated by either the County or Borough Council on 31st March in any year providing notice is served on the other not less than six months in advance in writing to that effect. Should the Borough Council wish to terminate the Agreement on 31st March 2005 it would be necessary to confirm this in writing to the County Council not later than 30th September 2004.

2.4 Faced with the need for economies in the Council's budget, all services are to be reviewed in the light of Corporate Priorities and statutory obligations. It is for this reason that it is timely to consider this matter at the present time.

3.0 Staffing

3.1 Two officers are employed by the Borough Council (one full-time and one part-time, ie 1.5 FTEs) to carry out the Public Rights of Way service, as part of the Heritage and Landscape Team within the Planning Services Unit.

- 3.2 The officers have been informed that the Agency Agreement may be terminated by the Borough Council and that they are at risk of redundancy.
- 3.3 The County Council has a statutory duty to maintain public rights of way and it is possible that additional staff will be recruited by them if the Agency Agreement is terminated. Should this be the case our own officers would be able to apply.

4.0 **Budget Implications**

- 4.1 The net annual cost to the Borough Council of operating the Agency Agreement is £54,160. This is the sum that would be saved should the Agreement be terminated.
- 4.2 The County Council makes an annual contribution of £42,500 towards the operation of the service.
- 4.3 Budget details for 2004/05 are as follows:-

Rights of Way Agency

Total expenditure	£99,660
Total income	£45,500
Net expenditure	£54,160

Income

SCC contribution	£42,500
Footpath Diversions	£3,000

Expenditure

Works (maintenance/signposting/waymarking)	£50,500
Employee related expenses	£29,690
Sundries/Internal Recharges	£19,470

- 4.4 In addition to the £54,160 referred to above, the Borough Council also provides an annual sum of £10,580 under separate budget (Highways Miscellaneous) for grants to Parish Councils for footpath maintenance. This budget is administered by the Parish Liaison Officer.

5.0 **Consultations**

- 5.1 The Parish and Town Councils have established a good rapport with the Rights of Way Team and a Voluntary Warden Scheme is operating well in many areas.
- 5.2 The Parish and Town Councils have been invited to comment on the possible termination of the Agreement as have SALC and The Ramblers Association (TD Group). Views were requested not later than 9th September 2004.
- 5.3 So far 27 responses have been received from the Parish and Town Councils. A summary of the comments from each Council is set out in the Appendix to this report, together with those from The Ramblers Association and two of the Parish Footpath Liaison Officers (West Hatch and Creech St Michael).

5.4 The Parish and Town Councils' response may be summarised as follows:-

No objection to termination of Agreement – 9 Parish Councils

Combe Florey
Corfe
Churchstanton
Neroche
Oake
Staplegrove
Stoke St Mary
West Bagborough
West Monkton

Oppose termination of Agreement – 18 Parish and Town Councils

Bradford on Tone	Pitminster
Chipstable	Ruishton and Thornfalcon
Creech St Michael	Sampford Arundel
Fitzhead	Stoke St Gregory
Lydeard St Lawrence and Tolland	Trull
Milverton	Wellington TC
North Curry	Wellington Without
Norton Fitzwarren	West Hatch
Nynehead	Wiveliscombe

Grounds of Opposition

- The Parish and Town Councils have an excellent relationship with the Deane's Footpath Team and receive very good service from them.
- The quality of the Rights of Way network has improved considerably in recent years as a result of the current arrangements.
- There is concern that the County Council Officers will be too remote and the quality of the service will decline.
- The ability of the County Council to adequately fund the service is questioned.
- The ending of the Agreement as a cost saving measure could cause grave long term damage to the rights of way network throughout Taunton Deane.
- The harm to the rights of way network outweighs the limited saving on the Council's overall budget.
- Concern that the footpath maintenance grants from TDBC may be comprised.

5.5 Similar views were expressed by The Ramblers Association (TD Group) and two of the Parish Footpath Liaison Officers, with the latter suggesting that the voluntary work of the liaison officers may be lost.

6.0 **Corporate Priorities**

6.1 The Rights of Way service is considered to impact on the Council's Corporate Priorities in the following way:-

Corporate Priority	Level of Contribution High, Medium or Low	Nature of Impact
CP1 Economy	M	Supporting tourism and the rural economy
CP2 Transport	M	Facilitates walking as a means of access
CP3 Crime	L	Routing can affect vulnerability to crime
CP4 Health	H	Facilitates healthy living and fitness
CP5 Environment	H	Improved access to countryside
CP6 Delivery	M	As detailed above

7.0 **Key Considerations**

7.1 The Rights of Way service is a statutory function of County Councils and in normal circumstances they would fund it.

7.2 The Borough Council is having to scrutinise all of its services in view of the budget gap and it is timely that the Agency Agreement should be reassessed now.

