

**CIRCULATED PRIOR  
TO THE MEETING**

# MINUTE BOOK

CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

09 May 2018

Dear Councillor

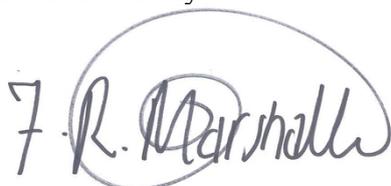
## STATUTORY ANNUAL COUNCIL

Please find enclosed the following Minutes which form the Minute Book (Agenda Item 11) for consideration at the Statutory Annual meeting of the Council on Thursday 10 May 2018:

Overview and Scrutiny Committee (meeting as the Crime and Disorder Committee)	14 March 2018	Pages 3 – 16
Audit Committee * <ul style="list-style-type: none"><li>• Review of Risk Management Policy (page 22)</li></ul>	26 March 2018	Pages 17 - 41
Community Services Committee	27 March 2018	Pages 43 - 49
Overview and Scrutiny Committee	28 March 2018	Pages 51 - 57
Planning and Licensing Committee * <ul style="list-style-type: none"><li>• Renewable and Low Carbon Technology Supplementary Planning Document (pages 62 - 63)</li><li>• River Blackwater Task and Finish Working Group Update (pages 65 - 66)</li></ul>	17 April 2018	Pages 59 - 147
Finance and Corporate Services Committee * <ul style="list-style-type: none"><li>• Human Resources Policies and Procedures (page 151)</li></ul>	19 April 2018	Pages 149 - 175

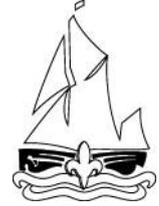
\* These Minutes contain recommendations to the Council and details of these are set out above.

Yours faithfully



Chief Executive

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**MINUTES of  
OVERVIEW AND SCRUTINY COMMITTEE (MEETING AS THE CRIME AND  
DISORDER COMMITTEE)  
14 MARCH 2018**

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**PRESENT**

Chairman	Councillor M W Helm
Councillors	P G L Elliott, N R Pudney, S J Savage and Mrs M E Thompson
Substitute Member	Councillor R G Boyce MBE

**898. CHAIRMAN'S NOTICES**

The Chairman drew attention to the list of notices published on the back of the agenda.

**899. MINUTES OF THE LAST MEETING**

**RESOLVED**

- (i) that the Minutes of the meeting of the Committee held on 8 November 2017 be received.

**Minute No. 571 – Chief Inspectors Performance Report**

It was clarified that third bullet relating to ‘Solved Rates’ contained a typographical error and should state “...it was well *above* the national average”.

**RESOLVED**

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 8 November 2017 be confirmed.

**900. APOLOGIES FOR ABSENCE AND SUBSTITUTION NOTICE**

Apologies for absence were received from Councillors Mrs P A Channer, CC and R P F Dewick. In accordance with notice duly given, it was noted that Councillor R G Boyce was attending as a substitute for Councillor Mrs Channer.

**901. DISCLOSURE OF INTEREST**

There were none.

## 902. PUBLIC PARTICIPATION

There was none.

## 903. CHIEF INSPECTOR'S PERFORMANCE REPORT

Chief Inspector (CI) Ronnie Egan, District Commander addressed the Committee and provided Members with a detailed update and highlighted the following areas reporting on the close work between the Police and its partners:

- Current crime – It was noted although there had been an increase in recordable crime for the District it was still one of the lowest levels in Essex.
- Sexual Offences – The change in figures reflected the national rise in this area and CI Egan outlined the main areas which had seen increases and commented on the number of historical incidents reported and their link to an increase in media report.
- Racially aggravated incidents had again seen an increase and CI Egan commented on the perceived increase in confidence to report incidents.
- Solved rates had decreased by 2% and Members were informed of the ongoing work to identify the reasons for this change, although it was noted that some related to an increase in the number of crimes being recorded. CI Egan informed the Committee that for the Maldon District over 25% of crimes were desk related and she explained how the investigation of these impacted on solve rates. This was an area for improvement for the Police.
- Anti-Social Behaviour – The Police were working with Community Protection Officers on number of schemes across the District to address anti-social behaviour issues. CI Egan provided a brief outline of these.
- Urban Street Gangs / Organised Crime Groups – Members were informed of the work undertaken as part of Operations Raptor (focusing on tackling key gangs and areas of concern), Scorpion (focussing on organised crime groups) and Swift (tackling the supply of drugs in and around Promenade Park). It was noted that information from residents was key to identify and map activity. Members were also informed about 4pPlans which worked with partners to tackle organised crime.
- Vulnerability – It was noted that a Hidden Harms Team had been established for the north of the county to support a number of issues and how work to engage with victims was ongoing. CI Egan reported that the Police had a dedicated officer dealing with child sexual exploitation cases. In a recent change Standard and medium risk hate crime were now being investigated by Community Policing Teams.
- Community Policing – CI Egan reported on the ongoing tasking of work to ensure focussed action against existing and emerging threats.

The results from a recent Public participation survey would form a key area to developing engagement work. CI Egan provided should of the results of the survey and advised that she was happy to share these with Members. Work was ongoing across all levels to better engage and provide confidence to the public.

Support from the Special Constabulary had increased across the District and Members were advised of the benefits of this including the number of hours completed in January 2018. A Parish Special scheme was being promoted alongside rural community builder workshops. It was noted that that volunteer section was a valued and key element to Police work.

In response to a number of questions raised by Members they were provided with the following additional information:

- CI Egan agreed to provide details of the percentage of racially / sexually aggravated incidents not progressed following initial investigation. Members were advised that this was an area where the Police were looking to improve the services to victims. It was reiterated that incidents report were taken very seriously.
- Gun crime – Members were advised that there were no such incidents in Essex relating to gun crime in schools.
- Knife crime – CI Egan reported on the work being done with schools and the regular campaigns (Operation Sceptre) to raise awareness of the danger of carrying knives. The Committee were informed of the continuing education, awareness and enforcement (including the Crime Prosecution Service) work including partnership working with Trading Standards, retail outlets and charities.
- In response to a suggestion regarding using flyers / leaflets to promote Police work, CI Egan outlined some media campaigns by the Police to inform the public. They were happy to work with the Council to identify ways to further increase public awareness.

In response to a question regarding including a leaflet with annual Council Tax bills, Director of Customers and Community advised that unfortunately the billing had been completed.

The Chairman thanked CI Egan for attending the meeting.

Councillor H M Bass joined the meeting during this item of business.

#### **904. MALDON DISTRICT COMMUNITY SAFETY PARTNERSHIP UPDATE**

The Committee received the report of the Director of Customers and Community detailing progress of activities undertaken by the Maldon Community Safety Partnership since the last meeting of this Committee and highlighting the strategic priorities being proposed for 2018 / 19.

It was noted that five key priorities had been identified and were set out in the report. Members' particular attention was drawn to the priority 'tackling rural crime and strengthening communities' which was applicable to the Maldon District in light of the crime trends seen in the past few years.

The most recent Essex Police performance summary (to January 2018) was attached as Appendix 1 to the report.

The Community Safety Partnership Manager presented the report and provided Members with update on a number of areas relating to the Partnership set out in the report. In addition to the report the following information was provided:

- Council Tax - The Policing precept for Council Tax in 2018 / 19 had increased. Members were informed that this was explained in a leaflet included with the annual bill sent out by the Council. It was advised that an element of this will go towards community policing and a report on this matter would be brought to a future meeting of the Community Services Committee.
- Working with youths - It was noted that Essex Police were continuing to work closely with schools, and continue to measure the impact of early interaction with young people. Members were informed of ongoing work with St Giles Trust to highlight the risk of involvement with gangs or organised crime groups. Educational work to raise awareness had been well received and had also been carried out with teachers, professionals, and parents.
- CCTV - CCTV systems at Maldon High Street, Maldon Promenade, Burnham-on-Crouch and community centres at Brickhouse Farm and West Maldon were being renewed this summer and a pilot for these cameras to be remotely monitored in Chelmsford had been funded by the Community Safety Partnership.
- Street Pastors - Members were informed that Essex Police had started working with Maldon Churches. At present there were six churches interested in providing street pastors, focusing on working with young people around the High Street and the Prom. It was noted that the possibility of School Pastors was also being considered.

In response to a number of questions raised by Members they were provided with the following additional information:

- Officers outlined ongoing Police work and its links with Churches within the Maldon District and advised that if any churches were interested in working with them they would welcome this. This also applied in respect of schools.
- CCTV - The Director of Customers and Community advised that CCTV systems initially put in were for Maldon District Council sites and to monitor antisocial behaviour within the town. In response to a question regarding CCTV in Burnham-on-Crouch replicating a similar system to that in Maldon, Officers advised that would continue to work with local Partners to identify future needs and action these accordingly.

## **905. ESSEX POLICE RURAL CRIME STRATEGY**

The Chairman introduced Chief Inspector (CI) Ian Gennery of the Gypsy, Traveller and Rural Engagement Team (GTRET). CI Gennery gave an overview of the Essex Police Rural Crime Strategy and drew a number of key areas to Members' attention, including:

- Definition of Rural Crime - Members were advised that there was no national definition of rural crime, however in Essex this was defined as any crime which occurs within a rural location.

- Rural Affairs National Strategy 2018 - 2021 - It was noted that the National Police Chief had finalised the development of a national strategy for providing a safer rural community. This is expected to be launched in July 2018.
- Essex Police Rural Crime Strategy – As part of the 2017 refresh of this document work had been undertaken with key partners to inform the way in which the Police tackled crime and Anti-social behaviour in the rural environment. A copy of the Strategy was circulated to all present at the meeting. It included an updated vision and aims for improved policing within rural areas.
- Working strategies – Mention was made at this point to ongoing operations including hare coursing and caravan thefts. In respect of caravan thefts the Committee noted the success of a text alert system by the public to identify crime. By way of an example of ongoing operations, Members were advised of Operation Buzzard which brought together traditional police work and the use of technology such as drones to combat crime.
- Key Areas – Particular attention was drawn to the Community Safety Accreditation Scheme to which Maldon District Council was a key partner and had been accredited for 10 years.

A copy of the information provided is attached at **APPENDIX 1** to these Minutes. CI Gennery welcomed Members' comments on the Strategy and how the Police and the Council could work together to continue improving the rural crime within the District.

In response to a question, CI Gennery commented on the recent Automated Number Plate Recognition (ANPR) installations in the District and provided Members with examples of successful operations involving these cameras. Members were reminded to report any suspicious activity to the Police.

It was noted that the Police actively campaigned in respect of rural crime and CI Gennery made specific reference to the strong farmer's network in the District.

The Director of Customers and Community advised that Council had been asked to comment Police expenditure and additional resources. The Council had responded in support of the Rural Crime Team and commented that there should be an increase in the availability of ANPR cameras in Police vehicles.

The Chairman informed the Committee that CI Egan would shortly be moving into a new position within the Police and CI Gerry Parker would be taking over. On behalf of the Committee, the Chairman thanked CI Egan for all her work and assistance and wished her every success for the future.

There being no further items of business the Chairman closed the meeting at 8.50 pm.

M W HELM  
CHAIRMAN

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**Presented to the Overview and Scrutiny Committee (meeting as the Crime and Disorder Committee) on 14/03/2018 by Chief Inspector Ian Gennery.**

**Maldon DC March 2018**

Over 72% of the Essex Police area is classified by the Office of National Statistics as “rural”.

Certain types of crime/incidents are more common in rural areas and some crimes, such as agricultural machinery theft are almost uniquely rural.

The impact of crime and disorder on victims and communities can be greater in rural areas where there are fewer local amenities and support services and people can feel more isolated and vulnerable.

Despite the consistent fall in the overall level of recorded crime in the last 10 years, it is has been evident at engagement events such as;

- Farmers' Action Panels
- the PCC's Rural Crime Forum
- and via public correspondence

that people within rural communities believe

- that crime is rising
- that rural policing is being sacrificed in favour of urban areas
- and feel increasingly insecure within their own neighbourhood

Difficulties with 101, a perceived lack of understanding by the police of rural crime and a decrease in visible policing have deterred crime reporting with members of the rural community demonstrating the attitude of:

**“what’s the point in reporting it?”**

This was confirmed by anecdotal evidence from the National Farmers Union via member meetings and similar input from the Country Landowners' Association and the volume of complaints being received at district level and via the OPCC.

The 2015 **National Rural Crime Survey** highlighted;

- the **financial impact** of crime on the rural economy
- the **fear of crime** as increasing
- a **low satisfaction** rate of police performance in rural areas

- and crime in these areas as **underreported**.

**The NFU Mutual Rural Crime Report 2017** identified the cost of rural crime in 2016 to be **£39.2m**

The PFCC for Essex has acknowledged these issues since the post was introduced and the PFCC's Rural Crime Forum has been in place for over 5 years.

This forum brings together the police, key partners and the rural community to look at the specific issues affecting these areas and identify actions to address them.

The National Police Chiefs' Council (NPCC) recognises the impact of rural crime and has Wildlife and Rural Crime portfolios led by senior officers in conjunction with expert partners and the national NPCC **Rural Affairs National Strategy 2018 – 2021** is currently being finalised with a view to an official launch in July.

Essex Police has been strongly involved in the development of this strategy due to our focus on rural crime, including the development of our own strategy.

Our own and the draft national strategy have the following aims;

- Safer rural communities
- Enhanced public engagement
- Increased public confidence in the police
- Empowered communities
- Strong partnership working
- Raised profile of rural affairs
- Embedded rural focus into policing culture

Essex Police has had a Rural Crime Prevention Strategy since 2013.

It was written by the police for the police and although it acknowledged the role of partnerships such as Community Partnerships and Farm Watch, there was no involvement by partners in its development.

The Strategy was scheduled to be updated **last** year (2017) and we saw this as an opportunity to involve the support and guidance of our rural communities and key partners led by the Essex Rural Partnership to inform the way in which we tackle crime and ASB in our rural environment.

**Our Vision**, contained in the strategy is to **actively strengthen our response to fighting crime in rural areas through the effective use of;**

- policing resources
- partnerships
- and working **with** our rural communities

**Crime Prevention is everybody's responsibility and this strategy reflects that principle**

By working together and through consultation with other key partners, Essex Police, the ERP and the OPFCC have established our aims and our priorities

**Our aims** are:

- to reduce the volume of crime and ASB being committed in rural areas
- to continue to bring offenders to justice
- to increase public confidence in Essex Police

Needs and issues for **communities, businesses** and the **environment** are different and **our priorities** reflect this, and include;

### **Communities**

- visible and accessible policing; having a recognised place to go for advice/reporting
- maintaining a police and volunteer presence in rural areas
- recognising the exaggerated impact of crime caused by isolation
- working to address speeding and road safety
- working to provide an effective and efficient 101 service

### **Businesses**

- Recognising the impact of theft (of vehicles and equipment) on business operations and finances in rural communities

### **Environment**

- Working to reduce ASB and fear of crime and improve personal safety
- Working to deter and detect fly tipping
- Working to deter and detect Hare coursing

We will achieve our aims by **means** of:

- innovative problem solving
- devising practical solutions to identified local problems
- effective partnership working

- supporting victims of crime
- improving crime prevention

And trying to do some of that in different ways, for example; **Operation Buzzard** brings together traditional police work and new technology, using our drones to deal with unlawful traveller encampments and hare coursing.

Rural Crime is often thought of in terms of theft of;

- plant
- livestock
- metal
- oil
- or damage to property

however our strategy incorporates **all crime** and the wider issues impacting on rural communities.

There is no National definition of Rural Crime, accordingly the definition varies considerably between police services.

The Essex Police Strategy considers Rural Crime to be:

***Any crime committed in a rural location, or where the victim is specifically targeted because of their connection to, or involvement in, the rural community, economy, or area.***

By clearly **defining** rural crime we will be able to fully understand the

- Volume
- Distribution
- nature
- and frequency

of these offences and compare our performance against our most similar forces.

Through **analysis** of this data we will be able to focus our resources into the areas of greatest need and develop innovative solutions to tackle the issues.

**Our Teams** will engage with our repeat and vulnerable victims, offering advice, support and developing crime prevention and reduction plans to enhance public confidence and satisfaction in areas that have historically considered themselves neglected in favour of urban centres.

Through focused, visible policing at a local level, we will:

- reassure rural communities
- deter crime
- gather (and share) intelligence
- bring to justice those who commit crimes in rural areas

This strategy has been informed by consultation with a variety of stakeholders

As a result of this consultation, we will place particular focus on:

- continuing to work closely with partners
- developing Farm and Rural Watch
- continuing to host Rural Crime Awareness Days and similar events
- making the best use of established and new communication links
- enhancing our use of **social media** to share intelligence and good practice
- working closely with Community Safety Partnership Hubs
- maximising the benefits and opportunities of volunteering and community involvement
- sharing Intelligence and good practice with enforcement agencies and other partners.
- developing a public-facing rural publication which brings together advice and information pertinent to rural areas (**This document which was created with the assistance of the PFCC's Rural Crime Forum has already been created**)

We launched the strategy at a very well supported event in November 2017 at Stow Maries Aerodrome.

The strategy is led by the Local Policing Support Unit (LPSU) which is the HQ department that the new Gypsy Traveller and Rural Engagement Team (GTRET) sits within.

Historically, we were one of the few comparable forces to have no full time Rural Policing Team.

Of 53 Police services<sup>1</sup>, only 13 have dedicated rural teams (including Essex) and we **now** have one of the largest as in October 2017, with the support of the OPFCC and the personal support of the Chief Constable, we established the

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<sup>1</sup> The 43 home office forces in England and Wales, the British Transport Police, Civil Nuclear Constabulary, Guernsey, Isle of Man, Jersey, MOD police, RAF Police, Royal Navy Police, Police Service of Northern Ireland and Police Scotland.

G-TRET to support delivery and enhance our existing work with our rural communities.

The team consists of 1 Sergeant and 4 Constables, including the existing Gypsy and Traveller Liaison Officer (Sgt Downes) and existing Wildlife Heritage and Rural Crime Officer (PC Long) and we are working with the Special Constabulary and members of the PFCC's Rural Crime Forum to recruit, initially, 4 Special Constables to support the work of the Team.

The Team works 7 days a week and **works closely with Community Policing Teams** in each district to tackle crime and ASB in rural communities.

It is notable that since the launch of the strategy and the new team, Essex has fallen from **3<sup>rd</sup>** (where it has been for 3 years) to **7<sup>th</sup>** in the national table of theft of farm equipment.

We will also, via the Citizens in Policing Team, support the **increased use of volunteers** such as Active Citizens drawn from, and working within, our rural communities.

Creating and launching the strategy is obviously only the start.

Delivery and implementation of the strategy will be supported and assisted by;

- working with partner organisations,
- using established relationships
- and by developing new ones

Delivery will utilise the support of, and consult with, key partners to influence future direction and delivery of the strategy particularly:

**1. The Rural Crime Forum (RCF)** which is chaired by the Police, Fire and Crime Commissioner (PFCC).

This forum will monitor the strategic developments in line with the Rural Crime Strategy and act as a conduit between the rural community, the PFCC and the Police.

**2. The Essex Rural Partnership (ERP)**

which is a non-statutory body, working to raise the profile of rural Essex at a local, national and EU level.

The ERP brings together a wide range of organisations from

- the public
- private
- and voluntary sectors,

to coordinate action on the major economic, social and environmental issues facing rural Essex.

The ERP has been a significant contributor to the development of this strategy and will be a key partner in its successful delivery.

We will work with partners and key stakeholders in public and voluntary sectors to address rural crime in Essex via a nationally recognised methodology the 4 key elements of;

- 
- **Prevention**
  - **Intelligence**
  - **Enforcement**
  - **and Reassurance**
- 

which are detailed in the strategy.

We have also considered future and emerging challenges such as

- Funding and Resources
- the growing population of Essex
- and the changing nature of crime

and these are detailed in the strategy.

**We will measure the success of this strategy across 4 key areas:**

1. The number of positive disposals for rural crime
2. A reduction of repeat victims of crime in rural areas.
3. Conducting masterclasses with partners/ other forces to identify “what works”
4. A measurable increase in public satisfaction

we will also expect success to be recognised through:

- the provision of crime prevention advice available to rural communities
- an increased confidence in policing rural areas
- a decrease in the value of rural crime (NFU Mutual report)

- increased engagement and membership of Farm and Rural Watch schemes
- the amount of shared intelligence and identified best practice

Partnership working has been key to developing the strategy into the product we have today.

To deliver the strategy we need to continue to work in partnership

At the launch of the strategy, the Chief Constable promised

- Visible
- Targeted
- proactive policing

and asked for the public to help by reporting incidents and take steps to prevent themselves from becoming victims of crime through a variety of means from basic security measures to joining farm and rural watch schemes or by volunteering as Special Constables, active citizens or watch coordinators

We would like to use this meeting to explore how the partners here today can work with us to give the best result for the rural communities of Essex and those who work in and visit them.



**MINUTES of  
AUDIT COMMITTEE  
26 MARCH 2018**

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**PRESENT**

Chairman	Councillor P G L Elliott
Vice-Chairman	Councillor E L Bamford
Councillors	A S Fluker, B E Harker, M S Heard, R Pratt, CC and Mrs M E Thompson

**925. CHAIRMAN'S NOTICES**

The Chairman drew attention to the list of notices published on the back of the agenda.

**926. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor A K M St. Joseph.

**927. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 7 December 2017 be approved and confirmed.

**928. DISCLOSURE OF INTEREST**

Councillor M S Heard disclosed a non-pecuniary interest in relation to Agenda Item 5 – Quarterly Review of Corporate Risk – as he was an employee of Essex Police.

**929. QUARTERLY REVIEW OF CORPORATE RISK**

The Committee considered the report of the Director of resources providing an update on the position at the end of Quarter 3 (31 December 2017) on the corporate risks included in the Corporate Risk Register 2017/18.

The Director of Resources outlined the key changes and, in particular, the proposed re-defining of the risk around policing to the following:

“Lack of confidence in police partnerships with a view to delivery of public safety particularly in rural areas.”

The Director of Resources introduced the Group Manager: Customers, the Community Safety Partnership Manager and the Environmental Health Manager – Environmental Protection to the Committee.

#### Risk 2 – Failure to identify older and most vulnerable people

Members asked why this risk had been reduced from 9 to 6 and the Group Manager: Customers responded as follows:

Projects and activities had been taking place over the last 12 months, particularly with older and more vulnerable people. A campaign to identify vulnerable people in the colder months was in its second year. Projects and activities included the following:

- Project in the Tolleshunts which was considered a hotspot for social isolation of older / vulnerable residents. There was ongoing work to improve volunteering and to increase the opportunities to access support.
- “Health Mob” partnership had been re-launched. Good relationships were being formed through this and joint work was also being looked into.
- Weight Management and tackling obesity work was ongoing.
- Livewell website had signposting to direct vulnerable people to support services and online work.

The Group Manager: Customers advised Members that Officers believed progress was being made within areas that had deprivation of income / more people on benefits / more older people – these demographics were being targeted through these initiatives.

In response to a question as to how results could be evidenced, the Group Manager: Customers advised that results were very difficult to measure and that the impact of these initiatives would take some time to feed through to the data. There was no easy way of measuring progress, although efforts were made to identify what the experience of those involved had been and what outcomes had been achieved by them.

Members asked Officers if it was so difficult to measure outcomes, then should the Council be measuring something else? The Group Manager: Customers confirmed that it was difficult to measure outcomes and that although surveys were done, it could take up to two years for the results of these surveys to feed through into statistics.

Members considered that it was important to have feedback from those residents that did take part, but that it may be too early to reduce the risk score until more feedback data had been gathered.

Councillor E L Bamford proposed that Risks 2 and 3 were not reduced but remained the same for the time-being. This proposal was duly seconded.

#### Risk 04 – Failure to target services and influence partners effectively to support the increasing ageing population (re housing needs)

Members noted that this risk score had remained at 16 (the maximum) for some time and requested a report back to the next meeting of this Committee as to why the risk had remained at maximum.

#### Risk 05 – Failure to have a clear shared vision regarding Strengthening Communities

Members asked why this score had been reduced.

The Group Manager: Customers advised that the task and finish working group had concluded its work and supported a new vision. There would be a report to Council in May with a recommendation that this new vision be endorsed. Members were asked to note the work that had been done.

In response to a question, the Group Manager: Customers advised that three Members attended the Health and Wellbeing Board as this was extrinsically linked to strengthening communities. Members would be elected to represent the Council on that partnership group.

Councillor E L Bamford proposed that the risk score for Risk 05 remain at 12 at least until the proposed vision was adopted by Council. This proposal was duly seconded.

#### Risk 06 – Failure to deliver the required infrastructure to support development arising from the Local Development Plan

Concerns were raised around this risk as the North Heybridge Flood Alleviation Scheme had not, as yet, been agreed. Other schemes were, however, progressing well.

Councillor B E Harker proposed that this risk be split in to 06A and 06B. This was duly seconded and agreed.

On a point of clarification, the Chairman confirmed that the Audit Committee made proposals to CLT and it was for CLT to agree with those proposals or otherwise.

#### Risk 07 – Failure to have a clear shared plan regarding strategic ownership of coastal, fluvial and surface flood mitigation and long term maintenance responsibilities

Members suggested that the wording of this risk be amended to read “Failure to co-ordinate and lead a plan regarding strategic ownership of coastal, fluvial and surface flood mitigation and long term maintenance responsibilities”.

The Environmental Health Manager – Environmental Protection advised Members that the Council is not in control. Although the Council was able to co-ordinate with and put pressure on partners, we could not lead this.

Members were of the opinion that there was a need to ensure as much support as possible as this was in the Maldon District. The Director of Resources agreed that we could lobby and co-ordinate, however, it was not the Council’s role to lead. Furthermore, it was necessary to stick to the Council’s key corporate priorities. It was not possible to take on areas that were not the responsibility of the Council.

Councillor A S Fluker proposed that the Council was doing everything expected of it as a Local Authority under the risk and that, therefore, the risk be reduced to 0. The risk was associated with engagement and the Council was doing everything required of it to engage.

There was a suggestion that this risk be split in to two separate risks as the Council was able to undertake maintenance in order to reduce the risk of flooding. It was suggested

that the description of the risk should be reconsidered by CLT. The Director of Resources advised the Committee that it was not the Council's role to repair the defences and, if Members wished the Council to take on this role, then the decision would be required to be made by Council.

The Environmental Health Manager – Environmental Protection advised the Committee that there were various plans with partners that were progressing and proposed that a formalised plan of all the workstreams and projects be made. Officers could then bring this plan back to the Audit Committee for the risk to be re-assessed. Although the risk of flooding was very high, the risk being considered was concerned with having a plan in the event of a flood.

#### Risk 09 – Failure to maintain a 5 year supply of Housing Land

Councillor A S Fluker proposed the inclusion of an additional risk of failing to deliver an annual target to be identified. This was duly seconded and agreed.

#### Risk 11 – Failure to have a co-ordinated approach to support new and existing businesses

Members were concerned that the report to the Planning and Licensing Committee on Economic Development had a lack of information on how many businesses were leaving the District, what the needs of businesses were and how we were attracting new businesses. There was a need to have more intelligence-led reporting back to the Planning and Licensing Committee.

The Director of Resources advised that the data was more qualitative than quantitative and that CLT will request more granular data.

Councillor A S Fluker proposed that the risk score be increased to 12. This was duly seconded and agreed.

#### Risk 15 – Failure to plan and deliver balanced budgets over the medium term

The Director of Resources advised that this risk had increased as there was increased uncertainty around business rates growth.

#### Risk 17 – Lack of confidence in police partnerships with a view to delivery of public safety particularly in rural areas

The Chairman requested the views of the Committee on this score.

There was concern about the lack of public confidence in the police and it was suggested that visibility of police acts as a deterrent. The Community Safety Partnership Manager advised that the reason for highlighting rural areas arose from public perception. There was a priority to deliver the Police Rural Crime Strategy and it was recognised by Officers that there was work to be done both by the Council and in conjunction with the police.

Members were advised that there was a statutory duty to hold a Crime and Disorder Committee (as part of the Overview and Scrutiny Committee) bi-annually. It was considered that the Council had a lot of influence with the police and the Police and Crime Commissioner had increased the precept which would be spent on community

policing. Furthermore, Members had the opportunity scrutinise the Police and Crime Commissioner on an annual basis.

The Community Safety Partnership Manager further advised the Committee that there would be an additional 12 members of staff in the Maldon and Chelmsford policing district, although the number of staff to be allocated to Maldon and Burnham-on-Crouch was unknown at this stage.

Councillor A S Fluker invited the Community Safety Partnership Manager to attend a meeting of the Dengie Hundred Parish Council Group.

Councillor E L Bamford proposed that the impact element of this risk score be increased to 3. This was duly seconded.

Councillor R Pratt CC declared a non-pecuniary interest in this item as he was also a Member of Essex County Council. He then proposed that the risk score of 6 was perfectly adequate as the risk was around the confidence of working with the police. This was duly seconded.

Upon a vote there were 2 votes in favour of increasing the score and 2 votes in favour of the score remaining at 6. The Chairman used his casting vote and the score was increased to 9.

## **RESOLVED**

- Risk 02 – Failure to identify older and most vulnerable people – to remain at a risk score of 9
- Risk 03 – Failure to target services and influence partners effectively to meet the health and wellbeing needs of the vulnerable population – to remain at a risk score of 9
- Risk 04 – Failure to target services and influence partners effectively to support the increasing ageing population (re housing needs) – a report would be brought to the next meeting of the Audit Committee as to why the risk had remained at maximum
- Risk 05 – Failure to have a clear shared vision regarding strengthening communities – the risk score would remain at 12 until the vision was adopted by the Council
- Risk 06 – Failure to deliver the required infrastructure to support development arising from the Local Development Plan – this risk would be divided into 06A – Failure to deliver the required infrastructure to support development arising from the Local Development Plan - North Heybridge Flood Alleviation Scheme and 06B – Failure to deliver the required infrastructure to support development arising from the Local Development Plan
- Risk 07 – Failure to have a clear shared plan regarding strategic ownership of coastal, fluvial and surface flood mitigation and long term maintenance responsibilities – a plan would be prepared and brought back to the next meeting of the Audit Committee to enable this risk to be re-assessed
- Risk 09 – Failure to maintain a 5 year supply of Housing Land – an additional risk of failing to deliver an annual target to be identified would be included

- Risk 11 – Failure to have a co-ordinated approach to supporting new and existing businesses – the risk score would be increased to 12
- Risk 17 – be redefined as to read “Lack of confidence in police partnerships with a view to delivery of public safety particularly in rural areas” – and that the risk score be increased to 9.

### 930. REVIEW OF RISK MANAGEMENT POLICY

The Committee received the report of the Director of Resources, the purpose of which was to seek approval of the Committee to the revised Risk Management Policy which was attached as Appendix 1 to the report.

The Committee discussed the report and Appendix thereto with the Director of Resources providing clarification where necessary. The policy had been updated following a workshop with the following key changes being made:

- A stronger statement provided of the Council’s Risk Management objectives and how these would be met;
- Clarification of the Risk Matrix and Scoring - in discussions with managers and Members it is apparent that the rationale behind the risk scores is not always understood or considered when applying or agreeing scores for both corporate and service risks. It is proposed that the terminology and the risk scoring are clarified with further guidance provided to ensure that all the appropriate issues are considered and applied consistently when risks are scored. The Risk Matrix and the Council’s tolerance levels are unchanged.
- Clarification on how risks should be escalated – if the Audit Committee agrees that a risk should be added to the register, it should make a recommendation to CLT. If, however, CLT does not agree, the Committee should refer to Council for Council to make the final decision.
- Previously, the risk policy stated that every three years Members would be invited to participate in the annual review of the risk register undertaken by CLT and managers. Given Members, through the Audit Committee, are involved in reviewing the risk register every quarter and regularly have the opportunity to consider any new risks, Members suggested that this additional involvement every three years was unnecessary. The requirement has therefore been removed.
- Roles and responsibilities at all levels are clearly explained.
- Clearer definitions are provided of risk and the areas within the Council where risk management needs to be applied.
- Clarification given that following the annual review of the risk register undertaken by CLT and managers, this is submitted to the Audit Committee for consideration and discussion (previously it stated “for noting”).
- Updated to reflect the outsourcing of the internal audit function.
- Review frequency increased to every three years.

**RECOMMENDED** that the Risk Management Policy attached at **APPENDIX 1** to these Minutes, be adopted.

### **931. APPOINTMENT OF EXTERNAL AUDITORS**

The Committee considered the report of the Director of Resources, the purpose of which was to advise the Committee of the appointment of Deloitte LLP as External Auditors to Maldon District Council for a period of five years from 1 April 2018.

The Director of Resources outlined the report and advised that the contract for the Housing Benefit Subsidy Grant Claim was separate, but that this did not preclude Deloitte LLP being awarded that contract as it is subject to competitive tender.

In response to a question, the Director of Resources confirmed that the handover would commence relatively quickly and that reports and documentation had already been received from the current auditors in line with the professional procedure in place for such handover.

The Internal Audit Manager advised that the most recent PSAA contract round had saved 23% on the audit.

**RESOLVED** that Deloitte LLP as the External Auditors to the Council, be agreed.

### **932. ACCOUNTING POLICIES**

The Committee received the report of the Director of Resources, the purpose of which was to advise Members of changes to accounting policies used in the preparation of the annual financial statements.

The Director of Resources drew Members' attention to the calculation of annual leave accrual and that the auditors would be accepting an estimate for this rather than a detailed calculation for this year.

**RESOLVED** that the Accounting Policies to be used in the compilation of the 2017/18 financial statements (set out in Appendix 1 to the report) be endorsed.

### **933. EXTERNAL AUDIT - CERTIFICATION OF CLAIMS AND RETURNS ANNUAL REPORT 2016 - 17**

Councillor A S Fluker raised a point of order – 17A – as the Council had made a decision to no longer receive reports for information.

This report was not considered as it was a report for noting.

### **934. EXTERNAL AUDIT UPDATE**

The Committee considered the report of the Director of Resources, the purpose of which was:

- to inform the Committee of the External Audit Plan (as set out at Appendix 1 to the report) produced by Ernst and Young Accountants LLP (EY), which set out their proposed audit approach and scope for the 2017/18 audit; and

- to inform Members of the Committee regarding the briefing note published by the Council's External Auditor, EY.

The External Auditor highlighted the key points of the report and drew attention to the shorter deadline of 31 July 2018. There would be a team onsite from 28 June 2018 to work towards compliance with this deadline. The Council was being responsive in responding to queries and there was no reason that the deadline could not be met.

In response to a question, the Director of Resources confirmed that the key questions contained in the briefing note (page 126 of the agenda pack) had been answered. The Director of Resources considered that the issue was ensuring that external audit colleagues met the relevant deadlines.

A request was made that EY provide low resolution versions of appendices in future.

