

# Unrestricted Document Pack

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CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

03 May 2017

Dear Councillor

You are summoned to attend the forty fifth

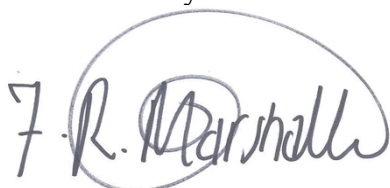
## **ANNUAL MEETING OF THE MALDON DISTRICT COUNCIL**

on **THURSDAY 11 MAY 2017 at 7.30 pm.**

in the Council Chamber. Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'F. R. Marshall', is enclosed within a hand-drawn oval.

Chief Executive

NB Serving Members who are past Chairmen of the District Council are invited to wear their past Chairman's badges and medals.

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**AGENDA**  
**OF THE ANNUAL MEETING OF THE MALDON DISTRICT COUNCIL**  
**THURSDAY 11 MAY 2017**

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1. **Chairman's notices (please see page 7)**

2. **Election of Chairman**

To elect the Chairman of the Maldon District Council for the ensuing Municipal Year.

3. **Chairman's Statutory Declaration of Acceptance of Office**

Chairman to make the Statutory Declaration of Acceptance of Office.

4. **Election of Vice-Chairman**

To elect the Vice-Chairman of the Maldon District Council for the ensuing Municipal Year.

5. **The Vice-Chairman's Statutory Declaration of Acceptance of Office.**

Vice-Chairman to make the Statutory Declaration of Acceptance of Office.

6. **Apologies for absence**

7. **Declarations of Interest**

To declare the existence and nature of any 'personal' or 'personal and prejudicial' interests relating to items on the agenda having regard to paragraphs 8 to 12 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to declare interests as soon as they become aware should the need arise throughout the meeting).

8. **Minutes - 23 March 2017** (Pages 9 - 28)

To confirm the Minutes of the extraordinary meeting of the Council held on 23 March 2017 (copy enclosed).

9. **Minutes - 5 April 2017** (Pages 29 - 44)

To confirm the Minutes of the meeting of the Council held on 5 April 2017, (copy enclosed).

10. **Public Questions**

To receive questions from members of the public, of which prior notification in writing has been received (no later than noon on the Tuesday prior to the day of the meeting).

11. **Chairman's Announcements**
12. **Recommendations of Committees for Decision by the Council** (Pages 45 - 156)

- (i) To consider the report of the Director of Resources (copy enclosed).

Please note: Where appropriate this report contains links to the relevant Committee agenda, reports and Minutes.

- (ii) **Minutes of meetings of Committees**  
To note that since the last meeting of the Council, up until Wednesday 3 May 2017 (Council agenda dispatch) the following Committees have met, and to receive any questions in accordance with Council and Committee Procedure Rule 6 (2).

<b>Minutes reported to the last meeting and now published:</b>		<b>Minute Numbers</b>
Central Area Planning Committee	<a href="#">22 March 2017</a>	1101 - 1113

<b>Minutes published:</b>		<b>Minute Numbers</b>
Overview and Scrutiny Committee	<a href="#">29 March</a>	1118 – 1127
Audit Committee*	<a href="#">30 March</a>	1128 – 1136
North Western Area Planning Committee	<a href="#">3 April</a>	1137 – 1147
South Eastern Area Planning Committee	<a href="#">10 April</a>	1164 – 1174
Community Services Committee*	<a href="#">11 April</a>	1175 – 1188
Appointments Committee	<a href="#">12 and 13 April</a>	1189 – 1204

**Minutes NOT finalised for publication:**

Overview and Scrutiny Committee (acting as the Crime and Disorder Committee)	<a href="#">18 April</a>
Central Area Planning Committee	<a href="#">19 April</a>
Planning and Licensing Committee*	<a href="#">25 April</a>
Finance and Corporate Services Committee*	<a href="#">26 April</a>

\* Please see item (i) above as these Minutes contain recommendations to the Council.

13. **Questions in accordance with Procedure Rule 6 (2) of which notice has been given**
14. **Leaders and Composition of Political Groups** (To Be Tabled)

- (i) The Chief Executive **to table for information**, the Leaders and composition of each political group.
- (ii) The Council to consider the ratification of the Leader-designate as Leader or to elect the Leader of the Council.
- (iii) To elect the Deputy Leader of the Council.

15. **Appointment of Membership of Committees of the Council** (To Be Tabled)

To appoint Members to serve on Committees, as required by Procedure Rule 17.  
(Report of the Chief Executive on the nominations of the Leader of the Council and the Opposition Leader to the places allocated to their respective groups to be tabled).

16. **Adjournment of meeting**

To adjourn the meeting to allow Committees of the Council and the Area Planning Committees to proceed to elect Chairmen and Vice-Chairmen.

**Special Meeting of the Finance and Corporate Services Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the Community Services Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the Planning and Licensing Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the Overview and Scrutiny Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the Audit Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the Joint Standards Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the Investigating and Disciplinary Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the Central Area Planning Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the North Western Area Planning Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the South Eastern Area Planning Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

17. **Resumption of Business**

To continue with the business of the Statutory Annual Meeting of the Council.

18. **Appointment of Representatives to Local Government and Outside Bodies** (To Be Tabled)

To consider the report of the Chief Executive.

19. **Appointment of Members to serve on Working Groups of the Council** (To Be Tabled)

To consider the report of the Chief Executive.

20. **North Heybridge Garden Suburb - Administration of Sports Facilities** (Pages 157 - 162)

To consider the report of the Director of Customers and Community, (copy enclosed).

21. **Schedule of Meetings 2017 / 18**

To consider the following revisions for the 2017 / 18 Schedule of Meetings in light of the recent confirmation of a general election on Thursday 8 June 2017:

- To move the meeting of the Overview and Scrutiny Committee from Wednesday 7 June to Monday 5 June 2017.
- To move the meeting of the Planning and Licensing Committee from Thursday 8 June to Tuesday 13 June 2017.
- To move the meeting of the Finance and Corporate Services Committee from Tuesday 13 June to Wednesday 14 June 2017.

## **NOTICES**

### **Sound Recording of Meeting**

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

### **Fire**

In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

### **Health and Safety**

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

### **Closed-Circuit Television (CCTV)**

This meeting is being monitored and recorded by CCTV.

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**MINUTES of  
COUNCIL (EXTRAORDINARY)  
23 MARCH 2017**

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**PRESENT**

Vice-Chairman  
(in the chair)

Councillor H M Bass

Councillors

H M Bass, Mrs B F Acevedo, E L Bamford, Miss A M Beale,  
B S Beale MBE, R G Boyce MBE, CC,  
Mrs P A Channer, CC, I E Dobson, M F L Durham,  
A S Fluker, Mrs B D Harker, B E Harker, M S Heard,  
M W Helm, Miss M R Lewis, R Pratt, S J Savage,  
Mrs N G F Shaughnessy and Mrs M E Thompson

**1114. CHAIRMAN'S NOTICES**

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

**1115. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J P F Archer, A T Cain,  
Mrs H E Elliott, P G L Elliott, M R Pearlman, N R Pudney, Rev. A EJ Shrimpton,  
D M Sismey, A K M St. Joseph and Miss S White.

**1116. DISCLOSURE OF INTERESTS**

Councillor Mrs P A Channer declared a non-pecuniary interest in Agenda Item 4  
OUT/MAL/15/01327 Land North and West of Knowles Farm, Wycke Hill, Maldon as  
she was an Essex County Councillor and the County Council had been consulted on this  
application.

At this point, the Chairman introduced Ms Jane Linley the Council's legal  
representative and Mr Matthew Lane from Essex County Council Highways.

**1117. OUT/MAL/15/01327 - LAND NORTH AND WEST OF KNOWLES FARM,  
WYCKE HILL, MALDON**

The Council considered the report of the Interim Head of Planning Services and  
determined the following planning application, having taken into account all  
representations and consultation replies received.

The Chairman advised the Council that a member of the public had registered their wish to speak and outlined the procedure for public participation.

<b>Application Number</b>	<b>OUT/MAL/15/01327</b>
<b>Location</b>	Land North And West Of Knowles Farm Wycke Hill Maldon Essex
<b>Proposal</b>	C3 residential development (up to 320 new homes) of mixed form, size and tenure, small scale B1 employment development (up to 2,000sqm), C2 / D1 community uses, a new relief road to the north of A414, strategic landscaping, pedestrian and cycle linkages, estate roads, open space, drainage and sewerage (including SUDS) and other associated development. - All matters reserved except for access.
<b>Applicant</b>	Mr Nick Mann - Dartmouth Park Estates Ltd.
<b>Agent</b>	Mr Oliver Yeats & Steven Butterworth of Litchfields
<b>Target Decision Date</b>	5 May 2016 but time extended until 31 March 2017
<b>Case Officer</b>	Debi Sherman, TEL: 01621 875862
<b>Parish</b>	<b>MALDON WEST</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan Environmental Impact Assessment Major Application Parish Trigger Local Development Plan (LDP) site allocation site S2(b) in the South Maldon Garden Suburb

It was noted that the Members' Update proposed amendments to conditions 22 and 28 as set out in the report.

The Senior Principal Planner – Major Applications (Strategic Sites) and the Local Development Plan (LDP) Project Officer presented the application providing Members with detailed information including policy information, infrastructure provision, phasing and density.

Following the Officers' presentation an objector, Mr Ballinger of 20 Coleridge Road, Maldon addressed the Committee.

Councillor S J Savage thanked Officers for their presentation and made reference to a public workshop he had attended regarding the proposed scheme. He proposed that the Officers' recommendation of approval be agreed. This proposal was duly seconded.

In response to a question regarding the proposed Heads of Terms and specifically the one regarding community land the LDP Project Officer clarified that the five years proposed reflected the time for the development to take place. This application did not propose to build or provide a hospital but recognised that there may be a need for a hospital. Councillor B E Harker raised concern that five years, as suggested, was insufficient. He proposed that the Heads of Terms regarding Community Land be amended to read "Community Land – Reserve land for the NHS circa 1.53 hectares for community use for a period of five years after which the site is conveyed to Maldon District Council". This proposal was duly seconded.

In response to the amendment, the Officer suggested that Members might wish to consider reserving the land for the Council or the NHS to take up during that period. It was noted that reserving the land was not to complete the facility but for the NHS to establish if that was the preferred site.

A number of other Members spoke in favour of the amendment. In response to a number of comments, the following information was provided regarding the community land heads of terms:

- The five years referred to would start from the date planning permission was granted or the legal agreement signed.
- If the land was not required the planning permission would be specific and Members attention was drawn to condition 21 which restricted the type of community use that could be brought forward on that part of the site.

In light of discussions, Councillor Harker amended his earlier proposition to read "...for community use for a period of ten years.". This was seconded and upon a vote being taken was agreed.