7.3 There is no evidence at present to suggest that the level of service provided by the County Council would be less than under the Agency Agreement.

7.4 That said, there is no guarantee that the existing staff will be appointed by the County Council, although it is hoped that this would be the case. Redeployment would be considered as an alternative, but again this cannot be guaranteed.

7.5 The saving to the Borough Council would be £54,160 per annum at current prices.

7.6 The Rights of Way service makes an important contribution to several Corporate Priorities, in particular CP4 Health and CP5 Environment.

7.7 There is opposition from the majority of Parish and Town Councils to the termination of the Agreement. There are concerns that the quality of service will decline, the expertise of the existing officers may be lost, the County Council Officers will be too remote and the rights of way network will deteriorate. Similar views are expressed by The Ramblers Association (TD Group) and two of the voluntary Parish Footpath Liaison Officers.

7.8 Sedgemoor District Council has informed the County that they intend to end their Agreement on 31st March 2005. West Somerset DC has already ended theirs and

South Somerset DC is understood to be reconsidering their Agreement. Mendip DC are thought to be continuing with their Agreement.

8.0 **Recommendation**

The Executive is asked to make its recommendation to the Council as to whether or not the Rights of Way Agency Agreement should be terminated on 31st March 2005.

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APPENDIX

PUBLIC RIGHTS OF WAY – RESPONSE TO CONSULTATIONS ON THE POSSIBLE TERMINATION OF THE AGENCY AGREEMENT

NO OBJECTION

Combe Florey PC	<ul style="list-style-type: none">* It does not matter which authority assumes responsibility provided the same close working relationship with parishes is maintained and adequate funding made available.* In some ways, simpler to deal with a single authority.* It will still be a cost to the tax payer. A rise in Council Tax would not be considered an improvement by our parishioners.
Corfe PC	<ul style="list-style-type: none">* Will accept the BC's decision.* If we are to maintain the same service level we will need to have access to funding at this level each year.
Churchstanton PC	<ul style="list-style-type: none">* In favour of this responsibility being returned to the County Council.
Oake PC	<ul style="list-style-type: none">* Most Councillors seemed happy for this transfer to be made.* We have a good rapport with the TD footpath officers and if moved back to SCC we shall have to fight for any priority.
Neroche PC (Chairman's comments)	<ul style="list-style-type: none">* Supportive of proposals to end the Agency Agreement as it would remove duplication and avoid the cost of the scheme being run by the two local authorities.
Staplegrove PC	<ul style="list-style-type: none">* No objection to the termination of the agreement.
Stoke St Mary PC	<ul style="list-style-type: none">* A sad decision, but if needs must, it is hoped that the success the team has built up will not be lost, maybe even transferred to SCC as current system working well.
West Bagborough PC	<ul style="list-style-type: none">* Content for SCC to have overall responsibility.
West Monkton PC	<ul style="list-style-type: none">* Having enjoyed a very good relationship with TDBC, agree with reluctance to termination of Agency Agreement.* Would hope for same level of service from SCC in the future.

OPPOSE

Bradford on Tone PC	* *	The Parish Council has had good support from your Rights of Way Team. The Agency Agreement should be retained.
Chipstable PC	*	The Parish Council would be sorry to lose our ROW officers who have been most helpful and have given a very good service.
Creech St Michael PC	* * *	Unanimously agreed that the Parish Council does not support the responsibility for footpaths reverting back to SCC. More than happy with the way TD has looked after the footpaths. Appreciate the need to save money and remain open-minded. However, assurances are sought about the level of maintenance and grant aid.
Fitzhead PC	* *	Oppose the ending of the agreement, as the County appears to be under extreme pressure already in terms of staff and funding. The local knowledge built up by the TDBC team would be irreplaceable.
Lydeard St Lawrence and Tolland PC	* *	A crucial link has been established with the Rights of Way Officer, will be very sorry to lose this contact. Concern that such close contact may reduce under County Council control, could be more bureaucratic with poorer and more expensive service.
Milverton PC	* * *	Concerned about potential loss of experienced staff. Current system works well not least because your staff are experienced and knowledgeable. Concerned that transferring the service to a larger organisation with a wider remit might lead to a dilution of effort and change in priorities resulting in a reduction of service. Concerned that the motive behind this may be to save money for TDBC. This will not translate into a saving for the Charge Payer as the same cost will go to SCC, unless the service is to be reduced which would be unfortunate.
North Curry PC	* *	Current scheme works very well. We believe that the "local" touch of a district council is more likely to preserve the

ambience of these paths than the more distant control of a county council.