**RESOLVED** that the External Audit Plan and EY's briefing note be accepted.

### 935. INTERNAL AUDIT UPDATE

The Committee received the report of the Director of Resources, the purpose of which was to provide an update on progress to date of the following aspects of Internal Audit:

- Work completed and any deviances to, or slippage, on the Internal Audit Plan 2017/18;
- Implementation of recommendations raised by Internal Audit;
- The revised Strategic Internal Audit Plan 2018-2021.

The Senior Audit Manager outlined the report and advised the Committee that it consisted of the three separate items listed above.

#### Progress Against 2017/18 Plan

The Senior Audit Manager advised that the following items were works in progress:

- Attendance management
- Business resilience
- Elections Improvement Plan – there were difficulties in getting information from the Officer concerned on this.

A fraud risk assessment had been requested and there would be a meeting with the Director of Resources and the internal auditor's counter-fraud team with a report back to the July 2018 meeting of the Audit Committee.

Executive Summaries were contained within Appendices A-E to the report.

#### Implementation of Recommendations Raised by Internal Audit

The Senior Audit Manager advised that every six months the Council received a report on how well recommendations were being implemented following their work. All but one of the recommendations from 2015/16 had now been implemented. For 2016/17, half of the recommendations had been implemented, with others either not due or in train.

### Revised Strategic Internal Audit Plan 2018-2021

Members were advised that Angie Mitchell had moved on from BDO and that Emma Etherington was a new member of the team.

It was emphasised that the plan was flexible and must be adaptable to the changes happening at the Council.

In response to a question, the Director of Resources confirmed that an “outstanding” audit meant that it was not possible for internal audit to demonstrate that it was in progress. The Senior Audit Manager confirmed that “in progress” was where there was evidence of work being done.

A further question was asked about an audit that had been completed but had recommendations – was an update provided to Members on progress by Officers? The Director of Resources advised that all audit recommendations were recorded on the TEN system and that the tables provided as an appendix to the report being considered reported progress on recommendations. Members were further advised that recommendations highlighted by them would be in the 2017/18 plan and that progress of each of these would be reported to the next meeting of the Audit Committee.

Any concerns would be highlighted to the Committee and the outstanding audit for 2015/16 was referred to. The Officer concerned had been requested to provide evidence that progress was being made. However, this had not been forthcoming, despite numerous chasers. If there was no progress the Chairman requested that the officer concerned attend the next meeting of the Audit Committee to explain the reasons for the delay.

In response to a question regarding the management of debtors, the Director of Resources advised that a report had been to the Finance and Corporate Services Committee in November 2017, together with procedure notes. The process was now more stringent and robust that it had been in the past.

A further question was asked regarding the Llys Helig and problems with insurance. The Director of Resources confirmed that there was now a detailed checklist in place to be completed by the legal department and that a lease could not now be signed off without that checklist being completed.

The Director of Resources confirmed that there would be a report brought forward regarding Partnership Working (Appendix D to the report). Prior to this, the Director of Resources would seek advice from the Monitoring Officer as to whether recommendations to Council regarding partnership working should be done on an individual basis or en block.

### **RESOLVED**

- (i) That progress against the 2016/17 Internal Audit Plan be noted;
- (ii) That the Internal Audit Follow-up of Recommendations be noted;
- (iii) That the Strategic Internal Audit Plan 2017-20 be noted.

There being no further items of business the Chairman closed the meeting at 4.40 pm.

P G L ELLIOTT  
CHAIRMAN

# Maldon District Council

## Risk Management Policy



## Document Control Sheet

<b>Document title</b>	Risk Management Policy
<b>Summary of purpose</b>	Sets out the risk management arrangements of the Council
<b>Prepared by</b>	Julia Bawden - Performance and Risk Officer
<b>Status</b>	Draft
<b>Version number</b>	Version 3 2017/18
<b>Approved by</b>	Audit Committee, Council
<b>Approval date</b>	Audit Committee – 26 March 2018, Council - 17 May 2018
<b>Date of implementation</b>	Continuous (takes over from existing policy)
<b>Review frequency</b>	Every three years
<b>Next review date</b>	August 2020
<b>Circulation</b>	Intranet
<b>Published on the Council's website</b>	No

**Validity Statement**

This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document.



MALDON DISTRICT  
COUNCIL

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## **Risk Management Policy Statement**

### **Context**

Maldon District Council provides a diverse range of services to the residents, business and visitors of the Maldon District. It works with other public, private and voluntary bodies to achieve its vision of making the District a better place for people to live, work and enjoy.

The next few years will present challenges for the Council, particularly funding, which will mean that we may need to develop a different model of how we deliver our services and look at alternative ways of empowering our communities. Whilst these changes create opportunities; they also create risks and uncertainty.

The Council has to manage the risks and opportunities associated with the delivery of our objectives stated in the Corporate Plan, by adopting good risk management principles.

Risk is unavoidable. It is an important part of life that allows us all to move forward and develop. Successful risk management is about ensuring that we have the correct level of control in place to provide sufficient protection from harm, without stifling our development. The Council's overriding attitude to risk is to operate in a culture of creativity and innovation, in which all key risks are identified in all areas of the business, are understood and proactively managed, rather than avoided.

Risk management therefore needs to be embedded into the Council and our key partners. We need to have the structures and processes in place to ensure the risks and opportunities of daily Council activities are identified, assessed and addressed in a standard way and proactively managed. This will allow us not only to meet the needs of the community today, but also be prepared to meet future challenges.

The purpose of this policy is to define risk management, state the Council's risk management objectives, approach, responsibilities and procedures.

### **What are the Council's risk management objectives?**

- Adopt a strategic approach to risk management to make better informed decisions which is vital to successful transformational change;
- Acknowledge that even with good risk management and our best endeavours, things can go wrong. Where this happens we use the lessons learnt to try to prevent it from happening again;
- Develop leadership capacity and skills in identifying, understanding and managing the risks facing the Council;
- Promote corporate governance and integrate risk management into how we run Council business/services. Sound risk management processes help us to achieve our corporate vision, priorities and objectives as outlined in the Corporate Plan;

- Support a culture of well-measured risk taking throughout the Council's business, including strategic, programme, partnership, project and operational. This includes setting risk ownership and accountabilities and responding to risk in a balanced way, considering the level of risk, impact and cost of control measures;
- Anticipate and respond to changing social, environmental and legislative requirements and ensure that the Council continues to meet all statutory and best practice requirements in relation to risk management;
- Ensure risk management continues to be a key and effective element of our Corporate Governance arrangements.

#### **How will our objectives be met?**

- Commitment from the Corporate Leadership Team (CLT) and senior managers to managing risk effectively;
- Maintain a robust and consistent risk management approach that will:
  - identify and effectively manage strategic, operational and project risks
  - focus on those key risks that, because of their likelihood and impact, make them priorities;
- Ensure accountabilities, roles and responsibilities for managing risks are clearly defined and communicated;
- Consider risk as an integral part of business planning, service delivery, key decision making processes, and project and partnership governance;
- Communicate risk information effectively through a clear reporting framework; and
- Increase understanding and expertise in risk management through targeted training and the sharing of good practice

The Risk Management Policy and framework will be reviewed every three years to take account of changing legislation, government initiatives, best practice and experience gained within the Council.

## Risk Management Approach

### 1. Introduction

The purpose of the risk management approach outlined in this document is to:

- Provide standard definitions and language to underpin the risk management process
- Ensure risks are identified and assessed consistently throughout the organisation through the clarification of key concepts
- Clarify roles and responsibilities for managing risk
- Implement an approach that meets current legislative requirements and follows best practice and relevant standards.

### 2. Definitions

**Risk** can be defined as “an uncertain event that, should it occur, will have an effect on the Council’s objectives and/or reputation.” It is the combination of the probability of an event (likelihood) and its effect (impact).

Risk management generated opportunities can arise as a consequence of effectively managing risks, for example additional grant funding or improved working practices.

**Risk management** is the “systematic application of principles, approach and processes to the identification, assessment and monitoring of risks.” By managing our risk process effectively we will be in a better position to safeguard against potential threats and exploit potential opportunities to improve services and provide better value for money.

Risk management is applied at all levels of service delivery and include:

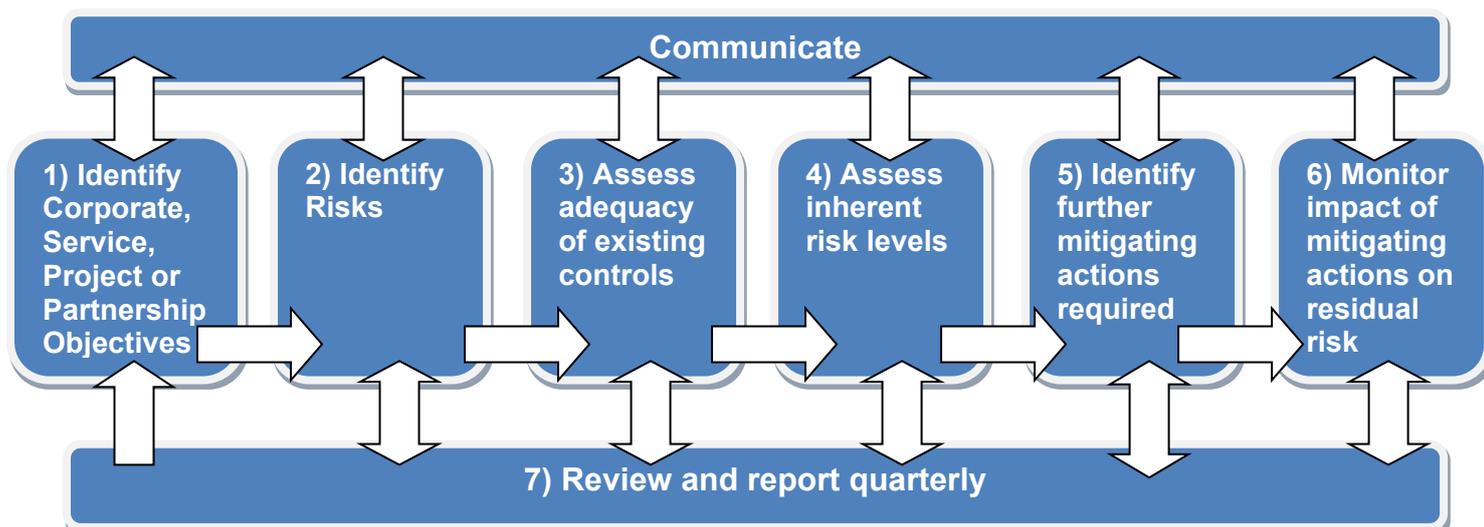
- Corporate Strategic Risks – Risks that could have an effect on the successful achievement of our long term corporate goals, priorities and objectives. These are:
  - risks that could potentially have a council-wide impact and/or
  - risks that cannot be managed solely at a service level because higher level support/intervention is needed.
- Service Risks – Risks at a service level that could have an effect on the successful achievement of the Directorate or service outcomes/objectives. Potentially these risks could have a significant financial, reputational and/or service delivery impact on the service as a whole.
- Contract Risks – Risks that could have an effect on the successful achievement of the contract’s outcomes/objectives in terms of delivery, outcomes and value for money. Contract risks are managed throughout the contracting process including contract management/business as usual.
- Project Risks – Risks that could have an effect on the successful achievement of the project’s outcomes/objectives in terms of service delivery, benefits realisation and engagement with key stakeholders (service users, third parties, partners etc.).
- Partnership Risks – Partnerships bring risks as well as opportunities; how the partnerships are governed can be problematic and as a result the objectives of the partnership may not be achieved; they may not deliver good value for public money or the Council could find itself having to pay more money into a partnership or pick up other partners’ contributions should one or more partners leave. Alternatively, the Council could just find that it is not reaping the benefits that it thought it would by participating in the partnership.

### 3. Approach

For a number of years the Council has been working towards a comprehensive and integrated approach to risk management where:

- ✓ staff are clear about what risk management is intended to achieve;
- ✓ significant risks are being identified and managed effectively;
- ✓ training and guidance on risk management are easily accessible;
- ✓ a consistent corporate approach is followed using a common 'risk language'; and
- ✓ it is seen as an integral part of good corporate governance.

This section details the agreed MDC Risk Management framework to ensure the effective management of risk across the organisation. The Council's approach to risk management involves a number of key steps as outlined below.



Effective communication is key to the successful management of risk and it is vital that staff at all levels across the organisation are involved if risk management is to be truly embedded and a useful management tool.

#### 1) Identify Corporate, Service, Project or Partnership Objectives

Before we can identify our risks we need to establish the context by looking at what we are trying to achieve and what our proposed objectives are. Depending on the area under review, the relevant objectives and outcomes will usually be detailed in existing documents, including the following:

- Maldon District Council Corporate Plan
- Business Plans
- Project Brief or Project Initiation Document
- Partnership agreement or Service Level Agreement.

#### 2) Identify Risks

At its simplest, risk management consists of asking and answering “what are we trying to achieve?” and “what can stop this/these being achieved?”.

There are a number of different types of risk than an organisation may face including:

*Strategic* - what could prevent corporate goals and objectives being achieved? An example would be a failure to ensure that all services are working effectively to the corporate agenda or not having the capacity and resources to deliver the agreed key activities.

**Financial** - what could affect the council's financial position? Examples include the risks associated with investment and borrowing, lack of sound financial management or the existence of fraud or corruption.

**Economic** - the impact of an economic downturn would affect prosperity of local businesses and communities.

**Regulatory** - what would happen if the Council was not compliant with legislation such as the Health and Safety at Work Act, Data Protection, Freedom on Information Employment Law, Human Rights, Equalities Act or Environmental legislation? What about legal challenges?

**Reputation** - Negative publicity (local and national) or an increase in complaints would affect the Council's reputation.

**Management** – there could be risks relating to loss of key staff, recruitment or retention issues; capacity issues – availability, sickness absence, emergency preparedness or business continuity.

**Operational/Departmental** - what could potentially affect the delivery of the service? Examples could be a loss of key staff, or a failure of IT systems.

**Health and Safety** - what are the potential risks to staff, customers, and users of the service? Examples of this are risk of slips, trips and falls.

**Partnerships** - what would the implications for the Council be if the partnership failed? For example, would the Council be responsible for any of the partnership's financial liabilities or would services be affected if the partnership was no longer in existence?

**Projects** - What could cause the project to fail? Examples could include unrealistic initial assumptions about time, cost or feasibility.

Describing the risk is equally important to ensure that risks are fully understood, and to assist with the identification of mitigating actions, the cause and consequences of each risk must also be detailed. Typical phrases used to do this include:

<b>Description</b>	<b>Cause</b>	<b>Consequences</b>
Failure to ...	.....due to	....leads to
Failure of ...	..... because	.....results in
Lack of ...		
Loss of ...		
Uncertainty of ...		
Delay in ...		
Inability to ...		
Inadequate ...		
Partnership with ...		
Development of ...		
Damage to		

Once identified, all risks are recorded in a "Risk Register" – this maybe the Council's corporate risk register, the service risk register, the project risk register or a partnership risk register.

A risk owner must be allocated and recorded against each risk on the risk register. Such accountability helps to ensure 'ownership' of the risk is documented and recognised. A risk owner is defined as a person with the accountability and authority to effectively manage the risk.

At this stage there may well be a long list of possible risks. The next step will help to prioritise these in order of importance.

### 3) Assess adequacy of existing controls

For each risk, identify those actions/controls which are currently helping to minimise the likelihood and/or impact of the risk occurring. These are actions or controls that are completed, in place and embedded.

Assess the adequacy of these controls as follows:

**Poor** - no controls in place or the few that are do not mitigate the risk

**Fair** - some controls in place and some reduction in risk but still not adequate

**Good** - controls in place are considered adequate and reduce the risk

**Excellent** - effective controls are in place which reduce the risk considerably.

### 4) Assess Inherent Risk Level

To ensure resources are focused on the most significant risks, the Council's approach to risk management is to assess the risks identified in terms of both the potential likelihood and impact so that actions can be prioritised.

Taking into account the controls currently in place and how adequately these reduce the likelihood or impact of the risk, the risk is scored for both likelihood and impact using **The Risk Assessment Table** included in **Appendix 1**.

Both the likelihood and impact levels of each risk are plotted on the Maldon District Council's Risk Matrix which displays its appetite or tolerance to risk (see below). The position of the risk, either above or below the tolerance line, will help to determine what action, if any, will be taken forward.

Anything in the green area is considered to be "below the tolerance line" and it may be decided not to take any mitigating action.

Likelihood	4 Almost Certain	4	8	12	16
	3 Likely	3	6	9	12
	2 Unlikely	2	4	6	8
	1 Almost uncertain	1	2	3	4
		1 Minor	2 Moderate	3 Serious	4 Major
	Impact				

An overall risk score is reached by multiplying the likelihood score by the impact score.

## 5) Identify further mitigating actions required

There are four basic ways of responding to risks identified and can be summarised as the four 'T's':

- ❖ **Terminate** – deciding not to continue or proceed with the activity in view of the level of risks involved although often this is not possible.
- ❖ **Transfer** – which involves another party bearing or sharing the risk such as obtaining insurance or finding an external partner to undertake the activity in return for a fee (which will reflect the risk taken on). Not all types of risks can be transferred.
- ❖ **Treat** – by ensuring existing controls are effective by periodic review and testing and implementing additional controls through mitigating actions where considered necessary to reduce the risk to a tolerable level
- ❖ **Tolerate** – it is not considered cost effective to address the risk, so the risk is accepted.

The decision on the appropriate action should take account of the Council's risk appetite, i.e. what level of risk is the Council prepared to tolerate. Any risk that has been assessed as above the tolerance line must be a priority for immediate management action with actions designed to reduce the risk to a target level set within the risk appetite.

Mitigating actions identified should be clearly defined, with a lead officer and timescales for implementation/completion.

## 6) Monitor impact of mitigating actions on residual risk

The risk owner should monitor the progress of the mitigating actions regularly to ensure that these are being taken forward and that they are actually reducing either the impact or the likelihood of that risk occurring. The overall risk score should be re-assessed accordingly and if it is now within the accepted tolerance, the risk can be removed from the appropriate risk register.

## 7) Review and report

Risk management should be considered as an ongoing process and as such risk needs to be reviewed regularly to ensure that prompt and appropriate action is taken to reduce their likelihood and/or impact.

The Council's Risk Management Framework requires the following review/reporting:

*Corporate Risks* - those risks that are identified as potentially preventing the Council achieving the corporate goals and objectives stated in the Corporate Plan and which are assessed as being above the Council's acceptable tolerance level are recorded on the Corporate Risk Register and TEN (the Council's Performance and Risk Management System). The mitigating actions are also recorded and both the overall risk scores and the progress of the mitigating actions are updated on a quarterly basis by the risk owner or the officer responsible for taking the actions forward.

To ensure that risk is being managed effectively, quarterly risk reports are submitted to CLT and Audit Committee outlining the current risk scores, whether there have been any changes to the scores and what progress has been made on the mitigating actions.

*Service/operational risks* - at a service/operational level, the risks that are identified as potentially preventing the service from achieving its service objectives and which are assessed as being above the Council's acceptable tolerance level are detailed in the business plans and also recorded on TEN.

These should be subject to regular review and discussion between the manager and their Director. It is the responsibility of the appropriate managers to ensure that any actions detailed in the business plan to reduce these service risks are taken forward and progress monitored.

Project risks - these risks should be reviewed regularly by the Project Manager and the Project Sponsor.

Partnership risks – for any partnership which is assessed as being high risk, a risk register will be established and will be subject to annual review as part of the Partnerships assessment framework. The risks will be included in the relevant service’s business plan together with the mitigating actions and these will be subject to regular review by the manager and their Directorate.

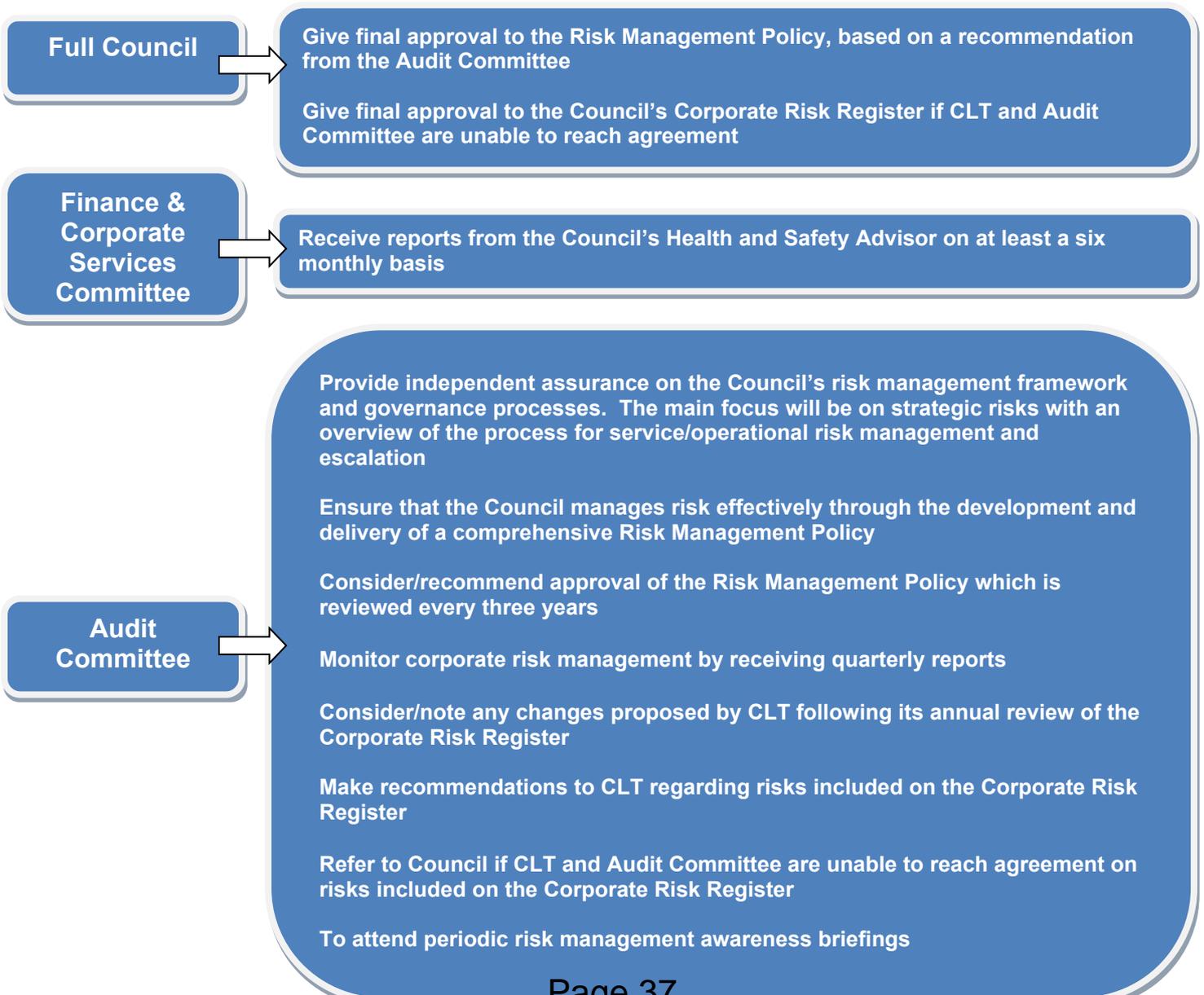
**4. Roles and Responsibilities**

To be effective risk management must be embedded throughout the Council by CLT, Members and each individual employee. One of the Council’s key objectives within this policy is to promote a risk aware culture. Risk management is a cultural issue which will only be effective with understanding and support from all levels of staff and Members; training will be provided periodically to staff and Members to enable them to fulfil their risk management responsibilities.

All employees and Members are responsible for ensuring there are robust and fit-for-purpose systems of internal control and risk management in place; and they are aware of the risks:

- they are empowered to take
- that must be avoided
- that must be reported upwards.

Some individuals and groups have specific leadership roles or responsibilities as follows:



### Corporate Leadership Team

Undertake a quarterly review of the corporate risk register and mitigating actions

Review the Corporate Risk Register annually, to raise corporate awareness of any emerging risks and ensure that appropriate mitigating actions are taken forward and monitored

Consider strategic risks affecting the Council and recommend action to Members as appropriate

Embed risk management within the Directorates and ensure that all staff are aware of their risk management responsibilities and reporting lines

Consider the risks identified in reports brought to CLT

Receive reports from the Council's Health and Safety Adviser, the Health and Safety Committee and/or the services where health and safety issues cannot be resolved at a local level

### Risk Owners

Ensure that appropriate resources and importance are allocated to the process

Confirm existence/effectiveness of current controls and ensuring further mitigating actions are implemented

Provide assurance that the risks they own are effectively managed

### Managers

Manage risk effectively in their particular service areas

Ensure all staff are aware of any specific risk management responsibilities through the performance review process

Embed the risk management process by identifying new service risks, agreeing and implementing mitigating actions and updating records on TEN

Report any new risk or escalate any service risk which is deemed to have more corporate impact to their Director and CLT

Schedule frequent discussion on risk management issues through team meetings as required

Be accountable (to the Director, CLT and Audit Committee) for their actions with regard to managing risk

Undertake annual health and safety risk assessments and take any corrective action that is needed

Health and Safety Risks are dealt with immediately - where possible the risk should be removed or eliminated, otherwise it must be reported as a matter of urgency and steps taken to warn people of the problem

### All Staff

Manage risk effectively in carrying out their everyday duties

Report hazards and risks to their Managers

Undertake their duties within risk management guidelines

Health and Safety Risks are dealt with immediately - where possible the risk should be removed or eliminated, otherwise it must be reported as a matter of

## 5. Embedding Risk Management

For risk management to be effective and a meaningful management tool, it needs to be an integral part of key management processes and day-to-day working. As such risks and the monitoring of associated actions should be considered as part of a number of the Council's significant business processes.



## 6. Training and Awareness

Having developed a robust approach and established clear roles and responsibilities and reporting lines, it is important to provide Members and Staff with the knowledge and skills necessary to enable them to manage risk effectively.

The Council uses a range of training methods to meet the needs of the organisation including external training (e.g. from our contracted internal audit providers) and intranet based e-awareness training.

Further risk management information is available on the intranet

## **7. Review of the Corporate Risk Register**

In addition to possible items for the register arising from items referred to CLT for consideration, there will be an annual review by CLT and managers to consider:

- whether any items should be deleted from the risk register; or
- should be added to the risk register; or
- have moved above or below the Council's risk tolerance level and so require a change in status in respect of action planning;
- whether the Council's risk appetite/tolerance level remains appropriate.

Following the reviews the amended Corporate Risk Register is submitted to the Audit Committee for consideration and discussion.

## **8. Partnership Risks**

These should be identified by the officer with lead responsibility for the partnership or at the time of its initiation.

For those partnerships which are designated as key/significant to the Council, an annual assessment will be undertaken. The risk register should also be reviewed at least annually to ensure that it is kept up to date, consideration given to both the risks to the partnership and risks to the Council arising from the partnership and mitigating actions established where appropriate.

## **9. Relevance to other Corporate Functions**

### **Internal Audit**

The Council's appointed internal auditors will periodically undertake an independent evaluation of the risk management framework to provide the Audit Committee with assurance on the adequacy of the internal control arrangements including risk management and governance.

### **Business Continuity Planning**

The main objective of business continuity is to provide a means of both recovery for the Council should it be affected by a crisis or a business interruption and of minimising the impact on the Council's employees, customers and reputation. Examples of issues tackled by business continuity include those in relation to loss of premises, equipment, staffing, and telecommunications / IT. Business continuity planning requires that potential impact to be considered and managed and the corporate and individual business continuity plans need to be updated on an on-going basis to reflect changes in the overall risk profile. Put simply, the difference between risk management and business continuity is that the former considers what could go wrong and seeks, where possible, to prevent it, while the latter creates contingency arrangements in the event of a crisis and is largely indifferent to the cause of the problem.

### **Performance Management and Monitoring**

Performance management is concerned with the delivery of corporate objectives, business plans and budgets. Risks can prevent this and as a result corporate, service, project and partnership risks registers are maintained and cross referenced to objectives and plans in order to ensure:

- The risks to strategic and operational plans are being actively and appropriately managed; and
- Due account has been taken of material risk considerations in the preparation of delivery plans.

### Risk Assessment Table

#### Risk Assessment

The identified risks are assessed in terms of their likelihood of occurring and the potential impact should they occur and are scored on a scale of 1 – 4 as follows:

Likelihood	Clarification of Definition
4 - Almost Certain	Regular occurrence. Circumstances frequently encountered.
3 - Likely	Circumstances occasionally encountered
2 - Unlikely	Circumstances infrequently encountered
1 – Almost Impossible	Has rarely/never happened

As guidance, when assessing the impact, the following aspects should be taken into consideration:

Impact of event occurring				
	Minor	Moderate	Serious	Major
Risk Score	1	2	3	4
<b>Financial</b>	£0k - £10k	£10k - £100k	£100k - £500k	>£500k
<b>Service Provision</b>	Minor service delay/disruption	Short term service delay/disruption	Medium term delay/Service suspended	Total service suspended for a significant period/statutory duties not delivered
<b>Project</b>	Minor delay	A few milestones missed	A major milestone missed	Project does not achieve objectives and misses majority of milestones
<b>Health &amp; Safety</b>	Minor injury	Broken bones/illness	Life changing injury/Major illness	Major loss of life/large scale major illness
<b>Objectives</b>	Minor impact on objectives	Failure to achieve service plan objectives	Failure to achieve Directorate objectives	Corporate objectives not met
<b>Morale</b>	Mild impact on morale	Some staff dissatisfaction, increase in staff turnover	Major staff dissatisfaction, short term industrial action, staff turnover including key personnel	Major staff dissatisfaction, long term industrial action, significant key staff turnover
<b>Reputation</b>	No media attention/isolated complaints	Adverse local media coverage	Adverse national media coverage	Remembered for years
<b>Government relations</b>	Minor local service issues	Poor assessment(s)	Service taken over temporarily	Ministerial intervention in running service

An overall risk score is reached by multiplying the likelihood score by the impact score.

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**MINUTES of  
COMMUNITY SERVICES COMMITTEE  
27 MARCH 2018**

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**PRESENT**

Chairman	Councillor R G Boyce MBE
Vice-Chairman	Councillor A T Cain
Councillors	E L Bamford, H M Bass, Mrs B D Harker and Mrs N G F Shaughnessy
Substitute Members	Councillors M F L Durham, A S Fluker and S J Savage

**936. CHAIRMAN'S NOTICES**

The Chairman drew attention to the list of notices published on the back of the agenda.

**937. APOLOGIES FOR ABSENCE AND SUBSTITUTION NOTICE**

Councillors Miss A M Beale, Mrs H E Elliott, R Pratt and Miss S White.

In accordance with notice duly given it was noted that Councillor M F L Durham was attending as a substitute for Councillor Pratt, Councillor A S Fluker as a substitute for Councillor Miss Beale and Councillor S J Savage as a substitute for Councillor Mrs Elliott.

It was noted that Councillor H M Bass had sent apologies as he would be arriving late due to attending a parish council meeting.

**938. MINUTES OF THE LAST MEETING**

**RESOLVED**

- (i) that the Minutes of the meeting of the Committee held on 16 January 2018 be received.

It was noted that under the list of those present Councillor Miss M R Lewis should be detailed as a substitute and not an ex-officio non-voting Member.

**RESOLVED**

- (ii) that subject to the above amendment, the Minutes of the Community Services Committee held on 16 January 2018 be confirmed

### **939. DISCLOSURE OF INTEREST**

Councillor M F L Durham declared an interest as an Essex County Councillor and any item pertaining to that Authority.

### **940. PUBLIC PARTICIPATION**

In accordance with the Council's public participation scheme Mrs Judy Lea addressed the Committee in relation to Agenda Item 7 – Level One Business Plan 2018 / 19 – Customers and Community Directorate.

### **941. CHAIRMAN'S ANNOUNCEMENTS**

The Committee received a presentation from the Group Manager (Leisure, Countryside and Tourism) which provided an update on a number of capital projects. Officers were congratulated on these projects.

The Chairman referred to the start of the Tourism season and sought Members agreement to form an events working group of this Committee. In response to a question the Chairman clarified that this Working Group would look at what events could be held at the Promenade or Riverside Parks. Following a discussion this was agreed. The Director of Customers and Community advised of the need to quickly organise a first meeting of this Working Group but that it would be formalised at the Statutory Annual meeting of the Council.

**RESOLVED** that an Events Working Group of this Committee be established with the following Members:

- Councillor E L Bamford
- Councillor R G Boyce
- Councillor A S Fluker
- Councillor Mrs B D Harker
- Councillor Mrs N G F Shaughnessy

Councillor H M Bass joined the meeting during this item of business.

### **942. LEVEL ONE BUSINESS PLAN 2018 / 19 - CUSTOMERS AND COMMUNITY DIRECTORATE**

The Committee considered the report of the Director of Customers and Community seeking Members' approval of the Level One Business Plan 2018 / 19 for the Customers and Community Directorate, attached at Appendix 1 to the report.

The report reminded Members of the existing Corporate Plan for the period 2015 – 2019 which set the vision and corporate goals that the Council agreed to focus on over the four year period along with a suite of high level outcomes associated with each goal.

The Level One Business Plan provided the priorities and targets within the Customers and Community Directorate for the next 12 months.

The Director of Customers and Community drew Members' attention to the following amendments to the Business Plan:

- Under section 1.1 the first heading of the table should read 'Key Corporate Activity'.
- The Key Corporate Activity 'Work with local businesses and agencies to prepare for / implement projects for the following Central Area Masterplan site' should be located under the 'Creating opportunities for economic growth and prosperity' heading.

Members discussed the business plan and in response to a number of questions the following information was provided:

- Views from Members of the Council would be welcomed as part of the customer survey being undertaken regarding Butt Lane Car Park.
- Projects crossing Directorate i.e. whole Council projects would see particular elements of the project appearing on the relevant directorates business plan.
- A team of Officers from across the Council were working on projects relating to the Central Area Master Plan.
- Heybridge Creek – A community payback scheme had commenced a tidy up of the creek last week and as a long term solution the Creek was included in the Housing Infrastructure Fund bid.
- It was clarified that Housing came under the Director of Planning and Regulatory Services and would therefore be reported to the Planning and Licensing Committee.
- A Riverside Park, Burnham-on-Crouch management plan was being drafted and would be brought back to a future meeting of the Committee. A management plan for Southminster would also follow in the near future.
- In response to a query regarding the data used by the Council to identify occupancy rates, Members were advised that of work underway by the Council to provide additional data records.
- A replacement of street lights with LED lights was in progress and areas were replaced in batches. It was noted that details of the identified savings had been reported to the Finance and Corporate Services Committee as part of the approval process for the Capital Project.