In response to a number of comments the following information was provided:

- the Senior Principal Planner – Major Applications (Strategic Sites) confirmed that the application had been through a viability statement and assessment.
- it was noted that this application did not provide information in order to determine the impact the development would have on the property adjacent to the site, Wingcroft. This would be brought forward as part of the reserved matters application.
- Members were advised of the proposed new public transport links encompassed within the application.
- the road adjacent to the site would not meet any strategy or policy to further reduce its speed to 30 miles per hour.
- the proportion of houses available for older persons would be identified as part of the reserved matters planning application.
- a noise strategy would be prepared as part of the reserved matters application.

The Chief Executive and the Legal Represented responded to a question regarding the confidential nature of the viability assessment. Members were advised that as decision maker the Council could view the confidential viability statement if a need to do so was identified.

Following further discussion Councillor Savage commended his proposition, as amended, to the Council. Upon a vote being taken this was agreed.

**RESOLVED** that the application be **APPROVED** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following planning obligations:

- Affordable Housing - For 30% affordable housing to be provided within each phase or otherwise in accordance with an Affordable Housing Delivery Plan.

- Affordable housing mix to provide 52% 1 bed flats (with proportion suitable for the elderly) 40% 2 bedroom units and 8% 3 bedroom units.
- Affordable Housing tenure 30% intermediate and discounted market sale and 70% affordable rent.
- Contribution of £1,331,127 towards the construction of the South Maldon Relief Road. In agreement with the Highways Authority, procure the design, tender and construction of the SMRR leading to adoption as public highway.
- Highway obligations to include a financial contribution as part of the pooled arrangements unless otherwise agreed for the following:
  - A414 Oak Corner Junction.
  - B1018 Heybridge Approach / A414 roundabout.
  - B108 Langford / Heybridge Approach.
- Contribution of £238,744 towards public transport improvements to serve the South Maldon Garden Suburb).
- Travel Plan - Provision of a Travel Plan including provision of a Travel Plan Co-ordinator and a financial contribution as a monitoring fee to Essex County Council of £1,500 from first occupation to last occupation.
- Community Land – Reserve land for the NHS circa 1.53 hectares for community use for a period of ten years.
- Education - A financial contribution as stated in the Infrastructure Delivery Plan (IDP) or as required by Essex County Council (ECC) Education's Developer Guide 2016 formula towards education facilities including:
  - Indicative contribution totalling £2,602,225
- Health Care financial contribution based on NHS current calculations
- Allotments – a financial contribution to be provided of £14,520
- Youth Facilities – a financial contribution to be provided of £162,500 towards teen shelters, skateboard facilities and access to shared facilities
- Management Company – to appoint a Management Company for all the Green Infrastructure and Blue Infrastructure (Surface Water Management Systems)
- Green Infrastructure – For a strategy to be prepared and open space to be provided in accordance with a phasing plan and to be given to Management Company (planning condition 22 requires details to be agreed).
- Children's Play Areas for the applicant to provide the Local Area of Play (LAP), the Local Equipped Area of Play (LEAP) and financial contribution of £34,560 towards an off-site Neighbourhood Equipped Area of Play (NEAP) and transfer the land to a Management Company
- A monitoring fee to the Council of £8,000 for monitoring and reviewing compliance.

AND subject to the following conditions:

**Time Limits:**

- 1 Details of the layout, scale, appearance and landscaping of the site (hereinafter referred to as the reserved matters) shall be submitted to the Local Planning Authority. No development of any phase shall commence until approval of the details of the reserved matters for that phase have been approved in writing by the Local Planning Authority. The development shall be carried out as approved.
- 2 The first application for approval of reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.
- 3 Application for approval of the last of the reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.
- 4 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

**In accordance with the plans:**

- 5 The development hereby permitted shall be carried out in complete accordance with the following approved drawings:
  - PS07015-016-Rev A 'Red Line Boundary Plan'
  - Drawing No CIV-13756-SA-95-0036 Revision A01 dated 28/01/14 'Proposed 4 Arm, 39m CD Roundabout'
  - Drawing No CIV-13756-SA-95-0041 Rev A02 'Proposed roundabout adjacent Limehouse Farm ARCADY Dimensions'
  - Drawing No CIV-13756-SA-95-0048 dated 07/03/14 'Link Road Northern Signalised Junction'
  - Drawing No CIV-13756-SA-95-0061 'Infrastructure Provision'
- 6 The reserved matters shall be carried out substantially in accordance with the details stated within the submitted Design and Access Statement and in accordance, with the following approved drawings unless otherwise agreed in writing by the Local Planning Authority pursuant to Condition 7 of this planning permission:
  - PS07015-016-Rev A 'Red Line Boundary Plan'
  - PS07015-014.1-Rev I 'Parameter Plan 1 – Extent of Development and Land Use'
  - PS07015-014.2-Rev I 'Parameter Plan 2 – Access and Movement'
  - PS07015-014.3-Rev I 'Parameter Plan 3 – Landscape'
  - PS07015-014.4-Rev I 'Parameter Plan 4 – Building Storey Heights'
  - PS07015-014.5 Rev I 'Parameter Plan 5 – Residential Density'

**Strategic Design Codes**

- 7 The submission of any reserved matters application shall accord with the Strategic Design Codes approved by the Local Planning Authority and will take full account of the principles in the approved South Maldon Garden Suburb Strategic Masterplan Framework.

**Strategic Phasing Plan:**

- 8 Prior to the submission of the first of the reserved matters application(s) for the site, a Strategic Phasing Plan, which accords with the 'Indicative Phasing Plan' and with the triggers in the S106 accompanying this application dated [to be inserted] for the provision of infrastructure and which covers the entire site, shall be submitted to and approved in writing by the Local Planning Authority. The Strategic Phasing Plan shall include the proposed sequence of provision of the following elements:
- a) The South Maldon Relief Road (SMRR), roundabout to the west on the A414 and signalized junction to the north east on the A414 as identified on drawing number PS07015-014.2-Rev I 'Parameter Plan 2 – Access and Movement' to include trigger points in the development and phasing of delivery;
  - b) Internal roads/routes, footpath and cycleway provisions and crossing within and where linked to the site as identified on drawing number PS07015-014.2-Rev I 'Parameter Plan 2 – Access and Movement';
  - c) All residential development;
  - d) Employment land, where applicable for the relevant phase;
  - e) Community Use Land, where applicable for the relevant phase;
  - f) The green infrastructure, landscaping, informal open space and open space areas;
  - g) Structural landscaping/planting provisions;
  - h) Strategic foul and surface water features, including SuDS; and
  - i) Environmental mitigation measures;

The approved Strategic Phasing Plan shall then inform the reserved matters application(s) and the development shall be implemented in accordance with the approved the Strategic Phasing Plan, unless a revised phasing plan is otherwise agreed in writing by the Local Planning Authority.

**Highway conditions:**

- 9 No development shall commence until the detailed design and specification of access connecting to the roundabout, granted planning permission under OUT/MAL/13/00763 as shown in principle on CIV-13756-SA-95-061 has been submitted to and approved in writing by the local planning authority. Further to construction of this roundabout, the approved access shall be implemented in accordance with the approved details and retained in that form thereafter.
- 10 Any reserved matters application detailing the layout of the development shall include a scheme to show the provision of a network of pedestrian and cycle routes linking all areas within that part of the development, in accordance with drawing number PS07015-014.2-Rev I 'Parameter Plan 2 – Access and Movement'. The cycle routes shall be appropriately hard surfaced and, where provided as a separate dedicated 'off carriageway' route, shall have a minimum width of 3m or 3.5m minimum if there is a shared use provision with a footway. The pedestrian and cycle routes shall be implemented in accordance with the approved scheme.
- 11 Prior to first occupation of the proposed development, the Developer shall submit a residential travel plan to the Local Planning Authority for approval in

consultation with Essex County Council. The approved travel plans shall be implemented for a minimum period commencing from first occupation of the development and ending 1 year after final occupation.

- 12 On first occupation of each dwelling, a Residential Travel Information Pack for sustainable transport shall be provided for each dwelling, such Pack to include free travel vouchers for use with the relevant local public transport operator with the details of such Packs to be submitted to and approved by the Local Planning Authority prior to occupation of the first dwelling.

### **Housing:**

- 13 Any reserved matters application for residential development shall include a layout plan showing the distribution of market and affordable dwellings, for that phase of the development, including a schedule of dwelling size (by number of bedrooms) within the reserved matters site for which approval is sought. The affordable housing units shall be provided in accordance with the approved details.

### **Employment Land**

- 14 Concurrently with the submission of any application for reserved matters approval for the Employment Land, as highlighted on PS07015-014.1 Rev I 'Parameter Plan 1 – Extent of Development and Land Use', the distribution and size of all units for use within Class B1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be submitted to and approved in writing by the Local Planning Authority. The Employment Land unit(s) shall be implemented in accordance with the Strategic Phasing Plan as required by condition 7 and shall be completed in accordance with the approved size, mix and distribution.
- 15 The hours of use for any units falling within Classes B1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 – Extent of Development and Land Use', shall take place between:  
Monday to Friday .....07:00 to 19:00 hours  
Saturday .....08:00 to 13:00 hours  
Sundays and Bank Holidays .....None  
Unless any variation of condition is agreed in writing by the Local Planning Authority.
- 16 Deliveries to and collections from any units falling within Classes B1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) within the Employment Land units shall take place between:  
Monday to Saturday .....07:30 to 19:00 hours  
Sundays and Bank Holidays .....None  
Unless any variation of condition is agreed in writing by the Local Planning Authority.
- 17 No development of the commercial unit(s) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 – Extent of Development and Land Use', shall commence until details of the means of commercial refuse / recycling storage, including details of any bin stores to be provided, have been submitted to and approved in writing by the Local Planning Authority. The commercial refuse/recycling storage shall be carried out in accordance with the agreed details and shall be provided prior to the first occupation of the development and retained for such purposes at all times thereafter.

- 18 No occupation of a commercial unit(s) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 – Extent of Development and Land Use', shall commence until details of installation of any extract ventilation system, compressors, generators, refrigeration equipment, and any other fixed plant have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location of equipment, acoustic housing and any vibration isolation measures, together with projected noise levels at the boundary of the property. Only the details as agreed and shall be installed and shall be maintained for the duration of its usage thereafter.
- 19 No outside working shall take place around any unit(s) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 – Extent of Development and Land Use'.
- 20 No outside storage shall take place around any unit(s) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 – Extent of Development and Land Use'.

**Community Use Land:**

- 21 The Community Use Land hereby permitted as shown on PS07015-014.1 Rev I 'Parameter Plan 1 – Extent of Development and Land Use', shall only be used as/for purposes for provision of residential accommodation and care to people in need of care, hospital, nursing home, clinic or health centre and for no other purpose including any purpose as defined within Classes C2/D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.