- * There is concern in the rural community that most of the services for which TD is responsible apply to the urban area only. Footpaths is one of the few areas of work which is relevant to the Parishes and the rural areas.
- * The support that we have received has been, and still is, much appreciated.

Nynehead PC

- * Have established good working relationship with the Deane.
- * Concerned about possible ending of Agreement which could lead to reduction in quality of service, administered more remotely.
- * What would happen to the staff in the ROW Team and to projects currently in hand?

Pitminster PC

- * The great majority of footpaths in the Parish are clear and open due to the partnership working with the TD Officers. Danger of undoing all the good work.
- * Urge the Borough Council not to terminate the Agreement – “if it ain’t broke don’t mend it.”

Ruishton and Thornfalcon PC

- * It was unanimously agreed that it would be a retrograde step if the agency agreement between TD and SCC was ended.
- * The staff at TD have done a good job, together with our representative, to keep the footpaths up to standard in the parish.

Sampford Arundel PC

- * Very happy with the existing arrangement and would prefer there to be no change.
- * The local knowledge of the TDBC staff and the rapport built up over the years are invaluable.

Stoke St Gregory PC

- * It would be a retrograde step to terminate the agreement.
- * The PC’s Footpath Officer has built up a good rapport with the Deane’s Officers.
- * Wish to see the present arrangements continue.

Trull PC

- * The PC has had the benefit of good working relationship with TDBC Officers and would ideally like the current situation to continue.
- * In the absence of funding from SCC to enable TDBC to provide the service, would ask that

attention be given to good access/availability to County Officers, adequate resourcing and Partnership working with the PCs.

- | | |
|-----------------------|---|
| Wellington TC | <ul style="list-style-type: none">* Would like the BC to continue with the agency agreement as it feels it will get a better service.* The TC has an excellent relationship with the Deane's footpath section. |
| Wellington Without PC | <ul style="list-style-type: none">* Believe that termination of the Agency Agreement would be a retrograde step and would strongly advocate its continuation.* Wellington PC has established a very good rapport with the TDBC Rights of Way Team especially during the last 3 years. The parish paths and bridleways are probably in the best state they have been for many years and this has been achieved with the co-operation, support and knowledge of the TDBC Team. |
| West Hatch PC | <ul style="list-style-type: none">* The Parish Council have found the assistance provided by the TD ROW Team invaluable, and does not support the proposal to terminate the agreement.* The healthy professional relationship between the ROW Team and parishes built up over a number of years could not be transferred to SCC.* The ending of the Agency agreement as a cost saving measure could cause grave long term damage to the rights of way network throughout Taunton Deane. |
| Wiveliscombe PC | <ul style="list-style-type: none">* Concern that the level of service may decline. |

The Ramblers' Association (Taunton Deane RA Group)

- Question the wisdom of this possible termination of the agreement, the money saved must be very small in comparison with the overall budget, but the damage done to the footpath network in the hands of SCC would be enormous, creating a very considerable loss of tourist income over the years as the network of paths deteriorate.
- SCC appear to have neither the will nor the ability to look after the path network in the same way that TD Rights of Way department has done.
- Hope the BC can be persuaded not to go ahead with the termination of this agreement.

Mr F M Emmett OBE, Parish Footpath Liaison Officer (West Hatch)

- If the agency agreement is terminated the goodwill and confidence that your Rights of Way Team have built up over a number of years between TD and the Parishes will be lost.
- May result in parish footpath liaison officers not bothering anymore, if they have to deal with a less personal service at the County. SCC is too remote to be effective.
- It would be a grave error to terminate the agency agreement. An enormous amount of goodwill, built up over a number of years, will be lost. In the long-term, believe that considerable damage will be caused to TD Rights of Way network for what in comparison may prove to be small savings in the BC's budget.

Mr J Hurst, Parish Footpath Officer (Creech St Michael)

- Questions the wisdom of this possible termination as the money saved would be small in comparison with overall budget and damage done to the footpath network would be enormous, creating a considerable loss of tourist income.
- SCC appear to have neither the will nor the ability to look after the path network in the same way TD ROW department has done.
- Hopes the Borough Council can be persuaded not to go ahead with termination of the agreement.

REPORT OF THE HEAD OF DEVELOPMENT TO THE EXECUTIVE ON 22ND SEPTEMBER 2004

NEROCHE PROJECT

This matter is the responsibility of Executive Cllrs Bishop and Cavill

EXECUTIVE SUMMARY

Forest Enterprise is co-ordinating a project bid to the Heritage Lottery Fund for the northern part of The Blackdown Hills. "The Neroche Project", as it is called, would help to restore important historic landscapes, improve access to and interpretation of the wildlife, landscape and culture of the area, provide training opportunities and apprenticeships in rural skills and create an infrastructure to encourage visitors, benefiting local tourism operators and private landowners who wish to diversify.