During the discussion, Councillor A S Fluker declared an interest in this item of business as a Harbour Commissioner. Councillor S J Savage declared an interest as he sat on the Planning and Licensing Committee and the Blackwater Task Group. Councillor H M Bass clarified that he also sat on the Blackwater Task and Finish Working Group but did not feel that there was an interest to declare.

**RESOLVED** that the Level One Business Plan 2018 / 19 for the Customers and Community Directorate be agreed.

#### **943. ESSEX POLICE FUNDING CONSULTATION**

The Committee considered the report of the Director of Customers and Community making Members aware of the local consultation undertaken by Essex Police in relation to the use of additional funding arising from the increase in the policing precept for Essex and seeking consideration of the response from the Council.

It was noted that the Council had responded to the consultation in order to meet the deadline of 13 February 2018 and this response was detailed within the report.

The Chairman advised that this report had become redundant and reported that following the consultation it had been announced that 150 additional police officers would be coming to Essex. The Director of Customers and Community clarified that 12 had been allocated to the Chelmsford and Maldon Division but it had not been confirmed how these would be split.

**RESOLVED** that the formal response to the consultation (as detailed below) on behalf of Maldon District Council be endorsed.

“Maldon District Council fully supports the additional funding going towards community policing which would provide increased visibility and improved engagement within the district. An area which would benefit from more resource within the community policing team would be for an additional children and young person’s officer (Maldon and Chelmsford is a vast area to cover for one officer). It is noted that a hidden harm team is being set up which is commendable. Maldon would also be happy for additional resources to be deployed to the newly formed rural crime team. Maldon would also support expenditure on the use of Automatic Number Plate Recognition (ANPR) in order that all traffic vehicles from Safer Essex Roads Partnership are equipped with this mobile facility (highlighting the ANPR consultation report to the Community Services Committee on 16 January 2018).”

#### **944. UPDATE ON THE MEMORIAL POLICY**

The Committee considered the report of the Director of Customers and Community updating Members on the implementation of the Council’s Memorial Policy and reporting on potential legacy projects.

The report provided background information regarding the Memorial Policy (Appendix 1 to the report) agreed in 2017 by this Committee. The Policy gave clear guidance on tributes that were allowed within Council cemeteries and where memorial benches could be located.

Members were advised that Plans set out at Appendix 2 to the report detailed the locations and maximum number of benches within the Council’s three Cemeteries. Procedures to assist with the implementation of the Policy had been developed and were attached at Appendix 3 to the report.

A number of alternative memorials had been investigated by Officers and these were set out in Appendix 4 to the report.

It was agreed that the Group Manager (Leisure, Countryside and Tourism) would circulate details of the maximum number of benches which could be accommodated in each identified open space.

Councillor E L Bamford proposed that the recommendations as set out in the report be accepted, this was agreed.

#### **RESOLVED**

- (i) that the plans for the location of the memorial benches in the Council open spaces including the Council's Cemeteries be approved, as set out in Appendix 2 to the report;
- (ii) that the process for challenging memorial tributes that is clearly outside of the new memorial policy be approved, as set out in Appendix 3 to the report;
- (iii) that the legacy schemes as contained within section 3.4 of the report be implemented and Officers prepare capital bids for these schemes.

#### **945. FORMATION OF A WASTE, TASK AND FINISH WORKING GROUP**

The Committee received the report of the Director of Customers and Community seeking endorsement for the development of a Waste Task and Finish Working Group.

Members were reminded of the Member Task and Finish Working Group which had overseen the procurement and implementation of the new waste service. It was noted that there was value in reviewing the waste and recycling contract in a similar way on a bi-annual basis and therefore it was suggested that a Member Task and Finish Working Group be formed. This Working Group would meet when required in the preparation of a formal update report to this Committee. A draft Terms of Reference for this Working Group was set out in Appendix 1 to the report.

#### **RESOLVED**

- (i) that the proposal to form a Waste Task and Finish Working Group be endorsed;
- (ii) that the Task and Finish Working Group is formed and meets on a bi-annual basis unless otherwise required to review the contract for this Committee;
- (iii) that the following Members be agreed as representatives to sit on the Working Group:
  - Councillor R G Boyce
  - Councillor A T Cain
  - Councillor A S Fluker
  - Councillor Mrs B D Harker

## 946. PROVISION OF ADVICE SERVICES FROM 2019

The Committee considered the report of the Director of Customers and Community, seeking Members' approval to procure Advice Services from April 2019.

The report provided background regarding the decision to move to a commissioned service for the provision of an Advice Service for residents and businesses of the District from April 2016. The key elements of this service were set out in the report.

The success of the contracted service was noted and details of the increased outcomes delivered were attached as Appendix 1 to the report.

In response to a question regarding the evidence and amounts behind the outcomes detailed in Appendix 1 to the report, the Director of Customers and Community advised that he could provide Members with this information.

Councillor A S Fluker referred to the current agreement with the Citizens Advice Bureau and proposed that the Council should invest a maximum of £50,000 which had been agreed before. He advised he could not support the report. This proposal was not seconded.

In response to comments regarding the current funding of this service, the Director of Customers and Community drew Members' attention to Appendix 1 and in particular that joint funding had reduced from 80 to 54% in 2016 / 17 and further projected to fall to 51% in 2017 / 18.

Councillor S J Savage declared a non-pecuniary interest in this item of business as he had carried out some voluntary service.

It was suggested that the Council should consider whether services could be provided by other organisations and mention was made to Chelmsford City Council. The Director of Customers and Community advised that he would explore this with the Citizens Advice Bureau.

Councillor Fluker raised further concern and proposed that the Director of Customers and Community bring a report back to this Committee highlighting all the information requested and having had discussions with Chelmsford City Council. This proposal was not seconded.

In response to discussions the Director of Customers and Community suggested the recommendations as set out in the report be updated as follows:

- (i) That Members **note approve** the re-commissioning of an Advice Service from April 2019.
- (ii) That operational details of the both the contract specification and timetable be **brought back to a future meeting of this Committee delegated to the Director of Customers and Community**

The changes to the recommendation as set out above were agreed.

**RESOLVED**

- (i) That the re-commissioning of an Advice Service from April 2019, be noted;
- (ii) That operational details of the both the contract specification and timetable be brought back to a future meeting of this Committee.

There being no further items of business the Chairman closed the meeting at 9.10 pm.

R G BOYCE MBE  
CHAIRMAN

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**MINUTES of  
OVERVIEW AND SCRUTINY COMMITTEE  
28 MARCH 2018**

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**PRESENT**

Chairman	Councillor M W Helm
Vice-Chairman	Councillor R P F Dewick
Councillors	Mrs P A Channer, CC, P G L Elliott, M S Heard, N R Pudney, S J Savage and Mrs M E Thompson

**947. CHAIRMAN'S NOTICES**

The Chairman drew attention to the list of notices published on the back of the agenda.

**948. APOLOGIES FOR ABSENCE**

There were none.

**949. MINUTES OF THE LAST MEETING**

**RESOLVED**

- (i) that the Minutes of the meeting of the Committee held on 14 February 2018 be received.

**Minute No. 834 – Procedure for Commencing Prosecution**

Councillor S J Savage requested that the definition of Statutory Defence to be put in the public domain. It was agreed by the Director of Recourses that this would be attached to the minutes.

**Post meeting – Definition of Statutory Defence:**

Defence to an alleged crime that is provided for in the legislation that makes the breach a crime or in some general legislation. For example, in the case of a breach of planning enforcement notice S179 of the Town and Country Planning Act 1990 states “In proceedings against any person for an offence under subsection (2), it shall be a defence for him to show that he did everything he could be expected to do to secure compliance with the notice”.

**Minute No. 835 – Internal and External Communication**

It was noted that paragraph two should read “focus than”.

A member queried whether there was an update on timescales on recommended security protocols for changing passwords. The Director of Resources provided some further information and advised that he would check timescales and report back to the Member separately.

**Minute No. 839 – 2017 / 18 Programme of Work**

It was noted that on page 977, the fourth bullet point should read “17/18”.

Following a query from Councillor Mrs P A Channer on Staff Sickness, the Director of Resources confirmed that meetings had been booked for discussion with Officers and Members would be invited to a future Managers Forum for further discussion following this meeting.

**RESOLVED**

- (ii) that subject to the above amendments the Minutes of the meeting of the Committee held on 14 February 2018 be confirmed.

**950. PUBLIC PARTICIPATION**

There was none.

**951. DISCLOSURE OF INTEREST**

Councillor Mrs P A Channer declared that:

- she was a member of Essex County Council and had a non-pecuniary interest in relation to any agenda items that might affect that organisation.
- she was a member of the Kent and Essex Inshore Fisheries and Conservation Authority (KIFCKA), by appointment of Essex County Council.
- with regards to the River Crouch, she was a member of Crouch Harbour Advisory Committee, by appointment from KIFCKA.

Councillor N R Pudney declared that with regards to the River Crouch, he was a Crouch Harbour Authority Member and represents Burnham Town Council.

Councillor M S Heard declared a non-pecuniary interest under Item 6 – Administration of Council River Moorings, Leases and Licences as he was a newly appointed trustee of the Brent Steam Tug Trust.

**952. ADMINISTRATION OF COUNCIL RIVER MOORINGS, LEASES AND LICENSES**

The Director of Customers and Community presented an overview of the report on Administration of Council River Moorings, Leases and licences, for the Committee to scrutinise the management of leases associated with Blackwater Estuary and River Crouch.

The Director of Customers and Community circulated at the meeting a map outlining the extent of the area of the Council's ownership of the River Blackwater, which related to Appendix 1 to the report.

It was noted under paragraph 3.2.1 of the report the Planning and Licencing Committee previously looked at a report in 2016 (Minute No. 772) considering leases and licencing for the River Blackwater.

Members attention was drawn to Appendix 1 which provided detail of the current management arrangements for leases, licenses and moorings on Council owned land, highlighting where improvement had been made, were being implemented. The Group Manager for Leisure, Countryside and Tourism, went into more detail on the report:

### **River Blackwater – Review of Moorings and Leases**

- Fishing Rights - Members were advised that Maldon District Council (MDC) owned all fishing rights, and foreshore within the red area on the map (circulated at the meeting) totalling 1,770 hectares. Within this area there were a number of leases and licences.
- Leases – The Council has formal legal agreements with a number of different organisations who paid an annual fee to take on the right to operate Council premises and manage moorings on behalf of MDC. They were also responsible for checking vessels are insured. The Director of Customers and Community agreed to provide Members with further information on the areas leased and related costs outside of the meeting.

In response to a question regarding the flow charts detailing the lease renewal and lease / licence renewal process, Members were informed that leases for up to seven years or with a value up to £10,000 could be approved by the Director of Resources but any above either of these would be considered by the Finance and Corporate Services Committee. The Director of Customers and Community advised that the flow charts would be updated accordingly to reflect this.

- Mooring licences – There were 65 individual mooring directly controlled by MDC. Licences were generally issued on an annual basis and were shorter in duration. These could include launching ramps, foreshores and on the River Blackwater were generally operated by caravan sites or fishing clubs. It was confirmed that the Council ensured that such organisations were following the Council policies in respect of managing moorings.

In response to a question regarding the collection of unpaid charges, the Director of Resources advised that the Corporate Leadership Team received a regular report on arrears, outlined the collection process and it was noted that if any arrears hit a period of two months legal action was pursued. It was noted that at this time there were no outstanding invoices.

- Insurance – In response to a question, the Director of Customers and Community advised that an annual checks of insurances were undertaken and monitoring had improved. It was noted that where a site was leased to another organisation the responsibility to check insurances sat with them.
- Comparative cost of mooring areas - The Survey of Swinging Mooring Charges in Appendix 1 provided a breakdown where costs were compared against moorings elsewhere. Members were advised that limited facilities and a short

tidal window (no shore based facilities) had been reflected in the cost. It was noted that the charge of moorings was considered reasonable and were reviewed by the District Valuer. It was confirmed by the Group Manager for Leisure, Countryside and Tourism that moorings offered by MDC had limited facilities, and this was reflected in the charge.

In response to questions regarding the Llys Helig in Burnham-on-Crouch, Members were reminded that the Asset Management Working Group would be reviewing this.

It was noted that the report should include reference to Impact on Resources (financial) as there were related costs to moorings, leases and licences.

It was highlighted that the figures detailed in table 1 to Appendix 1 were incorrect and needed adjustment. The Director of Customers and Community confirmed this would be done.

### **Hythe Quay Wharfage**

It was noted that MDC hosted the largest collection of sailing barges within the United Kingdom.

- Daily Rates - Members were advised that the daily charge at the Quay was £21.00 per day. A discount was applied on quarterly birthing charges to Thames Sailing Barges and members of the Sailing Barge Association (SBA) were entitled to a discount to park at Hythe Quay. It was noted that if the Council were to align car parking charges with residents parking fees a consultation exercise would be required.
- Electricity - There was a new charge for an electrical supply. Electric meters could be provided on a temporary basis by arrangement with the River Bailiff – Members' attention was drawn to the outlined charges in Table 2.
- Heybridge Creek area - Members queried the number of wrecks opposite the Queens Head, around the Heybridge Creek area. Some concerns were raised regarding the historic wrecks in the Saltings and Heybridge Creek, including removal of the wrecks and the pollution risk. Members were advised of a piece of work being undertaken which involved working with other owners, and a community pay back scheme.

The Director of Customers and Community advised that there were a number of issues which warranted additional work and a define action plan was required. He agreed to produce this and report to a future meeting of the Committee.

### **RESOLVED**

- (i) that subject to the amendments and actions detailed above the current management arrangements for leases, licences and moorings on Council owned Land (as set out in Appendix 1 to the report) be agreed;
- (ii) that a further report and detailed action plan be considered at a future meeting of this Committee.

## 953. INTERNAL AND EXTERNAL COMMUNICATIONS

The Director of Resources presented a report following the presentation (attached as Appendix 1 to the report) made to Members on 14 February 2018 regarding the Council's approach to internal and external communications. This report had been requested by Members in light of there being a large amount of information contained within presentation.

Examples of digital strategies from Chelmsford City Council and Braintree District Council were attached as Appendix 2 to the report.

Members' noted the information contained in the report and additional information provided by the Director of Resources as detailed below:

- Website and Benchmarking - It was noted that following a benchmarking exercise by a website auditing company Maldon District Council had been ranked 91<sup>st</sup> over 409 Local Government Websites, and 3<sup>rd</sup> within Essex Councils. The scores were based on testing the websites "user journey".
- Customer Strategy - The key aims of the Strategy were set out in the report and it was noted that these would be embedded across the organisation.
- Current Telephony System – Members were advised of ongoing work to address issues with the current telephone system and the proposed solution which was a hosted system. The new system would provide the Council with:
  - greater flexibility;
  - improved customer experience;
  - a user friendly digital phone system for the Customer Service Centre;
  - a system that would be transferrable, for example in the event of disaster recovery.
- Emails – The report detailed the current issues and proposed solutions that the new system would seek to address. Users were gradually being migrated onto Office 365. IT would be offering training to Ericom users migrating onto the remote portal to aid remote working.

Members were pleased that Office 365 integration was going well and that improvements to the Council's website had been made.

It was requested that information was provided rather than music on the current telephone system.

It was suggested that Member training on Microsoft One Note would be useful and the Director of Resources agreed to arrange this.

The Director of Resources sought direction from the Committee on how it wanted to receive feedback on the digital strategy. In response to a question, the Director of Customers and Community advised that the report sought to provide an update and gave opportunity for Members to raise any further concerns that they might have. The Director of Resources agreed to arrange a Member seminar at the point of consultation on the strategy.

## RESOLVED

- (i) That Members' comments be noted;
- (ii) That Member training sessions be arranged for Microsoft One Note.

### 954. 2017 / 18 PROGRAMME OF WORK

The Committee received the report of the Director of Resources confirming the Committee's Work Programme for 2017 / 18, attached as Appendix 1 to the report.

The Director of Resources updated Members on the Programme of Work:

- Administration of Council River Moorings, Leases, and Licenses – Following consideration of the report earlier on this agenda, the Director of Customers and Community advised that an update report would be provided at the next meeting. However, at the request of the Director, it was agreed that this report would exclude Heybridge Creek which would be the subject of a separate report as further work was required on this matter by the Planning and Licensing Committee.
- Internal and External Communication – will organise a member seminar on digital strategy, and training on OneNote was to be provided.
- Empty homes Returned to Use – agreed in February 2018 to be managed through the Community Services Committee.

Councillor M W Helm requested that a review of the rents charged at the Council Offices, Princes Road be undertaken. This was agreed.

It was requested that Officers seek clarification as to the status of a report expected from the Chief Executive with regards to Section 106 Agreements, discussed at the last meeting of this Committee

## RESOLVED

- (i) That the Programme of Work 2017 / 18 (Appendix 1 to the report) and updates provided be noted;
- (ii) that a review of all the rents charged at the Council Offices, Princes Road be undertaken;
- (iii) that the scrutiny item on Administration of Council River Moorings, Leases, and Licenses be updated and that a separate report on the Heybridge Creek be considered by the Committee at a later date.

### 955. ANY OTHER ITEMS OF SCRUTINY MEMBERS WISH TO CONSIDER

There were none.

**956. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT**

With the permission of the Chairman, Councillor N R Pudney advised of a recent meeting had attended where Nick Alston, Chairman of the Mid Essex Hospital NHS Trust gave an update regarding the amalgamation of Broomfield, Southend, and Basildon Hospitals. Councillor Pudney, by way of a verbal update, provided detailed information relating to the amalgamation and this was noted by the Committee.

Councillor Pudney advised that he was awaiting a report from the Mid Essex Hospital Trust and would make this, along with further information he had received, available for Members.

There being no further items of business the Chairman closed the meeting at 8.55 pm.

M W HELM  
CHAIRMAN

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**MINUTES of  
PLANNING AND LICENSING COMMITTEE  
17 APRIL 2018**

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**PRESENT**

Chairman	Councillor Mrs P A Channer, CC
Vice-Chairman	Councillor A K M St. Joseph
Councillors	M F L Durham, CC, A S Fluker, M R Pearlman, S J Savage and Mrs M E Thompson

**1000. CHAIRMAN'S NOTICES**

The Chairman drew attention to the list of notices published on the back of the agenda.

**1001. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors H M Bass and R G Boyce MBE.

**1002. MINUTES OF THE LAST MEETING**

**RESOLVED**

- (i) that the Minutes of the meeting of the Committee held on 8 March 2018 be received.

**Minute 882 – Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS) Update**

It was agreed that the 13<sup>th</sup> paragraph should be amended to read "...around tree screening planning and the fact that Northey Island was privately owned *and an important wildlife refuge.*"

**RESOLVED**

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 8 March 2018 be confirmed.

**1003. DISCLOSURE OF INTEREST**

Councillor S J Savage declared a non-pecuniary interest in Agenda Item 9 – Renewable and Low Carbon Technology Supplementary Planning Document, as he had had previous input into the Officers report.

Councillor M F L Durham declared a non-pecuniary interest as a member of Essex County Council and any item of business that was pertinent to that Authority.

Councillor A S Fluker declared in the interest of openness and transparency that in relation to Agenda Item 13 – River Blackwater Task and Finish Working Group Update he was a Maldon Harbour Commissioner.

Councillor Mrs P A Channer declared a non-pecuniary interest as a member of Essex County Council and any item of business that was pertinent to that Authority. She also declared a non-pecuniary interest in Agenda Item 11 – Draft Maldon District Affordable Housing and Viability Supplementary Planning Document: Stakeholder and Public Consultation, as she was a member of the Henry Guilden Drake Almshouse Trust. Councillor Mrs Channer also advised that she sat on the River Blackwater Coastal Community Team but was appointed to this group by Essex County Council.

#### **1004. PUBLIC PARTICIPATION**

No requests had been received.

#### **1005. LEVEL 1 BUSINESS PLAN 2018/19 - PLANNING AND REGULATORY SERVICES DIRECTORATE**

The Committee considered the report of the Director of Resources seeking Members' approval of the Level One Business Plan 2018 / 19 for the Planning and Regulatory Services Directorate, attached at Appendix 1 to the report.

The report reminded Members of the existing Corporate Plan for the period 2015 – 2019 which set the vision and corporate goals that the Council agreed to focus on over the four year period along with a suite of high level outcomes associated with each goal. The Level One Business Plan provided the priorities and targets within the Planning and Regulatory Services Directorate for the next 12 months.

Members discussed the business plan and in response to a number of questions the following information was provided:

- Key Corporate Activity (KCA) Implement the Homelessness Reduction Act to prevent and relieve homelessness – It was noted that each of the specific actions and tasks would have a project plan developed which would provide more specific detail to that detailed in the business plan.
- Officers agreed to ensure that formatting of the business plan was adjusted to show timescales aligned with specific actions / tasks.

Councillor A S Fluker proposed that the recommendation as set out in the report be agreed and thanked the Director of Planning and Regulatory Services for a good report.

**RESOLVED** that the part of the Level One Business Plan for the Planning and Regulatory Services Directorate for 2018 / 19 be agreed.

## **1006. ECONOMIC GROWTH UPDATE**

The Committee received the report of the Director of Planning and Regulatory Services updating Members on key issues and providing an opportunity for feedback and input detailed in Appendix 1 to the report.

The Director of Planning and Regulatory Services presented the report and provided a number of updates and the following was noted:

- The document had been restructured to provide more outcome based information and highlighting activity linked with the Council's corporate goals.
- The available land and premises directory had now been completed and was being used in conjunction with Invest Essex to ensure that businesses from outside of the District were being attracted to the District.

It was noted that there was a formatting error with Appendix 1 to the report and the Director of Planning and Regulatory Services agreed to correct this and recirculate this to Members.

In response to a question regarding a request for details of any business in potential difficulty, the Director of Planning and Regulatory Services advised that this could be reported to Members on an exception basis.

Members noted the change to the reporting format of the Update and it was agreed that future Updates would be reported on a six monthly and exception basis.

### **RESOLVED**

- (i) that the contents of the report and appendix be noted;
- (ii) that future Economic Development Updates be reported to the Planning and Licensing Committee on a six monthly and exception basis.

## **1007. PLANNING POLICY UPDATE**

The Committee received the report of the Director of Planning and Regulatory Services, providing an update on local, sub-regional and national planning policy matters including Duty to Cooperate and Essex Local Plans, and legislative changes as they affected planning policy.

The Planning Policy Manager presented the report and drew Members' attention to the following:

- Duty to Cooperate – Epping Forest Council had recently submitted its Local Plan for consultation.
- Stansted Airport – A planning application had been submitted to increase the current capacity of passengers per annum to 43 million but this would be within the current operation limit for 274,000 per annum. The Committee noted the information contained in the report regarding Stansted Airport but it was felt that impact would not be significant at this stage.

- Community Infrastructure Levy (CIL) – All Members had been invited to attend a workshop on 24 May to review the Infrastructure Delivery Plan. A report on CIL would be brought to the July meeting of this Committee and not June as detailed in the report.
- Recreational Avoidance and Mitigation Strategy (RAMS) - The Director of Planning and Regulatory Services reported that Mr Thomas, Head of Planning at Essex County Council would be attending the next meeting of this Committee to report back on RAMS. It was noted that the Director of Planning and Regulatory Services had requested regular meetings with Mr Thomas to discuss issues including concerns regarding the RAMS process to date. In response to a question, it was agreed that the Minutes of RAMS meetings would be placed on the I Drive for all Members to access.

It was noted that the Strategy would become a Supplementary Planning Document for 11 Districts which would need to be signed off by each of these District Councils.

It was clarified that the RAMS was commissioned through the Essex Planning Officers Association and Essex Place Services were the consultants.

#### **RESOLVED**

- (i). that the contents of the report including the proposed changes at Stansted Airport, be noted;
- (ii). that the updates on the following matters will be brought to a future meeting of the Planning and Licensing Committee:
  - Community Infrastructure Levy (July meeting)
  - Recreational Avoidance and Mitigation Strategy (June meeting)
  - New licensing rules regarding Great Crested Newts

#### **1008. RENEWABLE AND LOW CARBON TECHNOLOGY SUPPLEMENTARY PLANNING DOCUMENT**

The Committee received the report of the Director of Planning and Regulatory Services presenting the findings of representations received through public consultation on (as set out in Appendix 2) the Renewable and Low Carbon Technology Supplementary Planning Document (SPD) (attached as Appendix 1 to the report). The responses, policy response and proposed amendments were set out in Appendix 3 and Appendix 4 outlined a statement of Consultation which provided an analysis of responses made to the SPD.

The Chairman on behalf of the Committee thanked Sam Connolley, Planning Policy Officer, for his work on this document.

## **RESOLVED**

- (i) that the proposed amendments to the draft Maldon District Renewable and Low Carbon Technologies Supplementary Planning Document, following the public consultation be approved;

## **RECOMMENDED**

- (ii) that subject to amendment, the Maldon District Renewable and Low Carbon Technologies Supplementary Planning Document (attached as **APPENDIX 1** to these Minutes) be adopted.

### **1009. DRAFT MALDON DISTRICT SPECIALIST HOUSING SUPPLEMENTARY PLANNING DOCUMENT: STAKEHOLDER AND PUBLIC CONSULTATION**

The Committee considered the report of the Director of Planning and Regulatory Services outlining the content of the draft Maldon District Specialist Needs Housing Supplementary Planning Document (SPD) (attached at Appendix 1) and sought the Committee's approval for the draft SPD to go out for stakeholder and public consultation. It was noted that consultation on SPDs was a requirement of Section 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Appendix 2 to the report provided definitions of the range of specialist needs housing products available.

The Specialist Needs Housing SPD had been prepared to provide additional detailed guidance and clarification on a number of Local Development Plan (LDP) policies. Once adopted it would be a material consideration in making decision on planning applications.

It was agreed that reference to 'figure 7' in the Supplementary Planning Document should be replaced with the actual details of figure 7.

It was commented that the requirements defining housing for older people, those with specialist needs and independent living did not match community need and a wider definition was required. It was agreed that these comments would be taken into consideration by Officers. The Planning Policy Manager advised in respect of independent living the Council worked with Essex County Council and health bodies to ensure appropriate services were provided. At this time Maldon and Burnham-on-Crouch had been identified as the priority locations for independent living in the District.

**RESOLVED** that subject to the above amendment, the Maldon District Specialist Needs Housing Supplementary Planning Document be approved for stakeholder and public consultation.

**1010. DRAFT MALDON DISTRICT AFFORDABLE HOUSING AND VIABILITY SUPPLEMENTARY PLANNING DOCUMENT : STAKEHOLDER AND PUBLIC CONSULTATION**

The Committee considered the report of the Director of Planning and Regulatory Services outlining the content of the draft Maldon District Affordable Housing and Viability Supplementary Planning Document (SPD) (attached at Appendix 1 to the report) and seeking Members' approval for the draft SPD to go out for public consultation.

It was noted that consultation on SPDs was a requirement of Section 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Appendix 2 to the report provided a glossary of the National Planning Policy Framework (2012).

The Affordable Housing and Viability SPD had been prepared to provide additional detailed guidance and clarification on a number of Local Development Plan (LDP) policies. Once adopted it would become a material consideration in making decision on planning applications.

It was agreed that where 'Figure 1' was referred to in the SPD this should be replaced with the actual information.

The Planning Policy Manager advised that the SPD could not introduce any new policy but did reflect any updates to national policy since the Local Development Plan had been approved.

**RESOLVED** that the draft Maldon District Affordable Housing and Viability Supplementary Planning Document (SPD) be approved for stakeholder and public consultation.

**1011. NATIONAL PLANNING POLICY FRAMEWORK AND OTHER POLICY DOCUMENTS**

The Committee considered the report of the Director of Planning and Regulatory Services seeking Members' views to supplement the draft comments ahead of a formal submission being made by the Council on the Government's consultation on a revised National Planning Policy Framework (NPPF) and a suite of ancillary documents published in March 2017.

The Planning Policy Manager advised that there had been significant changes published by the Government to the NPPF and this was the first comprehensive review of the NPPF since its publication in 2012. A further report would be brought to the Committee to detail how the changes would impact Planning Policy. It was noted that the Government had produced a document on the consultation proposals which included a number of questions and these along with the Council's proposed response to them were set out in Appendix 1 to the report.

Members discussed the report and related appendices in depth and in response to a number of questions the following information was provided. It was agreed that these comments would be taken into consideration as part of the Council's response:

- There had been some indication that the Government would withhold New Homes Bonus (NHB) if Councils did not deliver the NPPF. It was felt that the Council's consultation response should strongly identify that if there was a justified reason as to why the Council was not able to deliver then it should have the ability to challenge the withhold of the NHB. This response it was hoped would also see the Council united across other organisations on this matter. Reference was made at this time to a similar threat to withhold NHB in relation to applications granted on appeal which had been rebutted by the Local Government Association.
- It was felt that the response to Question 40, whether the Council agreed with the proposed transitional arrangements, should be expanded on as the Council had no control over this.

In response to a query regarding Affordable Housing contributions being set nationally, the Planning Policy Manager agreed to review the related documents and advise Members accordingly after the meeting.

The Planning Policy Manager also agreed to confirm if there were any proposals coming forward with regards to Permitted Development Rights.

#### **RESOLVED**

- (i) that the draft responses to the National Planning Policy Framework (NPPF) consultation are revised to take into account views of the Committee and approved by Officers in consultation with the Chairman of the Planning and Licensing Committee and submitted as the Council's formal response to the Consultations;
- (ii) that Officers report on the final NPPF once published setting out any further changes made and the implications for the Maldon District Local Development Framework.

#### **1012. RIVER BLACKWATER TASK AND FINISH WORKING GROUP UPDATE**

The Committee received the report of the Director of Planning and Regulatory Services updating Members on work that had taken place and remained outstanding with regards to the River Blackwater Task and Finish Working Group (T&FWG). The Terms of Reference for this T&FWG were attached as Appendix 1 to the report.

It was noted that the Working Group had been established to look in detail at a number of river related issues and subsequent to this an initial work plan had been agreed based on three main issues which were set out in the report.

The report sought Members' consideration as to whether the Working Group conclude and all rivers related matters report directly to the Planning and Licensing Committee in the future. It was felt by some Members that the work of the Working Group had not concluded and specific reference was made to there not having been a report back on moorings, leases and licences. Further concern regarding Heybridge Creek was also raised.

In response to a question it was confirmed that a review of existing leases, licences and insurances was being undertaken.

Councillor A S Fluker referred to the need to ensure that all issues were sorted prior to the conclusion of this Working Group. He proposed that the River Blackwater Task and Finish Working Group be reconvened for the new municipal year and its remit be expanded to include the north bank of the River Crouch. This proposal was not seconded.

Councillor Mrs P A Channer declared an interest in this item of business as she sat on the Overview and Scrutiny Committee.

The Chairman advised the Committee that the Overview and Scrutiny Committee had recently agreed to receive two separate reports in relation to the River Blackwater leases and licences and Heybridge Creek.

A debate ensued during which a number of concerns were raised. There was a brief discussion regarding assets and Members were reminded of the work of the Councils Asset Management Working Group and other bodies i.e. Central Area Masterplan.

Members discussed the remit of the River Blackwater Task and Finish Working Group and whether its Terms of Reference could be expanded to include the River Crouch.

Following further discussion it was agreed that it be recommended that the Council consider setting up a Task and Finish Working Group or alternative body which would encompass two or three Members from each of the three programme Committees to look at other work relating to the Rivers Blackwater leases and Crouch. This was duly agreed.

It was agreed that the River Blackwater Task and Finish Working Group should continue in order to finish its work reviewing moorings, licences and leases on the River Blackwater and report back to a future meeting of this Committee.

#### **RESOLVED**

- (i) that the River Blackwater Task and Finish Working Group should continue in order to finish its work reviewing moorings, licences and leases on the River Blackwater and report back to a future meeting of this Committee;

#### **RECOMMENDED**

- (ii) that the Council considers setting up a Member Task and Finish Working Group or alternative body with two or three Members from each of the three programme Committees to look at other work relating to the Rivers Blackwater and Crouch.

**1013. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT**

The Chairman advised that this was the last meeting of the municipal year and thanked everyone for attending the meeting. She thanked Members of the Committee for their engagement and Officers for all their work during the municipal year.

There being no further items of business the Chairman closed the meeting at 9.20 pm.

MRS P A CHANNER, CC  
CHAIRMAN

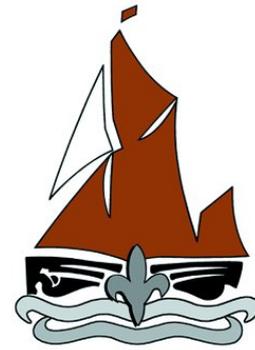
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1 | Renewable and Low Carbon Technology SPD Draft

**Supplementary Planning Document**

Draft Renewable and Low Carbon Technologies  
SPD

Consultation document



MALDON DISTRICT  
COUNCIL

DRAFT

January 2018

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## 1. Introduction

- 1.1.1 The Council has prepared this draft Supplementary Planning Document (SPD) to provide additional guidance to planning policies for renewable and low carbon technologies in the Approved Maldon District Local Development Plan (2014-2029) (LDP). The Council will seek to manage renewable and low carbon technology developments and seek to reduce carbon emissions in new developments in accordance with Policies D2 and D4. This document is not providing new policies, but offering additional guidance to the current policies of the LDP.
- 1.1.2 This SPD is intended to provide information to a number of users within the District including developers, voluntary organisations, businesses, residents, community groups and public sector bodies.
- 1.1.3 This SPD offers technical guidance to help applicants by providing advice on matters needing to be addressed in order for renewable and low carbon technology applications to be submitted successfully. The technical guidance is to be used also as a tool for decision makers when assessing the suitability of proposals.

## 1.2 Purpose of Supplementary Planning Documents (SPD)

- 1.2.1 The primary function of an SPD is to add further detail to specific policies contained within statutory planning policy documents, such as the Local Development Plan and national planning guidance. A SPD may cover a particular topic or theme, or it can be specific to certain places or developments.
- 1.2.2 An SPD should only be necessary where their production can help to bring forward sustainable development at an accelerated rate. They must not be used to add financial burdens on development. This SPD provides further guidance on how to deliver renewable energy and low carbon projects efficiently in a cost effective way.
- 1.2.3 Once the SPD has been adopted by the Council, its contents become a material consideration when making decisions on planning applications.
- 1.2.4 The role given to the Renewable and Low Carbon Technologies SPD will be that of technical guidance for planning applications to provide direction and clarity on delivering projects in accordance with Policies D2 and D4.

### Consultation

- 1.2.5 The Town and Country Planning (Local Planning) (England) Regulations 2012 state that the Council must consult stakeholders and the community before they can adopt an SPD.

1.2.6 This document will be subject to a 6 week consultation, however is not subject to an independent examination. Therefore although SPDs carry material weight in making planning decisions, they carry less weight than Development Planning Document's (DPD), which are subject to independent examination.