**Green Infrastructure Management and Maintenance:**

- 22 Prior to or concurrently with the submission of the first reserved matters application(s) a Strategic Management and Maintenance Plan for the entire Green Infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. This information shall include:
  - a) details of who is responsible for the management and maintenance of the entire Green Infrastructure including long-term design objectives, maintenance schedules/specifications and monitoring processes for all landscape areas, including hard and soft elements in perpetuity.
  - b) an explanation of planting design objectives; planting, grass cutting, weeding and pruning schedules; inspection, repair and maintenance details relating to hard landscaping (including tracks, paths, boundary treatment, play equipment, street furniture; litter picking, etc.); a programme of management activities and monitoring and operational restrictions; a maintenance programme for the establishment period of the planting and existing remaining planting for trees and hedgerows (the first five years after planting);
  - c) a maintenance programme of the upkeep of and playspace equipment associated with the Local Equipped Area of Plan (LEAP), Local Area of Play (LAP and any other area of play;

The Strategic Management and Maintenance Plan for the entire Green Infrastructure shall be implemented as approved in accordance with the Strategic Phasing Plan, unless otherwise varied in writing by Local Planning Authority, and shall remain in place in perpetuity.



## **Landscaping and Trees:**

- 23 Within any reserved matters application pursuant to this approval landscaping details required by condition 1 shall include detailed landscape scheme with designs and specifications for that phase of the development, which shall substantially accord with the details stated within the submitted Design and Access Statement. The details shall be accompanied by a Landscaping Statement that demonstrates how the landscaping scheme accords with the endorsed Design Code (Condition 8) for the site. The landscape designs and specifications shall include the following:

### Soft Landscaping

- a) Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees / hedges / shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants.
- b) Scaled plans to show cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site.
- c) The landscape treatment of roads (primary, secondary, tertiary and green) through the development.
- d) A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.) and tree pit details.
- e) The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the site as appropriate.
- f) Full details of any proposed alterations to existing watercourses/drainage channels
- g) Details and specification of any proposed earth modelling, mounding, re-grading and/or embankment areas or changes of level across the site to be carried out including soil quantities, topsoil storage to BS 3882 : 2007, haul routes, proposed levels and contours to be formed, sections through construction to show make-up, and timing of works. The details submitted shall be in accordance with the details submitted in relation to the surface water management scheme required under Condition 33 and shall be compatible with their function as part of the public realm.

### Hard Landscaping

- h) Full details of all proposed methods of boundary treatment including details of all gates, fences, walls and other means of enclosure both within and around the edge of the site.
- i) Full details, including cross-sections, of all bridges and culverts.
- j) Utility routes, type and specification.
- k) The location and specification of minor artefacts and structures, including furniture, refuse or other storage units, signs and lighting columns/brackets.

- l) 1:200 plans (or at a scale otherwise agreed) including cross sections, of roads, paths and cycleways.
- m) Details of all hard surfacing materials (size, type and colour)

The landscaping within the application site areas shall be implemented in accordance with the approved Strategic Phasing Plan unless an alternative programme for provision is agreed in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

- 24 No trees or hedgerows within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the Local Planning Authority. No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Tree / hedgerow survey detailing works required;
- Trees / hedgerow to be retained;
- Tree retention protection plan;
- Tree constraints plan;
- Arboricultural implication assessment;
- Arboricultural method statement (including drainage service runs and construction of hard surfaces);
- Trees offsite.

No development shall commence until fencing and ground protection to protect the trees shall be erected, details to be submitted and approved as per BS5837:2012, and ground protection has been erected details of which shall have been submitted to the Local Planning Authority for written approval. The ground protection shall be laid as per Arboricultural method statement in accordance with British Standard BS5837:2012 (Trees in relation to construction) unless otherwise agreed in writing. The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority.

- 25 Any trees or plants provided as part of any landscaping scheme which, within a period of five years of planting date, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written consent to any variation.

- 26 No development within a site for which reserved matters approval is sought shall take place until such time as full details of the position and proposed depth of excavation trenches for all services (including cables, pipes, surface water drains, foul water drains and public utilities) and their means of installation which pass underneath the canopy of any retained tree within, adjacent to, or which overhangs the development area, have been submitted to and approved in

writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 27 Notwithstanding the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification) there shall be no hard surfacing of front gardens.

**Youth and Children's Play Facilities:**

- 28 Prior to or concurrently with the submission of the first of the reserved matters application(s), a Strategy for Youth Facilities and Children's Play provision shall be submitted to the Local Planning Authority for approval. The Strategy for Youth Facilities and Children's Play shall include the following details:
- a) How the Strategy is intended to evolve following the occupation of the site to meet the needs of future local residents, young people and children.
  - b) The size, type, location and provision of access to all youth facilities and play provision, including any Youth and Teen Shelters, the Local Equipped Area of Play (LEAP), Local Area of Play (LAP) and any other area of play.
  - c) A proposed phasing programme for the delivery of youth facilities and play provision.

No development of any youth and children's play facilities shall commence until the submitted Strategy for Youth Facilities and Children's Play has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and implemented in accordance the Strategic Phasing Plan and retained as such thereafter. The management and maintenance of Youth Facilities and Children's Play equipment shall be undertaken in accordance with the requirements of Condition 22.

**Materials:**

- 29 Any reserved matters application(s) pursuant to this approval shall include written details or samples of all materials to be used in the construction of the external surfaces of the development, in conjunction with the requirements of the Strategic Design Codes as stated in Condition 7, shall be submitted to and approved in writing by the Local Planning Authority. The material details shall be substantially in accordance with the details stated within the submitted Design and Access Statement. The development shall be carried out using the materials and details as approved.

**Boundary Treatment:**

- 30 Any reserved matters application(s) pursuant to this approval shall include details of the siting, height, design and materials of the treatment of all boundaries including hedges, gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The details once approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained as such thereafter.

**Levels:**

- 31 Any reserved matters application(s) pursuant to this approval shall include full details of the existing and proposed levels, including finished floor levels of any building. The approved development shall be constructed in accordance with the approved levels details.

**Residential Amenity and Private Amenity Space:**

- 32 Any reserved matters application(s) for all residential development shall be designed to accord with the specific layout requirements of the Essex Design Guide (1997 version) for minimum building to building distances, minimum building to boundary distances and for minimum private amenity space standards for all types of dwellings, unless otherwise agreed in writing by the Local Planning Authority through the reserved matters application(s).

**Surface Water Management:**

- 33 Prior to or concurrently with the submission of the first reserved matters application(s) a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to occupation.
- 34 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.
- 35 No development shall commence within any phase of the development until details of who is responsible for the management and maintenance of all watercourses throughout that phase of the development have been submitted to and approved in writing by the Local Planning Authority. The details of the management and maintenance shall be implemented following first use/occupation of any property within that phase of the development and shall be maintained in accordance with the approved details thereafter.
- 36 Pursuant to Condition 35 above, yearly logs of maintenance shall be maintained which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon request by the Local Planning Authority.

**Foul Drainage:**

- 37 Any reserved matters application(s) shall include details of foul water drainage pursuant to the reserved matters site for which approval is sought. No development shall commence until details of the foul water drainage for the site have been approved in writing by the Local Planning Authority. The drainage works shall be constructed in accordance with the approved details prior to the occupation of any part of the development hereby approved.

**Parking Requirements**

- 38 Any reserved matter application(s) shall make provision for all types of vehicle parking including the number, location and design of any enclosed structures within the site in accordance with the Council's adopted vehicle parking standards, and 5% of all visitors parking shall be reserved for people with disabilities. The details shall include and demonstrate that the provision is in accordance with the approach to parking approved as part of the Design Code

for the site/South Maldon Garden Suburb. Prior to the occupation of any dwelling / building within that phase of development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

- 39 Any reserved matters application(s) shall include details of facilities for the covered, secure parking of bicycles for use in connection with the approved development in accordance with the Council's adopted vehicle parking standards for cycle parking and demonstrate that the provision is in accordance with the approach to cycle parking approved as part of the Design Code for site. Prior to the occupation of any dwelling / building within that phase of development the facilities shall be provided in accordance with the approved details and shall thereafter be retained and shall not be used for any other purpose.

**Archaeology:**

- 40 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or any of their respective successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. The archaeological assessment shall be submitted in writing and approved by the Local Planning Authority. The archaeological assessment shall inform the implementation of a programme of archaeological work. The archaeological work shall be carried out in a manner that accommodates such approved programme of archaeological work.
- 41 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or any of their respective successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The archaeological work shall be carried out in a manner that accommodates the approved programme of archaeological work.

**Ecology:**

- 42 Prior to or concurrently with the submission of the first of the reserved matters application(s) for residential development for the site, a site wide Ecological Conservation Management Plan (EMP) shall be submitted to the Local Planning Authority for approval. The Plan shall accord with and give effect to the principles for such a Plan proposed in the Environmental Statement submitted with the application and shall substantially accord with the details stated within the submitted Design and Access Statement. The Plan shall set out an objective of enhancing the net biodiversity of the site as a result of development and shall include:
- a) Contractor responsibilities, procedures and requirements;
  - b) Full details of appropriate habitat and species surveys (pre and post-construction), and reviews where necessary, to identify areas of importance to biodiversity;
  - c) Details of measures to ensure protection and suitable mitigation to all legally protected species and those habitats and species identified as being of importance to biodiversity both during construction and post development, including consideration and avoidance of sensitive stages of

species life cycles, such as the bird breeding season, protective fencing and phasing of works to ensure the provision of advanced habitat areas and minimise disturbance of existing features;

- d) Identification of habitats and species worthy of management and enhancement together with the setting of appropriate conservation objectives for the site;
- e) Details who will be responsible for the management and maintenance of the area;
- f) A summary work schedule table, confirming the relevant dates and/or periods that protection measures shall be implemented or undertaken by within.
- g) A programme for Monitoring to be carried out four times annually during the construction phase;
- h) Confirmation of suitably qualified personnel responsible for overseeing implementation of the EMP commitments, such as an Ecological Clerk of Works, including a specification of role; and
- i) A programme for long-term maintenance, management and monitoring responsibilities.

No development shall commence until such time as the Ecological Conservation Management Plan has been approved in writing by the Local Planning Authority. All species and habitat protection, enhancement, restoration and creation measures shall be carried out in accordance with the approved Ecological Conservation Management Plan.

- 43 Any reserved matters application(s) shall include an Ecological Conservation Management Plan Statement that demonstrates how it accords with the aims and objectives of the Ecological Conservation Management Plan. It shall detail which specific ecological measures are proposed and the timing for their delivery. No development shall commence within the site for which reserved matters approval is being sought until such time as the Ecological Conservation Management Plan Statement has been approved in writing by the Local Planning Authority. The ecological measures shall be carried out in accordance with the approved details and timing of delivery.

#### **Construction Environmental Management Plan:**

- 44 No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with and give effect to the principles for such a Statement proposed in the Environmental Statement submitted with the application and shall include the consideration of the following aspects of construction:
- a) Agreed strategic phasing set out in Condition 8.
  - b) Details of the location of the construction compound with boundary / security details, any temporary buildings/offices, loading/unloading areas, storage areas / compounds, parking areas for operatives and visitors, plant, equipment, external lighting arrangements, materials storage screening and hoarding details.
  - c) Construction hours and delivery times for construction purposes.