The Borough Council, along with other partners, is being asked to support the project in principle and to contribute towards its implementation over a five year period from 2006/07 to 2010/11. The bid has to be submitted in October 2004.

1.0 Purpose of the Report

- 1.1 To seek an in principle commitment towards providing £73,500 in contributions towards a £2,000,000 Neroche Forest Heritage Lottery Fund bid being promoted and co-ordinated by Forest Enterprise. The funding would be spread over 5 financial years from 2006/07 to 2010/11.

2.0 Background

- 2.1 Forest Enterprise is co-ordinating a project bid to the Heritage Lottery Fund. The bid, known as the 'Neroche Project', will include programmes to:
 - Restore and conserve the natural and man-made features which combine to create the historic character of the landscape;
 - Encourage more people to access, learn about and become involved in their landscape heritage;
 - Provide training opportunities and apprenticeships in woodland skills; and
 - Create an infrastructure which will encourage visitors to the area benefiting local tourism operators and private landowners who wish to diversify.
- 2.2 70% of the project area (18,500 acres) falls within the Taunton Deane administrative boundary with the remainder within South Somerset and Mid Devon. It is estimated the total catchment for the project within 10 miles is 213,850 people.
- 2.3 Wide consultation with local communities, landowners, organisations and trusts has already taken place and the response has generally been very positive. Main

partners to date include Forest Enterprise, English Nature, English Heritage, Environment Agency, Somerset County Council, Taunton Deane Borough Council, South Somerset District Council, Mid Devon District Council, Devon County Council, Blackdown Hills Rural Partnership, National Trust, Devon and Somerset Wildlife Trusts and Crown Estate.

2.4 The Heritage Lottery Fund priorities for funding are:

- Conserving or restoring the built and natural features that create the historic character of the landscape.
- Conserving and celebrating cultural associations of the landscape area.
- Encouraging more people to access, learn about, become involved in and make decisions on their landscape heritage.
- Improving understanding of local craft and other skills by providing training opportunities.

These priorities closely mirror the Neroche Project bid above.

3.0 The Project

3.1 The key flagship projects within the bid include:

- The creation of a new 15 mile 'Ridge Route' which would provide high quality horse riding, cycling, walking and disabled access opportunities along the top of the scarp slope between Castle Neroche and Culmstock Beacon.
- Major improvements to key public rights of way links between Taunton and Wellington to the ridge route.
- An extensive programme of habitat creation and heritage landscape improvement on land managed by FE and the Wildlife Trusts.
- The employment of an Education Co-ordinator for the project to work with local schools.
- Training opportunities and apprenticeship scheme to work with woodland craftsmen and rangers to develop practical woodland skills and qualifications in line with future employment opportunities at Forest Enterprise and Forestry Commission.
- Access improvement, interpretation and restoration work at Castle Neroche, the Wellington Monument and other smaller sites along the ridge.

3.2 If successful the bid would attract £2,000,000 of grant aid from the Heritage Lottery Fund, £700,000 in-kind contributions and £300,000 of partner contributions.

4.0 Project Timetable

4.1 **October 2004** - application to be submitted to the Heritage Lottery by 8th October 2004.

- **April 2005** - subject to approval from the HLF team and trustees, funding provided for a one year Development Stage of up to £150,000. This involves preparation of a business plan and contracts.

- **April 2006** – final detailed application to HLF by May 2006.
- **October 2006** – Final decision of bid for £2,000,000.
- **November 2006** to October 2010 implementation on capital programme of works.
- **November 2010** to October 2020 implementation of maintenance programme.

5.0 Financial Considerations

- 5.1 Given the above programme a successful bid would require a contribution of £73,500 from Taunton Deane Borough Council towards the Neroche Project which would be implemented over a five year period from 2006/07 to 2010/11.

6.0 Summary

- 6.1 A contribution of £73,500 would be sought by the Neroche Project from Taunton Deane Borough Council towards a bid to the Heritage Lottery Fund. The bid if successful would attract a grant of £2,000,000 which would be spent within the Blackdown Hills area nearest to Taunton and Wellington. The project would help to restore important historic landscapes, improve access to and interpretation of the wildlife, landscape and culture of the area and provide training and apprenticeships in woodland and wildlife management.

7.0 Recommendation

- 7.1 The Executive is asked to support the Neroche Project in principle and to pursue funding opportunities during the forthcoming budget setting exercise.

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