The consultation for this SPD will run from: 29/01/2018

1.2.7 There are a variety of ways to respond to the consultation:

- Online by visiting: [www.maldon.gov.uk](http://www.maldon.gov.uk)
- By filling out and returning a response form available from:
- By emailing a response form to: [policy@maldon.gov.uk](mailto:policy@maldon.gov.uk)
- By posting a response form to: Renewables SPD Consultation, Planning Policy, Maldon District Council, Princes Road, Maldon, Essex, CM9 5DL.

1.2.8 The final version of this document will be amended prior to adoption to reflect some or all of the following:

- comments received during the consultation period for this SPD;
- any changes to government policy via the NPPF and PPG.

1.2.9 This document will then be taken before Full Council in Spring 2018 to seek approval for adoption.

1.2.10 A Sustainability Appraisal and Habitats Regulation Assessment have been completed and consulted on for the Approved Maldon District LDP. These documents are available to view at [www.maldon.gov.uk/LDP](http://www.maldon.gov.uk/LDP). As the SPD supports the policies of the Approved LDP, there is no further need to undertake a separate Sustainability Appraisal or Habitats Regulations Assessment for the SPD. The Strategic Environmental Assessment Screening report and the response from Natural England, Historic England and the Environment Agency confirms this.

1.2.11 An Equalities Impact Assessment has been carried out for the SPD and is available at <https://www.maldon.gov.uk/site/>.

### **Monitoring and Review**

1.2.12 Once adopted the SPD will be an important planning document having weight when planning applications are assessed. Therefore it is important that adequate processes and review mechanisms are in place to monitor the success of this SPD and determine whether updates are necessary.

1.2.13 The monitoring process is a continuing function that aims primarily to provide stakeholders with up-to-date information on an annual basis: this will be set out in the Council's Authority Monitoring Report and as required for the completion of other statistical returns. Indicators identified in the LDP for

Policies D2 and D4 will be the primary benchmarks used for monitoring the success of this SPD. Other indicators and information may be introduced to help the Council monitor the progress of renewable energy projects in the District and the number of developments that meet the identified standards set out in the SPD.

1.2.14 The Planning Policy team will implement this procedure. A review process of the SPD will be considered if:

- There is a significant change in national planning policy;
- There are significant changes to the LDP's evidence base that indicate the LDP is unable to deliver its objectives in relation to renewable energy;
- The SPD is not effective in delivering suitable renewable energy developments.

### **1.3 Scope and Objectives of SPD**

#### **Scope**

1.3.1 The guidance provided in this Maldon District Renewable and Low Carbon Technology SPD focuses on those technologies that create opportunity and prosperity within the District without creating any adverse impacts to the natural environment, society or the economy.

1.3.2 This document will outline the conditions that must exist for those technologies to be appropriately situated within the District. Policy S1 of the Approved LDP identifies the principles of sustainable development, which are central to the LDP and provides the overarching theme for this SPD. Policies D2 and D4 of the LDP identify the relevant requirements for any renewable energy and low carbon technology projects as well as establishing the conditions for achieving sustainable design within new development. Therefore in order for renewable energy development to be granted planning permission, ensuring that each project is suitable for that location is essential. Further details are provided in Sections 3 and 5.

1.3.3 Further detail on the appropriate Policies of the Approved LDP are outlined in section 2: Policy Framework, where the synergies that exist between local policy and the National Planning Policy Framework (NPPF) are also identified to ensure that this SPD is in conformity with the NPPF, thereby promoting consistency across planning policy documents.

## Objectives

### 1.3.4 The objectives of the SPD are:

- To offer clear and concise guidance on ways to interpret Policies D2 and D4 of the Approved LDP, paving the way for efficient and sustainable implementation of all developments within the District.
- To assist the understanding of building regulations and techniques available to improve sustainability performance of buildings through their design, construction and subsequent use.
- To provide information and guidance on Permitted Development rights and the process that would be applied to a development where a planning application is required.
- To identify the opportunities and challenges, including the cumulative impacts, that renewable energy and low carbon technologies pose, both as a single entity and through community project initiatives.

## Content

- 1.3.5 **Chapter 2:** summarises the national and local planning policy context, including an overview of the relevant LDP policies. This chapter will also provide an overview of renewable and low carbon technologies currently deployed with the Maldon District.
- 1.3.6 **Chapter 3:** directly concerns the planning considerations relating to sustainable building regulations, how non-residential development can achieve the required Building Research Establishment Environmental Assessment Method (BREEAM) standards, the benefits to achieving the voluntary WELL Building Standards and Passivhaus Standards for residential development, as well as to additional guidance contained within the Maldon District Design Guide. Sustainable building standards, will be analysed for resource efficiency as a way of identifying the most efficient and effective techniques for building sustainable homes within the Maldon District.
- 1.3.7 **Chapter 4:** will focus on the implementation of renewable and low carbon technologies into new developments, as well as the procedures and regulations surrounding retro-fitting technologies into existing buildings.
- 1.3.8 **Chapter 5:** provides planning and technical guidance relating to renewable and low carbon technologies that are considered appropriate within the Maldon District. The technical guidance reflects the unique opportunities and challenges for the deployment of renewable and low carbon technologies that exist in the District and it will consider the District's features and characteristics and will also include the potential impacts that may arise at different stages, for example at deployment or in-design stage. Information regarding community ownership initiatives and national incentive schemes will also be available to view within this section.

## 1.4 Context and Content of the SPD

### Context

- 1.4.1 Renewable and Low Carbon Technologies have the ability to reduce the levels of greenhouse gases that are present in the atmosphere. These technologies also have the potential to overcome the dangers that climate change poses on our planet. The Intergovernmental Panel on Climate Change (IPCC)<sup>1</sup> recognises that ‘these technologies not only have the potential to mitigate climate change but can help improve energy security, reduce negative impacts on the environment and health and contribute to social and economic development’.
- 1.4.2 The Government has pledged that the United Kingdom will reduce its level of emissions to contribute towards limiting global warming to below 2 Degrees Celsius, in light of the most recent Climate Change Summit, COP21. It will be the responsibility of Local Planning Authorities to help achieve these objectives through planning policies and guidance.
- 1.4.3 Policy D4 of the LDP identifies that renewable and low carbon energy projects have the potential to reduce greenhouse gases. But, the LDP also recognises that it is essential that the benefit of optimising renewable and low carbon technologies should be balanced with the need to protect the local and natural environments that surround our communities, and the amenity of local residents.
- 1.4.5 The natural biodiversity and geodiversity sites that are featured within the Maldon District include internationally, national and locally protected Ramsar sites, Special Areas of Conservation and Special Protection Areas as well as SSSI’s, National Nature Reserves and Marine Conservation Zones. Interspersed within this landscape are numerous national and locally protected heritage assets including Scheduled Monuments, Listed Buildings, Registered Parks and Gardens and Conservation Areas. These pose one of many challenges for the deployment of renewable and low carbon technologies within the District.
- 1.4.6 The District’s sensitive landscape is encapsulated by the two estuaries and the associated extensive flat and gently undulating alluvial plain, to which their presence and distribution are strongly characterised by geology and landform. In a local context, there is an increasing awareness of the importance of the natural landscape and biodiversity which is under threat from development pressures and the impacts of climate change. It is imperative that these sites of local ecological significance are protected against development that would have detrimental impacts.
- 1.4.7 This SPD includes information on a range of technologies; however it will not contain guidance on offshore wind energy. Although part of the District

boundary does cover the coastline, there is insufficient space for offshore wind energy developments to be allocated within the boundary. The principles set out in the SPD will however be used as guidance if Maldon District Council is consulted on offshore proposals.

1.4.8 Regarding large-scale onshore wind energy developments, the Secretary of State has advised that Local Planning Authorities must clearly allocate suitable areas for wind energy development in a Local or Neighbourhood Plan. The Approved LDP does not identify any suitable sites for wind turbines: therefore this SPD applies to domestic and small-scale projects and any proposals identified through Neighbourhood Plans.

1.4.9 What is defined as a domestic or small-scale wind energy development is outlined in Section 5: Implementing Renewable Energy into Current and New Developments.

## **1.5 Defining Renewable and Low Carbon Technologies**

1.5.1 Low carbon technology, an umbrella term, covers a range of technologies and systems that aim to reduce and limit greenhouse gas emissions through a range of processes. The Committee on Climate Change<sup>2</sup> identify the following as low carbon technologies and systems:

- Renewable Energy Technologies
- Nuclear Power
- Electrification
- Sustainable Building Materials and Techniques

1.5.2 Low carbon technologies consist of different methods of low emissions energy generation, and can also help improve the efficiencies of development throughout its lifecycle, including the design and construction phases of housing development. Guided by national, compulsory and voluntary sustainable building regulations, low carbon technologies can be incorporated into schemes to make developments compliant or even exceed the required standards.

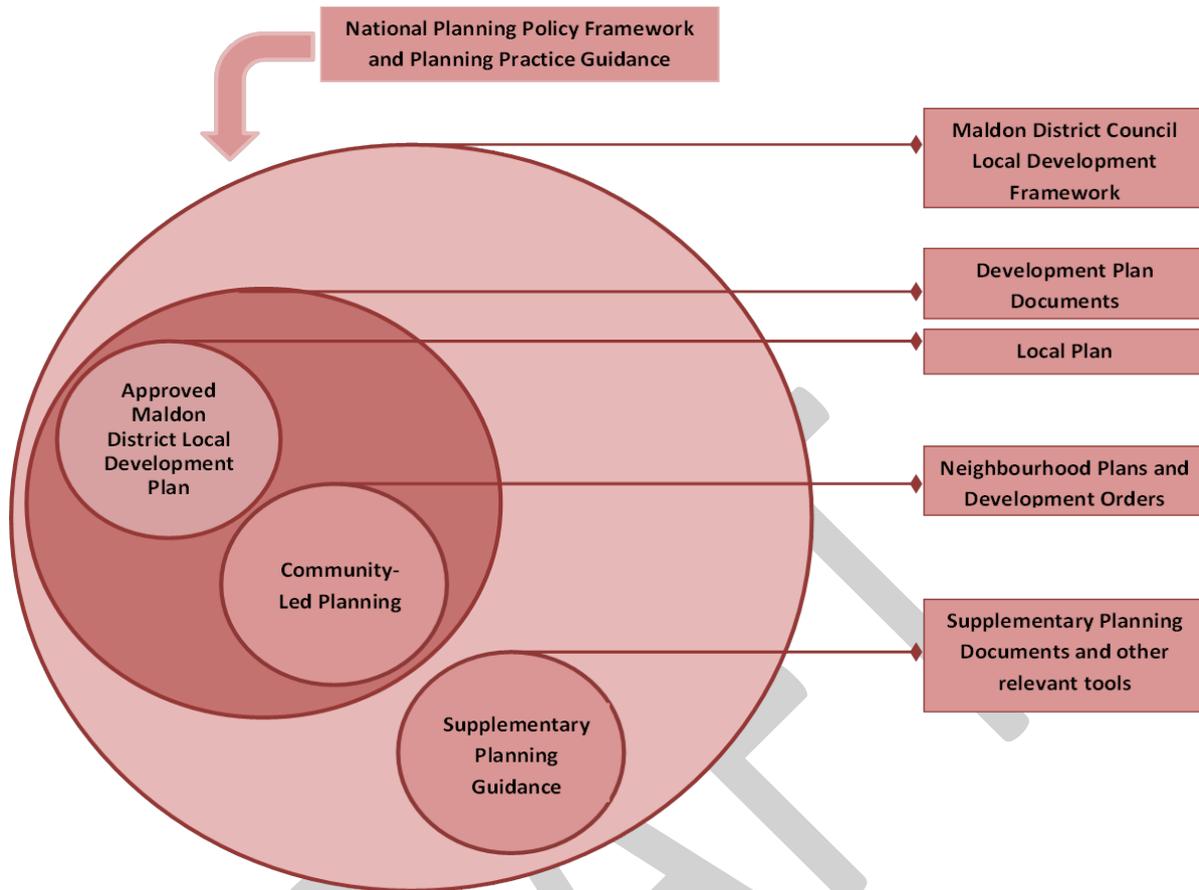
1.5.3 Renewable energy, simply, is energy from a source that is not depleted when used. According to the Carbon Trust, renewable energy refers to energy that occurs naturally and repeatedly in the environment. They produce sustainable and clean energy from sources such as the sun, waves, wind and geothermal heat from the ground. Renewable energy can also be produced from plant sources, such as wood or crops. Renewable energy, unlike fossil fuels, will never diminish. They emit zero greenhouse gas emissions during their harnessing phase, unlike other low carbon technologies such as Combined Heat and Power systems, which can only limit greenhouse gas emissions through various efficiency measures.

- 1.5.4 In combination, renewable and low carbon technologies can positively reduce dependence on non-renewable energy resources and additionally, support a national energy framework seeking to enhance its energy security by reducing dependence on energy imports.

## **2. Policy Framework**

### **2.1 The Planning System and Policy Framework**

- 2.1.1 The national planning system, directly concerning the District of Maldon and its Local Planning Authority, is orchestrated by the Department for Communities and Local Government. The National Planning Policy Framework (NPPF) is a fundamental tool in reducing the complexities associated with the planning system and in addition, allows the system as a whole to be more accessible. It provides a framework within which local communities and local authorities can plan and produce unique and distinctive local and neighbourhood plans, which reflect both the needs and priorities of their communities.
- 2.1.2 Written Ministerial Statements, which feed into the NPPF, enable Ministers to bring important matters to the attention of the House of Commons. Ministerial Statements can be issued to support or supplement existing policy guidance or to provide amendments and updates to current national policies set out by Government. The guidance provided in Ministerial Statements is channelled through sources shared with the NPPF and PPG.
- 2.1.3 Figure 2.1 illustrates the framework that encompasses Development Plan Documents and the Supplementary Planning Documents of Maldon District Council and the influence of the NPPF and PPG.



2.1.4 The NPPF sets out the Government’s planning policies for England and how these are then applied to the policies of Local Planning Authorities in Local Development Plans. Within the NPPF there are a number of guidelines concerning both sustainable building standards and renewable technology deployment.

2.1.5 In meeting the challenges of climate change, paragraph 95 of the NPPF (2012) sets out a number of proactive guidelines. To support the move to a low carbon future, local planning authorities should:



2.1.6 To encourage the use and supply of renewable and low carbon technologies, paragraph 97 of the NPPF (2012) states that Local Planning Authorities should identify the responsibility of communities in contributing, through the use of renewable and low carbon energy systems, towards clean energy. In doing this, Local Planning Authorities should:



2.1.7 The NPPF (2012), paragraph 97, references the role and responsibility of communities by helping to increase the use and supply of clean energy as previously mentioned, however it must be emphasised that this does not mean the need for renewable and low carbon technologies overrides issues surrounding environmental protection nor other material planning considerations.

2.1.8 It is important that local communities and interested stakeholders are consulted and all planning concerns are addressed in a sufficient manner before the development is granted planning permission.

2.1.9 Local and Neighbourhood Plans provide a legitimate platform for the delivery of renewable and low carbon technologies with the engagement and support

of local communities. Through specific channels of communication such as public consultations, Local Planning Authorities are able to engage effectively and efficiently with stakeholders.

2.1.10 Neighbourhood planning enables communities to take direct control in regards to creating a shared vision for their neighbourhood, steering development and growth in a way that is endorsed by the entire community. Neighbourhood planning also provides the right set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

2.1.11 In regards to renewable and low carbon technology developments, Neighbourhood Plans can allocate suitable sites for the allocation of these technologies, including for wind energy development. If no suitable sites are designated then large-scale wind energy development cannot be supported through any policy within the plan.

2.1.12 For both Neighbourhood and Local Development Plans, as outlined within Planning Practice Guidance: Renewable and low carbon energy<sup>3</sup> (18<sup>th</sup> June 2015), the policies concerning renewable and low carbon technologies must be considerate of certain matters, such as:

The range of technologies that could be accommodated and the policies needed to encourage their development in the right places.

The costs of many renewable energy technologies are falling, potentially increasing their attractiveness and the number of proposals.

Different technologies have different impacts and impacts can vary by place.

The UK has legal commitments to cut greenhouse gases and meet increased energy demand from renewable sources. Whilst local authorities should design their policies to maximise renewable and low carbon energy development, there is no quota which the Local Plan has to deliver.

2.1.13 Each Local Development Plan is tailored to the unique environment it encapsulates; therefore policies are designed to best serve not only the natural and built environments, but the social settings and economic opportunities that co-exist in those environments.

## 2.2 Maldon District Local Development Plan Policy and Documents

2.2.1 The Maldon District LDP contains two policies that directly relate to the Renewable and Low Carbon Technologies SPD:

1. Policy S1: Sustainable Development (*Table 2.1*)
2. Policy D2: Climate Change and Environmental Impact of New Development (*Table 2.2*)
3. Policy D4: Renewable and Low Carbon Generation (*Table 2.3*)

2.2.2 The policies relating to sustainable building standards and renewable and low carbon technologies have been produced in conformity with the guidelines set out in the NPPF. The policies are tailored to the District of Maldon and have clear and coherent objectives relating to the delivery of sustainable development.

### Policy S1 Sustainable Development

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply the following key principles in policy and decision making:

- 1) Ensure a healthy and competitive local economy by providing sufficient space, flexibility and training opportunities for both existing and potential businesses in line with the needs and aspirations of the District;
- 2) Deliver a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations;
- 3) Promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;
- 4) Support growth within the environmental limits of the District;
- 5) Emphasise the importance of high quality design in all developments;
- 6) Create sustainable communities by retaining and delivering local services and facilities;
- 7) Enable and adapt to the effects of climate change by limiting greenhouse gas emissions through the efficient use of energy and use of renewable alternatives, coastal management, and mitigating against flooding;
- 8) Ensure new development is either located away from high flood risk areas (Environment Agency defined Flood Zones 2 and 3) or is safe and flood resilient when it is not possible to avoid such areas;
- 9) Conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network;
- 10) Conserve and enhance the historic environment by identifying the importance of

local heritage, and providing protection to heritage assets in accordance with their significance;

11) Identify the capacity and constraints of local infrastructure and services, and seek to mitigate identified issues through developer contributions including Section 106 agreement and / or Community Infrastructure Levy and other funding sources;

12) Maintain the rural character of the District without compromising the identity of its individual settlements;

13) Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community; and

14) Support the expansion of electronic communications networks, including telecommunications and high speed broadband.

The Council will always work proactively with applicants jointly to find a solution which means that development proposals can be approved wherever possible, and to secure sustainable development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this LDP and, where relevant, with policies in the District's neighbourhood plans, will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, the Council will grant permission unless material considerations indicate otherwise. Account will be taken if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate that development should be restricted.

*Table 2.1 Policy S1: Sustainable Development*

2.2.3 Policy S1 sets out several key overarching sustainable objectives from which the policies in the Approved LDP are derived. Therefore when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in national planning policy. The Council will therefore seek to secure development that improves the economic, social and environmental conditions in the area.

## **Policy D2**

### **Climate Change & Environmental Impact of New Development**

All development must minimise its impact on the environment by incorporating the following principles:

1) All non-residential development should achieve a minimum of BREEAM 'Very Good' rating or be supported by a bespoke assessment that demonstrates appropriate environmental performance results above current Building Regulation requirements;

2) Development should seek to maximise the use of building materials from sustainable sources and apply sustainable construction methods where appropriate;

3) Incorporating recycling facilities having regard to the Council's adopted waste strategy and current or planned waste collection methods;

4) Development will contribute towards making the most efficient use or re-use of existing resources and reducing the lifecycle impacts of materials used in

construction. The Council may require large scale development proposals to be supported by a Site Waste Management Plan;

5) Green infrastructure should be incorporated as a way of adopting and mitigating for climate change through the management and enhancement of existing habitats and the creation of new ones to assist with species mitigation, to provide shade during high temperatures and for flood mitigation. Negative impacts on ecology, landscape and green infrastructure should be minimised;

6) Minimising all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures;

7) Where appropriate, development will include measures to remediate land affected by contamination and locate development safely away from any hazardous source;

8) Where appropriate, development will include measures to address land instability issues where identified;

9) Maintain and enhance local air quality in accordance with national objectives;

10) Seek to reduce the need to travel, particularly by private vehicle, by encouraging sustainable transport methods, and providing flexibility in the development to enable home working or similar facilities; and

11) Development must take into account and other benefits of preserving the best and most versatile land. Where possible poor quality land should be prioritised over higher quality land.

*Table 2.2 Policy D2: Climate Change and Environmental Impact of New Development*

2.2.4 In accordance with national planning policy, this SPD will clarify how the Council will expect national sustainable building standards and the requirements of Policy D2 to be delivered.

2.2.5 Policy D2 is directed towards both residential and non-residential developments within the District, using a criteria-based approach to identify what is expected of new development. The criteria-based policy incorporates minimum nationally recognised standards throughout.

2.2.6 The Council requires, where viable, non-residential development to achieve a minimum BREEAM rating of 'Very Good' or be supported by a bespoke assessment that demonstrates appropriate environmental performance results above current Building Regulation requirements. For guidance see Section 3.3.

2.2.7 Policy D2 focuses on methods of mitigation and adaptation for new developments and the processes involved. This would help deliver the Council's objective to reduce wastefulness and improve development design and good practice as requested within the Ministerial Statement<sup>4</sup> dated 25/03/2015.

## **Policy D4 Renewable and Low Carbon Energy Generation**

In principle, support will be given for the delivery of large-scale renewable and low carbon energy projects, excluding wind energy, provided adverse social, economic and environmental impacts have been minimised to an acceptable level.

Suitable areas for wind energy development may be identified through the preparation of Neighbourhood Plans and proposals for wind energy developments will be determined in accordance with national planning policy and practice guidance.

Development proposals will be approved where it can be demonstrated, to the Council's satisfaction, that the development will not have an adverse impact, either individually or cumulatively, on the following:

- 1) The purpose or function of internationally, nationally or locally designated sites of protected wildlife or landscape areas;
- 2) Heritage assets and the setting of heritage assets within the landscape;
- 3) Landscape and the character of the undeveloped coast and areas, which by nature of their topography, are sensitive to development;
- 4) Neighbouring amenity, in respect to visual impact, flicker, vibration, glare, overshadowing, active or background noise levels and any other emissions;
- 5) The safety of public footpaths, bridleways, highways, avian wildlife and aviation;
- 6) Telecommunications including those used by the police and emergency services and navigational equipment; and
- 7) The best and most versatile agricultural land.

Proposals must have full consideration of individual impact or cumulative impact where there are more than one existing or proposed renewable energy projects.

The Council will strongly support the principle of the development of a new nuclear power station at Bradwell-on-Sea.

### *Table 2.3 Policy D4: Renewable and Low Carbon Energy Generation*

2.2.8 Policy D4 provides a criteria-based narrative for development proposals wishing to be deployed within the District. As mentioned in the policy, support will be provided for both large and small-scale developments, providing they do not produce adverse social, economic and/or environmental impacts of an unacceptable level within the District.

2.2.9 Large-scale onshore wind energy will not be promoted or outlined within this SPD. See paragraph 5.1.3 for more details.

2.2.10 The principles of Policy D4 are aligned with the preservation of environmental and social qualities that exist in the Maldon District. The sensitivity of Maldon's landscape and character pose many challenges to managing renewable energy and ensuring that these projects maintain a sustainable, positive relationship with its physical surroundings as well as the amenity of the District's communities.

2.2.11 For further clarification regarding the two specified Policies relating to this SPD, seek guidance within the Approved LDP found at <https://www.maldon.gov.uk/ldp>.

### **Burnham-on-Crouch Neighbourhood Development Plan**

2.2.12 The 'made' Burnham-on-Crouch Neighbourhood Development Plan is a Development Plan Document and forms part of the Development Plan for the District. It therefore has the same legal status as the Approved LDP. Any planning applications in Burnham-on-Crouch should therefore be determined in accordance with the development plan, unless material considerations indicate otherwise.

2.2.13 The Burnham-on-Crouch NDP identifies the benefits of renewable energy in addressing climate change, however it also addresses a need to preserve or enhance the character and appearance of the overall town and conservation area in particular, to avoid harm to listed buildings through inappropriate development within their setting. Policy EN.4 outlines the requirements for renewable energy development proposals within Burnham-on-Crouch:

#### **Policy EN.4 – Renewable Energy**

Proposals for the development of renewable energy proposals will be supported in the Plan area subject to the following criteria:

- They preserve or enhance the character and appearance of the conservation area;
- They take account of the setting of the Town within the Dengie Peninsular;
- They do not have an unacceptable detrimental effect on the integrity of a listed building or its setting; and
- They do not have an acceptable detrimental effect on the amenities or residential or other properties in the site's locality.

*Table 2.3 Policy EN.4: Renewable Energy Policy of the Burnham-on-Crouch Neighbourhood Development Plan*

2.2.14 In addition, Policy EN.5 of the Neighbourhood Development Plan encourages any future construction and maintenance of wind turbines to be accessed from the river to reduce the impact on the road network where possible.

2.2.15 For further clarification regarding the specified Policies of the Neighbourhood Development Plan, see [Burnham Neighbourhood Plan](#).

### **Maldon District Design Guide**

2.2.16 Developers should have regard to the Maldon District Design Guide in all new developments within the District. The Maldon District Design Guide sets out clear design principles to guide future development in the District. One key design objective relates directly to renewable energy and sustainable building design. The key objective, sustainability, aims to minimise the impact on our environment by using land efficiently whilst respecting the existing landscape character and green infrastructure. New development should therefore be

sustainable and resilient to climate change by taking into account landform, layout, building orientation, massing, landscape and visual impact to minimise energy consumption and mitigate water run-off and flood risks. To enhance biodiversity as a minimum, schemes should lead to no net loss of habitat.

2.2.17 Part C: C21 Future Proofing outlines the importance of mitigation against the effects of climate change in increasingly warmer and cooler weather patterns and the importance of reducing energy consumption and waste production. The Design Guide provides a number of review stages requiring completion throughout the design and development process, these are as follows:

- Building design takes advantage of orientation.
- Building depths are limited wherever possible to maximise natural lighting levels and natural ventilation.
- Layouts avoid single-aspect dwellings which may cause homes to overheat if south-facing or create additional heating demands if north-facing. Cavity wall insulation and thermal window technologies can mitigate these issues however (see 3.4.18)
- South-facing windows to maximise natural daylight.
- North-facing facades seek to minimise large areas of glazing to prevent unnecessary heat loss in winter.
- Shading is considered to south-facing windows to prevent overheating in the summer months, such as a deciduous tree adjacent to the property.
- Tree planting or land management is considered for shading or cooling.
- The use of green roof systems or green walls are considered and are appropriate within the context of the site.
- The use of low-embedded energy or materials that can be recycled is used, where appropriate.
- The use of materials with high thermal mass are used where appropriate.
- Existing and proposed green infrastructure, landscape features and SuDs are incorporated to mitigate climate change.
- Bat or bird roosting or nesting facilities in buildings and grounds are considered.

2.2.18 The Design Guide emphasises that sustainable design can work in harmony with developments contained within Conservation Areas and on/or close proximity to Listed Buildings. This includes renewable and low carbon energy projects which if designed appropriately can positively enhance heritage assets. A number of design review stages require completion, which ensures sustainable design and construction methods.

- You have checked if the building or site is listed or in a Conservation Area.
- Energy efficient solutions are integrated as part of the development.
- Any solar panels that are positioned on building surfaces are facing within 90 degrees south and not overshadowed for maximum efficiency, however are not restricted to. Ensure that the roofs are strong enough to hold the panels.
- The design allows for system maintenance.
- All water fittings i.e. taps and showers are specified and installed are recognised low flow technology.
- Low or dual flush WCs are used.
- The opportunities for rainwater harvesting or grey water recycling is maximised, where possible.

### **2.3 National Energy Strategy and Targets**

2.3.1 The Government's latest energy strategy report, The Energy Revolution and Future Challenges for UK Energy and Climate Change Policy (HC 705, 2016)<sup>5</sup>, states that 'harnessing renewable energy in a way that makes a significant contribution to the nation's electricity supply is twofold, by producing clean forms of energy and increasing energy security'.

2.3.2 This is important because Local Planning Authorities are responsible for renewable and low carbon energy developments of 50 megawatts or less installed capacity (under the Town and Country Planning Act 1990) which would help deliver the Government's aspirations. As of August 2017, there were 57,673<sup>6</sup> renewable heat installations accredited to the Domestic Renewable Heat Incentive in the UK (see Section 5.10), emphasising the role of local communities and domestic households in contributing towards a green energy mix and helping to secure better energy security for more people. The national targets and statistics outlined below demonstrate why it is the duty of all, including communities and residents of the District, to deliver renewable and local carbon energy generation and incorporate sustainable design in new development.

2.3.3 The UK has committed itself to a reduction in greenhouse gas emissions through the Climate Change Act 2008, which includes a commitment to an 80% reduction in emissions by 2050 of those emission levels of 1990. The Act also has an interim target to reduce carbon dioxide emissions by 26% by 2020.

2.3.4 To meet these targets, the government has set five-yearly carbon budgets which run until 2032. They restrict the amount of greenhouse gas the UK can legally emit in a five year period. The UK is currently in the second carbon budget period (2013 to 2017).

2.3.5 As outlined in Figure 2.1, there has been a 42% decrease in greenhouse gas emissions emitted in 2016 compared to that emitted in 1990. UK emissions were 38% below 1990 levels in 2015. The first carbon budget (2008 to 2012) was met and the UK is currently on track to outperform on the second (2013 to 2017) and third (2018 to 2022). The UK is, however, not on track to meet the fourth budget (2023 to 2027).

2.3.6 To meet future budgets and the 80% target for 2050, the UK will need to reduce emissions annually by at least 3% from now on. This will require the Government to impose stricter measures to reduce emissions. Therefore it is essential that the Council establishes a framework within which the District can contribute to future carbon budgets: promoting appropriate renewable energy and low carbon technology projects and sustainable building standards that will deliver these objectives.

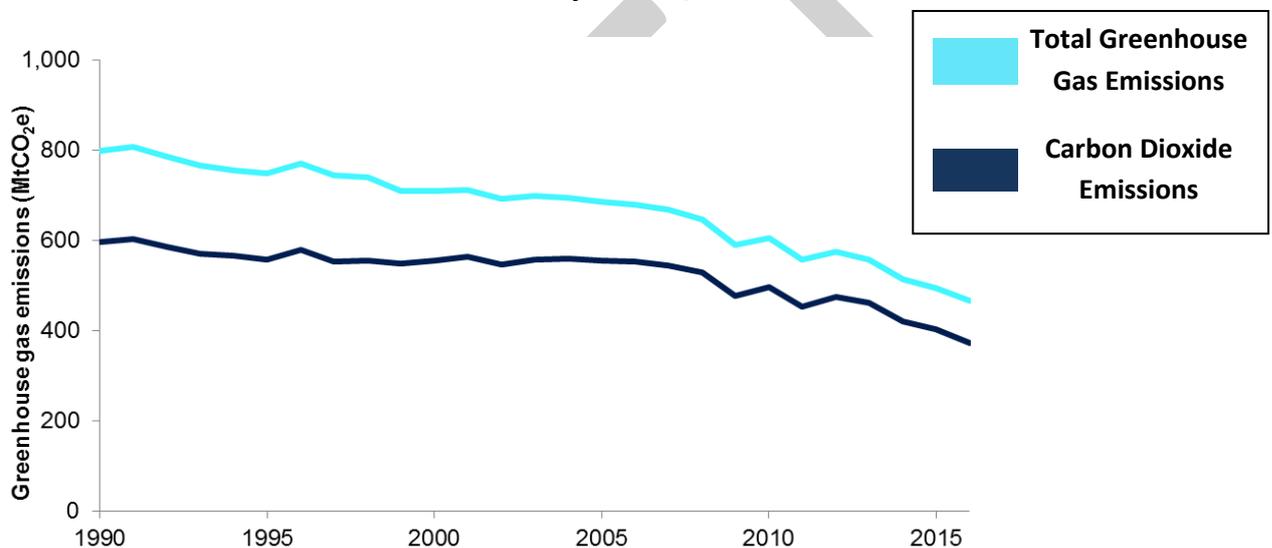
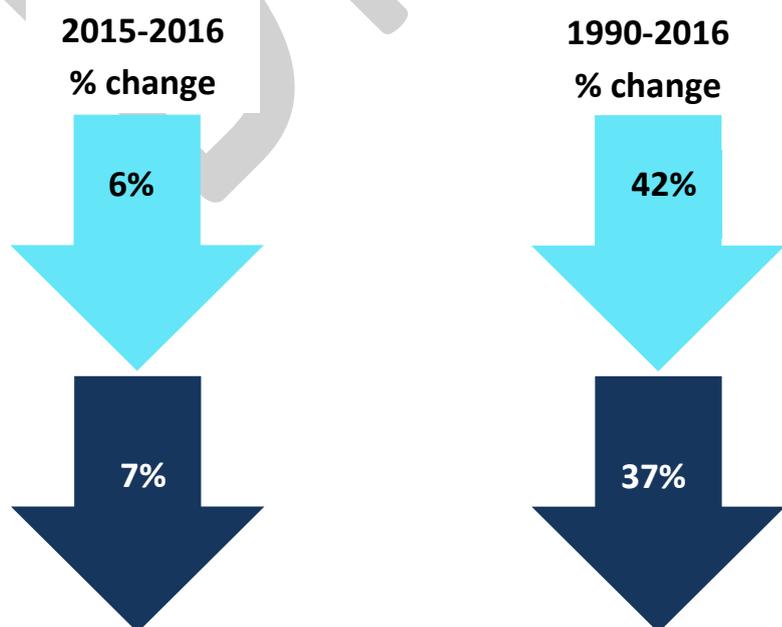


Figure 2.1: UK greenhouse gas emissions 1990-2016



Source: Department for Business, Energy and Industrial Strategy (2017)<sup>7</sup>

2.3.7 The LDP also recognises the UK's commitment to the Renewable Energy Directive (EU, 2009)<sup>8</sup>. The directive establishes a mandatory national target for the UK to achieve a 15% share of all energy generation from renewable sources. Broken down, this equates to a 30% share of electricity, a 12% share of heat generation and a 10% share in transport from renewable sources by 2020.

2.3.8 Illustrated in Figure 2.2 is a breakdown of targets set out in the Renewable Energy Directive. In 2015, 22.31% of electricity, 5.64% of heat and 4.23% of transport fuel consumption was met by renewable sources. In total, this equates to 8.31% of 15% of all energy generation having been achieved through renewable sources, indicating that there is progress to be made. The objectives of this SPD can therefore help to ensure Maldon's contribution remains constant.