- d) Waste Management Plan detailing the anticipated nature and volumes of waste, measures to ensure the maximisation of the reuse of waste, measures to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site, any other steps to ensure the minimisation of waste during construction, the location and timing of provision of facilities, proposed monitoring and timing of submission of monitoring reports.
- e) Pollution Management Plan to include details of measures to be taken during the construction period to protect wildlife, habitats and hydrology; an ecological survey; an investigation and monitoring scheme to oversee and direct construction works; and details of soil handling, storage and restoration, dust management and wheel washing measures.
- f) Noise and Vibration Plan detailing methods for monitoring and mitigating noise and vibrations from plant, construction equipment and vehicles.
- g) Water Management Plan detailing drainage control measures, use of settling tanks, oil interceptors and bunds to prevent pollution into ground water supplies and to prevent flooding.
- h) Traffic Management Plan to detail vehicle access arrangements, permanent and temporary realignment of highway alignment, diversions and road closures, temporary signage, delivery areas and parking spaces for visitors and on site workers, and the safe guarding of the Public Rights of Way during construction.
- i) Emergency Response Plan to ensure safe evacuation from the site.

The details of the CEMP as agreed shall be implemented prior to any development commencing on site and shall remain in force for the duration of the construction period of the development. All construction infrastructure shall be removed from the site within three months of completion of the development.

#### **Air Quality:**

- 45 Prior to the commencement of development a scheme shall be submitted in writing for approval that details the measures aimed at mitigating or offsetting the impacts on local air quality resulting from increased road traffic generated by the residential, employment and community land uses hereby permitted. The agreed measures shall be implemented prior to final completion of the development.

#### **Noise:**

- 46 Any reserved matters application(s) relating to design and layout of residential dwellings shall include an acoustic assessment which shall provide details of the noise exposure at the facade of residential dwellings and associated amenity spaces. The design and layout shall avoid, as far as practicable, exposure of habitable rooms to noise levels to above the following criteria:
  - 60dBLAeq16hours Daytime
  - 55dBLAeq8hours night

Orientation and internal layout of dwellings shall be used to minimise noise exposure to habitable rooms as far as practicable as demonstrated in the Nathaniel

Where exposure to noise levels exceed those stated above full details of acoustic glazing and suitable acoustic ventilation options shall be submitted that demonstrate that internal noise levels do not exceed the internal noise levels stated in Table 4, paragraph 7.7.2 of BS8233:2014 Guidance on sound insulation and noise reduction for buildings. This includes with any mechanical ventilation operating where required. The measures shall be maintained in the approved form thereafter.

- 47 Noise levels in amenity spaces shall not exceed 55dBLAeq 16 hours. In the event that acoustic barriers are required to ensure that amenity areas do not exceed these noise levels, details of the acoustic barriers shall be submitted to and approved in writing by the Local Planning Authority. The approved acoustic barriers shall be constructed prior to the occupation of the dwelling(s) to which it relates.

**Contamination:**

- 48 Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - Human health,
  - Properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - Adjoining land,
  - Groundwaters and surface waters,
  - Ecological systems
  - Archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

- 49 No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a



condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

- 50 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

- 51 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 48 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 49. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.
- 52 Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 49.

#### **Lighting:**

- 53 Any reserved matters application for layout shall include details of a lighting strategy for that phase of the development including details of the location and

type of fixtures and fittings which shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be implemented in accordance with the Strategic Phasing Plan and once implemented shall be retained in accordance with the approved scheme.

**Renewable energy:**

- 54 Any reserved matters application(s) shall include a renewable energy statement which demonstrates that the total predicted carbon emissions from development on that reserved matters site will be reduced through the implementation of on-site renewable energy sources. The statement shall include the total predicted carbon emissions in the form of an Energy Statement of the development and shall set out a schedule of proposed on-site renewable energy technologies, their respective carbon reduction contributions, size specification, location, design and a maintenance programme. The appropriate renewable energy technologies shall be approved in writing by the Local Planning Authority and shall be fully installed prior to the occupation of any approved buildings in that phase of the development and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme.

**Refuse and Recycling:**

- 55 Any reserved matters application(s) shall include details relating to the location, design, specification, management / maintenance and phasing of provision of the temporary and permanent recycling facilities for that phase of the development. These facilities shall identify the specific positions of where wheeled bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. The temporary and permanent recycling facilities shall be provided in accordance with the details as agreed and shall be implemented in accordance with the approved phasing programme or before the occupation of any dwelling approved within that Strategic Phasing Plan.
- 56 No more than 50 dwellings cumulatively across the application site shall be occupied until temporary neighbourhood waste recycling facilities are provided on site in accordance with details as agreed in the above condition. The temporary facility shall remain in place until one of the permanent waste recycling facilities as agreed in above condition is provided and available for use. The land on which the temporary facility is sited shall be made good within a period of three months from the installation of the permanent waste recycling facility within the local centre.

**Broadband:**

- 57 No development shall commence until a strategy to facilitate superfast broadband for future occupants of the site has been submitted to and approved in writing by the Local Planning Authority. The strategy may include commercial arrangements for providers and shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

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

H M BASS  
CHAIRMAN

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**MINUTES of  
COUNCIL  
5 APRIL 2017**

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**PRESENT**

Chairman                      Councillor P G L Elliott

Vice-Chairman              Councillor H M Bass

Councillors                  Mrs B F Acevedo, E L Bamford, Miss A M Beale,  
B S Beale MBE, R G Boyce MBE, CC,  
Mrs P A Channer, CC, R P F Dewick, I E Dobson,  
M F L Durham, Mrs H E Elliott, A S Fluker, Mrs B D Harker,  
B E Harker, M S Heard, Miss M R Lewis, R Pratt,  
N R Pudney, S J Savage, Mrs N G F Shaughnessy,  
Rev. A E J Shrimpton, A K M St. Joseph, Mrs M E Thompson  
and Miss S White

**1148. CHAIRMAN'S NOTICES**

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

**1149. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J P F Archer, A T Cain, M W Helm, J V Keyes, M R Pearlman and D M Sismey.

**1150. MINUTES OF LAST MEETING**

**RESOLVED**

- (i) that the Minutes of the meeting of the Council held on 16 February 2017 be received.

**Minute 998 – Support for the Vulnerable Persons Resettlement Programme**

The Leader of the Council advised that recommendation (ii) as set out in the Minutes did not form part of the discussion. She requested that it therefore be deleted and this was duly agreed.

**RESOLVED**

- (ii) that subject to the above amendment, the Minutes of the meeting of the Council held on 16 February 2017 be confirmed.

## **1151. DECLARATIONS OF INTEREST**

Councillor Mrs P A Channer declared a non-pecuniary interest as an Essex County Councillor, specifically in relation to Agenda Item 9 - Progress on the Vulnerable Persons Resettlement Programme.

Councillor Rev. A E J Shrimpton declared an interest in Agenda Item 9 Progress on the Vulnerable Persons Resettlement Programme as he was a member of one of the churches.

## **1152. PUBLIC QUESTIONS**

In accordance with Procedure Rule 1(3)(e) and the Council's Public Question Time and Participation at Council and Committee Meetings Scheme, the Leader of the Council referred to five questions from Ms Judy Lea and four questions from Geoffrey Vale of which prior notification had been given. A copy of the questions and prepared responses from the Leader of the Council were circulated to all Members and those in attendance at the meeting.

Ms Lea was not in attendance to read out her questions (one to five) as set out below.

“In the light of the recent Central Planning Committee decision to approve number plate recognition cameras and notice in support of Tesco's intention to limit public parking on their site in Maldon, can the Council please confirm:

### **Questions One**

That the Council recognises that the unlimited public use, at no apparent or proven detriment to Tescos, has for many years brought people to Maldon and increased footfall on the High Street?

#### Response:

The Council does not have any specific data to support this, but it is recognised that that visitors make use of the car park whilst they walk to local attractions such as local play sites and potentially the High Street.

### **Question two:**

That the Council will remain steadfast in fully protecting the park and ride and free parking on the site, in full accordance with the relevant S106 agreements?

#### Response:

The original Section 106 (S106) Legal Agreement and its subsequent modifications required that the car park for the retail store provided fifty (50) public spaces free of charge for up to 4 hours use to enable customers to visit the high street and other places by way of the park and ride facility from the site. Charging for the remainder of the car park was under the jurisdiction of the applicant (Tesco). The fact that Tesco has chosen to not enforce parking restrictions of any kind has led to the public perception that no parking restrictions were in place or enforceable and that unlimited public use is available throughout the day.

The S106 legal agreement and its modifications would be required to be amended should the retail store wish to apply a blanket charge for parking after a three (3) hour

period. In relation to the recent applications, the applicant and their agent have been fully apprised of the situation and supplied with all copies of the relevant Decision Notices and the associated S106 documents. They have also been advised that whilst permission has been granted for the siting of the Automatic Number Plate Recognition (ANPR) cameras and one associated advertisement sign board, they cannot be utilised in association with parking charges until such time as the existing legal agreement is either amended or complied with.

**Question three:**

What potential for public involvement there will be in any attempt by Tesco's to make legal amendments to the S106 agreements?

Response:

An application for a formal modification of the section 106 agreement would need to be reported to committee for formal determination. Public speaking rules would apply.

**Question four:**

That with the current and intended expansion of Maldon town, there is an urgent need for a holistic public car parking and public transport strategy for the central area to be formally and specifically prepared in conjunction with business and community interests and the Town council?

Response:

The draft Maldon and Heybridge Central Area Masterplan sets out the approach to transport and car parking management and considers the traffic and car parking management measures as a key objective to support the success of the Central Area. The movement and connections framework specifically focusses on improvements to parking management through a parking strategy, utilising the existing park and ride (Tesco bus) and park and ride connections via parking in Promenade Park. Projects that will be delivered as part of the Central Area Master Plan's Action Plan work alongside existing public transport arrangements and include new pedestrian and cycle routes to better access the town centre and public realm and highway improvements to access car parking. Phasing of the delivery plan will be considered on completion of the public consultation and final endorsement of the plan.

**Question five:**

That if approved within the Central Area Plan currently under discussion, the Council will make financial provision in the next budget round in support of the proposal for an additional park and ride facility at or near the recycling depot?"

Response:

This will be linked to the projects mentioned above in 4 to be delivered as part of the Central Area Master Plan Action Plan. Phasing of the delivery plan will be considered on completion of the public consultation and final endorsement of the plan.

Mr Vale was in attendance at the meeting and read out his questions.

**Question six:**

One family is a drop in the ocean of the millions displaced by war in the Middle East. We can't do everything, but the logic (not to mention national honour) is for us to at least do what we can. It may be a mere token, but tokens count. An enormous amount of work has gone into putting us on track to be in a position to rescue and provide a home for one

Syrian family under the government's Vulnerable Persons Resettlement Programme. The community here in Maldon, including the District's churches, have taken the lead in seeing that what can be done, is done. Will you add your leadership to that?

Response:

The District Council has been proactive in working with the Church and voluntary sector representatives to help meet this need and will continue to do so. The matter to be debated tonight is whether the Council is prepared to make a formal conditional offer to the Home Office that it is prepared to provide a home for a family. This will be a trigger for Home Office to match a family to our area and will furnish the Council with information on the financial cost to be borne in the event the rental costs are not fully covered by housing benefit.

**Question seven:**

The Maldon Response Group have pledged to raise the finances MDC cannot manage and we are absolutely confident that can be done. We had a week's notice of your Full Council meeting to consider approval of a formal offer of accommodation to the Home Office, and within three days (at the time of preparing these questions) more than £2,000 has already been received as token to ongoing larger support, forthcoming if reception of a family is assured. The offer of a home and funding and service provision can at present be extended beyond 2years to 5years if necessary. As with the Vietnamese boat family that your Council accepted some years ago, such families become a real asset to this country in a surprisingly short time.

Whilst pursuing the aim outlined in your chief executive's report of "seeking to mitigate risk (the level of cost) through the matching of families that are less likely to be affected by any housing benefit restrictions", will you accept that, whatever the shortfall, it can be met by public subscription?

Response:

The Council at its meeting on 16 February 2017 pledged a non-financial interest and support for the Syrian Vulnerable Persons and wider Vulnerable Children's Resettlement Schemes as well as the National Asylum Dispersal Scheme and it agreed to take a leadership role and continue to work with churches and other interested parties to investigate other sources of funding and the potential for a crowd funding initiative

**Question eight:**

Are you aware that the Home Office fund the cost, in our case via Essex County, of a Service Provider to ensure competent organization of the practical arrangements for meeting the family off the chartered flight, their resettlement and ongoing support? Colchester Borough Council voted unanimously, across the political spectrum, to receive 11 families within Colchester LA area and the first family arrived in 2015; the whole process there has been handled competently and, in terms of community relations, with great success.

Response:

Yes we are aware of this.

**Question nine:**

There now appears to be no obstacle and no good reason for refusing to agree to a family being rescued from their plight and resettled in Maldon. We are aware that the



Home Office will not proceed without agreement of Maldon District Councillors. Will you please signal your agreement to the Home office so that matters can proceed and we the community can act?

Response:

This question will be the subject of debate tonight.

### **1153. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman advised that he had attended a number of events, detailed below, and thanked the Vice-Chairman for also attending some events on his behalf.

24/02/2017	Maldon District Council Chairman's Business Awards
26/02/2017	Royal National Lifeboat Institute Sherry Morning
03/03/2017	Mayor of Thurrock's Blue Light Ball
03/03/2017	Burnham-on-Crouch Civic Reception ( <i>Vice-Chairman</i> )
05/03/2017	Essex County Council Civic Service
07/03/2017	Waltham Forest Charity Dinner
08/03/2017	First Give Judging Panel, Ormiston Rivers Academy
17/03/2017	Mayor of Southend Civic Dinner ( <i>Vice-Chairman</i> )
18/03/2017	Rochford Chairman's Annual Civic Dinner
19/03/2017	Forest Philharmonic Waltham Forest Charity Event
02/04/2017	Commissioning of new Area Dean for the Maldon and Dengie Deanery

### **1154. QUESTIONS IN ACCORDANCE WITH PROCEDURE RULE 6 (3) OF WHICH NOTICE HAS BEEN GIVEN**

There were none.

In response to a request to consider Agenda Item 9 – Update on the Vulnerable Persons Resettlement Programme next, the Chairman advised that an external Officer would be attending the meeting to provide further information regarding this matter but had not yet arrived.

### **1155. RECOMMENDATIONS OF COMMITTEES FOR DECISION BY THE COUNCIL**

#### **(a) REPORT OF THE CHIEF EXECUTIVE**

The Council considered the report of the Chief Executive presenting recommendations of Committees to the Council.

## **Joint Standards Committee (23 February 2017):**

### Minute 1019 – Constitutional and Operating Arrangements for the Joint Standards Committee

Members discussed the proposed changes to the constitutional and operational arrangements of the Joint Standards Committee and a number of concerns were raised.

In response to a question regarding whether a person being investigated could request the matter be dealt with in a public session, the Deputy Monitoring Officer advised that this was not a straightforward matter and suggested he provide a written response to Members outside of the meeting. This was noted.

Councillor A S Fluker raised concern regarding the proposed response to hearings within 28 days. He felt this period of time could cause further stresses to persons involved. Councillor Fluker proposed that the proposed changes be sent to the Corporate Governance Working Group for them to review. This proposal was duly seconded. Some concern was raised regarding the appropriateness of sending the work done by a Committee to a Working Group.

In response to the proposal, Councillor Mrs M E Thompson, Chairman of the Joint Standards Committee, advised that her understanding was that notification of whether an investigation was to proceed or not would be provided to the relevant person within five days of the Committee taking place. She felt that reviewing the proposed changes should be a Standards matter and dealt with by that Committee in open session to which all Members would be invited.

In light of the discussion, Councillor Fluker withdrew his earlier proposition and proposed that the matter be referred back to the Joint Standards Committee for further review.

Further debate ensued and in response to comments made regarding a recent matter considered by the Committee Councillor Mrs Thompson provided further clarification. It was agreed that the Committee's recommendation be not accepted and the revisions to the constitutional and operating arrangements of the Joint Standards Committee be referred back to the Committee for further review.

### **RESOLVED**

- (i) that the revisions to the constitutional and operating arrangements of the Joint Standards Committee not be agreed but referred back to the Committee for further review.

## **Community Services Committee (28 February 2017):**

### Minute 1036 – Project Update – Maldon Health Hub

### **RESOLVED**

- (ii) that the Community Hospital Working Group is dissolved.

- (iii) that a standing item be included on the Community Services Agenda on the Maldon Health Hub Project.

#### Minute 1038 – Community Led Housing Programme

In response to a question, Councillor R Pratt, Chairman of the Community Services Committee, advised that the seminar referred to in recommendation (ii) of the report had already taken place, but he was unable to provide a reasoning as to why it had pre-empted this recommendation. The Leader of the Council provided Members with further information and requested that the presentation received at the seminar be given to the newly formed Strategic Housing Group and an invitation to this be extended to all Members of the Council.

#### **RESOLVED**

- (iv) that the draft programme for the Council's Community Led Housing (CLH) as detailed in Appendix 3 to the Minutes of the Community Services Committee, be approved;
- (v) that it be noted a seminar had been held for community groups to promote the concept of CLH and consult on the Council's draft programme;
- (vi) that the Strategic Housing Group receives the presentation to promote the concept of CLH given at the recent seminar for community groups and an invitation to this be extended to all Members of the Council.

#### Minute 1041 – Burnham Sailing Club Lease

#### **RESOLVED**

- (vii) That the Council agrees to offer to the trustees of Burnham-on-Crouch Sailing Club a new 21 year lease with 10 and 15 year break clauses with 12 months' notice of determination on either side, with a rent review every five years and subject to annual RPI increases.

#### **Planning and Licensing Committee (2 March 2017):**

#### Minute 1050 – Economic Development Update

In response to a question regarding reference to the type of support referred to in the recommendation, Councillor A K M St Joseph, Vice-Chairman of the Planning and Licensing Committee (in the chair for this meeting), advised that this was considered to relate to writing a letter or support to other institutions. He confirmed that it was non-financial support.

#### **RESOLVED**

- (viii) That the Council provides, in principle, support to the heritage marine foundation's maritime apprenticeship project, subject to all necessary planning and environmental requirements being met.

## **Finance and Corporate Services Committee (2 March 2017):**

### Minute 1080 – Pay Policy Statement

#### **RESOLVED**

- (ix) That the pay policy statement attached as Appendix 4 to the Minutes of the Finance and Corporate Services Committee is adopted for the financial year 2017 / 18.

### Minute 1086 – Urgent Business: Planning Application Fees – An Offer from Government

#### **RESOLVED**

- (x) That the Government's offer to increase planning fees by 20% from July 2017 is accepted, with a commitment to invest this additional fee income directly into the planning service.

#### **(b) MINUTES OF MEETINGS OF COMMITTEES**

The Council noted the list of Committees that had met before and since the last meeting of the Council, up until Tuesday 28 March 2017 for which Minutes had been published.

## **1156. UPDATE ON THE VULNERABLE PERSONS RESETTLEMENT PROGRAMME**

The Council considered the report of the Chief Executive providing Members with an update following a recent decision by this Council which pledged a non-financial interest and support for the Syrian Vulnerable Persons and wider Vulnerable Children's Resettlement Schemes as well as the National Asylum Dispersal Scheme. Members approval was also sought to a formal offer of accommodation to the Home Office so that work could start to plan for the next expected arrival of families to the East of England in Summer 2017.

A summary of the actions undertaken by Officers working with Essex County Council and other partners was set out in Appendix 1 to the report.

Members were introduced to Miss Louise Gooch from the East of England Strategic Partnership who was in attendance to provide technical details, if required.

The Leader of the Council presented the report and advised that the Council could pull out of any offer made at any point, but by making an offer it was showing a significant level of commitment. She proposed that the Council accepted the recommendations set out in the report.

During the discussion that followed Members expressed support to progress an offer of accommodation to a refugee family. Some concerns were raised regarding the number of persons in temporary accommodation and on the housing waiting lists in the District. The Leader of the Council confirmed that this proposal would have no effect on families on the current waiting list, and that there would be no financial cost to the Council as

alternative funding was being pursued. This report sought the Council's approval to go ahead, make the offer and start the matching process.

In response to further comments, Miss Gooch provided the Council with details of the individual schemes and process for housing persons from such schemes.

**RESOLVED**

- (i) that Members note the progress made to date,
- (ii) that a formal offer of accommodation to the Home Office under either of the following, be approved
  - a. the Syrian Vulnerable Persons' Resettlement Scheme, or
  - b. the Wider Vulnerable Children's Resettlement Scheme (Refugee families from a wider area, including the Middle East and North Africa).

**1157. ADJOURNMENT OF THE MEETING**

The Chairman adjourned the meeting at 8:44pm to allow the members of the public in attendance to leave the meeting.

**1158. RESUMPTION OF BUSINESS**

**RESOLVED** that the meeting resumes in open session at 8:47pm.

**1159. CORPORATE PLAN, KEY ACTIVITIES, INDICATORS AND TARGETS 2017 / 18**

The Council considered the report of the Chief Executive seeking the Council's approval of the proposed Corporate Activities, Performance Indicators and Targets for 2017 / 18 and for their inclusion in the annual update to the Corporate Plan (2015 – 19) attached as Appendix 3 to the report.

The key corporate activities proposed for 2017 / 18 were attached as Appendix 1 to the report and new activities were set out in the report along with those 2016 / 17 activities not being carried forward. Appendix 2 to the report set out the indicators / measures and proposed targets.

Councillor S J Savage declared a non-pecuniary interest in this item of business in relation to the activity 'Promote and Support improved Broadband connectivity' as he was not able to have Fibre To The Cabinet (FTTC).

Councillor Mrs P A Channer declared a non-pecuniary interest in this item of business advising that when the matter had been previously considered she had withdrawn from the chamber at both meetings of the Council and Planning and Licensing Committee and did not take any part in discussions as she was Chairman of the Superfast Essex Programme Board. She then proceeded to leave the chamber at this point.