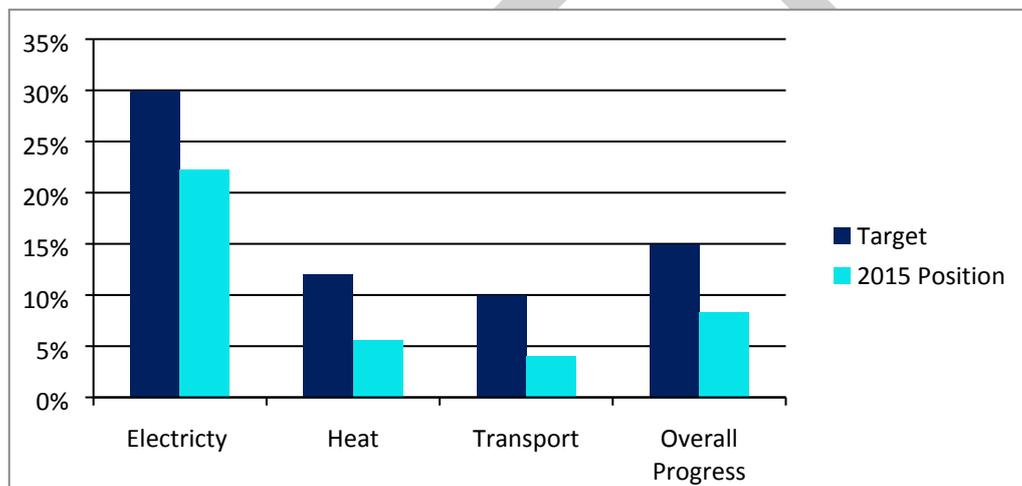


Figure 2.2: Renewable Energy Directive Targets and Progress in 2015

2.3.9 Renewable energy and low carbon technologies and sustainable building standards can help residents achieve greater energy security and dependency. The Energy and Climate Change Committee report (HC 705, 2016) acknowledges that the UK is heavily dependent on Europe for its energy supply. All electricity imports and 69% of gas imports arrive via interconnectors with Europe (HC 705, 2016). However as a consequence, the UK's independence in terms of energy security and flexible energy management will strengthen as the requirement for local energy generation becomes more pragmatic.

2.3.10 With the departure from the European Union, the UK energy mix must move towards a system that is predominantly dependant on internal energy supplies. Otherwise shifts in electricity and heat generation will create new pressures on the network, particularly the networks that store and distribute these forms of energy throughout the UK. The UK will also be liable to future

tariffs on energy products, as well as the goods and services that supply the energy sector and low carbon manufacturing facilities.

2.1.11 However, the emergence and rapid uptake of renewable and low carbon technologies have, in essence, enabled the UK network to be flexible. The approaches and technologies promoted by this SPD, (in addition to those existing) can enable the beginnings of a more decentralised system, where generation and demand can be met at a distribution- and individual- level.

2.1.12 To maintain influence over this sector, proactive and efficient planning is essential. This SPD will reinforce the approach taken to delivering renewable and low carbon technologies at a national level whilst providing the context for the delivery of renewable and low carbon energy developments at a local level.

## 2.4 Regional Overview of Renewable and Low Carbon Technologies

### East of England Renewable and Low Carbon Energy Capacity Study

2.4.1 The Renewable and Low Carbon Energy Capacity Study<sup>9</sup> (AECOM, 2011) examines the resource potential for a range of renewable and low carbon energy resources in the East of England. The Department for Energy and Climate Change helped develop a reliable and robust methodology, setting out a number of steps for a resource assessment and was able to provide a number of detailed assumptions regarding the East of England and its ability to provide functionality for renewable and low carbon technology operations.

2.4.2 The study identified the current capacity of renewable technologies and region's natural resources. From observations made, the following determinations have been outlined below:

Resource	Observations
<b>Wind</b>	The wind speeds across the East of England are relatively low, primarily due to low elevation and positioning on the east coast. However the extensively rural locations that also comprise flat topography provides reliable wind resources in large areas. The region therefore is suitable for wind generation and has a relatively large installed capacity.
<b>Solar</b>	The levels of insolation in the southern regions of the UK are consistent throughout. However what does vary is the capacity of the region to accommodate the different technologies of solar (domestic and commercial solar photovoltaic and solar thermal), thus influencing its deployment and availability.
<b>Biomass and energy crop</b>	The East of England has low levels of managed forestry when compared to other areas of the UK, this is due to alternative land uses within the region such as intensive food production. Therefore regional biomass resources

	are likely to be limited. However this does not limit the potential for generation from biomass with imported fuels.
<b>Hydro</b>	The low lying nature of the region means that there is very little head height across the river system. Whilst there are many sites which may be suitable for hydro generation (historic sites having used hydro power for milling), the capacity of these sites is low and the overall resource potential is likely to be very small.
<b>Heat pumps</b>	Heat pumps are limited by available heat demand and so the region is unlikely to differ significantly from others from a resource perspective. As an available resource however, heat pumps provide a direct and reliable source of heat throughout the year.

*Table 2.4 Resource Observation within the East of England Region*

2.4.3 Most recent data from 2011 summarises the capacity for Essex: the County had a total capacity of 180 Megawatts installed in 2011 (see Table 2.5). This also indicates which technologies seem more favourable. However as technologies improve and viability becomes less problematic, these figures may change.

Capacity by County (MW)	Total capacity	Dedicated biomass	Landfill Gas	Sewage gas	Wind	Hydro	Municipal and Industrial Waste	Photovoltaics
<b>Essex</b>	180.0	61.8	66.3	3.4	20.7	0.00	27.8	N/A

*Table 2.5 Technology Capacity within Essex County 2011*

2.4.4 The natural resource capabilities within Maldon therefore make it a suitable location for the deployment of certain renewable and low carbon technologies, if the conditions are correct. Section 5 highlights the opportunities that exist within Maldon for a range of technologies that are compatible with its natural resource capabilities.

#### **Renewable and Low Carbon Technologies within the Maldon District**

2.4.5 A number of renewable and low carbon technology schemes exist within the District. Figure 2.3 shows those schemes that generate 5 Megawatts or more at 2017.

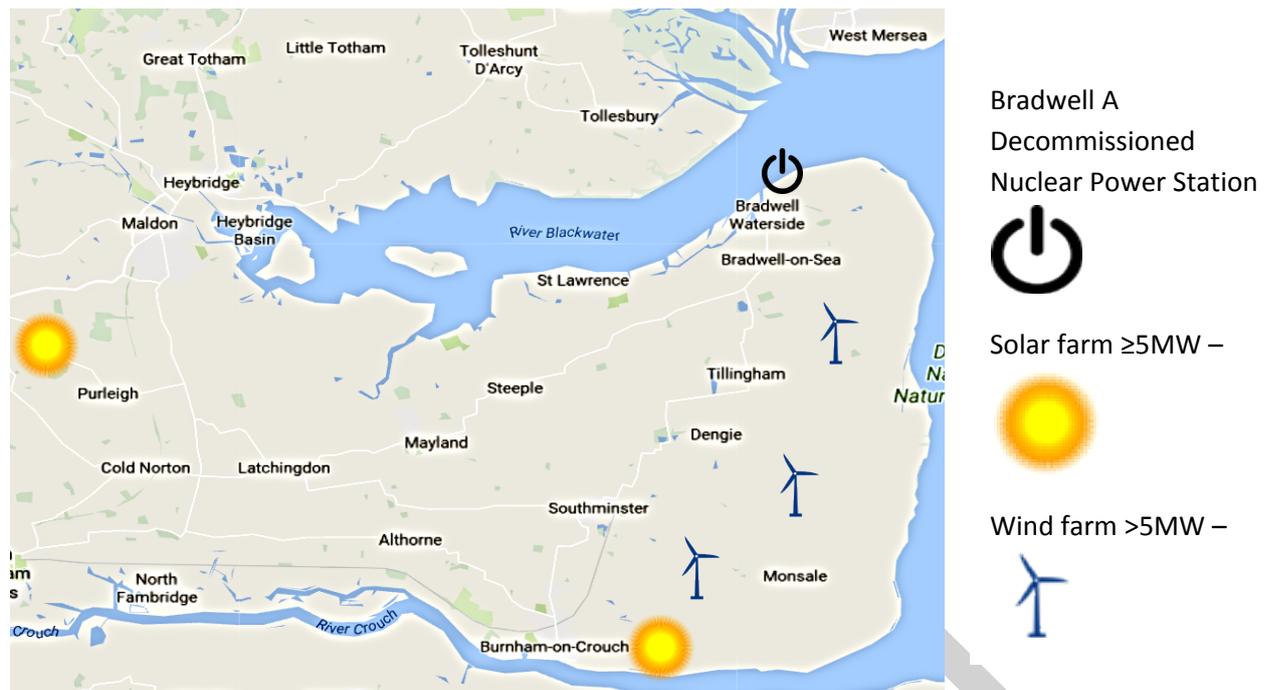


Figure 2.3: Illustration of Large-Scale Renewable and Low Carbon Energy Schemes within the Maldon District (Google Maps)

- 2.4.6 Two large-scale solar farms are situated in the District, one to the east of Burnham-on-Crouch and one to the south-west of Purleigh. Each scheme generates a peak electricity generation of 5MW or the potential to provide electricity to power over 3000 homes.
- 2.4.7 Three large-scale wind farms are distributed across the Dengie peninsula, ranging from 17.5MW of peak electricity generation to 20.7MW. Collectively these three wind schemes have the ability to generate electricity to power over 40,000 homes per annum.
- 2.4.8 Figure 2.3 includes the decommissioned nuclear power station at Bradwell-on-Sea. The power station produced a peak electricity generation of 242MW before being decommissioned in 2002. The Council will strongly support the principle of the development of a new nuclear power station at Bradwell-on-Sea as it has the ability to help deliver a low carbon future for the District.

### 3. Planning Considerations relating to Sustainable Buildings

#### 3.1 Structure of Guidance

- 3.1.1 This section sets out the national building regulations in relation to Policy D2: Climate Change & Environmental Impact of New Development. It also provides detailed information relating to sustainable building standards and the potential planning issues developers should be mindful of when considering new development.

## 3.2 Sustainable Construction Practices

3.2.1 Since the first set of national standards was introduced in The Building Regulations 1965 there have been many fundamental changes to the building regulations regime. The Building Regulations 2010 cover the construction and extension of buildings, including functional performance standards, within a series of Approved Documents.

## 3.3 Statutory Building Regulations

3.3.1 The Government continually issues Approved Documents and updates into the public domain; each document provides guidance about compliance with specific aspects of the Building Regulations in common building situations. The following points relate to the relevant buildings regulations within the Approved Documents do not stipulate the exact policy and regulation. These should be viewed at: <https://www.gov.uk/government/collections/approved-documents>

3.3.2 Building regulations may need to be adhered to even when planning permission is not necessary.

3.3.3 For existing buildings, the circumstances which trigger the need to take action to upgrade the thermal performance are only required for elements that are to be substantially replaced or renovated, or when there is a change of use. To prevent conflicts between energy efficiency requirements in Part L of the Building Regulations and the conservation of historic and traditionally constructed buildings, please have regard to Energy Efficiency and Historic Buildings: Application of Part L of the Building Regulations to historic and traditionally constructed buildings<sup>10</sup> (English Heritage, 2012).

3.3.4 Listed Buildings, buildings in conservation areas and scheduled monuments are exempted from the need to comply with energy efficiency requirements of the Building Regulations where compliance would unacceptably alter their character and appearance. Special considerations under Part L are also given to locally listed buildings, buildings of architectural and historic interest within registered parks and gardens and the curtilages of scheduled monuments, and buildings of traditional construction with permeable fabric that absorbs and readily allows the evaporation of moisture.

### Approved Document L1A – Conservation of fuel and power

#### Section 1 – The Requirements

3.3.5 Reasonable provisions shall be made for the conservation of fuel and power in buildings. This includes limiting heat gains and losses via thermal elements and other parts of the building fabric or from pipes, ducts and vessels used for space heating, space cooling and hot water services. Alternatively, this can be

achieved by providing fixed building services which are energy efficient, have effective controls and/or are commissioned by testing and adjusted as necessary to ensure they use no more fuel and power than is reasonable in the circumstances.

### **Section 2 – Design Standards**

- 3.3.6 Approved Document L1A defines ‘energy performance of a building’ as the calculated or measured amount of energy needed to meet the energy demand associated with a typical use of the building, which includes, inter alia, energy used for heating, cooling, ventilation, hot water and lighting’.
- 3.3.7 Minimum energy performance requirements are applied for new buildings, as outlined in section 2 of Approved Document L1A. The requirements specifically relate to emission targets and fabric efficiency targets. In effect, the regulation seeks a balanced contribution from sources of fuel and the materials used for the construction of a development.
- 3.3.8 The methodology outlining the calculation for energy performances of new buildings seeks to identify the Target CO2 Emission Rate (TER) and Target Fabric Energy Efficiency (TFEE) via Regulations 26 and 26A of Approved Document L1A.
- 3.3.9 The following technical standards consist of both statutory and voluntary requirements for those seeking to develop both residential and non-residential premises. The Council will require developers to adopt the mandatory standards, and exceed the minimum standards where possible to positively enhance the development, the District and the wider environment.

#### **Mandatory Sustainable Building Standards: BREEAM (Building Research Establishment Environmental Assessment Method) UK Non-Domestic New Construction**

- 3.3.10 Policy D2 requires all non-residential developments to achieve a BREEAM standard of ‘Very Good’ or be supported by a bespoke assessment that demonstrates appropriate environmental performance results above current Building Regulation requirements. For clarity, non-residential development is defined as having a floor space greater than 1000sqm, including change of use.
- 3.3.11 Additionally, as a speculative development, it is not possible to determine an accurate baseline energy footprint for non-domestic proposals. Therefore the Council would require an Energy Statement be submitted that would account for typical building energy demands for the type of Use Classes being applied for.

- 3.3.12 In the UK, BREEAM is currently the leading and most robust environmental assessment tool for buildings. The assessment had become a standardised measure for the environment performance of buildings in the UK. A minimum BREEAM rating is also an obligation for publically funded/procured non domestic building developments.
- 3.3.13 The technical standard 'BREEAM New Construction' is a performance based assessment method and certificate scheme for new non-residential buildings. The primary aim of BREEAM New Construction is to mitigate the life cycle impacts associated with new buildings on the environment in an efficient and cost effective way.
- 3.3.14 Research<sup>11</sup> has shown a reduction in operational costs for office developments upholding higher BREEAM ratings. A 2% increase in developer investment has been recovered over a two to five year period in energy savings and reduced water consumption. Not only do BREEAM ratings offer energy efficiency savings, they help limit any risk that may affect both developer and investor. As BRE (Building Research Establishment) argue, many buildings not equipped for the future may devalue significantly or become isolated assets if regulations and legislation alter in a way that requires building efficiencies to become industry norms.
- 3.3.15 Technical content concerning the BREEAM UK Non-Domestic New Construction can be found at: <http://www.breeam.com/new-construction>.
- When and how to engage with the BREEAM UK New Construction scheme**
- 3.3.16 Timing the engagement with and use of the BREEAM UK New Construction scheme is important to ensure the efficient use of the methodology in the new build procurement process.
- 3.3.17 As BRE states, the assessment and accreditation process is best achieved through integration and use of the scheme by clients and their project teams at key stages in the design and construction process. The Council supports this approach and encourages developers to engage at an early stage in the planning process (see section 4.1)
- 3.3.18 This Renewable and Low Carbon Technology SPD discusses the relevant lifecycle stages: New Construction, In-Use and Refurbishment and Fit-Out lifecycles, as these will be relevant and practical to those aiming to uptake BREEAM standards within the Maldon District on a localised level. More information can be found in Appendix 1.

3.3.19 The scheme itself can be used to assess and rate the environmental impacts arising from a newly constructed building development at two life cycle stages. These are:

1. New Build Design Stage
2. New Build Post Construction Stage

#### **New Build Design Stage**

3.3.20 The Design Stage assessment and interim BREEAM rating confirms the proposed buildings performance during the construction period of the life cycle. This stage of assessment and certification should take place at the beginning of construction.

3.3.21 This means that the design must be presented to a BREEAM assessor for verification and evaluation: the building's performance will be assessed against criteria set out in the BREEAM UK New Construction Technical Manual.

#### **Post-Construction Stage (PCS)**

3.3.22 The PCS assessment and BREEAM rating confirms the final 'as-built' performance of the building at the new construction stage of the life cycle. A final PCS assessment is completed and certified after completion of the building works.

3.3.23 BREEAM states there are two alternative approaches to assessment at the post-construction stage:

1. A post-construction review (PCR) of an interim design-stage assessment
2. A post-construction assessment (PCA)

A Post Construction Review assesses a buildings performance once its development and construction stages have been complete. If an interim design-stage assessment has not been conducted i.e. certified, a full post construction stage assessment is required.

#### **BREEAM Assessment and Rating Benchmarks**

3.3.24 There are a number of elements that will determine the overall performance of a new construction project assessed using BREEAM, these are:

1. The BREEAM rating level benchmarks
2. The minimum BREEAM standards
3. The environmental section weightings
4. The BREEAM assessment issues and credits

3.3.25 The BREEAM rating benchmarks projects using the 2014 BREEAM UK New Construction:

<b>BREEAM Rating</b>	<b>% Score</b>
Outstanding	≥ 85
Excellent	≥ 70
Very Good	≥ 55
Good	≥ 45
Pass	≥ 30
Unclassified	< 30

3.3.26 For more information on how to achieve a particular BREEAM rating using the percentage scoring system, please see Appendix 1.

### **3.4 Voluntary Sustainable Building Standards**

3.4.1 The Council will seek to ensure that all developments are sustainable and minimise adverse environmental impacts and climate change, irrespective of the size of development. The following standards have been designed to minimise energy usage during the lifecycle of both domestic and non-domestic units. The Council will be supportive of development that can demonstrate sustainability through design, construction and the use of low carbon technologies, particularly those that exceed the minimum standards.

3.4.2 Policy D2 requires all non-residential developments to achieve a BREEAM rating of 'Very Good' or a bespoke assessment that beholds similar sustainability objectives. The following standards present alternative assessment methods that can be applied for non-residential development and would provide a sound basis to deliver sustainable residential development.

#### **BREEAM**

3.4.3 The key aims of BREEAM are:

- To mitigate the life cycle impacts of buildings on the environment
- To enable buildings to be recognised according to their environmental benefits
- To provide a credible, environmental label for buildings
- To stimulate demand for sustainable buildings

3.4.4 BREEAM has enabled the idea that sustainable construction methods can be achieved at relatively little additional cost to the developer and then to the house-buyer in terms of lower energy costs which may help those living in fuel poverty.

3.4.5 To ensure that fundamental environmental issues are mitigated effectively and efficiently, BREEAM has set minimum standards of performance in key areas such as; energy, water and ventilation. These performance areas are all set out through range of development lifecycle stages. These are:

- Communities: Master planning
- Infrastructure: Civil Engineering & Public Realm
- New Construction: Buildings
- In-Use: Buildings
- Refurbishment and Fit-out: Buildings

3.4.6 Residential development that seeks to achieve these minimum standards of performance will be fulfilling criteria contained in Policy D2 and will supported in principle, subject to condition the development is not contrary to the policies within the Approved LDP.

3.4.7 For more information on how to achieve specific performance standards related to BREEAM, please see Appendix 2.

### **Passivhaus**

3.4.8 The core approach taken by the Passivhaus *‘is building, for which thermal comfort can be achieved solely by post-heating or post-cooling of the fresh air mass, which is required to achieve sufficient indoor air quality conditions – without the need for additional recirculation of air.’*

3.4.9 The Passivhaus standard aims to dramatically reduce the requirements for space heating and cooling, whilst also creating excellent indoor air quality and comfort levels. As an holistic approach to building design and performance Passivhaus is best incorporated into the design stage of new development, when the best thermal and cooling results can be achieved.

3.4.10 Passivhaus design incorporates the following measures in order to achieve thermal comfort in the greatest practical sense:

- Good levels of insulation with minimal thermal bridges
- Passive solar gains and internal heat sources
- Excellent level of airtightness
- Good indoor air quality, provided by a whole house mechanical ventilation system with highly efficient heat recovery

3.4.12 The flexibility of the Passivhaus standards mean they can be applied to not only residential dwellings, but also to commercial, industrial and public buildings and could provide a good solution to delivering sustainable development in the District.

### **WELL Building Standards**

3.4.13 The WELL Building Standard (WELL) marries best practice in design and construction with evidence-based medical and scientific research – harnessing the built environment as a vehicle to support human health and well-being.

3.4.14 The WELL Building Standard sets seven performance requirements relevant to occupant health in the built environment – air, water, nourishment, light, fitness, comfort and mind. WELL Certification is based on performance and requires a passing score in each of the seven categories of the WELL Building Standard. WELL Certification is awarded at one of three levels: Silver, Gold and Platinum. WELL can be applied to all new development but is more successful when applied to commercial and institutional development.

#### **Other Efficiency Measures**

3.4.15 There are a range of energy efficiency measures that can be incorporated into both domestic and non-domestic premises to ensure optimal efficiency levels in relation to both thermal insulation and cooling.

3.4.16 Open cell polyurethane foam coatings provide insulation for a broad range of applications. Most beneficial in relation to building efficiencies, open cell polyurethane technologies can be implemented into wall and ceiling cavities to provide high levels of insulation. More permeable than closed cell polyurethane, open cell technologies are breathable and allow for stable temperatures throughout the year. This enables excellent thermal insulation during the winter and adequate cooling at higher temperatures, in the summer season.

3.4.17 An average domestic household loses 10 percent of its heat through windows and doors. Energy efficient glazing reduces these thermal losses and improves natural (passive) ventilation. There is a range of glazing materials that can be adopted in both domestic and non-domestic premises, from double-glazed to triple-glazed.

3.4.18 The most energy efficient glass for double glazing is low emissivity (Low-E) glass. This type of glass is manufactured with a layered coating of metal oxide on one internal panes of glass. The advantage of this type of glass is its ability to let light in but cut down on heat loss. In addition, the gap between the two panes of glass is filled with an inert, non-toxic gas that has a greater density than air, therefore more effectively reduced heat loss.

3.4.19 Illustrated in Figure 3.1, an award winner for sustainability in the Maldon Conservation and Design Awards is an exemplar case study, which highlights how sustainable building techniques and technologies can be incorporated into a befitting design that promotes compatibility.

### Maldon Conservation and Design Awards: Sustainability Case Study

This prestigious award scheme aims to encourage a sympathetic approach to building conservation, to promote good design and the enhancement of our natural and built environment. Sustainable development is one category of design that is considered for the award, addressing such issues as climate change, energy efficiency and sustainable sources of materials and their transportation.

One example located in Purleigh, winning the award for sustainability in 2014, beholds a unique design using 'Hemcrete', – a bio-composite material combining lime and locally grown hemp – for its wall and roof construction. This method of design has excellent thermal insulating properties and a high energy efficiency rating.

The development incorporates twenty eight combined photovoltaic and solar thermal panels and a ground source heat pump. For information on ground source heat pumps, see Section 5.8.



The use of steel and concrete has been minimised throughout the construction process, limiting the development's carbon footprint. Triple-glazing has been used in windows that are orientated to maximise solar gain, both in light and heat terms.

*Figure 3.1: Maldon Conservation and Design Award for Sustainability*

## **4. Implementing Renewable Energy into Current and New Developments**

### **4.1 Permitted Development Rights for Renewable and Low Carbon Technology Developments**

- 4.1.1 Certain types of development can be performed without needing to apply for planning permission. These are called permitted development rights. They derive from a general planning permission granted by Parliament, rather than a local authority.
- 4.1.2 Permitted development rights should be interpreted with caution as rights which may apply to many common projects may not apply to others. In England there are a range of exclusions that apply to permitted development rights such as to development in conservation areas.
- 4.1.3 Householder permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the Order”). Part 14 of Schedule 2 outlines all nationally recognised renewable energy resources and their permitted developments on both domestic and non-domestic premises. For the requirements set out under Part 14 of the rules on permitted development, please see [http://www.legislation.gov.uk/ukxi/2015/596/pdfs/uksi\\_20150596\\_en.pdf](http://www.legislation.gov.uk/ukxi/2015/596/pdfs/uksi_20150596_en.pdf).

### **4.2 Technical advice applicable to all renewable and low carbon technology proposals**

#### **The Planning Application Process**

- 4.2.1 The planning system is pivotal in not only minimising energy demand of current and new developments but also for the implementation of renewable and low carbon technologies in both the domestic and non-domestic sector. Due to the type and design of many renewable and low carbon technologies, careful consideration needs to be taken when exploring the possibilities in deploying these technologies.
- 4.2.2 Applications for onshore renewable and low carbon technologies of 50 megawatts and less installed capacity are processed and dealt with by the Council under The Town and Country Planning Act 1990.
- 4.2.3 Renewable and low carbon technology installations over 50 megawatts are considered and decided upon by the Secretary of State for Energy, under the Planning Act 2008. In these cases the Council is a statutory consultee.
- 4.2.4 Most micro-renewable and low carbon schemes, domestic and non-domestic, will not require planning permission as they will be classified as ‘permitted development’ under the Town and Country Planning Act 1990.

4.2.5 Section 61W of the Town and Country Planning Act 1990 requires applications, for planning permission, for development that involves the installation of more than 2 turbines or where the hub height of the turbine exceeds 15 metres are subject to consultation before the application is submitted.

4.2.6 As identified in Article 3 of the Town and Country Planning Act (Development Management Procedure) 2015, a pre-application consultation with the local community must be undertaken for wind energy schemes that do not fall within Permitted Development rights.

#### **Cross-Boundary Communication – Duty-to-Cooperate**

4.2.7 Maldon District Council will continue to discuss all cross-boundary issues with neighbouring authorities and other relevant stakeholders, including for renewable and low carbon technology planning applications. This will ensure that sub-regional and cross-boundary planning issues have been fully considered and taken into account. It will be determined at pre-application stage whether neighbouring authorities will need to be consulted.

#### **Pre-Application consultation process**

4.2.8 The Council is committed to providing an effective planning service which delivers good quality development proposals. Early discussions between applicants and the Council are a valuable part of the planning application process and are strongly encouraged.

4.2.9 Pre-application discussions should be undertaken to an appropriate standard to ensure that the applicant understands how the Approved LDP policies will be applied to the proposal, identifying the need for specialist input at an early and helping to identify concerns with proposals.

4.2.10 This will enable the applicant/developer and the Council to provide a clear and comprehensive evaluation of the proposed development in relation to the policies located within the LDP as well as for a range of other planning and technical matters, such as for highways, heritage or the natural environment. This enables the scheme to be amended to address concerns or for the applicant to have an opportunity to justify the scheme further. The Council can also provide advice, helping to reduce time at the planning application stage. See Appendix 3 for information on the pre-application process.

#### **Decommissioning and Reclamation**

4.2.11 Planning for decommissioning of large and small-scale renewable and low carbon technology schemes should be outlined during the pre-application stage. Key decommissioning provisions will be secured under a Section 106 agreement (The Town and Country Planning Act 1990). Once any scheme

ceases its operation, the land must be restored to its former use as soon as practicably possible, or within the timescale set out in the S106 agreement.

4.2.12 A decommissioning plan is encouraged. It is an important document that contains provisions for issues that will arise once the technology ceases to produce electricity, such as restorative measures, the removal of structures and equipment and landscaping. The plan should also include mitigation measures for possible site reclamation. Reclamation of land can focus on restoring land to its previous natural state. The potential impacts must be mitigated to their full extent in order to benefit the environment.

4.2.13 Typical activities during a renewable facility decommissioning and site reclamation phase include;

- Facility removal
- Fixed structure and foundation material break up
- Removal of access roads (providing they are redundant for any other use)
- Re-contouring surfaces
- Re-vegetation

4.2.14 Potential impacts from these activities are;

- Acoustic (noise)
- Air quality
- Landscape and visual impacts
- Ecological
- Environmental justice
- Hazardous material and waste management
- Human health and safety
- Land use
- Soil and geological resources

## **5. Planning Guidance and Considerations for each Renewable and Low Carbon Technology**

### **5.1 Detailed Guidance on Topics of Importance for each Technology and the Issues they can Cause**

5.1.1 The SPD includes technical guidance for the following renewable and low carbon technologies:

- Small-scale wind power;
- Solar photovoltaics;
- Solar thermal;
- Biomass and energy crop;

- Small hydro;
- Combined heat and power;
- Ground and air source heating and cooling.

5.1.2 Policy D4 of the Approved LDP (see Section 2.2) sets out the requirements for renewable and low carbon energy generation within the District. The technologies stated above are identified within Policy D4. This section provides further guidance for those promoting such schemes, including how planning applications for such schemes will be assessed and what information will be required as part of the planning application for each technology. The use of these renewable and low carbon technologies can also help achieve the sustainable building standards discussed in section 3.3.

5.1.3 The Written Ministerial Statement (March, 2015) and Planning Practice Guidance state that Local Development Plans must identify all sites suitable for wind energy developments. The Approved LDP has not identified any suitable sites for large-scale wind energy development because the evidence base indicates there is zero capacity within the District. However, Neighbourhood Plans have the ability to identify suitable sites for technologies if a local demand exists. As paragraph 2.1.11 states this means that large-scale wind energy developments cannot be developed in the District unless promoted through a Neighbourhood Plan.

5.1.4 Policy D4: Renewable and Low Carbon Energy Generation therefore states that proposals for wind energy will be determined in accordance with national policy. The focus of this SPD therefore is onshore wind developments that meet the criteria for Permitted Development. The technical guidance can be used to inform the preparation of Neighbourhood Plans and proposals where suitable locations can be found within the District.

5.1.5 All offshore wind energy applications are processed and approved directly by the Secretary of State: these schemes are not included within this SPD. The Council will be a statutory consultee for any schemes.

## **5.2 Technical Guidance and Information**

5.2.1 Policy D4 identifies the following key issues that may need to be considered for renewable and low carbon technology developments. For ease of use, detailed guidance is set out by technology, with technology specific guidance set out for each issue (where relevant). The guidance only applies to the technologies that require planning permission.

- Overview of technology
- Availability of resource
- Landscape and Visual Impact

- Ecological considerations
- Culture and heritage impacts
- Green infrastructure
- Air traffic
- Operational considerations
- Decommissioning and site restoration

### 5.3 Onshore Wind Energy

#### Overview of technology

- 5.3.1 Wind turbines consist of pylon structures with the attachment of two or three blades to a rotor. Wind energy rotates the blades, which spins a shaft, which connects to a generator and produces electricity. The availability and affordability of wind energy generation in the UK has become increasingly more reasonable in recent years. The Feed-in Tariff financial incentive (see Section 5.10) available through government subsidies has contributed to the increasing attractiveness of wind energy use.
- 5.3.2 Onshore wind energy developments have been deployed in various locations around the Maldon District. Ranging from small schemes that are classified as 'permitted development' to large-scale turbines, each capable of producing up to 8MW. Schemes containing these scale of turbines are capable of generating electricity to power up to 55,000 domestic households per annum.
- 5.3.3 Wind turbines vary in size. Small-scale (microgeneration) wind turbines have a power output less than 50kW and are intended to provide electricity supply to domestic households or small-scale businesses. Their design allows them to be either mounted on a roof or stand-alone. Turbines mounted on roofs will have a blade diameter of less than 2 metres. Stand-alone turbines will typically have a blade diameter of less than 15 metres and be less than 30 metres in height.

#### Availability of resource

- 5.3.4 Wind speed is an important issue when identifying a suitable site for a wind turbine. A minimum wind speed of 3.5 metres per second is required for a small wind turbine to start generating power. A wind speed of 10 – 15 metres per second will produce the maximum amount of energy generation of a wind turbine. For wind energy generation to be effective and efficient, wind speeds must have consistency without hindrance from any turbulent air, and other obstructions such as trees and buildings. When wind speed is too high, for safety reasons the blades will cease rotation.
- 5.3.5 Evidence<sup>12</sup> has indicated that there are very few areas within the District suitable for wind farm development, when wind speeds are taken into

account. It is argued by the Council that current large-scale wind energy schemes are utilising the most suitable areas for wind energy.

### **Landscape and visual impact**

- 5.3.6 Visual changes upon landscapes can have a negative impact on societal understanding and acceptance of wind power developments. This is important in the District, which benefits from a range of international, national and locally designated sites. The potential impacts of wind energy can be a direct concern in areas of highly sensitive landscapes. Effects will vary depending on the size and number of turbines in a development, its placement within the landscape, or the number of visual receptors.
- 5.3.7 Landscape impacts include the effect of a wind turbine on the fabric, character and quality of the landscape and the degree to which it will become a defining characteristic. Visual impacts concern the extent to which the wind turbine will become a feature in particular views and the impact upon people experiencing those views. Both must be considered individually and cumulatively with other existing and proposed turbines (those with planning permission but not constructed) as part of the application process.
- 5.3.8 All developments will require a Landscape and Visual Impact Assessment as part of the planning application to assess the likely landscape and visual impacts of the proposal. This should be proportionate to the scheme proposed.

### **Ecological considerations**

- 5.3.9 In the District there are a range of international, national and local environmental designations such of Ramsar sites, National Nature Reserves (NNR) and Specific Sites of Scientific Interest (SSSI). Wind turbines and associated infrastructure can have a significant impact on the setting of these designations and the quality of the designation itself. Therefore, the following environmental issues must be taken into consideration when devising a wind energy development strategy:
- 5.3.10 If a proposal for a wind turbine lies within or is considered to have an adverse impact upon a Ramsar, NNR or SSSI an Environmental Impact Assessment (EIA) may be required upon request. The Council will provide a Screening Opinion advising whether an EIA is required. EIA is a form of assessment that assesses the impacts of a proposal on the surrounding environment, including the perspectives of environmental, social and economic.
- 5.3.11 Approved LDP: Policy N2, states that a Phase 1 Ecological Survey may be required to identify the likelihood of protected and/or priority habitats and species or where other areas of known ecological importance may be

affected. This includes the impact upon bird and bat flights paths. Developers may be required to consult with the Council in these cases.

5.3.12 Additionally, developments should seek to deliver net biodiversity and geodiversity gains where possible. This will be secured on a site by site basis to reflect the characteristics of the application site and natural features in the locality. Any measures will be secured through a S106 agreement.

5.3.13 Proposals must consider how a scheme might minimise the potential of flood risk. Proposals must conform to Policy D5: Flood Risk and Coastal Management of the Approved LDP.

#### **Culture and heritage impacts**

5.3.14 Maldon District contains various designated heritage and cultural assets, both nationally and internationally recognised. Turbines can be a prominent feature in the landscape, if a turbine is proposed within the setting of, or near to the setting of cultural and heritage assets an assessment of its impact on the asset must be undertaken and submitted with the planning application along with details of how any negative impacts will be mitigated.