Councillor S J Savage referred to Broadband speed compensation thresholds and a website where Broadband speeds could be checked. He advised that he would circulate to all Members a link to this website (<http://www.ispreview.co.uk/index.php/2017/01/bt-wholesale-broadband-checker-adds-downstream-handback-threshold.html> Select "BT Wholesale Checker" and enter your phone No.).

In response to concern and a question regarding the proposed removal of the Key Corporate Activity (KCA) 'Promote and Support improved Broadband connectivity', the Chief Executive provided an update on the ongoing work and explained that this was something that Officers were not directly working on which was why it was proposed not to be included. She agreed it was incredibly important and advised if it would reassure Members to continue to have it as a KCA and getting regular reports it could be left in.

Further concerns were raised regarding the current mobile phone coverage levels throughout the District and ensuring the Council was making use of future funding opportunities for further improvements.

It was agreed that 'Promote and Support improved Broadband connectivity' would continue to be a KCA.

Councillor Mrs Channer re-joined the meeting at this point.

In response to a question regarding delivering the Council's goal 'Strengthening Communities to be safe, active and healthy', the Chief Executive advised that having been party to recent discussions at the Strengthening Communities Group, the Council needed to understand what it and communities could do to influence communities and this may involve better communication, Members working with their communities etc. It was noted that the Strengthening Communities Group were pulling together a matrix of opportunities.

A debate ensued and in response to a number of questions the following information was provided:

- The Director of Customers and Community advised that in respect of assistance for the frail / elderly population of the District the Council was looking to signpost and identify local needs with partners and then influence partnership to match up to the local needs. Adult Social Care was means tested and in April further changes had come in requiring higher contributions.
- Although the Appendix referred to the Sickness Absence Management Policy, Officers were in the process of implementing the recently agreed Attendance Management Policy.
- The Corporate Leadership Team sought to allocate the most appropriate Lead Officers in respect of specific KCAs and this may not necessarily be a Director.
- The Finance and Corporate Services Committee received regular reports on sickness absence and these provided a breakdown of both short and long term sickness.
- The Director of Customers and Community advised that the Community Services Committee at its next meeting would consider a report on waste services

with proposals for changes which Officers believed would be beneficial and provide focus more on streets.

**RESOLVED**

- (i) that the 'Promote and Support improved Broadband connectivity' be included as a Key Corporate Activity for 2017 / 18;
- (ii) that subject to the addition detailed in (i) above, the proposed 2017 / 18 Key Corporate Activities as detailed in Appendix 1 to the report be approved;
- (iii) that the proposed 2017 / 18 indicators / measures and targets as detailed in Appendix 2 to the report be approved;
- (iv) that the 2017 / 18 Update of the Corporate Plan (2015 / 19) as set out in Appendix 3 to the report be approved and adopted.

**1160. PROPOSED CHANGES TO MANAGEMENT REPORTING LINES**

The Council considered the report of the Chief Executive seeking Members' approval of proposed changes to the reporting lines within the management structure and staffing resources within the Economic Development Team.

The Leader of the Council advised that following discussion with Members she wished to change the recommendations set out in the report. She referred to the Council's current situation with regards to Officers and recruitment into the posts of Director of Planning and Regulatory Services and Economic Development Officer. She proposed it was therefore more appropriate to review this report in six months once the new Council and Officers were in place. This was duly agreed.

**RESOLVED** that no changes to management reporting lines be agreed but they be reviewed in six months (October 2017).

**1161. COMMITTEE STRUCTURE REVIEW**

The Council considered the report of the Chief Executive presenting a report on the Committee Structure Review undertaken by BDO (attached as Appendix 2 to the report).

BDO had been commissioned to deliver a review of the Council's committee structure and the terms of reference for the review were attached as Appendix 1 to the report.

It was noted that both the BDO review and the recent Peer Review had concluded that there were changes which could be made to the Council's governance arrangements. The report sought approval to set up a Member and Senior Officer Task and Finish Working Group to plan for and manage future challenges and deliver the Council's corporate goals.

The Leader of the Council presented the report and commended recommendation (i) as set out in the report. She advised that after careful consideration the majority of

Members felt that recommendation (ii) was inappropriate and did not consider a Task and Finish Working Group the best means of delivery, but instead through a Member led activity in the first instance reporting back to the Council. The Leader proposed therefore that recommendation (i) be agreed and a Member led activity takes place to consider the recommendations set out in the report from BDO and report back to the Council in six months' time. This was duly agreed.

#### **RESOLVED**

- (i) that the Council considers and notes the report of BDO on the Committee Structure Review attached at Appendix 2 to the report;
- (ii) that a Member led activity take place to consider the recommendations set out in the report from BDO and report back to the Council in six months' time (October 2017).

### **1162. EXTERNAL AUDITOR APPOINTMENT - NEW ARRANGEMENTS**

The Council considered the report of the Interim Director of Resources setting out options in relation to new arrangements for appointing the Council's Auditor, further to the Local Audit and Accountability Act 2014. It was noted that this report was considered by the Audit Committee on 8 December 2016 and recommended to the Council that option 3 be agreed.

The report outlined the arrangements that Local Authorities must now make regarding the appointment of External Auditors.

**RESOLVED** that Option 3, set out in the report of the options available to the Council for appointing an auditor for the 2018 / 19 accounts and beyond, that Maldon District Council opts into a "sector led body" scheme where specified "appointing person" status has been granted under the relevant Regulations, be agreed".

### **1163. QUESTIONS TO THE LEADER OF THE COUNCIL IN ACCORDANCE WITH PROCEDURE RULE 1 (3) (M)**

Councillor R Pratt asked the Leader of the Council if she could give the Council an update in resolving the situation involving the vessel Llys Helig which has capsized on the foreshore at Burnham-on-Crouch. The Leader gave a detailed response attached at **APPENDIX 1** to these Minutes. She concluded that after collating further information and seeking clarification on the legal position the next step would be to take a report to the Community Services Committee and Finance and Corporate Services Committee with a range of options for a decision as soon as practically possible.

Councillor R G Boyce asked the Leader of the Council if she would agree that the proposal just made was going to take a length of time and that this situation could potentially cost the District Council tens of thousands of pounds to dispose of the ship. Therefore, he asked if she agreed it would have been better if the Council had a proposal before it tonight to authorise, if necessary, the spending of money because the longer the Llys Helig sits there the longer it would take to dispose of. In response, the Leader of the Council agreed this would have been beneficial, but the Council had



strong legal advice that it was not as clear cut as it first thought. Officers have a clear view of the situation and it was being monitored. Three courses of action were being pursued with a view to bringing it forward. If there was an urgent need the Director of Customers and Community would arrange for an emergency meeting to deal with matters. The Leader advised that she was confident that whatever can be done is being done at the moment. The Director of Customers and Community reported that the River Baliff had taken immediate action and was working alongside the Harbour Authority on this matter . He advised that he would be looking to discuss the matter with the Director of Resources who started the following day and bring forward a number of options to the relevant programme Committees.

Councillor B S Beale asked the Leader of the Council if she had a further update regarding the National Health Authority event in London concerning its strategy and it was important that the Council should have attendance and table as many questions to assist getting the needs of this Authority answered. The Leader of the Council advised that her Personal Assistant was pursuing concessionary places so that the Council could send two persons, one of which would be Councillor Beale and she would pursue the matter the following day.

Councillor M S Heard asked if the contract with Essex Police to take over space in the Council offices had been signed. In response, the Leader of the Council advised that it was signed on Friday 31 March 2017.

Councillor A S Fluker asked the Leader of the Council if steps were being taken to ensure that all properties on the Council's foreshores were properly insured. He felt sure an incident like the one in Burnham-on-Crouch would happen again given the conditions of some of the vessels. Councillor Fluker advised that he was happy to get a written reply to be emailed to all Members. The Leader of the Council advised that she had spoken to Director of Customers and Community to seek the position with regards to salvage insurance or consequential insurance on boat owners and was awaiting an update. The Director of Customers and Community reported that he had requested that a piece of work on this be undertaken as soon as possible and on a risk basis. He agreed to respond to Members in writing.

#### **1163A THE LATE MRS BERYL BOARD**

In tribute to the late Mrs Beryl Board who had been a District Councillor between 1974 and 1979 the Chairman of the Council asked all present stand for one minute in silent tribute to her memory.

There being no further items of business the Chairman closed the meeting at 9.50 pm.

P G L ELLIOTT  
CHAIRMAN

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**COUNCIL  
5 APRIL 2017**

## **QUESTIONS TO THE LEADER**

### **Question**

**Can the Leader give Council an update in resolving the situation involving the vessel Llys Helig which has capsized on the foreshore at Burnham on Crouch?**

### **1. RESPONSE**

- 1.1 The Council owns a small section of foreshore and riverbed in Burnham on Crouch. The area has historically been licensed to individuals for the repair and maintenance of vessels. Since at least 1999 the berth has been occupied by a large motor vessel Llys Helig. Ownership of Llys Helig has changed during the period that she has been moored at the location.
- 1.2 It is believed that in 2015 the ownership of the vessel changed to the current owner Officers approached the owners to establish a new license agreement with the Council. Included within this agreement all necessary insurances would have been requested but the owner has not responded to communications from the Council and letters sent recorded delivery to him have all been returned.
- 1.3 In March of this year and after a period of strong winds the vessel moved onto a mud bank next to its normal mooring. As the tide receded the boat listed heavily and eventually rolled over into the hole in the mud that the boat would normally rest in.
- 1.4 Officers were made aware of the situation by the Crouch Harbour Authority on the 6 March and the two organisations have worked together to minimise the risk of the contents of the Llys Helig from escaping and causing visual pollution. The craft does not have engines and therefore the risk of oil based pollution is minimal, however there are a large number of household items that have now been contained to prevent their spreading onto the surrounding mud.
- 1.5 Since the incident Officers from the Council and Crouch Harbour Authority have made numerous attempts to make contact with the owner of Llys Helig and a meeting was arranged for last week. The owner did not attend and although the individual has been contacted by telephone and email, he claims not to have a forwarding address.
- 1.6 Officers have started investigating potential resolutions to the issue presented that do not expose the Council to significant financial expenditure. The situation is not simple and the legal implications of acting need to be understood before any decision is made to recover sell or dispose of the vessel. The Council may not have legal power to take control of the vessel however the Crouch Harbour Authority do have stronger powers and may instruct the Council to take action as land owners.
- 1.7 Officers have been informally approached by two third parties that have expressed an interest in helping resolve the problem by salvaging the craft without the Council paying any costs.

- 1.8 Estimates are also being sought from contractors within and outside the local area to establish whether they are able to provide a cost effective salvage operation. An alternative may be to cut the vessel up and dispose of it in situ.
- 1.9 The legal position around this case is not simple and officers are still awaiting clear legal advice. There is some urgency associated with the case, in that the longer vessel rests on its side the more challenging and expensive the recovery operation could become.