#### **Green infrastructure**

5.3.15 All wind power developments must conform to Policy N1 of the Approved LDP. There is a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure. This means that the siting of wind turbines must not have any adverse impact upon, for example, the use of current or new infrastructure such as cycle paths or Public Rights of Way.

#### **Air traffic issues**

5.3.16 Wind turbines may generate a risk for low flying aircraft and may have an effect on the proper operation of radar systems. For any wind power development that may produce such concerns, the correct assessments and consultees must be all involved in the planning process.

5.3.17 The National Air Traffic Service (NATS) provide air traffic control in the UK and safeguards all radars, navigation aids and communicational tools from interference and disturbance. NATS is a statutory consultee for all wind energy planning applications in the UK. The Council will encourage applicants to consult with NATS at an early stage in the application process to identify whether their application is likely to be objected to.

5.3.18 Wind turbines can also affect activities of the Ministry of Defence (MOD), including aerodromes, radar and communication facilities. The Council will encourage applicants to consult the MOD to ensure there are no adverse operating impacts that come as a result of the proposed development.

5.3.19 In all cases, the Council will consult NATS on all planning applications involving wind farm applications and will consult the MOD when the size and scale of the turbine indicates that the turbine could interfere with its operations. Applicants should provide evidence of consultation with NATS and the MOD when submitting the planning application, along with details of how any concerns have been addressed.

#### **Operational considerations**

5.3.20 Dependant on the size and scale of development, site access will be required for the construction and maintenance of the development, which may result in the need for an access road leading up to the wind turbines themselves. The appropriate assessments regarding construction of the turbine and to provide the correct cabling from the development site to the sub-station where generated electricity is sent will also need to be undertaken. If any works are required to the highway or any other land this should be identified in the planning application.

5.3.21 Noise generation is perceived to be an adverse impact of wind turbine operations; although noise levels of modern wind energy are generally very low. Improvements in technologies have reduced mechanical noise impacts significantly. However, It is important that turbines are located an appropriate distance from noise sensitive developments to minimise any adverse impacts upon local amenity.

5.3.22 Where it is considered by the Council that a wind energy scheme would be placed in a noise sensitive location, such as near to dwellings, the applicants should undertake a noise assessment produced in accordance with assessment ETSU-R-97 '*The Assessment and Rating of Noise from Wind Farms*'.

5.3.23 A noise assessments must be submitted to the Council with planning applications where it is considered there are noise sensitive developments in the vicinity. Wind turbines must be located a safe separation distance from buildings, public footpaths and bridleways. For turbines with a power output of 50kW this would include a specific distance from a highway.

5.3.24 It is important that there is an appropriate distance between all wind turbines and power lines, National Grid should be consulted on applications and evidence of any pre-application discussions should be submitted as part of the planning application.

5.3.25 Wind turbines may interfere with electromagnetic transmissions such as television, radio and phone signals. The Office for Communications (OFCOM) should be consulted prior to submitting an application. Evidence of

consultation and documents regarding all mitigation strategies targeting adverse effects should be submitted with the planning application.

5.3.26 Under certain circumstances, the sun may pass behind the blades of a turbine and create a shadow effect over neighbouring properties. When the blades rotate, the shadow will flicker. Issues with shadow flicker are rare and will only effect properties with 130 degrees either side of North relative to the turbine. The likelihood will depend on the direction, distance, turbine height, time of year, prevailing wind direction and with 10 rotor diameters of a turbine.

5.3.27 Where a wind turbine proposal is within 10 rotor diameters of a building, an analysis of shadow flicker must be undertaken and submitted with the planning application. If shadow flicker is proven to have an impact, it must be quantified and mitigation strategies identified. Wind turbines can be controlled to avoid shadow flicker; this can be secured through a planning condition that will require the provision and operation of a system that will stop the turbine rotating when shadow flickering occurs.

#### **Decommissioning and site restoration**

5.3.28 The applicant should outline, at the pre-application stage, the post-operational and decommissioning activities for the scheme. A decommissioning plan should accompany the application: this enables the developer to proactively outline the steps necessary for either site restoration or alternative land use scenarios. The decommissioning plan should build in flexibility to reflect the length of time between the application stage and implementation at the end of the development life cycle.

5.3.29 It is proposed, the main planning considerations, when determining an application for onshore wind energy developments are:

- Cumulative landscape and visual impacts;
- Ecology;
- Heritage asset impacts;
- Shadow flicker;
- Noise impacts;
- Air traffic and safety;
- Interference with electromagnetic transmissions;
- Transport and access;
- Infrastructure design and implementation; and
- Decommissioning and site restoration.

## 5.4 Solar Energy

5.4.1 Light and heat from the sun can be utilised to generate energy in the form of electricity using photovoltaic (PV) systems or to heat water using solar heat pumps.

### Solar Photovoltaic Energy

#### Overview of technology

5.4.2 Solar cells, also known as Photovoltaic (PV) cells, absorb and convert solar radiation into electricity via a solar inverter that changes the electric current from a Direct Current (DC) to an Alternating Current (AC).

5.4.3 Solar cells can be arranged to form solar panels, which can then be used for either micro-generation or large-scale deployment in the form of solar farms. Micro-generation schemes are most commonly used domestically or by small businesses, whereas large-scale solar farms typically require large areas of land and are more common in rural locations. Micro-generation schemes are most commonly used to meet individual needs on a localised scale.

5.4.4 Solar Photovoltaic energy uptake is currently subsidised by the UK Government under the Feed-in-Tariffs Scheme, outlined in Chapter 5.10 National Incentive Schemes (Domestic and Non-Domestic).

5.4.5 Active solar technology is permitted development provided the installation is not of an unusual design, does not involve listed buildings and is not situated within a designated area. This section applies to those developments that will require planning permission.

#### Availability of resource

5.4.6 Using photovoltaic cells, the availability of this resource is entirely dependent on the strength of solar radiation. Therefore the stronger the sunlight, the more electricity produced. The positioning of Solar PV systems is important for maximising solar exposure throughout the year.

5.4.7 Solar power works best on south facing roofs at a pitch of about 30 degrees. However any solar power can also work on any pitched roof on a roof facing south of due east and due west. North facing roofs are not well-suited to solar power and should be avoided. Free standing systems should be orientated at the same angle and orientated for best performance.

5.4.8 Shading should also be avoided: maximum efficiency is achieved from systems clear from shading, some shading is acceptable without much reduction in output but shade should be avoided between 10am and 4pm. This applies to solar systems as well as free-standing units. Shade from

buildings, trees, chimneys, TV aerials and vents should be considered before installation.

- 5.4.9 Advances in solar energy technology in recent years have enabled increased compatibility of these products for homeowners. For those who previously were unable to accommodate solar energy on their roof, ground mounted solar products are now becoming a viable option, in part due to the development in tracking mount technologies.
- 5.4.10 Trackers allow solar panels to maximise electricity production by following sun movement throughout daylight hours. PV tracking systems tilt and shift the angle of a solar array, making it suitable to adopt this particular technology where roof options are not available or alternative spaces are deemed more suitable than roof installations. In addition, if roof capacity is not adequate in meeting electricity demands, ground mounted solar energy systems can be suitably matched to electricity consumption without space restrictions of a rooftop system.
- 5.4.11 Dual-axis Rooftop tracking systems, specifically designed for roofs, have the ability to boost commercial uptake of solar power. Tracking systems of this sort are being designed, specifically to fit the roofs of commercial and industrial buildings and can boost energy output by up to 30 percent compared to fixed-tilt trackers and 40 percent compared to solar panels without trackers. On average, the hardware adds 10 percent onto the budget of a solar project, and can improve the economics of a solar installation by 20 percent.

## **Solar Thermal Energy**

### **Overview of technology**

- 5.4.12 Solar thermal (also known as solar water heating) systems absorb the heat emitted by the sun and use it to heat water for domestic use. This simple process involves solar thermal flat plate collectors or evacuated tube collectors, placed on a roof which absorbs heat from the sun.
- 5.4.13 Flat plate collectors consist of a dark flat-plate absorber of solar energy, a transparent cover that allows solar energy to pass through but reduced heat losses, a heat-transport fluid (air, antifreeze or water) to remove heat from the absorber, and a heat insulating backing.
- 5.4.14 Evacuated tubes use heat pipes for their core instead of passing liquid directly through them. These collectors are composed of multiple evacuated glass tubes each containing an absorber plated connected to a heat pipe. The heat from the hot end of the heat pipes is conducted to the transfer fluid and circulated to a domestic hot water tank heat exchanger.

5.4.15 Similar in design to solar photovoltaic panels, solar thermal systems should be mounted on south-facing roofs with direct sunlight to be most efficient and productive. It is compatible with most existing water systems however will not function with appliances that heat water directly from their own source.

5.4.16 Solar thermal systems are currently subsidised by the UK Government under the domestic Renewable Heat Incentive (DRHI). Information regarding this scheme can be found in Chapter 5.10 National Incentive Schemes (Domestic and Non-Domestic).

#### **Availability of resource**

5.4.17 Similar to Solar PV, solar thermal systems capture heat generated via solar radiation, therefore the availability of this resource is dependent on the strength of the solar radiation. The stronger the radiation produced by the sun, the more heat that is absorbed by the collectors. The positioning of Solar PV systems is important for maximising solar exposure throughout the year.

5.4.18 A common misconception is that solar thermal systems are unsuitable in colder climates such as the United Kingdom. Solar collectors do not require bright sunlight in order to operate; they require light and whilst clear weather does improve its efficiency, solar thermal systems can operate in overcast scenarios. However considerations must be given to the operative function of solar thermal systems on an annual basis. It is identified that solar thermal systems have the capacity to cover most hot water loads at all temperatures. If the system is suitably designed it can make worthwhile annual contributions to heating.

#### **Landscape and visual impacts**

5.4.19 The siting and design of solar systems will be determined by the scale and nature of the development. The development of solar PV has the potential to result in significant impacts upon the character and quality of landscape. All proposals should aim to complement the character of the local landscape.

5.4.20 Visual impacts can be generated. To avoid the scheme from becoming a dominant feature within the landscape; they should be sited on relatively level ground. Where possible, schemes should be screened from view by using the existing landscape or vegetation. It may also be a requirement of a scheme that additional planting is incorporated to better screen a site and enhance its visual appearance.

5.4.21 Additionally, glint and glare reflecting off solar panels could have cumulative impacts in the surrounding vicinity if not carefully assessed. A Landscape and Visual Impact Assessment (LVIA) must be submitted with all planning

applications for solar power farms to assess the likely landscape and visual impacts of the proposal.

### **Ecological considerations**

- 5.4.22 The construction of solar facilities can be placed, either on buildings or on large areas of land such as fields. In the case of solar farms careful consideration needs to be given to site selection to minimise adverse impacts upon the environment. If agricultural land is selected, the proposal should allow for the continued agricultural use of the land.
- 5.4.23 Solar energy schemes can have numerous environmental impacts; such as by fragmenting biodiversity and natural habitats.
- 5.4.24 To minimise environmental impact, vegetation and hedgerows should be maintained and enhanced where possible. Security fencing surrounding the development should enable access for species, such as badgers to continue to access the area. Lighting will only be permitted where absolutely necessary, and must be kept to a minimum where allowed and should not adversely impact upon protected species such as bats.
- 5.4.25 A Phase 1 Ecological Survey will be required as part of any planning application to identify any potential impacts and recommend mitigation. Developers should consult with the Council in relation to impacts upon protected species in and around the application site.
- 5.4.26 The use of large areas of land for solar farms and any subsequent soil compaction may alter the way surface water flows. Development in areas at risk of flooding may also increase the risk.
- 5.4.27 A Flood Risk Assessment (FRA) must be submitted with all planning applications for solar power that cover an area greater than 1ha or are outside Flood Zone 1. The FRA should identify and assess the risk on all forms of flooding and demonstrate how these risks will be managed or mitigated in conformity with Policy D5: Flood Risk and Coastal Management of the Approved LDP.

### **Culture and heritage impacts**

- 5.4.28 The District has a number of designated heritage and cultural assets, locally, nationally and internationally recognised, including Scheduled Monuments, Conservation Areas and listed buildings. The physical attributes of all solar energy systems can cause adverse impacts upon the District's heritage and built environment, - permitted development rights will not apply to such proposals.

- 5.4.29 For solar schemes within the setting of, or near the setting of a heritage asset an assessment of its impact must be undertaken and submitted with a planning application along with details of how any identified negative impacts have been mitigated.

### **Green infrastructure**

- 5.4.30 Solar farms are usually a larger scale covering a large land area, so are usually found in rural areas, and use agricultural land. Policy D4 requires that impacts upon the best and most versatile agricultural land are considered through the planning application process. Therefore applications for solar farms on Grade 1, 2 and 3a agricultural land must be accompanied by an appropriate assessment which sets out why the development needs to be located on this land and not on lower grade agricultural land and the benefits the development would have that would outweigh the loss of the agricultural land.
- 5.4.31 All solar developments must conform to Policy N1 and N3 of the Approved LDP, whereby there is a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure. Therefore cycle paths and/or Public Rights of Way such be maintained: if this is not practicable an application should be made to divert the route.

### **Aviation issues**

- 5.4.32 Glint and glare can be produced via solar reflections. There is the possibility that those reflections could be a nuisance to residents, pilots and drivers. These issues should be considered by a glint and glare assessment at an early stage in the application process and should consider the likely reflective capacity of the materials and any impacts. If identified early on in the application process, the potential issues can be rectified.

### **Operational considerations**

- 5.4.33 Site access will be required for the construction and maintenance of the development. In addition, security fencing and lighting may be required. If any works are required to the highway or any other land this should be identified in the planning application.
- 5.4.34 Noise can arise from larger operational solar PV systems. Consideration must be given to this when identifying a site for development, particularly upon noise sensitive developments, such as residential properties that are nearby. A noise assessment may be required to address any impacts identified. This will be determined on a site-by-site basis.

5.4.35 To maintain an optimal level of operational efficiency, solar PV panels will need to be cleaned regularly to avoid dust and dirt making contact with the surface of the panels. To mitigate these issues, nanotechnology solar protector treatments are available. These coatings are applicable to solar panels, pre and post installation, and create a high performance long lasting protective coating for all forms of solar PV panels, improving the energy production of each panel over a long period of time by up to 10 percent.

#### **Decommissioning and site restoration**

5.4.36 When solar panels are no longer needed for generation they should be removed as soon as reasonably possible. This will be secure via planning condition attached to a planning permission. A decommissioning plan should be created for the overall scheme; it should have regard to the decommissioning and reclamation section of this SPD.

5.4.37 It is proposed that the main planning considerations when determining an application regarding solar energy developments are:

- Cumulative landscape and visual impacts;
- Ecology;
- Heritage asset impacts;
- Noise impacts;
- Air traffic and safety;
- Transport and access;
- Infrastructure design and implementation; and
- Decommissioning and site restoration.

## **5.5 Biomass and Energy Crops**

### **Overview of technology**

5.5.1 Biomass can be either used directly or indirectly to create energy. A direct source of energy would be burning biomass products, such as wood, energy crops or animal waste to produce heat. Indirect forms of energy production via biomass are created through the conversion of various forms of biomass into electricity at a combustion plant.

5.5.2 The domestic use of a biomass system (wood-fuelled heating systems) provides a direct source of energy to households by burning wood pellets, chips or logs. Adaptive to suit the needs of each individual household, biomass systems can heat a single room via a log-burning stove or heat multiple spaces and appliances via a biomass boiler. The cost of wood burning stoves and boilers are relatively low, therefore biomass has one of the lowest costs of all the low carbon technologies. Wood burning stoves can create smoke unless chimney/flu filters are installed (See 5.5.24).

- 5.5.3 Larger biomass systems used to heat commercial premises or large buildings will require planning permission if the boiler is to be sited outside the building, or in a new building or extension.
- 5.5.4 Wood fuel boiler systems are subsidised by the UK Government under the Renewable Heat Incentive (RHI). Information regarding this scheme can be found in Chapter 5.10 National Incentive Schemes (Domestic and Non-Domestic).
- 5.5.5 Non-domestic biomass systems and energy crop operations are predominantly used to indirectly produce electricity and biofuels for domestic purposes. Specifically, biomass products are formed by solid, gas and liquid state.
- 5.5.6 Industrial biomass sources for mass energy production include plant matter and a variety of tree species. These energy production units are either self-serving to a business's needs or produce energy on a large-scale for input into the national grid.
- 5.5.7 Biomass heating from burning wood is considered to be a low carbon energy source, as only the carbon that has been absorbed by the wood is released. If the trees are replanted, the use of wood as a fuel is almost carbon neutral as the new trees will absorb the equivalent amount of carbon released.
- 5.5.8 There is high potential for biomass and energy crop production within the District. The large amount of agricultural land available offers the potential for an array of uses; from the production of crops needed to be used for biomass consumption to the siting of biomass plants themselves.
- 5.5.9 Biomass from forestry harvesting, agricultural sources and energy crops require local input due to the short lifespan of biomass materials. Therefore logistics must be thoroughly planned, with the aim of locating the production plant and generation plant in close proximity of each other.

#### **Availability of resource**

- 5.5.10 Biomass production comes from crop and livestock sources, it is also indigenous meaning it can be produced at a local scale.
- 5.5.11 Biomass for fuel can be gathered or grown. Common biomass fuels sources include:
- Biodegradable waste: municipal and agricultural;
  - Forestry residues and timber processing waste;
  - Crop residues, such as straw, leaves and seed pods; and
  - Energy crops: specifically grown on demand to be used as a biomass energy source.

5.5.12 The District is predominantly rural and has the potential to provide for all of these sources, therefore assessing the availability of this resource should be based around an evaluation of viability to the energy market rather than its physical availability.

#### **Landscape and visual impacts**

5.5.13 Domestic biomass systems are unlikely to have visual or landscape issues unless external flues are required. If required they should be designed and sited to have the minimum effect on the appearance of the building. In this regard, it will be beneficial to the applicant if discussions take place with the Council's Environmental Health department. If new-builds are required to house a boiler or store fuel, they should be located close to the existing building and be designed with consideration to the surrounding area.

5.5.14 Large-scale, non-domestic biomass systems would however have a larger impact on their surrounding area due to their industrial-like aesthetics and should be appropriately placed within an industrial setting. A landscape and visual impact assessment may be required by the Council, in order to understand all cumulative impacts created by the development.

#### **Ecological considerations**

5.5.15 Siting proposals for larger schemes must outline designated areas and habitats within the vicinity of the proposed development, and would have to comply with national and local policies regarding natural environments, geodiversity and biodiversity. Specifically within the Approved LDP: Policy N2, whereby developments should seek to deliver net biodiversity and geodiversity gains where possible.

5.5.16 Considerations must be given to the possibility that development may negatively impose flood risk to potential sites. Legitimate assessment methods must be outlined if there is evidence to suggest there is a flood risk and must conform to Policy D5: Flood Risk and Coastal Management of the Approved LDP.

#### **Culture and heritage impacts**

5.5.17 The District has a number of designated heritage and cultural assets, both nationally and internationally recognised, such of those include Ramsar Convention Designation for Wetlands, National Nature Reserves and Specific Sites of Scientific Interest (SSSI). Siting considerations must include the observation of these important sites and methods of mitigation must be adhered to.

5.5.18 If an applicant wants to deploy a biomass system with a flue in a Listed Building or within a Conservation Area then planning permission and/or listed

building consent might be required. The flue should be designed to have minimal effect on the appearance of the listed Building and Conservation Area otherwise planning permission will not be granted.

### **Green infrastructure**

5.5.19 All developments must conform to Policy N1 and N3 of the Approved LDP, whereby there is a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure. Thus meaning no development shall inhibit current or new infrastructure facilities such as cycle paths or Public Rights of Way. Non-domestic schemes will need to take these factors into consideration at the planning stage in order to avoid complications that may arise at a later stage if due diligence is not conformed to.

### **Operational considerations**

5.5.20 Dependant on the size and scale of development, site access will be required for the construction and maintenance of the development, which may result in the need for an access road leading up to the biomass scheme. The appropriate assessments regarding construction of the scheme and to provide the correct cabling from the development site to the sub-station where generated electricity is sent will also need to be undertaken. If any works are required to the highway or any other land this should be identified in the planning application.

5.5.21 Larger biomass systems should be located in close proximity to a fuel source if possible and should plan for sufficient storage facilities on site so that fewer deliveries are required. This will minimise transport movements and the impact upon the environment.

5.5.22 The potential noise impacts throughout construction, operation (including fuel deliveries) and decommissioning stages of the development life cycle, particularly for larger systems will need assessing as part of the planning application. Applications should include a noise assessment demonstrating that the noise will not cause an unacceptable degree of disturbance to local amenity. Therefore the assessment must identify mitigation to address any impacts identified.

5.5.23 Biomass systems can create odour, particularly in larger systems. The impacts of odour and mitigation controls must be detailed in the planning application to ensure there is no undue harm to residential amenity.

5.5.24 Domestic scale biomass boilers may require a flue which can be fitted to existing chimneys. Careful consideration should be given to the type and

scale of system to suit the applicant's needs. Wood burning stoves should be correctly sized for the room it will serve.

### **Decommissioning and site restoration**

5.5.25 The applicant should outline, at the pre-application stage, the post-operational and decommissioning activities for the scheme. A decommissioning plan should accompany the application: this enables the developer to proactively outline the steps necessary for either site restoration or alternative land use scenarios. The decommissioning plan should build in flexibility to reflect the length of time between the application stage and implementation at the end of the development life cycle.

5.5.26 It is proposed that the main planning considerations when determining an application relating to biomass and energy crops include:

- Cumulative landscape and visual impacts;
- Ecology;
- Heritage asset impacts;
- Noise impacts;
- Environmental impacts;
- Emissions;
- Transport and access;
- Infrastructure design and implementation; and
- Decommissioning and site restoration.

## **5.6 Small Hydro**

### **Overview of technology**

5.6.1 Hydro-power uses flowing water from a higher to a lower level to drive a turbine, thus producing mechanical energy. This mechanical energy is then converted via a generator to form electricity. A domestic hydro power unit is illustrated below.



*Domestic small hydro power unit installation (Source: Google)*

5.6.2 The energy generated from a hydro-power generator is proportionate to the volume of water and the vertical distance it falls. Therefore the potential for hydro power in the Maldon District will be mostly limited to small-scale river schemes with low energy production, typically ranging between 10kW and 50kW. For domestically viable sites, the minimum requirements are outlined in Table 5.1.

Head (m)	Maximum Power Output (kW)				
	5	10	25	50	100
	Flow required (m <sup>3</sup> /sec)				
<b>2</b>	0.340	0.680	1.699	3.398	6.796
<b>5</b>	0.136	0.680	0.680	1.359	2.718
<b>10</b>	0.068	0.272	0.340	0.680	1.359
<b>50</b>	0.014	0.136	0.070	0.136	0.272
<b>100</b>	0.006	0.014	0.340	0.068	0.136

*Table 5.1: Minimum flow rates required for a range of (gross) heads*

5.6.3 In the UK there are two main methods for generating hydroelectricity:

- Storage schemes – where a dam collects water in a reservoir, then releases it to drive turbines, producing electricity.
- Run-of-river schemes – where the natural flow of the river or stream is used to drive a turbine.

5.6.4 The benefits of hydro-electric power generation schemes must be balanced against all other uses of the river to ensure exploitation is not the outcome from the development. The scheme must work in harmony with all other functions that might come as a result of the river. The design specification must ensure that the local ecosystem or the quality of the water source is not adversely affected.

5.6.5 Hydropower is reliable and predictable and if installed correctly can produce electricity all year round. Over time, it is one of the most efficient forms of renewable energy. However, the upfront costs for hydropower can be high, but the payback of a scheme would be long-term as installations have a lengthy life-cycle. Maintenance requirements and costs are usually low. Available government subsidies can be applied to the uptake of small-hydro schemes under the Feed-in Tariff. Information regarding this scheme can be found in Chapter 5.10 National Incentive Schemes (Domestic and Non-Domestic).

5.6.6 In addition to the requirement of planning permission, small hydropower schemes require specific licenses, consents and approvals in order to operate. The Environment Agency will determine which authorisations will be required. For more guidance regarding these approvals, please visit:

<https://www.gov.uk/guidance/new-hydropower-scheme-apply-to-build-one#apply-for-licences-consents-and-approvals>

### **Availability of resource**

- 5.6.7 Hydroelectric power is the energy derived from flowing water; therefore it is usually only possible to exploit this resource where it occurs. This can be from rivers or man-made installations, where water flows from a high-level reservoir down through a tunnel and away from a dam. The availability of the water resource does not only depend on whether it is physically available, but also whether the use of the river for electricity conflicts with other functions related to the river.
- 5.6.8 Access to the National Grid is required. Discussions with the relevant electricity company should take place to identify if there are any connectivity issues to the grid and assess whether it will be cost effective. Evidence of this should be included in the planning application.

### **Landscape and visual impacts**

- 5.6.9 Considerations must be given to integrating the scheme into the landscape as far as possible. Sites on hillsides and in open landscape are likely to have more visual impact: such schemes should be sensitively sited and designed so that they integrate into the landscape through the careful use of landform, materials, vegetation and tree cover. Where possible, existing buildings should be used to house machinery. Placement and design of pipes and power lines should also be considered carefully at the planning stages of the scheme for minimal visual impact.
- 5.6.10 The Council will require all hydropower applications to assess the landscape and visual impacts of a proposal through a Landscape and Visual Impact Assessment

### **Ecological considerations**

- 5.6.11 Changes in river flow fluctuations and water quality will need to be assessed in order to fully understand the risks associated to the environment and on wildlife, particularly fish. It is possible to mitigate such issues if they arise by implementing flexible programming, both in the short and long term. The Environment Agency will advise whether the scheme should include structures such as fish passes to protect fish and other freshwater animals from the turbines. In setting targets, development should take into consideration; the protection of vegetation and forestry, soil erosion and the protection of habitats and species.
- 5.6.12 In accordance with Policy N2, proposals must ensure designated areas and habitats within the vicinity of the proposed development are not adversely

affected. Developers should consult with the Council regarding the presence of important habitats or protected species in and around the proposed scheme. An ecological survey must be submitted with all planning applications assessing any potential impacts and identifying appropriate mitigation. Developments should also seek to deliver net biodiversity and geodiversity gains where possible.

5.6.13 If the proposal lies within or close to a sensitive area such as SSSI, an EIA may be required. If this applies the Council will provide a Screening Opinion which will advise the applicant as to whether an EIA is required. EIA assesses the possible impacts that a proposed project may have on the environment, including environmental, social and economic impacts. Where EIA is required, an Environmental Statement will be also needed to accompany the planning application, which assesses the impact a project will likely have on the local environment.

5.6.14 Where an EIA is not required the Council may still request certain issues are addressed, such as the cumulative impacts of the proposal or the impact of the proposal on nearby designations if the application site is adjacent but not within a designation. An Environmental Statement will be required if this is the case.

5.6.15 Some hydropower schemes can lead to reduced flows in rivers which can increase flood risk or affect land drainage. A flood risk assessment must be submitted to the Council with every planning application. It must identify and assess the risks on all forms of flooding to and from the development and demonstrate how the flood risks will be managed or mitigated so that the development remains safe throughout its lifetime.

#### **Culture and heritage impacts**

5.6.16 The District has a number of designated heritage and cultural assets, both nationally and internationally recognised, such as Scheduled Monuments, Registered Battlefields, Registered Parks and Gardens, Listed Buildings and Conservation Areas. Consideration must be given to the impact of hydropower on these important sites. If proposals are proposed within the setting of, or near to the setting of one of the above types of heritage asset, an assessment of its impact on the heritage asset are required along with details of how any negative impacts will be mitigated. Further details are found in Policy D3: Conservation and Heritage Assets.

#### **Green infrastructure**

5.6.17 All proposals must not inhibit existing functions of a river. In accordance with Policies N1 and N3 of the Approved LDP, development should not lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green

infrastructure. Thus meaning no development shall inhibit current or new infrastructure facilities such as cycle paths or Public Rights of Way.

5.6.18 Hydro power systems can create conflicts relating to ownership and access rights for both water and land including for agriculture and social activities such as fishing and walking. It is vitally important that all issues are thoroughly examined as early as possible to ensure that all potential conflicts can be resolved.

#### **Operational considerations**

5.6.19 All small hydropower systems require routine maintenance to ensure reliable operational function. The frequency of servicing depends on the scale, complexity and type of scheme in operation. Whilst it is considered that development and construction costs are high, operating costs are much lower. With the added knowledge that the life-cycle of hydropower systems exceed 50 years, investment costs are recovered once the system is in operation.

5.6.20 The operational activities of a hydropower system can produce noise via number of processes. This type of impact can have a detrimental effect if residential areas are located in the vicinity of the development. In these cases, the Council may require a noise assessment to be submitted with the planning application, demonstrating that the scheme will not have a negative impact on local amenity. In addition, design and mitigation strategies will further reduce noise pollution to levels required by national legislation. Noise limits can be imposed if necessary as a condition on the planning permission.

#### **Decommissioning and site restoration**

5.6.21 The applicant should outline, at the pre-application stage, the post-operational and decommissioning activities for the scheme. A decommissioning plan should accompany the application: this enables the developer to proactively outline the steps necessary for either site restoration or alternative land use scenarios. The decommissioning plan should build in flexibility to reflect the length of time between the application stage and implementation at the end of the development life cycle.

5.6.22 It is considered that the main planning considerations when determining a planning application for hydro-electric power generation are:

- Cumulative landscape and visual impacts;
- Water supply and discharge/flow rates;
- Ecology;
- Heritage asset impacts;
- Noise impacts;
- Environmental impacts;

- Fisheries interests;
- Construction disturbances;
- Operational disturbances;
- Transport and access;
- Infrastructure design and implementation; and
- Decommissioning and site restoration.

## 5.7 Micro Combined Heat and Power (CHP)

### Overview of technology

- 5.7.1 Micro-Combined heat and power (CHP) enables one single fuel to be converted into both electrical and heat energy in a single process at the point of use. Micro-CHP is highly efficient due to its use of thermal energy as a source of productive energy use as well as generating electricity. By generating heat and electricity simultaneously, micro-CHP can reduce carbon emissions by up to 30% in comparison to alternative means such as the use of a conventional boiler and power station.
- 5.7.2 Micro-CHP or micro cogeneration is most commonly used by domestic households, shared living spaces such as residential flats or by small businesses to support individual energy requirements. Instead of burning fuel to boil water or heat space, surplus energy is converted into electricity in addition to heat. CHP achieves combined efficiencies in the region of 80% through thermal recovery and the generation of electricity.
- 5.7.3 The financial incentives available for this particular technology ensure a sufficient rate of return for consumers and businesses as micro-CHP is eligible for the Feed-in Tariff incentive, setup and subsidised by the UK Government. Users will receive a tariff for each kWh of electricity generated and an additional tariff for each kWh generated and exported to the national grid. Information regarding this scheme can be found in Chapter 5.10 National Incentive Schemes (Domestic and Non-Domestic).

### Availability of resource

- 5.7.4 Micro-CHP technologies can use conventional fuels such as gas or biomass in order to cogenerate both heat and electricity. Instead of using fuel to heat water or space separately, micro-CHP efficiently converts energy that would have been lost into electricity, in addition to heat. There are opportunities to implement a hybrid system whereby small-scale CHP systems can operate in combination with renewable technologies such as solar PV or micro wind power schemes.
- 5.7.5 When there is little heat demand and in the summer, CHP boilers in theory will not generate adequate electricity for domestic use as the boiler will not be operating at sufficient capacity. Therefore it is beneficial to combine a

domestic CHP unit with other renewable energy sources such as solar PV. This will ensure electricity generation can optimise heat and electricity throughout the year rather than on a seasonal basis.

- 5.7.6 CHP is adaptable and can be considered at any site where there is sufficient energy demand in the form of heating and cooling, particularly if the demand is for long periods. The scale of the scheme will depend on the energy demand and availability of space.

#### **Landscape and visual impacts**

- 5.7.7 As Micro-CHP systems are located within a building systems will not pose any landscape and visual impacts unless an external flue is required. If required they should be designed and sited to have the minimum effect on the appearance of the building. If new buildings are required to house the CHP unit and related equipment they should be located close to the existing building and be designed sensitively to complement the adjacent buildings and surrounding area.
- 5.7.8 The installation of a CHP unit in a Listed Building or in a Conservation Area will require planning permission and Listed Building Consent if a flue is required outside. The flue should be designed to have minimal effect on the appearance of the heritage assets otherwise planning permission will not be granted.
- 5.7.9 Micro-CHP systems may require a flue which can be fitted to existing chimneys. Careful consideration should be given to the type and scale of system to suit the applicant's needs. Wood burning stoves should be correctly sized for the room it will serve. Considerations should also be given to the impacts of any plumes that are emitted from chimney stacks.

#### **Ecological considerations**

- 5.7.10 CHP systems are highly efficient in comparison to alternative and separate methods of heat and electricity production, there are however environmental impacts that relate to flue-gas emissions and by-products, such as ash. Micro-CHP systems can reduce the output of Greenhouse gas emissions as it can sustain its own generation of electricity which would otherwise be generated via conventional power plants, therefore should be classified as a low carbon energy source.

#### **Culture and heritage impacts**

- 5.7.11 The District has a number of designated heritage and cultural assets, both nationally and internationally recognised, such as Scheduled Monuments, Registered Battlefields, Registered Parks and Gardens, Listed Buildings and Conservation Areas. Consideration must be given to the impact of

hydropower on these important sites. If proposals are proposed within the setting of, or near to the setting of one of the above types of heritage asset, an assessment of its impact on the heritage asset are required along with details of how any negative impacts will be mitigated. Further details are found in Policy D3: Conservation and Heritage Assets.

### **Operational considerations**

5.7.12 Micro-CHP systems require a similar level of maintenance as a conventional boiler, with an annual inspection including a change of the engine oil in the case of internal combustion engines.

### **Decommissioning and site restoration**

5.7.13 The applicant should outline, at the pre-application stage, the post-operational and decommissioning activities for the scheme. A decommissioning plan should accompany the application: this enables the developer to proactively outline the steps necessary for either site restoration or alternative land use scenarios. The decommissioning plan should build in flexibility to reflect the length of time between the application stage and implementation at the end of the development life cycle.

5.7.14 It is considered that the main planning considerations when determining a planning application for micro CHP are:

- Visual impacts;
- Heritage asset impacts;
- Emissions;
- Infrastructure design; and
- Relevant building standards and regulations.

## **5.8 Ground and Air Source Heat Pumps**

### **Overview of technology**

5.8.1 Ground source heat pumps consist of pipes being laid underground to extract heat from the ground. This heat can be used to heat radiators, underfloor heating systems and hot water. Circulating a mixture of water and antifreeze around a loop of pipe called a ground loop, this loop is buried underground and absorbs heat from the ground into the fluid and passed through a heat exchanger into the heat pump. They can also be used in reverse to cool a building in summer.

5.8.2 Air source heat pumps absorb heat from the outside air. Similar to ground source heat pumps, this heat can then be used to heat domestic heating air to air systems. Air source heat pumps can extract heat from temperatures as low as -40 degrees with the use of refrigerant R410a. They can also be used for cooling, and work in a similar way to air conditioning. They are considerably

cheaper to install than ground source heat pumps but are not usually as efficient. This is because they use the heat from the air, which in the UK is colder in the winter when heating is needed.

- 5.8.3 Ground and air source heat pumps do have impacts on the environment as they need electricity to operate the pumps. However, the heat extracted via the air or ground is abundant. The consumption of electricity can be mitigated by the use of solar PV panels or other renewable energy source that generates electricity. This can enable heat pump users to become self-sustaining with their energy demands.
- 5.8.4 Heat pumps work most effectively where the temperature of the air/ground is higher. In the summer, an air source heat pump will take in warm air and therefore the heat pump itself will operate at minimal operational capacity in order to generate heat. Conversely, in the winter season, when there is a higher demand for heat generation, the heat pump will have to operate at an increased rate. With the contribution of colder air temperatures, air source heat pumps will need to work near, or at, full operational capacity to meet demand.
- 5.8.5 Ground source heat pumps, on the other hand, do not experience extreme fluctuations in temperatures unlike air source heat pumps. Ground temperatures are fixed, on average, at 10 degrees Celsius annually. Comparatively, in relation to air source heat pumps, ground source heat pumps provide the same hot water requirements with a lower electricity consumption rate.
- 5.8.6 Ground and air source heat pumps operate at maximum efficiency when supplemented by additional renewable and low carbon technologies such as solar photovoltaics and wind energy. Additionally, supplementary technologies will reduce reliance on the national grid to supply heat pumps with electricity.
- 5.8.7 Heat pumps (Ground to water and Air to water) are currently subsidised by the UK Government under the Renewable Heat Incentive (RHI) scheme. Information regarding this scheme can be found in section 5.10 National Incentive Schemes (Domestic and Non-Domestic).
- 5.8.8 Planning permission may be required when fitting a heat pump, most commonly when development takes place in a conservation area or on listed buildings.

#### **Availability of resource**

- 5.8.9 Heat pumps require a small amount of electricity to operate; this can be sourced from either the national grid or renewable sources. Heat pumps are considered highly efficient as they do not source heat from combustion

methods and can operate throughout the year, even at temperatures of -40 degrees Celsius/Fahrenheit with the use of refrigerant R410a.

#### **Landscape and visual impacts**

- 5.8.10 Heat pumps are usually placed on the outside of buildings and therefore will have a physical presence and can affect the appearance of a building. Similar in design as an air conditioning unit, the placement of heat pumps should be so that they limit their visual impact and appearance.
- 5.8.11 Dependant on the scale of development, heat pumps may need planning permission if their prominence does not meet the conditions set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 Part 14. This would include the installation of a heat pump system on a Listed Building or in a Conservation Area.
- 5.8.12 Ground source heat pumps require the installation of pipes beneath the ground. During the construction phase there may be landscape and visual impacts. The ground must be restored following installation to ensure there are no permanent landscape and visual impacts.

#### **Ecological considerations**

- 5.8.13 For the deployment of ground source heat pumps, drilling and excavation will need to be undertaken which can cause risks of pollution to groundwater, if the land or soil is contaminated. Before submitting a planning application, the site must be assessed in order to determine if there is land contamination via a Groundwater Risk Assessment.
- 5.8.14 Ground disturbances has the potential to impact habitats and wildlife. Considerations should be given to the extent of those impacts and whether the site has ecological value. The Council will request, where necessary, the appropriate assessments to determine the impacts of a development on habitats.

#### **Culture and heritage impacts**

- 5.8.15 All proposals should be consistent with Policy D3: A planning application for an air source heat pump on a Listed Building will be assessed against the extent to which it would interfere with the appearance, structure, design or character of the Listed Building, Should a proposal have a negative effect on a Listed Building or a Conservation Area, Listed Building Consent and planning permission will not be granted.
- 5.8.16 Furthermore, heat pump systems will not be considered permitted development (Town and Country Planning (General Permitted Development) (England) Order 2015 Part 14) if it is proposed on land within a conservation area.

5.8.17 When excavating trenches for pumps outside the curtilage of a dwelling, considerations must be given to archaeological interests on the land. Before any work takes place, the applicant must identify whether there are any archaeological interests on site and mitigation required if so.

### **Operational considerations**

5.8.17 Ground source heat pumps can be installed in most locations but may not be suitable for every building. Pumps can vary in size but are often a similar size to a domestic fridge freezer, therefore sufficient space must be available.

5.8.18 Heat pumps do not work well with conventional central heating systems that use radiators as they will not heat the water high enough for the radiators or provide enough heat, so a new system may be required. They work best with underfloor heating systems.

5.8.19 Heat pumps need an electrical supply in order to operate, this can be provided via conventional fuels sourced from the national grid, or alternatively via supplementary renewable resources, thus developing a hybrid system whereby both heat and electricity are created sustainably.

5.8.20 Air source heat pumps are fitted to a wall or on the ground outside a building and need sufficient surround space to allow good air flow.

5.8.21 Air source heat pumps can generate noise via the external fan. Applicants will need to demonstrate that noise will not be an issue for the surrounding vicinity.

5.8.22 Maintenance is ongoing once the scheme is set up, services are most commonly on an annual basis but would be determined by the installer. This is an important process as, although the system is efficient and environmentally sound in comparison to alternative non-renewable sources of heat, some of the fluids used for the transfer of heat pose significant dangers to the environment. Therefore to remove any risk that might present itself to the environment, correct maintenance procedures should be applied when using a heat pump.

### **Decommissioning and site restoration**

5.8.23 The applicant should outline, at the pre-application stage, the post-operational and decommissioning activities for the scheme. A decommissioning plan should accompany the application: this enables the developer to proactively outline the steps necessary for either site restoration or alternative land use scenarios. The decommissioning plan should build in flexibility to reflect the

length of time between the application stage and implementation at the end of the development life cycle.

5.8.24 It is considered that the main planning considerations when determining a planning application for heat pumps are:

- Cumulative landscape and visual impacts;
- Ecology;
- Heritage asset impacts;
- Noise impacts;
- Construction disturbances;
- Operational disturbances;
- Geotechnical
- Transport and access; and
- Decommissioning and site restoration.

### **5.9 Community Ownership Schemes (Community Energy)**

5.9.1 Community ownership or 'community energy', defined by the government, focuses on community projects or initiatives for; reducing energy consumption, managing energy more efficiently, generating energy and securing energy through purchase. The SPD will look at these four pathways of community involvement in more detail.

5.9.2 Community ownership covers aspects of collective action to reduce, purchase, manage and generate energy. Community energy projects have an emphasis on local engagement, local leadership and control and the local community benefiting collectively from the outcomes.

5.9.3 Community-led action can often tackle challenging issues around energy; local knowledge and common goals can often bring communities together with aspirations to deliver a more sustainable community.

5.9.4 The Community Energy Strategy: Full Report<sup>13</sup> (2014), aims to help both existing groups form decentralised energy strategies and inspire more communities to set up and expand. The potential for communities to take control of their own energy resources would provide profound benefits, whether it be securing energy for those who are vulnerable or reducing a community's carbon footprint and offering a more sustainable path to decarbonisation.

5.9.5 The report also found that communities are more effective in reaching the vulnerable in society and may be more trusted by sceptical consumers. Also, best placed to maximise the benefits of certain renewable technologies, such as district heating, communities can opt for those technologies that are

favoured by all. Wider benefits can be felt by the strengthening of local economies and a greater sense of community.

### **Partnerships**

- 5.9.6 The ability for the private, public and third sector to work in partnership together, aiming towards a common goal can be an effective way for communities to achieve their objectives. Not only would community aspirations align with organisation investment opportunity, but local interest and reach would enable the correct development to be situated in the preferred locations, with the support of the community.
- 5.9.7 The uptake in community-led ownership schemes is low; transforming local ambition into purposeful development is a difficult task when organisation and resourcefulness need be voluntary. But collaborating organisations would benefit most groups aiming to achieve their goals.
- 5.9.8 The challenge therefore is being able to identify the correct methods of communication and connection between community and organisation. Organisations include renewable energy developers, other energy and non-energy businesses, local enterprise partnerships (LEPs), housing associations, third sector organisations, farmers and other landowners.
- 5.9.9 However, the NPPF (2012) states that Local Planning Authorities should recognise the responsibility on all communities to contribute to energy generation from renewable and low carbon sources, and support community-led initiatives for renewable and low carbon energy sources.
- 5.9.10 Neighbourhood plans are a real opportunity for communities to engage with their Local Planning Authority and actively plan for community-led developments. Specifically within Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build Orders can be used to grant planning permission for renewable and low carbon energy development. In addition, as part of a Neighbourhood Plan, communities can initiate the development of a community energy plan to underpin the Neighbourhood Plan.
- 5.9.11 For more information about Neighbourhood Plans and/or community-led planning initiatives, please go to the Maldon District Council website: [https://www.maldon.gov.uk/info/20048/planning\\_policy/8112/community\\_led\\_planning\\_and\\_neighbourhood\\_plans/2](https://www.maldon.gov.uk/info/20048/planning_policy/8112/community_led_planning_and_neighbourhood_plans/2)

### **Collating an evidence base for community energy**

- 5.9.12 A sound and robust evidence base is important for any community energy strategy.
- 5.9.13 At a local level, the ability to evaluate and compare different community-led energy initiatives can help maximise the chances of a successful programme

and produce maximum efficiency. Although there are no such initiatives in Maldon at the moment examples exist elsewhere in Essex, and interested local organisation would benefit from gaining knowledge relating to both successful as well as unsuccessful projects.

5.9.14 For more information and guidance regarding Community Energy, please visit: <https://www.gov.uk/guidance/community-energy>

5.9.15 As with all renewable energy projects, monitoring and evaluation of community projects is important, and can also help inform other interested groups about the benefits of schemes. Simple measures can include: power output of chosen technology, income generated, expenditure on the project and number of community members that participated in the engagement process. Social impacts are more difficult to calculate but are most commonly sought through surveys with local residents. Feedback can prove invaluable when aiming to identify the positive and negative social impacts of each scheme.

5.9.16 Similarly, it is difficult to measure the environmental impacts of community energy projects. A brief description of how a community-led scheme may impact its surrounding environment can be viewed with value.

5.9.17 Whilst monitoring and evaluation can be sought immediately after a scheme is fully operational, it is also as important that a review of the scheme is undertaken over a longer period of time. This is so the benefits and output data can be collected and validated over a longer timescale.

#### **Accessing channels of investment**

5.9.18 Access to investment is a fundamental factor in the success of community energy projects. The feasibility and planning stage, the initial starting point for any project, is the most difficult stage of the entire project as it is at this point communities must attract financial investment that is usually entirely 'at risk'. This means if the project does not move past the planning stage, all investment is lost.

5.9.19 It may be difficult for communities to source finance due to the limited number of project financiers for the community energy sector, however there are government schemes<sup>14</sup> in place to help smaller projects that might not be able to source funding via alternative means.

5.9.20 Community share offers are the most recognised approach to securing finance for community-led ownership schemes. Investment through a community share offer can vary from project to project, but can have a profound effect on enabling community members to feel more involved in the process as they actively seek to gain from their investment. Although entry levels of investment can be difficult for less affluent members of the

community, many projects develop creative approaches to addressing these issues so social exclusion does not occur.

5.9.21 Alternatively, there are also opportunities for groups to work with other partners and funders to offer instalment schemes, and equity-matching products to help boost social inclusion within communities.

### **Generating energy**

5.9.22 The opportunity to generate electricity and heat on a local level, with the added ability to supply the national grid with surplus energy poses many advantages for community-led initiatives whereby sustainability is achieved on many levels. There are however fundamental differences in how the generation of electricity and heat can be optimised at a local level.

5.9.23 The ability for community energy schemes to optimise electricity generation within a community and the ability to transfer additional supply to the national grid for a specified tariff fee allows communities to collectively make returns on their investments. Section 5.10 will focus specifically on electricity generation tariff schemes that are available for both individual and community-led renewable energy projects.

5.9.24 Unlike generating electricity, generating heat is most commonly distributed at a local level only as it is difficult to distribute over larger distances. Therefore, in regards to community energy schemes, there is great potential for a cost effective and quick implementation of renewable heat.

5.9.25 However, as with all renewable and low carbon technologies, there are certain barriers that must be overcome in order for their expansion amongst communities and domestic households. Renewable heat technologies are very much in the early phase of their roll-out in domestic markets. Low awareness levels can make it hard for communities to engage in discussion, especially without some form of leadership or incentive.

5.9.26 The benefits of renewable heat strategies are plenty:

- Developing community heat networks can enable efficient methods of heat sharing amongst a collective;
- Reduces energy costs for individual households with the generation of heat energy from one source;
- Helps identify and support vulnerable people within communities that might not be able to access adequate heating or be recognised as living in fuel poverty.

5.9.27 Communities can generate renewable heat through a variety of means, the most common include:

- The development and installation of renewable heating systems on communal premises, such as community centres or library's;
- The installation of individual renewable heating systems, such as biomass boilers, heat pumps or solar thermal systems;
- The development of community heating systems, providing shared heat to individual households within a community from a fixed source.

5.9.28 There are certain barriers inhibiting investment in community ownership programmes. Enabling the development of renewable energy schemes on a community level requires collective engagement and realistic ambition. Creating an awareness of the opportunities available on a local level is the most realistic route towards an increased uptake in community ownership schemes such as district heating.

### **5.10 National Incentive Schemes (Domestic and Non-Domestic)**

5.10.1 Alone, energy markets cannot deliver the desired level of renewable energy uptake. As a result of market and regulatory inefficiencies such as low levels of competition internally and unfair competition with other fuels externally, national incentive schemes are required in order to encourage market growth.

5.10.2 There are currently a variety of initiatives available within England, these vary on a regional and local level. The three most prominent schemes available are:

- Domestic Renewable Heat Incentive (DRHI)
- Non-Domestic Renewable Heat Incentive (NDRHI)
- Feed-in Tariff (FIT)

#### **Domestic Renewable Heat Incentive (DRHI)**

5.10.3 The DRHI is a government financial incentive that promotes the production and use of renewable heat via specific renewable and low carbon technologies. The use of such technologies can help contribute towards reducing the UK's dependence on non-sustainable heating fuels and as a result reduce its carbon emissions whilst meeting renewable energy targets.

5.10.4 Launched in April 2014, DRHI provides financial support to owners of renewable heating systems for seven years. The amount received by participants varies, dependant on the technology installed and the latest tariffs available for each technology. The Department for Business, Energy and Industrial Strategy is responsible for the overall budget and the tariffs.

5.10.5 The renewable and low carbon technologies available under the DRHI scheme are:

- Biomass (wood fuelled) boilers
- Ground to water heat pumps

- Air to water heat pumps
- Solar thermal panels (for solar thermal panels to be eligible for the scheme, they can only provide hot water for the domestic household, not space heating).

5.10.6 Those eligible for DRHI include:

- Those applying within one year of commissioning their renewable heating system;
- Single domestic dwellings; and
- Owner-occupiers, self-builders, private landlords and registered providers of Social Housing.

5.10.7 Section 5 of the Renewable and Low Carbon Technology SPD provides further guidance on each of the technologies identified above, enabling users to choose the right method of renewable energy.

5.10.8 For more information regarding the Domestic Renewable Heat Incentive, please visit: <https://www.ofgem.gov.uk/environmental-programmes/domestic-rhi>

#### **Non-Domestic Renewable Heat Incentive (NDRHI)**

5.10.9 The NDRHI is similar to the DRHI, a governmental initiated financial incentive inclined to increase uptake of renewable heat. The NDRHI however is for businesses, public sector and non-profit organisations, rather than domestic schemes which are solely supplied by the DRHI. These two schemes, although under one title: Renewable Heat Incentive, have separate tariffs, joining conditions, rules and application processes.

5.10.10 This scheme offers financial support to those eligible over a 20 year period based on the amount of heat generated. The amount received by participants of the scheme varies, dependant on the technology installed and the latest tariffs available for each technology. The Department for Business, Energy and Industrial Strategy is responsible for the overall budget and tariffs.

5.10.11 The renewable and low carbon technologies available under the NDRHI scheme are:

- Biomass (solid fuel) boilers
- Heat pumps (ground source, water source and air source)
- Deep geothermal
- Solar thermal panels
- Biomethane and biogas
- Combined heat and power (CHP) systems

5.10.12 The NDRHI is available to industrial, commercial, the public sector and non-profit organisations. Specifically, such organisations include schools, hospitals and small businesses, as well as district heating schemes where one development or installation can supply multiple homes.

5.10.13 Section 5 of the Renewable and Low Carbon Technology SPD provides technical guidance on the above technologies.

5.10.14 For more information regarding the Domestic Renewable Heat Incentive, please visit: <https://www.ofgem.gov.uk/environmental-programmes/non-domestic-rhi>

#### **Feed-in Tariff Scheme (FIT)**

5.10.15 A tailored government initiative designed to promote renewable and low carbon electricity generation technologies, the FIT scheme requires participants to produce electricity via renewable and low carbon technologies and feed surplus electricity into the national grid for an agreed tariff rate.

5.10.16 Participants of the FIT scheme receive quarterly payments for electricity generated and then exported to the national grid from their renewable and low carbon technology. Payments are based on the meter reading that equates to a fixed rate set out in the tariff, paid to consumers by energy suppliers enlisted on a government register.

5.10.17 The renewable and low carbon technologies available under the FIT scheme are:

- Solar photovoltaic (Solar PV)
- Wind
- Micro combined heat and power (CHP)
- Hydro power
- Anaerobic digestion (AD)

5.10.18 FIT support is provided via two support streams, dependant on size and type of installation:

- For small installations (<50kW) such as domestic or small business set-ups, applications are made to an energy supplier under the title Microgeneration Certification Scheme (MCS). Technologies of particular relevance to the MCS include Solar PV, Wind and Micro Combined Heat and Power (CHP). Statistics from Ofgem indicate that the average home-scale Solar PV installation is 4kW.
- For large installations greater than 50kW and a total installed capacity up to and including 5MW pertaining Solar PV and wind power technologies, applications must be submitted under the scheme ROO-FIT directly to Ofgem.

5.10.19 Support is available for up to 20 years dependant on which technology is chosen by prospective applicants. Applicants that choose to install CHP will be supported through the FIT scheme for 10 years. For more information regarding the Feed-in Tariff Scheme and the available tariff rates, please visit: <https://www.ofgem.gov.uk/environmental-programmes/fit>

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<sup>1</sup> IPCC, 2011: Summary for Policymakers. In: IPCC Special Report on Renewable Energy Sources and Climate Change Mitigation [Edenhofer, O. et al.]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA.

<sup>2</sup> Committee on Climate Change. 2017. *UK business opportunities of moving to a low carbon economy*. Available at: <https://www.theccc.org.uk/wp-content/uploads/2017/03/ED10039-CCC-UK-Bus-Opportunities-Draft-Final-Report-V7.pdf>

<sup>3</sup> Department for Communities and Local Government. 2015. *Planning Practice Guidance: Renewable and low carbon energy*. Available at: <https://www.gov.uk/guidance/renewable-and-low-carbon-energy> [Accessed: 28/06/2017]

<sup>4</sup> Department for Communities and Local Government. 2015. *Written statement to Parliament: Planning update March 2015*. Available at: <https://www.gov.uk/government/speeches/planning-update-march-2015>

<sup>5</sup> House of Commons: Energy and Climate Change Committee. 2016. *The energy revolution and future challenges for the UK energy and climate change policy*. Available at: <https://www.publications.parliament.uk/pa/cm201617/cmselect/cmenergy/705/705.pdf>

<sup>6</sup> Ofgem. 2017. *Infographic: Promoting a sustainable energy future*. Available at: [https://www.ofgem.gov.uk/system/files/docs/2017/09/promoting-sustainable-sept-2017\\_0.pdf](https://www.ofgem.gov.uk/system/files/docs/2017/09/promoting-sustainable-sept-2017_0.pdf) [Accessed 16/10/2017]

<sup>7</sup> Department for Business, Energy and Industrial Strategy. 2017. *2016 Provisional UK Greenhouse Gas Emissions statistical summary*. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/604327/2016\\_Provisional\\_emissions\\_statistics\\_one\\_page\\_summary.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/604327/2016_Provisional_emissions_statistics_one_page_summary.pdf) [Accessed: 14/08/2017]

<sup>8</sup> Official Journal of the European Union. 2009. *Directive 2009/28/EC of the European Parliament and of the Council*. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32009L0028&from=EN> [Accessed: 15/08/2017].

<sup>9</sup> AECOM and the Landscape Partnership. 2011. *East of England Renewable and Low Carbon Energy Capacity Study*. Chelmsford: East Saxon House 27 Duke Street CM1 1HT.

<sup>10</sup> English Heritage. 2012. *Energy Efficiency and Historic Buildings: Application of Part L of the Building Regulations to historic and traditionally constructed buildings*. Available at: <https://content.historicengland.org.uk/images-books/publications/energy-efficiency-historic-buildings-ptl/eehb-partl.pdf/> [Accessed: 27/10/2017]

<sup>11</sup> Building Research Establishment. 2014. *Delivering Sustainable Buildings: Savings and Payback*. IHS BRE Press, Wiloughby Road Bracknell, Berkshire RG12 8FB.

<sup>12</sup> RES. 2010. *Turncole Wind Farm Environmental Statement Volume 3: Figure 3.1 GIS Score in Maldon District*. Application 10/01070/FUL. [Accessed: 18/10/2017].

<sup>13</sup> Department for Energy and Climate Change. 2014. *Community Energy Strategy: Full Report*. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/275163/20140126Community\\_Energy\\_Strategy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/275163/20140126Community_Energy_Strategy.pdf)

<sup>14</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/192618/bis-13-p176b-sme-access-to-finance-measures.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/192618/bis-13-p176b-sme-access-to-finance-measures.pdf)

**Appendix 1****BREEAM UK Non-Domestic New Construction**

## BREEAM Assessment

To achieve a particular BREEAM rating, the minimum overall percentage score must be achieved and the minimum standards, detailed below in Table 3.1, applicable to that rating level complied with.

Minimum standards by BREEAM rating level					
BREEAM issue	Pass	Good	Very Good	Excellent	Outstanding
Man 01: Project brief and design	None	None	One credit (stakeholder consultation (project delivery))	One credit (stakeholder consultation (project delivery))	One credit (stakeholder consultation (project delivery))
Man03:Responsible construction practices	Criterion 2 None	Criterion 2 None	Criterion 2 None	Criterion 2 One credit (considerate construction)	Criterion 2 Two credit (considerate construction)
Man 04:Commissioning and handover	None	None	None	Criterion 9	Criterion 9
Man05: Aftercare	None	None	None	One credit (Seasonal commissioning)	One credit (Seasonal commissioning)
Ene01: Reduction of energy use and carbon emissions	None	None	None	Five credits	Eight credits
Ene02: Energy monitoring	None	None	One credit (First sub-metering credit)	One credit (First sub-metering credit)	One credit (First sub-metering credit)
Wat01: Water consumption	None	One credit	One credit	One credit	Two credits
Wat02: Water monitoring	None	Criterion 1 only	Criterion 1 only	Criterion 1 only	Criterion 1 only
Mat 03: Responsible sourcing of materials	TBC	TBC	TBC	TBC	TBC
Wst 01: Construction waste management	None	None	None	None	One credit
Wst 03: Operational waste	None	None	None	One credit	One credit
LE03: Minimising impact on existing site ecology	None	None	One credit	One credit	One credit

Table 3.1: Minimum standards by BREEAM rating level

## Environmental

A BREEAM Assessor must determine the BREEAM rating using the appropriate assessment tools and calculators.

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## Appendix 2

### **BREEAM UK Domestic New Construction– Home Quality Mark**

The Home Quality Mark (HQM) is a voluntary and customer focused assessment and certification scheme, having been created to serve the UK's house builders and the householders who buy and rent new homes. HQM enables house builders to demonstrate high quality builds, differentiating them within the marketplace. For house buyers, they can be confident that the houses they buy are well designed and built, and cost effective in the long term.

The Home Quality Mark will do this by providing impartial information from independent experts on a new home's quality, recognising where performance meets best practice standards that are often significantly above that required by regulation.

Developed and operated by BRE and part of the BREEAM series of quality and sustainable development, HQM has been developed using 25 years of specialised knowledge and skills within a continually developing industry.

What can HQM assess?

The Home Quality Mark can be used to assess the life cycle environmental, social and economic impacts of new builds in the United Kingdom. A new-build itself is one that is a new standalone structure or a part of one that will come into operation and is for the first time after its completion.

The HQM is not appropriate for the refurbishment of existing homes or for new build projects containing rooms for multiple residential purposes such as student and key worker accommodation, care homes, sheltered housing or other multi-residential building types. The BREEAM UK Domestic Refurbishment and BREEAM UK Non-Domestic New Construction schemes can be used to assess these types of project respectively.

When does the HQM assessment take place?

Timing is key for any HQM assessment to be conducted successfully. It is essential that there is a seamless process of integration between the period of construction and the assessments that take place by HQM. This is to make sure any issues summoned by the relevant stakeholders are taken into consideration and addressed without impacting on costs or performance in other areas of the development.

An HQM assessment is a two stage process to ensure that opportunities are identified during the design stage (initial assessment and certificate) and implementation is confirmed during construction (conclusive assessment and certificate).

If you wish to understand, in greater detail, the technical content concerning the Home Quality Mark, you can find more information at: [http://www.homequalitymark.com/filelibrary/HQM-Beta--England--2015\\_SD232\\_r1.0.pdf](http://www.homequalitymark.com/filelibrary/HQM-Beta--England--2015_SD232_r1.0.pdf).

BREEAM New Construction is a performance based assessment method and certificate scheme for new buildings. The primary aim of BREEAM New Construction is to mitigate the life cycle impacts associated with new buildings on the environment in an efficient and cost effective process. As BRE states, this is predominantly achieved through integration and use of the scheme by clients and their project teams at key stages in the design and construction process.

The scheme itself can be used to assess and rate the environmental impacts arising from a newly constructed building developments at two life cycle stages. These are:

1. New Build Design Stage
2. New Build Post Construction Stage

#### New Build Design Stage

The Design Stage assessment and interim BREEAM rating confirms the proposed new building's performance during the construction period of the life cycle. This stage of assessment and certification would take place ideally at the beginning of the construction stage.

For any assessment to be complete at this stage, the design must be presented before a BREEAM assessor for verification and evaluation of the buildings performance against a criteria based document set out in the BREEAM UK New Construction Technical Manual.

#### Post-Construction Stage (PCS)

The PCS assessment and BREEAM rating confirms the final 'as-built' performance of the building at the new construction stage of the life cycle. A final PCS assessment is completed and certified after practical completion of the building works.

As stated by BREEAM, there are two alternative approaches to assessment at the post-construction stage:

1. A post-construction review (PCR) of an interim design-stage assessment
2. A post-construction assessment (PCA)

A Post Construction Review assesses a buildings performance once its development and construction stages have been complete. If an interim design-stage assessment has not been conducted i.e. certified, a full post construction stage assessment is required.

#### When and how to engage with the BREEAM UK New Construction scheme

As with all schemes, timing the engagement with and use of the BREEAM UK New Construction scheme via BREEAM assessor is most important to ensure efficient transition of methodology in the new build procurement process.

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If you wish to understand, in greater detail, the technical content concerning the BREEAM UK Non-Domestic New Construction, you can find more information at: <http://www.breeam.com/new-construction>.

#### **BREEAM In-Use International Technical Standard**

BREEAM In-Use International is a universally recognised assessment method which assists property investors, owners, managers and occupiers to drive sustainable improvements through operational efficiency, including how to continually manage the operation of their building effectively.

All existing commercial building types are suitable for the BREEAM In-Use scheme, however the standard does not apply to residential dwellings.

The primary aim of BREEAM In-Use is to mitigate the operational impacts of existing assets on the environment in a robust and cost effective manner. The scheme provides a holistic approach which enables assets to be assessed and benchmarked across a large range of environmental issues (management, health and wellbeing, energy, transport, water, materials, waste, land use and ecology, and pollution).

The BREEAM In-Use assessment process is broken down into three parts:

- Part 1 – Asses Performance: the performance of the asset's built form, construction, fixtures, fittings and installed services.
- Part 2 – Building Management: the management of the asset.
- Part 3 – Occupier Management: the management of building users and services.

Part 1 and 2 of the assessments can be conducted in separate isolation, however it is recommended that part 2 be conducted in combination with Part 3 as the score for Part 2 feeds into the score for Part 3. It is advised that all 3 Parts are assessed in combination to provide an accurate understanding of the overall environmental impact of their asset.

Using an online rating tool, BREEAM In-Use allows users to register buildings, assess and certify the building performance. A dynamic scoring platform and reporting section allows the user to track and improve the performance of their building or portfolio of buildings.

If you wish to understand, in greater detail, the technical content concerning the BREEAM In-Use International Technical Manual, you can find more information at: [http://www.breeam.com/filelibrary/Technical%20Manuals/SD221\\_BIU\\_International\\_2015\\_Re-issue\\_V2.0.pdf](http://www.breeam.com/filelibrary/Technical%20Manuals/SD221_BIU_International_2015_Re-issue_V2.0.pdf).

#### **BREEAM UK Domestic Refurbishment & Fit-Out**

BREEAM Domestic Refurbishment is a performance based assessment method and certification scheme for domestic buildings undergoing refurbishment. The primary aim of the Domestic Refurbishment & Fit Out scheme is to improve environmental performance of existing dwellings in a robust and cost efficient way. The performance of domestic buildings is assessed against a number of individual measures and associated criteria covering a range

of environmental issues. This assessment results in a single certified BREEAM rating awarded to the refurbished dwelling.

The BREEAM Domestic Refurbishment & Fit-Out scheme has been developed in accordance with the following principles:

- Promote low cost, sustainable refurbishment
- Recognise the limitations of existing buildings including their inherent built form and location
- Drive market transformation by promoting best practice and innovation in the refurbishment of existing buildings
- Provide a holistic environmental assessment that works effectively across different building and project types
- Recognise the different starting points of our existing building stock

There are two routes to certification depending on the type of project and stage of certification required:

Third party assessment certification:

Third party certification is delivered through licensed BREEAM Domestic Refurbishment Assessors and enables interim and final certification to be obtained through BRE Global Ltd at the design stage (pre-refurbishment) and post refurbishment stages respectively. BREEAM Domestic Refurbishment Assessors can carry out assessments for both small and large scale refurbishments which may be carried out across a site (e.g. a street or an estate).

Self-declaration assessment certification:

A self-declaration assessment is delivered through licenses BREEAM Domestic Refurbishment Assessors who hold a self-declaration certification (referred to as tier 2 license within the scheme) are authorised under the terms of the license to issue self-declaration certificates, for small projects, at the post refurbishment stage only. Design stage certification is not available through self-declaration however a design stage assessment is recommended in order to guide the project specification.

The BREEAM Domestic Refurbishment 2012 scheme can be used to assess the environmental life cycle impacts on refurbishment projects including existing dwelling undergoing refurbishment, extensions, domestic conversions and change of use projects. Table 3.1 outlines two categories under which domestic refurbishments are scoped by BREEAM:

- Category 1: Alterations to existing dwellings and extensions
- Category 2: Domestic conversions and change of use projects

Category 1	Category 2
<p><b>Alterations to existing dwellings and extensions</b></p> <p>Where at least one thermal element (walls, roof or floor) undergoing major alteration (internal/external insulation etc) plus a change to building services such as a new boiler, or internal refit of a room. Refurbished dwellings are within the scope of the scheme where the refurbishment results in an improvement to the dwellings Energy Efficiency Rating (EER).</p>	<p><b>Domestic conversions and change of use projects</b></p> <p>The scheme can also be applied to domestic conversions and change of use projects. This is where a new dwelling is formed by change of use from a building which was not previously used for domestic purposes. This may also include change of use through conversion of a single dwelling into multiple dwellings, or where several dwellings are converted into a single dwelling. Change of use is further detailed by Regulations 5(a), (b) and (g) of the Building Regulations 2000 for England and Wales.</p>
<p><b>Extensions</b></p> <p>Whilst existing dwellings that are being extended can be assessed under the scheme, as the scheme is a whole house assessment methodology, it would require both the extension and the existing dwelling to be included as part of the assessment. This means that in order to achieve credits under the scheme as well as the minimum standards, improvements will be required to the existing dwelling in order to achieve a rating under the scheme.</p>	<p><b>Newly constructed dwellings</b></p> <p>The scheme cannot be used for newly constructed dwellings. Newly constructed dwellings come under the scope of the Department of Communities and Local Government (DCLG), Replacement national technical standards to the now withdrawn Code for Sustainable Homes.</p>

If you wish to understand, in greater detail, the technical content concerning BREEAM UK Domestic Refurbishment & Fit-out standards, you can find more information at: [http://www.breeam.com/bre\\_PrintOutput/BREEAM\\_Domestic\\_refurb\\_manual\\_2012.pdf](http://www.breeam.com/bre_PrintOutput/BREEAM_Domestic_refurb_manual_2012.pdf).

#### **BREEAM UK Non-Domestic Refurbishment & Fit-Out**

The BREEAM UK Non-Domestic Refurbishment and Fit-Out scheme can be used to assess and determine the environmental impacts associated with non-domestic buildings at the refurbishment and fit-out stages.

The BREEAM UK Non-Domestic Refurbishment and Fit-Out scheme provides a modular set of criteria that are applied depending upon the scope of works for a particular project type including:

- Part 1: Fabric and Structure
- Part 2: Core Services
- Part 3: Local Services
- Part 4: Interior Design

The scheme is split into these assessment parts to allow the scheme to reflect the aspects of a building that are tenant or landlord responsibilities, as well as the varied life cycle stages that each component or element is upgraded. For commercial buildings, parts 1 and 2 typically reflect the aspects of a building that are landlord responsibilities, with parts 3 and 4 typically being aspects of the building that are tenant responsibilities although this will vary between specific projects.

#### Assessment Scope

Having been developed to allow a flexible approach to assessments to fit the needs of a project, this approach also allows the client/developer/assessor to select the parts of the assessment that are relevant to the scope of work being carried out. The following assessment scope provides details of when it may be appropriate to conduct an assessment against each part, depending on the nature of the refurbishment or fit-out works that are being carried out.

#### Part 1: Fabric and Structure

A part 1 assessment is appropriate where a refurbishment project includes one or more of the following alterations to the building fabric and where the area to renovate is greater than 50 percent of the surface of the individual element or 25 percent of the total building envelope:

- Building façade: where the external façade of the buildings is being upgraded/refurbished such as new cladding, rendering, façade system, internal dry lining etc.
- Roof: where a new roof is being installed or where significant changes are being made to the roof structure or the replacement/refurbishment of roof coverings.
- Windows: where changes are being made to the windows such as replacement, upgrade/refurbishment of existing windows with new glazing or the specification of secondary glazing.