## **2. CONCLUSION**

- 2.1 The capsized Llys Helig rests on land owned by the Council but is the owner's responsibility to recover the vessel and make it safe. The current owner has not provided assurances that he is either able or willing to accept his responsibility.
- 2.2 After collating further information and seeking clarification on the legal position the next step will be to take a report to Community Services Committee and Finance and Corporate Services committee with a range of options for a decision as soon as practically possible.

Background Papers: None

Enquiries to: Ben Brown, Group Manager, Leisure, Countryside and Tourism. Telephone 01621 876210



## **REPORT of CHIEF EXECUTIVE**

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**to  
ANNUAL COUNCIL  
11 MAY 2017**

## **RECOMMENDATIONS OF COMMITTEES FOR DECISION BY THE COUNCIL**

### **1. PURPOSE OF THE REPORT**

- 1.1 To present for the decision of the Council the recommendations of the Committees.

### **2. RECOMMENDATIONS**

- (i) that Members note the decision of the Council on 5 April 2017 and its relationship to the recommendations from the Audit Committee (30 March 2017 contained in section 3 of this report.
- (ii) that Members consider the recommendations from the following Committees contained in sections 4 to 6 of this report.

#### **Section 4 Community Services Committee – 11 April 2017**

- Minute 1185 – Outline Housing Strategy (section 4.2)

#### **Section 5 Planning and Licensing Committee – 25 April 2017**

- Burnham-on-Crouch Neighbourhood Plan (section 5.2)

#### **Section 6 Finance and Corporate Services Committee – 26 April 2017**

- Corporate Communications Protocol (section 6.2)

### **3. AUDIT COMMITTEE – 30 MARCH 2017**

3.1 Web link to agenda, reports and Minutes for the above meeting  
<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CId=135&MId=1053&Ver=4>

### **3.2 MINUTE 1134 – COMMITTEE STRUCTURE REVIEW**

#### **3.2.1 Committee recommendation:**

- (i) that the report of BDO on the Committee Structure Review attached at Appendix 1 to the Minutes of the Audit Committee be considered and noted;
- (ii) that the Corporate Governance Working Group be engaged to consider the conclusions of the review and report back to the Council with a suggested response to each of the recommendations.

#### **3.2.2 Council agreement:**

3.2.2.1 Members are advised that this matter was the subject of a separate report to the Council on 5 April 2017. The Council resolution is as follows (Minute No. 1161 refers):

- (i) that the Council considers and notes the report of BDO on the Committee Structure Review attached at Appendix 2 to the report;
- (ii) that a Member led activity take place to consider the recommendations set out in the report from BDO and report back to the Council in six months' time (October 2017).

Please see overleaf for Section 4 – Community Services Committee – 11 April 2017.

#### **4. COMMUNITY SERVICES COMMITTEE – 11 APRIL 2017**

4.1 Web link to agenda, reports and Minutes for the above meeting  
<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CId=132&MId=1007>

#### **4.2 MINUTE 1185 – OUTLINE HOUSING STRATEGY**

##### **4.2.1 Minute Extract:**

The Committee considered the report of the Interim Head of Planning Services for approval to go out to consultation on the above strategy. The Outline Housing Strategy was attached as Appendix A to the report.

The Housing Strategy covered a wide range of issues and included the homelessness strategy. It was noted that the Strategy had been timed to coincide with the release of the Government's Housing White Paper, creating an ideal opportunity to bring together plans for housing and planning with the national agenda.

It was noted that under the Key Priorities section in Appendix A the first two points were not within the corporate plan and would be amended before the strategy is released for consultation.

##### **4.2.2 Committee recommendation:**

That the Outline Housing Strategy (attached as **APPENDIX 1** to this report) be approved for consultation.

Please see overleaf for Section 5 – Planning and Licensing Committee – 25 April 2017.

**5. PLANNING AND LICENSING COMMITTEE – 25 APRIL 2017**

5.1 Web link to agenda, reports and Minutes for the above meeting  
<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CId=133&MId=1069>

**5.2 BURNHAM-ON-CROUCH NEIGHBOURHOOD PLAN**

**5.2.1 Minute Extract:**

5.2.1.1 Please note that these Minutes were not finalised for publication at the time of agenda dispatch and therefore an addendum will be circulated detailing the Minute extract.

**5.2.2 Committee recommendation:**

- (i) that the Council approves the proposed changes to the Burnham-on-Crouch Neighbourhood Plan as set out in the Examiner's Report and **APPENDIX 2** to this report;
- (ii) that the Burnham-on-Crouch Neighbourhood Plan as modified goes forward to Referendum within the Neighbourhood Area.

Please see overleaf for Section 6 – Finance and Corporate Services– 26 April 2017



**6. FINANCE AND CORPORATE SERVICES COMMITTEE – 26 APRIL 2017**

6.1 Web link to agenda, reports and Minutes for the above meeting  
<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=131&MIId=1030>

**6.2 CORPORATE COMMUNICATIONS PROTOCOL**

**6.2.1 Minute Extract:**

6.2.1.1 Please note that these Minutes were not finalised for publication at the time of agenda dispatch and therefore an addendum will be circulated detailing the Minute extract.

**6.2.2 Committee recommendation:**

That the revised Corporate Communications Protocol attached at **APPENDIX 3** to this report, be adopted.

Background Papers: Previous related reports and Minutes to the above meetings.

Enquiries to: Fiona Marshall, Chief Executive, (Tel: 01621 875710).

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**Maldon District Council**  
**Outline Housing Strategy 2017**

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## **Introduction**

Maldon District Council is embarking on a plan to deliver more homes within a 15 year period than ever before, following a time when there has been major challenges to the national economy, growing demands for homes where people want and need to live that they can afford, and a widespread recognition that many aspects of the system for meeting housing need is broken.

This makes it a unique period, with challenges but also opportunities to think in different ways about how we manage the need and supply of homes.

Despite the area covered by the Maldon District, it has the lowest population of all the districts in Essex, with a strong rural character. It is also within commuting distance of London and neighbours the county town of Chelmsford, both places that provide employment to many of those who live in the District.

Despite being one of the smallest district councils in Essex, it has a strong tradition of innovation and pioneering in the field of Housing; it was one of the first places where a local council built and managed homes for local people in the nineteenth century, it maintained higher than expected growth beyond the immediate post-war period, provided self-build homes and was one of the first Councils to transfer its housing stock to a local housing association in the early 1990s.

This tradition has continued on into this century, being one of the first local housing authorities to direct its attention to the prevention of homelessness, develop and maintain a programme of providing homes in rural areas through new development or by tackling the problem of empty homes, and looking for ways to help people into home-ownership as well as provide an adequate supply of conventional affordable housing. This track record seems well suited to the emerging housing issues we face nationally as well as locally.

In line with the approach taken by the government with the Housing White Paper “Fixing Our Broken Housing Market”, this document is intended as an outline strategy, to explain the current situation both nationally and locally, the aims and objectives that we believe we will have to achieve, and the ways that we think we can deliver these. There is not a detailed action plan at this stage, that will follow once we have used this document to consult on what our intentions are.

The Council is required by law to review and produce a strategy outlining how we will prevent and respond to homelessness no less than every five years. The previous review and strategy were completed in 2013 when people suggested that it would be helpful to also see what the wider housing issues were. We said then that next time we would therefore when reviewing homelessness the accompanying strategy would be linked to a much broader housing strategy. The review of homelessness and outline strategy are provided as an appendix to this document.

As a Local Planning Authority they must also produce a Local Development Plan with policies to meet the overall need for homes in their area. This outline strategy is based upon the same evidence base and in some ways will help enable the delivery of the LDP.

Our replacement Housing Strategy will also include all areas covered by previous strategies including the Council's Older People's Housing Strategy and Empty Homes Strategy.

Following publication, we shall consult with partners and welcome comments and feedback to develop this outline strategy into a final version. Consultation will take place from spring into summer 2017, with the final draft Housing Strategy being completed by the autumn, linking with the progress of our LDP.

### **Executive Summary**

The Council has a long tradition of innovation when it comes to meeting housing need and welcomes the challenges that lie ahead.

National housing policies have not always been relevant to the District and resources and the scale of development has sometimes limited the Council's ability to respond to housing need but this has helped perpetuate this ethos of innovation, such as prevention of homelessness and enabling development outside of conventional planning gain, the Council has also recognised for some time the need to respond to the housing needs of an ageing population and these are all themes which have now found their way onto the national housing agenda.

Despite the very distinctive nature of the District compared to those around it, it feels from reading the housing white paper (Fixing Our Broken Housing Market) as if the rest of the country is now catching up with many of the issues that we have been tackling over the last decade. The launch of the government's Community Led Housing programme may have come as a surprise to many local housing authorities but we welcome this for creating an opportunity to continue working with local groups as we have done in the past, the meet local housing need.

The scale of planned development is a change for the District; having identified the need and allocated sites, the focus of our housing strategy over the next few years will be similar to that of the government, to ensure delivery of what has been planned, make sure as best as possible that it is the right type of homes, for the right people, in the right place and that any unmet need is not ignored but planned for in other ways.

Managing need, especially of older people and those at risk of homelessness, is just as important as managing supply, this begins with developing strategic plans which take both into account and follow through to delivery where our Housing Options team work alongside those in the Housing Service who are involved with the development of affordable homes and those who are involved with the allocation of affordable homes.

The Housing Service is also within the same directorate as Planning and officer also work alongside. Many of the actions which will flow from this outline strategy will involve Planning, Enforcement, Environmental Health, Economic Development and other services.

There is a greater corporate approach compared with previous housing strategies and it includes both corporate priorities such as generating income through investment in housing as well as partnership working with external agencies.

There is a committed supply of more than 1,200 affordable homes from sites allocated by the LDP, additional plans for a further 120, and from this strategy an approach to provide another 400 in other ways, .

We also see opportunities to strengthen links between housing and the local economy, supporting existing businesses, encouraging the growth of new businesses and creating opportunities for skills and training.

### **Achievements from previous strategies**

The Council has been successful over the past few years in its work as a strategic local housing authority, working to meet the varied types of housing need in the District. The Council transferred its housing stock in 1995 since which time it has had to fulfil its duties without any homes of its own. This makes it essential to work in partnership with other organisations and we would like to begin by thanking all of those organisations and individuals who have helped us in so many different ways over the years as none of our achievements would have been possible without you.

#### Homelessness

- Consistently preventing a higher than average proportion of homelessness
- Successful introduction of an outreach service for those who are roofless and rough-sleepers
- Better standards for the management of temporary accommodation
- Better understanding and procedures for the placement of people out-of-area including links with London Boroughs
- Securing funding in partnership with Essex County Council for a Trailblazer scheme to pilot the prevention of homelessness to a wider group
- Restructure of the service based upon successful external peer review

#### Enabling Affordable Homes

- Maintained a supply of new homes in both rural and urban areas
- Introduced a framework for assessing the financial viability of new developments when policy for affordable housing is challenged
- Secured additional funding through commuted sums
- Reduced the proportion of empty homes owned privately and by housing associations

- Identified additional sources of investment for affordable homes

#### Homes for Older People

- Increased funding for adaptations and improvements to the homes of older and disabled people
- Partnership working to provide supported housing for older people
- Agreements through new policies to provide additional affordable homes for older people
- Producing guidance for the design of homes to meet the need of an ageing population

### **National Housing Policy**

The Council's ability to meet local housing need has to operate within a framework of national legislation and policy, some of which helps by providing greater clarity and freedom, other aspects though may limit or provide additional challenges, especially where there is a difference between the national and local priorities.