#### Part 2: Core Services

A Part 2 assessment may be appropriate where at least two of the following are being installed or upgraded to a level that requires compliance with the Building Regulations Compliance Guide:

- Central air handling unit
- Heating boiler
- More than 50% of heat distribution
- Chiller plant
- More than 50% of chiller distribution
- Water services (sanitary fittings in core)
- Building management system
- Community heating system (e.g. CCHP)
- Low and zero carbon technologies.

A Part 2 assessment does not include the full scope of a category A fit-out, due to the fact that the specification of items such as ceiling finishes, raised floors and the zoning of local services about the lettable floor area and other Category A works are not typically finalised until the space undergoes final fit-out (often referred to as Category B fit-out) according to the tenant's specification and liable to change. These items are excluded from a Part 2 assessment with local services assessed under Part 3 and interior finishes assessed under Part 4, which covers the typical scope of a Category B fit-out. Therefore, where category A works include local service provision (e.g. lighting) it may be appropriate to also assess the project against Part 3: Local Services.

### Part 3: Local Services

A Part 3 assessment may be appropriate where at least two of the following fixed local building services are being installed or upgraded e.g. a replacement or new installation of local heating/cooling units.

- Replacement of more than 50% of light fittings, system and controls
- Upgrade of zone controls
- Local ventilation
- Local heating units (including sources not connected to core services)
- Local cooling units (including sources not connected to core services)
- Point of use water heaters.

Local services are defined as services that supply a specific area and may connect into the distribution systems from the core services within the tenanted area.

### Part 4: Interior Design

A Part 4 assessment may be appropriate where the refurbishment or fit-out works involve changes to the layout and/or redecoration of the refurbishment or fit-out area, including:

- Remodelling/changes to interior spaces including two or more of the following:
  - Wall coverings (alterations to at least 50% by area)
  - Floor coverings (alterations to at least 50% by area)
  - Ceiling covering or systems (alterations to at least 50% by area)
  - Partitions (alterations to at least 50% by area)
  - Raised floor system (alterations to at least 50% by area)
  - Furniture and fittings e.g. office furniture, retail display furniture and fittings etc. (alterations to at least 50% by area)
- AND at least one of the following:

- 
- Sanitary fittings e.g. tea/coffee points, kitchenette and washrooms (alterations to at least 50% of fittings)
  - Equipment e.g. Office equipment, display lighting, display chillers/freezers (alterations to at least 50% of equipment)
  - Local electrical installations e.g. sub-metering

Part 4 is broadly in line with a Category B fit-out and where the fit-out works also include changes or additions to local services, a Part 3 assessment may also be relevant.

If you wish to understand, in greater detail, the technical content concerning BREEAM UK Non-Domestic Refurbishment & Fit-out standards, you can find more information at: [http://www.breeam.com/ndrefurb2014manual/#02\\_scope\\_refurb/buildings\\_not\\_covered\\_scope\\_refurb.htm%3FTocPath%3D8](http://www.breeam.com/ndrefurb2014manual/#02_scope_refurb/buildings_not_covered_scope_refurb.htm%3FTocPath%3D8).

### Appendix 3

#### Pre-Application Advice

Pre-application advice will include a written response, in detail, considering the primary planning issues for the proposed application. The level of detail provided in the response will reflect the level of accuracy and detail provided in the information given to the Council by the applicant. A wider and more detailed scope of information provided to the Council regarding the proposal will result in a more accurate and in-depth analysis, allowing for positive feedback to be given.

Pre-application advice is encouraged as it can:

- Verify all local and national requirements, set out in both the Approved Maldon District Local Development Plan and the National Planning Policy Framework.
- Allow for constructive and open dialogue with interested parties from an early stage to identify, understand and seek to resolve issues associated with the proposed development.
- Provide tools for mitigation if the proposed development would produce any impacts on the surrounding environment, including any planning conditions.
- Reduce the likelihood of submitting an invalid application.
- Help the applicant understand how planning policies and other requirements affect a proposal.

It is also important that applicants emphasise why the proposed development should be allowed to progress and gain planning permission. The planning application will be held against the relevant policies within the Local Development Plan, therefore justification will be required for any proposal if it constituted to be an exception to the plan.

The nature of pre-application engagement allows for a collaborative process that involves not only the prospective applicant and the Local Planning Authority, but also statutory and

non-statutory consultees, elected members and local people. It is recognised that the parties involved at the pre-application stage will vary on a case by case basis.

All parties involved have an important role to play in ensuring the efficiency and effectiveness of pre-application engagement. Cross-party engagement will legitimately seek to identify all possible planning issues that may affect particular stakeholders or the environment.

For pre-application advice, there may be a fee applied. Please visit the Maldon District Council website for more detail at:

[https://www.maldon.gov.uk/info/20046/development\\_management/9227/planning\\_advice\\_and\\_information](https://www.maldon.gov.uk/info/20046/development_management/9227/planning_advice_and_information)

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**MINUTES of  
FINANCE AND CORPORATE SERVICES COMMITTEE  
19 APRIL 2018**

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**PRESENT**

Councillors	Mrs B F Acevedo, P G L Elliott, A S Fluker, Miss M R Lewis and Rev. A E J Shrimpton
Substitute Members	Councillors S J Savage and Mrs M E Thompson
In Attendance	Councillors R G Boyce MBE and D M Sismey

**1027. APPOINTMENT OF CHAIRMAN**

In the absence of both the Chairman and Vice-Chairman it was:

**RESOLVED** that Councillor A S Fluker be appointed Chairman for the meeting.

IN THE CHAIR : COUNCILLOR A S FLUKER

**1028. CHAIRMAN'S NOTICES**

The Chairman drew attention to the list of notices published on the back of the agenda.

**1029. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J P F Archer, I E Dobson, M F L Durham, CC, and D M Sismey.

In accordance with notice duly given it was noted that Councillor Mrs M E Thompson was attending as a substitute for Councillor Dobson and Councillor S J Savage was attending as a substitute for Councillor Sismey.

**1030. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 6 March 2018 be approved and confirmed.

### **1031. DISCLOSURE OF INTEREST**

Councillor A S Fluker advised that in the interest of openness and transparency and in relation to Agenda Item 10A Market Site – Update he knew and was an acquaintance of the claimant.

### **1032. PUBLIC PARTICIPATION**

No requests had been received.

### **1033. LEVEL ONE BUSINESS PLAN 2018 / 19 - RESOURCES DIRECTORATE**

The Committee considered the report of the Director of Resources seeking Members' approval of the Level One Business Plan 2018 / 19 for the Resources Directorate, attached at Appendix 1 to the report.

The report reminded Members of the existing Corporate Plan for the period 2015 – 2019 which set the vision and corporate goals that the Council agreed to focus on over the four year period along with a suite of high level outcomes associated with each goal. The Level One Business Plan provided the priorities and targets within the Resources Directorate for the next 12 months.

**RESOLVED** that the part of the Level One Business Plan for the Resources Directorate for 2018 / 19 be agreed.

### **1034. CORPORATE HEALTH AND SAFETY**

The Committee received the report of the Director of Resources on Corporate Health and Safety activity for Quarter Four (1 January to 31 March 2018). A summary by Directorate and a description of the reported accidents and near misses were set out in the report.

Appendix 1 to the report provided details of progress with the Health and Safety Action Plan for 2017 / 18 and it was noted that all procedures had been reviewed although some service risk assessments were outstanding review.

The Health and Safety Action Plan 2018 / 19 was attached at Appendix 2 to the report.

It was noted that there were very few accidents and no near misses during quarter four and none of the accidents required follow up action. The number of unacceptable behaviour reports remained constant with no significant trend upwards.

Members were advised that the Council's Health and Safety Advisory had undertaken a legionella audit. The audit had resulted in some improvements being identified and these had been notified to the relevant managers for appropriate action.

#### **RESOLVED**

- (i) that the accident and incident statistics for quarter four be noted;

- (ii) that progress with the Health and Safety Action Plan for 2017 / 18 be noted;
- (ii) that the Health and Safety Action Plan for 2018 / 19 be agreed.

### **1035. HUMAN RESOURCES POLICIES AND PROCEDURES**

The Committee considered the report of the Director of Resources seeking Members consideration of Human Resources policies and procedures which had been amended and developed.

Appendix 1 to the report provided a list of all policies and procedures which had recently been updated along with details of the amendments made.

A new Equality and Diversity in Employment Policy (Appendix 2 to the report) had been developed, to assist the Council in fulfilling its commitment to provide equal opportunities in employment whilst avoiding unlawful discrimination. Appendix 3 to the report contained Equality Act 2010 Guidance to be placed alongside the Equality and Diversity in Employment Policy.

In response to a question, the Director of Resources advised that equality and diversity training should be included as part of the induction process for new Members but also as a refresher for existing Members.

#### **RESOLVED**

- (i) that the updates to policies and procedures are noted;

#### **RECOMMENDED**

- (ii) That the Equality and Diversity Policy (**APPENDIX 1** to these Minutes) and Equality Act 2010 Guidance (**APPENDIX 2** to these Minutes) be approved.

### **1036. SUPPLEMENTARY ESTIMATES, VIREMENTS AND USE OF RESERVES: 1 FEBRUARY - 21 MARCH 2018**

The Committee considered the report of the Director of Resources, reporting virements and supplementary estimates agreed under delegated powers and procurement exemptions granted. The report also sought Members' approval of a request to draw down on reserves.

Members were advised that there had been:

- no virements.
- one supplementary estimate to commence in 2018 / 19 for the Treasury Advisory Service. It was noted that having been out to tender one quotation had been received which was higher than the current budget allocation for the 2018 / 19 financial year. Following a review of contract costs from other Authorities it was noted that the contract cost was in line with the cost for other authorities.

- one procurement exemption for the Treasury Management Advisory Contract as only one tender had been received.

In response to a question regarding the Treasury Advisory Service and whether Councils could achieve economies of scale and value for money if such service was procured in bulk, the Director of Resources advised that this was being reviewed by Essex Finance Officers Association.

#### **RESOLVED**

- (i) that the supplementary estimate granted during the period 1 February – 21 March and as detailed in paragraph 3.3.1 of the report, be noted;
- (ii) that the procurement exemption granted during the period 1 February – 21 March and as detailed in paragraph 3.4.1 below be noted.

#### **1037. URGENT ITEMS OF BUSINESS**

Councillor A S Fluker announced that in accordance with Section 100B(4) of the Local Government Act 1972 the Chairman of the Committee had agreed to allow the Director of Resources to raise two urgent items of business as it was necessary to consider and make a decision on them prior to the next meeting of the Finance and Corporate Services Committee being Agenda Item 10A - Market Site Update and Agenda Item 10B - Lease of Office Accommodation. Due to the nature and content of these items the Committee agreed to consider them following Agenda Item 11 – Exclusion of Public and Press.

#### **1038. EXCLUSION OF PUBLIC AND PRESS**

**RESOLVED** that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1, 2, 3 and 5 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

Further to the earlier agreement, it was agreed that the two urgent items of business would be considered after Agenda Item 13 – Legal Services Expenditure.

#### **1039. CHIEF EXECUTIVE'S PERFORMANCE APPRAISAL**

The Committee received the report of the Leader of the Council updating Members on progress of the Chief Executive's performance appraisal.

It was noted that the Chief Executive's appraisal had been undertaken on 29 January 2018 by the Leader and Deputy Leader of the Council. The appraisal reviewed performance against previous appraisal objectives which were set out in Appendix 1 to the report. Objectives to be set for the Chief Executive for 2018 / 19 were agreed at the appraisal and set out in the report.

A number of concerns were raised relating to the process of undertaking the Chief Executive's appraisal and whether the appraisal had been carried out in accordance with the agreed procedures. Concerns were also raised around the lack of reporting of this item during 2017 / 18. Councillor Miss M R Lewis stated that an appraisal had taken place in April 2017 and following a debate the Chairman advised that he would look into the issue and report back to the Committee.

In light of the comments raised Councillor A S Fluker proposed that the Committee should advise the Leader of the Council and Chief Executive that it did not believe that the Chief Executive's performance appraisal had been carried out correctly and procedures followed. In addition, a report should be brought back to this Committee once the correct procedures had been followed. This was agreed. Councillor Fluker also undertook to update the Committee by email on this item following discussions with the Leader of the Council and Chief Executive.

**RESOLVED** that the Leader of the Council and Chief Executive be advised that the Finance and Corporate Services Committee did not believe that the Chief Executive's performance appraisal had been carried out correctly and procedures followed. In addition, a report should be brought back to the Finance and Corporate Services Committee once it could be confirmed that correct procedures had been followed.

#### **1040. LEGAL SERVICES EXPENDITURE 2014 / 15 TO 2016 / 17**

The Committee considered the report of the Director of Resources providing a summary of the Council's expenditure on Legal Services following the decision in May 2014 to provide Legal Services internally.

The report provided detailed background information regarding the delivery of legal services at the Council including levels of expenditure incurred on legal services. The Director of Resources presented the report and highlighted a number of areas for Members' consideration.

Following a lengthy debate, a number of areas were highlighted for further investigation and it was:

**RESOLVED** that the Director of Resources:

- considers and reports on whether the appointment of the Deputy Monitoring Officer fully complied with the Council's Human Resources policies and procedures;
- reviews the options for the provision of legal services including outsourced delivery models with and without an in-house Monitoring Officer and reports back to this Committee;
- reviews and reports back on the mechanisms put in place by the Joint Negotiating Committee Handbook in respect to the role of Deputy Monitoring Officer;
- undertakes a review of the appointment of Deputy Monitoring Officer and whether this should be a Member appointment;

Councillor D M Sismey joined the meeting during this item of business.

#### **1041. MARKET SITE - UPDATE**

The Committee considered the urgent report of the Director of Resources, providing details of a recent offer received by the Council.

It was noted that this matter was brought forward for consideration, as it was necessary to consider and make a decision on the recent offer received prior to the next meeting of the Finance and Corporate Services Committee.

The report provided a summary of key issues and detailed background information. A map of the Market Site area was provided at Appendix 1 to the report.

A lengthy debate ensued, during which concerns were raised regarding the length of lease suggested (50 years) and level of discount requested. It was agreed that the recommendations in the report not be agreed but that the Director of Resources, in consultation with the Chairman of this Committee (or his substitute), be authorised having sought Counsel's advice to negotiate the terms of the lease with the claimant.

**RESOLVED** that the Director of Resources, in consultation with the Chairman of this Committee (or his substitute), be authorised having sought Counsel's advice to negotiate the terms of the lease with the claimant.

Councillor Rev. A E J Shrimpton left the meeting at this point.

#### **1042. LEASE OF OFFICE ACCOMMODATION**

The Committee considered the urgent report of the Director of Resources seeking Members' agreement to market unutilised space within the Council Offices on the open market to find a new tenant.

It was noted that this matter was brought forward for consideration, as it was necessary negotiate and enter into a new lease prior to the next meeting of the Finance and Corporate Services Committee.

Appendix 1 to the report provided a map of the Council offices highlighting the area for consideration.

**RESOLVED** that the Director of Resources in consultation with the Chairman of the Finance and Corporate Services Committee, and on the advice of a legal advisor and Independent Valuer, be authorised to negotiate and enter into a new lease for unutilised space in the Council Offices.

There being no further items of business the Chairman closed the meeting at 9.10 pm.

A S FLUKER  
CHAIRMAN



# Equality and Diversity in Employment Policy *(Draft)*



## Document Control Sheet

<b>Document title</b>	<b>Equality and Diversity in Employment</b>
<b>Summary of purpose</b>	Maldon District Council is committed to providing equal opportunities in employment and avoiding unlawful discrimination. This policy is intended to assist the Council to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.
<b>Prepared by</b>	HR
<b>Status</b>	Final
<b>Version number</b>	1
<b>Approved by</b>	
<b>Approval date</b>	
<b>Date of implementation</b>	
<b>Review frequency</b>	
<b>Next review date</b>	As required by legislative changes
<b>Circulation</b>	All staff
<b>Published on the Council's website</b>	

**Validity Statement**

This document is due for review as and when relevant legislation changes. Users of the policy should ensure that they are consulting the currently valid version of the document.

**If you would like this information in large print, Braille or another language, please contact HR.**



MALDON DISTRICT  
COUNCIL

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## Policy Statement

Maldon District Council is committed to providing equal opportunities in employment and avoiding unlawful discrimination.

This policy is intended to assist the Council to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. The Council has a separate Grievance Policy which deals with these issues.

Please refer to the Council's Equality Act 2010 Guidance for additional information on protected characteristics and types of discrimination, as covered by the Equality Act 2010.

## Scope of this Procedure

### 1. Equal Opportunities in Employment

1.1 The Council will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy. Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

1.2 See Supporting Disabled Employees Guidance.

### 2. Customers, suppliers and other people not employed by the Council

2.1 The Council will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the organisation.

2.2 Employees should report any bullying or harassment by customers, suppliers, visitors or others to their manager who will take appropriate action.

2.3 Please refer to the Council's Corporate Equality Policy for further information.

### 3. Training

3.1 The Council will provide learning opportunities in equal opportunities to staff to help them understand their responsibilities with regard to equalities and what they can do to help create a working environment free of bullying and harassment.

### 4. Employee Responsibilities

4.1 Every employee is required to assist the Council to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

4.2 Employees can be held personally liable as well as, or instead of, the Council for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

4.3 Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the council's Disciplinary Policy. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

## 5. Grievances

5.1 Where an employee considers that they have been unlawfully discriminated against, or if the complaint involves alleged bullying or harassment, they may use the Council's Grievance Policy to make a complaint.

5.2 The Council will take any complaint seriously and will seek to resolve any grievance that it upholds. Employees will not normally be penalised for raising a grievance, even if the grievance is not upheld, unless the complaint is made in bad faith or for some other malicious or inappropriate reason.

5.3 Use of the Council's Grievance Policy does not affect an employee's right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months beginning with the act of discrimination complained of.

## 6. Monitoring and Review

6.1 This policy will be monitored periodically by the Council to judge its effectiveness and will be updated in accordance with changes in the law.

6.2 Information provided for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 1998.

### **The Equality Act 2010**

The Act makes it unlawful to discriminate directly or indirectly in recruitment or employment because of:

- Age
- Disability
- Gender reassignment
- Marriage and Civil Partnerships
- Pregnancy & Maternity
- Race (which includes colour, nationality and ethnic or national origins)
- Religion or Belief
- Sex (formally Gender)
- Sexual orientation

These are known as "protected characteristics".

In addition, the Act also defines specific types of discrimination.

For further information on protected characteristics and types of discrimination see Equality Act 2010 Guidance.

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# Equality Act 2010 Guidance



## Document Control Sheet

<b>Document title</b>	<b>Equality Act 2010 Guidance</b>
<b>Summary of purpose</b>	Maldon District Council is committed to providing equal opportunities in employment and avoiding unlawful discrimination.  This guidance document provides additional information on the protected characteristics and types of discrimination, as covered by the Equality Act 2010.
<b>Prepared by</b>	HR
<b>Status</b>	Final
<b>Version number</b>	1
<b>Approved by</b>	
<b>Approval date</b>	
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<b>Review frequency</b>	
<b>Next review date</b>	As required by legislative changes
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## Section 1 - Overview

This guidance document provides additional information on the protected characteristics and types of discrimination, as covered by the Equality Act 2010.

This guidance covers how we treat everyone; colleagues, customers and other stakeholders. The guidance should also be used when policies are being planned and services are commissioned. Further information can also be found in the Council's Corporate Equality Policy.

### 1. Scope

- 1.1 This document has been produced as a guidance document to enable those concerned to better understand the Equality Act.
- 1.2 Any issues relating to discrimination should be raised immediately with the line manager and / or Human Resources in conjunction with the Grievance Policy and Procedure.

### 2. Links to other Policies / Procedures:

MDC Equality and Diversity in Employment Policy  
Disability Confident Scheme  
Guide for Managers – the Duty to Make Reasonable Adjustments  
MDC Corporate Equality Policy  
Grievance Policy and Procedure (for further information on bullying and harassment)

## Section 2 - Guidance

### Protected Characteristics

#### 1. Age

1.1 The Act protects people of all ages. However, different treatment because of age is not unlawful direct or indirect discrimination if it can be justified, i.e. if the employer can demonstrate that it is a proportionate means of meeting a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination.

1.2 An age group includes people of the same age and people of a particular range of ages. Where people fall in the same age group they share the protected characteristic of age. An age group would include “over fifties” or twenty-one year olds. A person aged twenty-one does not share the same characteristic of age with “people in their forties”. However, a person aged twenty-one and people in their forties can share the characteristic of being in the “under fifty” age range.

1.3 Where it is necessary to compare the situation of a person belonging to a particular age group with others, the Act does not specify the age group with which comparison should be made. It could be everyone outside the person's age group, but in many cases the choice of comparator age group will be more specific; this will often be led by the context and circumstances.

#### Example

A female employee aged 25 could be viewed as sharing the protected characteristic of age with a number of different age groups. These might include '25 year olds', 'the under 30s', 'the over 20s', and 'younger workers'.

The employee in this example might compare herself to 'over 25s', or 'over 35s', or 'older workers'. She could also compare herself to 'the under 25s' or '18 year olds'.

## 2. Disability

2.1 A person has a disability if they have a physical or mental impairment and the impairment has a **substantial** and **long-term** adverse effect on their ability to perform **normal day-to-day activities**.

2.2 This section replaces similar provisions in the Disability Discrimination Act (DDA) 1995 and provisions in secondary legislation made under the DDA.

2.3 For the purposes of the Equality Act, these words have the following meanings:

- **'substantial'** means more than minor or trivial
- **'long-term'** means that the effect of the impairment has lasted or is likely to last for at least twelve months (there are special rules covering recurring or fluctuating conditions)
- **'normal day-to-day activities'** includes everyday things like eating, washing, walking and going shopping, using a telephone, reading a book or using public transport.

2.4 Where people have the same disability, they share the protected characteristic of disability.

2.5 The Act puts a duty on employers to make reasonable adjustments for their employees to help them overcome disadvantage resulting from impairment, for example, by providing assistive technologies to help visually impaired staff use computers effectively.

2.6 The Act includes a new protection from discrimination arising from disability. This states that it is discriminatory to treat a disabled person unfavourably because of something connected with their disability (e.g. a tendency to make spelling mistakes arising from dyslexia). This type of discrimination is unlawful where the employer or other person acting for the employer knows, or could reasonably be expected to know, that the person has a disability. This type of discrimination is only justifiable if an employer can show that it is a proportionate means of achieving a legitimate aim.

2.7 Additionally, indirect discrimination now covers disabled people. This means that a job applicant or employee could claim that a particular rule or requirement you have in place disadvantages people with the same disability. Unless the employer can justify this, it would be unlawful.

2.8 The Act also includes a new provision which makes it unlawful, except in certain circumstances, for employers to ask about a candidate's health before offering them work.

### **Progressive conditions considered to be a disability**

2.9 There are additional provisions relating to people with progressive conditions. People with HIV, cancer or multiple sclerosis are protected by the Act from the point of diagnosis. People with some visual impairments are automatically deemed to be disabled. For further information on visual impairments see the RNIB website (<http://www.rnib.org.uk>).

## Reasonable Adjustments

2.10 The Act requires employers to make reasonable adjustments for their employees where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic.

### Example 1

Providing assistive technologies to help visually impaired employees use computers effectively.

### Example 2

Provide additional time for job candidates with dyslexia to complete written tasks.

### Example 3

Consider the physical features of where a meeting is due to take place i.e. stairs, ramps, access etc. to ensure that disabled people are not put at a disadvantage.

## Failure to Make Reasonable Adjustments

2.11 This is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

2.12 Employees should not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

2.13 Please see Guide for Managers – The Duty to Make Reasonable Adjustments.

## Disability Confident

2.14 Disability Confident is a scheme that is designed to help employers recruit and retain disabled people and people with health conditions for their skills and talent.

2.15 The Department for Work and Pensions Disability Confident scheme replaces the previous 'Two Ticks Positive about Disabled People' scheme. The scheme aims to help employers make the most of the opportunities provided by employing disabled people.

There are 3 levels to the Disability Confident Scheme:

- Level 1 – Committed
- Level 2 – Employer
- Level 3 – Leader

2.16 Employers who sign up to the Disability Confident scheme agree to take action on the following commitments:

- Ensure the recruitment process is inclusive and accessible
- Communicate and promote vacancies
- Offer an interview to disabled people if they meet the minimum criteria for the post
- Anticipate and provide reasonable adjustments as required when disabled employees are applying for and doing their jobs
- Support any existing employee who acquires a disability or long term health condition, enabling them to stay in work

2.17 The Council has committed to the Disability Confident Scheme and has also been accredited as a Disability Confident Committed employer (i.e. level 1 of the scheme).

2.18 As a Disability Confident employer, we recognise the rights of disabled staff to be considered fully and fairly in all aspects of employment.

2.19 Further information about the Disability Confident scheme can be found on the GOV.UK website.

### **3. Gender Reassignment**

3.1 This is defined for the purpose of the Act as where a person has proposed, started or completed a process to change his or her sex. A transsexual person has the protected characteristic of gender reassignment and it is unlawful to discriminate against such a person in work and in the provision of goods, facilities, services and public functions.

3.2 A woman making the transition to being a man and a man making the transition to being a woman both share the characteristic of gender reassignment, as does a person who has only just started out on the process of changing his or her sex and a person who has completed the process.

3.4 It is discriminatory to treat transsexual people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured.

#### **Example 1**

A transsexual employee takes time off to attend a Gender Identity Clinic as part of the gender reassignment process. His employer cannot treat him less favourably than he would treat him for absence due to illness or injury, for example by paying him less than he would have received if he was off sick.

#### **Example 2**

A transsexual employee tells her boss that she intends to undergo gender reassignment and asks if she can take an afternoon off as annual leave to attend counselling. The request is refused without any reasons given even though there are enough work colleagues in the team available that day to cover her absence. This could amount to gender reassignment discrimination.

### **4. Marriage And Civil Partnership**

4.1 The Act protects employees who are married or in a civil partnership against discrimination. Single people are not protected.

4.2 A heterosexual man and a heterosexual woman who are married to each other and a man and another man who are married to each other/civil partners and a woman and another woman who are married to each other/civil partners all share the protected characteristic of marriage and civil partnership.

- People who are not married or civil partners do not have this protected characteristic.
- A person who is engaged to be married is not married and therefore does not have this protected characteristic.
- A divorcee or a person whose civil partnership has been dissolved is not married or in a civil partnership and therefore does not have this protected characteristic.

4.3 It is unlawful to:

- Dismiss a worker after he or she gets married or enters into a civil partnership.
- To not offer a job to an applicant who has all the relevant experience and skills because she has just got married and the employer thinks she will be focused on starting a family, not her career.
- As a line manager and colleague, ignore a worker and leave her out of work-related social activities resulting in an official complaint that her supervisor is discriminating against her because she is married.

#### **Example**

An example of direct discrimination is where a married worker is not promoted, instead the job is offered to a single person because the new role will require socialising and networking which the employer believes a single person would have the time to do.

## **5. Pregnancy And Maternity**

5.1 A woman is protected against discrimination on the grounds of pregnancy and maternity in her employment during the period of her pregnancy and any statutory maternity leave to which she is entitled. This is now separate from protection on grounds of sex, which is not available to a woman during pregnancy and maternity.

5.2 It is unlawful to take into account an employee's period of absence due to pregnancy related illness when taking a decision about her employment.

#### **Example**

Linda is pregnant and works at a call centre. The manager knows Linda is pregnant but still disciplines her for taking too many toilet breaks as the manager would for any other member of staff. This is discrimination because of pregnancy and maternity as this characteristic doesn't require the normal comparison of treatment with other employees.

6.1 The Act says you must not be discriminated against because of your race. This section replaces similar provisions in the Race Relations Act 1976.

6.2 For the purposes of the Act 'race' is defined as:

- **Colour:** for example includes being black or white
- **Nationality** (including citizenship) for example includes being a British, Australian or Swiss citizen
- **Ethnic or national origins:** for example includes being from a Roma background or of Chinese heritage.

6.3 A racial group could be 'black Britons' which would encompass those people who are both black and who are British citizens.

Race also covers ethnic and racial groups. This means a group of people who all share the same protected characteristic of ethnicity or race.

6.4 A racial group can be made up of two or more distinct racial groups, for example black Britons, British Asians, British Sikhs, British Jews, Romany Gypsies and Irish Travellers.

**Example**

An example of indirect discrimination is if a hairdresser refuses to employ stylists that cover their own hair. This would put any Muslim Women or Sikh men who cover their hair at a disadvantage when applying for a position as a stylist. Or, John is not given a position because he is British but born to Jamaican partners, i.e. because of their Jamaican national origins.

## 7. Religion or Belief

7.1 Religion means any religion and a reference to religion also includes a reference to a lack of religion.

- **A religion** must have a clear structure and belief system. Denominations or sects within a religion can be considered to be a religion or belief, such as Protestants and Catholics within Christianity.
- **A belief** means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief
- **A “philosophical belief”** must
  - Be genuinely held;
  - Be a belief and not an opinion or viewpoint based on the present state of information available;
  - Be a weighty and substantial aspect of human life and behaviour;
  - Attain a certain level of cogency, seriousness, cohesion and importance;
  - Be worthy of respect in a democratic society, compatible with human dignity and not conflict with the fundamental rights of others.

7.2 Any cult involved in illegal activities is not covered. Beliefs such as humanism and atheism would be covered.

7.3 Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.

7.4 People who are of the same religion or belief share the protected characteristic of religion or belief.

7.5 This section replaces similar provisions in the Employment Equality (Religion or Belief) Regulations 2003 and the Equality Act 2006.

## 8. Sex

- Formally defined as Gender, both men and women are protected under the Act.
- A reference to a person who has a particular protected characteristic is a reference to a man or to a woman
- A reference to persons who share a protected characteristic is a reference to persons of the same sex
- Men share the sex characteristic with other men and women with other women.

## 9. Sexual Orientation

9.1 The Act protects bisexual, gay, heterosexual and lesbian people and is defined as a person’s sexual orientation towards:

- people of the same sex as him or her (in other words the person is a gay man or a lesbian)
- people of the opposite sex from him or her (the person is heterosexual)
- people of both sexes (the person is bisexual).

9.2 People sharing a sexual orientation mean that they are of the same sexual orientation and therefore share the characteristic of sexual orientation.

9.3 The definition is designed to replicate the effect of similar provisions in the Employment Equality (Sexual Orientation) Regulations 2003 and the Equality Act 2006.

## 10. Caste

10.1 The Government Equalities Office consultation, Caste in Great Britain and Quality Law, on how to address caste discrimination closed on 18 September 2017.

10.2 This consultation explores how to ensure that there is appropriate and proportionate legal protection against unlawful caste discrimination with due consideration given to how such protection would be implemented in practice. Caste is not currently included within the Equality Act 2010.

## Types of Discrimination

### 11. Direct Discrimination

11.1 This is where a person is treated less favourably than another because of a protected characteristic they have or are thought to have (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).

11.2 In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

#### Example 1

An employer refuses to employ a woman because she is pregnant. This is direct discrimination on grounds of pregnancy.

#### Example 2

Paul, a senior manager, turns down Angela's application for promotion to a supervisor position. Angela, who is a lesbian, learns that Paul did this because he believes the team that she applied to manage are homophobic. Paul thought that Angela's sexual orientation would prevent her from gaining the team's respect and managing them effectively. This is direct sexual orientation discrimination against Angela.

### 12. Indirect Discrimination

12.1 This is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Being proportionate means being fair and reasonable, including showing that ‘less discriminatory’ alternatives have been looked at prior to any decision made. Indirect discrimination can be justified if the employer can show that they acted reasonably, i.e. that it is ‘a proportionate means of achieving a legitimate aim’. A legitimate aim might be any lawful decision the employer makes in running the business, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful.

### Example

A small finance company needs its staff to work late on a Friday afternoon to analyse stock prices in the American finance market. The figures arrive late on Friday because of the global time differences. During the winter some staff would like to be released early on Friday afternoon in order to be home before sunset – a requirement of their religion. They propose to make the time up later during the remainder of the week.

The company is not able to agree to this request because the American figures are necessary to the business, they need to be worked on immediately and the company is too small to have anyone else able to do the work.

The requirement to work on Friday afternoon is not unlawful indirect discrimination as it meets a legitimate business aim and there is no alternative means available.

## 13. Harassment

13.1 This is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

### Example

#### Example 1

Paul is disabled and is claiming harassment against his line manager after she frequently teased and humiliated him about his disability. Richard shares an office with Paul and he too is claiming harassment, even though he is not disabled, as the manager's behaviour has also created an offensive environment for him.

#### Example 2

Steve is continually being called gay and other related names by a group of employees at his work. Homophobic comments have been posted on the staff noticeboard about him by people from this group. Steve was recently physically pushed to the floor by one member of the group but is too scared to take action. Steve is not gay but heterosexual; furthermore the group know he isn't gay. This is harassment because of sexual orientation.

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves.

13.2 Employees are also protected from harassment because of perception and association.

## 14. Bullying

14.1 Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means which undermine, humiliate, denigrate or injure the individual or a group of employees. This kind of conduct is usually sustained.

### Example

Examples of bullying are:

- shouting at an employee in front of others
- sarcastic comments deliberately aimed at the individual
- ridiculing someone or deliberately setting them up to fail
- overbearing supervision or other misuse of power or position
- making threats about job security without foundation
- undermining a competent worker by overloading and constant criticism

14.2 For further information on bullying and harassment please see the Council's Grievance Policy.

## 15. Associative Discrimination

15.1 This is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and pregnancy and maternity).

### Example

June works as a project manager and is looking forward to a promised promotion. However, after she tells her boss that her mother, who lives at home, has had a stroke, the promotion is withdrawn. This may be discrimination against June because of her association with a disabled person.

## 16. Perceptive Discrimination

16.1 This is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

### Example

Jim is 45 but looks much younger. Many people assume that he is in his mid-20's. He is not allowed to represent his company at an international meeting because the Managing Director thinks that he is too young. Jim has been discriminated against on the perception of a protected characteristic of age.

## 17. Victimisation

17.1 This occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because they made or supported a complaint or raised a grievance, or because they are suspected by the employer of doing so. However, an employee is not protected from victimisation if they acted maliciously or made or supported an untrue complaint.

### **Example 1**

A blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings; such behaviour could amount to victimisation.

### **Example 2**

Anne makes a formal complaint against her manager because she feels that she has been discriminated against because of marriage. Although the complaint is resolved through the organisation's grievance procedures, Anne is subsequently ostracised by her colleagues, including her manager. She could claim victimisation.

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