Localism Act – creates greater opportunity for local authorities to have more flexibility “to do anything that individuals generally may do” as long as this is not contrary to some other Act. The Act expands what can be recovered through the Community Infrastructure Levy (CIL), creates new rights for communities to challenge the use of property, requires each local housing authority to produce Tenancy Strategies and makes changes to some of the previous legislation on homelessness and the allocation of social housing.

Care Act – requires much closer working and planning between Housing (District Councils), Health (the NHS and Clinical Commissioning Groups) and Social Care (Essex County Council). It also places a duty on local housing authorities to explain and promote the options for older and disabled people.

Welfare Reform Acts – introducing Universal Credit as a single benefit, replacing a number of other benefits and placing greater responsibility on people to manage their own budgets and seek employment. It also places a cap on income and has resulted in a need to change the way that supported housing is funded in the future.

Ministerial Statements – announcements made by government ministers that change national policies, such as raising the threshold of the number of homes that can be built before a contribution towards affordable housing can be requested, and requiring housing associations to make an annual reduction to the rent they can charge

Housing and Planning Act – introduces new regulations for private landlords, greater protection from harassment for tenants and a wider definition of ‘affordable housing’ including a requirement that a proportion may be ‘starter homes’.

National Planning Policy Framework (NPPF) – requires local authorities to prepare a plan, based upon a Strategic Housing Market Assessment (SHMA) and provides a definition of affordable housing.



National Planning Policy Guidance (NPPG) – gives more information and detail on the requirements of the NPPF, such as how the need for housing in an area should be assessed.

Housing White Paper: Fixing our broken housing market – although not national policy, this is an indication of the government’s intentions.

## Local Policies

The Council can not make its own laws but it does have policies that apply to the District which are made and reviewed by the Council relating to housing:

Development – as part of the Local Development Plan, detailing the location of planned development, the number and type of homes.

Enforcement – applying to existing properties, including in some cases national legislation that gives some scope for variation at a local level, such as the regulation of privately rented housing

Allocation of housing – how the housing register (waiting list) operates, though this does have to be balanced against legal duties.

Funding – both for income, such as payment of commuted sums in lieu of affordable housing, and expenditure, such as financial assistance to provide adaptations or prevent homelessness.

Corporate Plan – although not a policy itself, the Council’s Corporate Plan sets out our priorities some of which are directly related to its role as a Housing and Planning Authority

As a district council in a two-tier authority area, there is also an overlap at times with the roles and responsibilities of Essex County Council and their policies, responsibilities and duties often also have to be taken into account.

All of the above makes it far from easy to draft a simple, clear strategic approach to housing in the District. Often changes, or improvements to one will have an effect on something else, for example enforcement action can lead to people becoming homeless.

Actions we can take to make sure that the Council’s housing strategies and policies are in line with national policies:

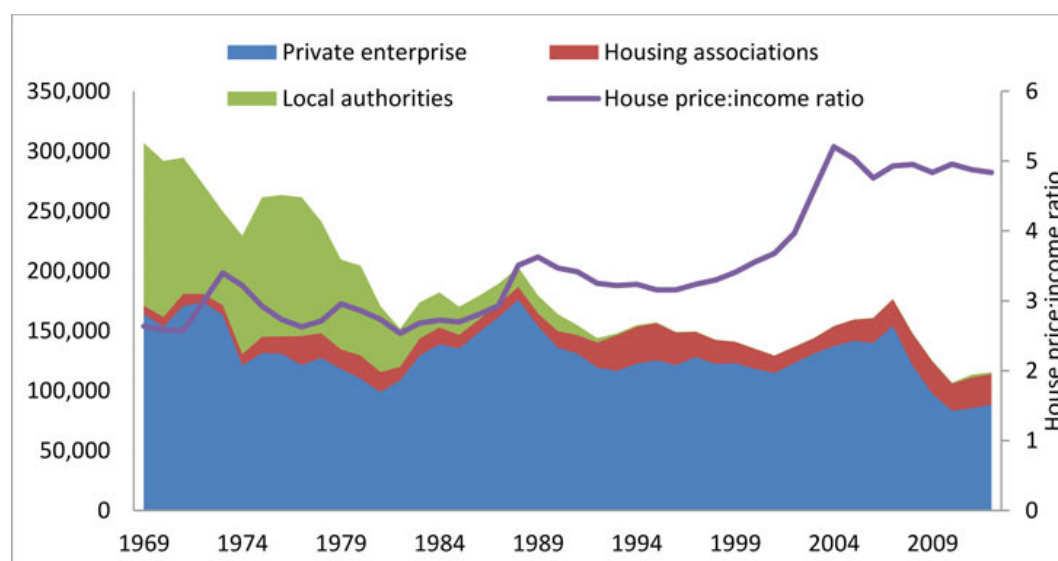
1. Review our Strategic Tenancy Strategy
2. Ensure that we are complying with Housing requirements of the Care Act and working with partners in Health and Social Care in accordance with the Act
3. Review our policy for Disabled Facilities Grants
4. Consult with housing associations on the impact of welfare reform and opportunities to promote help to access education, training and employment
5. Review allocations policies and procedures with housing associations to reduce the risk of conflict between these and the Council’s statutory duties
6. Identify and promote opportunities in the District for self-build.
7. Explain and promote new protection for tenants renting from private landlords

8. Identify and promote options that help people realise their aspiration to own their homes locally
9. Review and update the evidence base for assessing the need for affordable housing in the District

## National Housing Issues

National and regional reports on housing, such as the English Housing Survey and the National Audit Office and DCLG's overview provide information on trends such as affordability, delivery and demand which in turn will influence the national government. Sometimes, in response to concerns, the government will commission a review into housing to gain a better understanding of problems and possible solutions. One of the best known examples of this in recent years has been the review led by the economist Kate Barker, "the Barker Review". This was more than 10 years ago but it is still frequently referred to as a basis and clear summary of the trends of housing supply in post-war years. It also set a suggested national requirement of housing that would meet need and create longer term economic stability; neither the targets nor the outcomes have been achieved but this is still something that remains today as goals for the government.

The graph below shows the supply of private, local authority and housing association new homes, together with average house prices in relation to incomes (affordability).



Source: Barker Review / DCLG

## Supply of New Homes

As we can see from the diagram above, nationally the supply of new homes has been cyclical, with the supply of affordable housing association homes reflecting trends in the market from the 1980's when they replaced councils as the main source of new affordable homes. This does show how successful and also how reliant the supply of affordable housing has become since being delivered

through planning gain. It also shows how ratios of affordability have increased with little effect on the supply of affordable homes and the extent to which this has been an issue since the 1990's, a chronic condition is only now appearing as an acute crisis.

Both incomes and housing costs vary across the country but in areas of higher income, the cost of housing is disproportionately higher. The difference between 'real property' (land and buildings) and 'personal property' (anything that can be moved) means that the term 'housing market' is a misnomer; unlike any other type of market, people as consumers can not so easily exercise their choice as they can with other products - we all need somewhere to live, and although there may be more affordable options elsewhere, there is usually a limit as to how far people are able or willing to travel to get a better price because of work, family ties or other connections.

Areas of higher demand and values can generate higher values from a lower supply, and areas of low demand provide no incentive to build new homes for sale because the return will be too small.

### Affordability

While home-owners may enjoy seeing the value of their homes rise, too great an affordability gap can be counter-productive to the local economy and disruptive to the stability of a local community. Home-ownership has declined amongst younger people who now need to be more mobile. Land values are inextricably linked to house values so anything less than a dramatic increase in supply in an area means that the new supply perpetuates rather than reduces the problems of affordability, to the point in many cases that new development will only happen if these higher values remain or increase. Most people aspire to owning a home of their own and the government sees meeting these aspirations as a core element of their strategy for housing, encouraging the development of homes to be sold at a discount. If prices continue to rise, this will be challenging though as two to three years house-price inflation during which time homes are planned for, built and brought to market will reduce the benefit of any discount.

We too often overlook the fact that most of the supply of homes comes from the stock of housing that already exists, whether this is through homes that come on to the market for sale or for rent; since the financial crisis in 2008, transactions (sales) have reduced and in most areas have yet to recover to the levels at the beginning of the century. Despite prices in many areas returning to or exceeding the levels in 2006 and 2007, and supply still be below what we are told is needed, supply and possibly demand in some areas according to market activity is still below the level of previous years and new supply may therefore lag until this improves. This could be because real demand for buying new homes at current values has narrowed to a smaller, older group of existing home owners as first-time buyers struggle to enter the market and stimulate demand in some areas.

### Tenure

Tenure is an aspect of supply that is often overlooked. In response to the problems of affordability, there has been an increase in renting that has offset the reduction in home-ownership. Low interest rates combined with rising house values has also made investment in property an attractive option

for buy-to-let investors. A single transaction of a property being sold, could over the next three years see two or three different households move in and out of the property as tenants but this will not be recorded, so a reduction in market activity in one sector is replaced by an increase in activity in another.

The table below gives a quick indication of how despite a growth in homes, there has been very little change in home-ownership and a much greater change in tenure.

#### Housing Number and Tenure in England 1996-2015

Housing Tenure	1996	2015
<b>Rented – Local Authority</b>	3.47m	1.64m
<b>Rented – Housing Association</b>	0.94m	2.38m
<b>Private rented</b>	2.07m	4.74m
<b>Owner occupied</b>	13.84m	14.71m
<b>Total</b>	20.32m	23.47m

Source: National Audit Office / DCLG Housing in England: overview January 2017

Despite an increase of more than 3m homes since 1996, the number of homes actually bought by owner-occupiers has increased by less than 1m, with a growth of more than 2.5m in the number of privately rented homes. There has been a net reduction in the combined number of local authority and housing association homes (affordable housing). This has been a gradual change, tracking the rise in house prices, suggesting that a reversal of this, if possible, would also happen over a long period.

#### Population and Household Trends

There is obviously a link between the size of a population and the number of homes needed but the links between the two are not as straightforward as it may first seem, and predicting future housing need based on this is even more complicated.

Since 1981 the population of England has risen from 46.8m to 54.8m (17%). The main reasons for this will be due to migration and increased life-expectancy. This does not mean though that the need for additional homes has also increased proportionately. During this period the number of households has risen from 17.4m to 23m, an increase of 32%, nearly twice the rate of growth of the population, so the number of homes needed needs to increase proportionately. As the average size of a household falls from 2.65 to 2.34, the number of homes needed will increase even if the overall population remains the same.

These households only exist though because homes exist for them to live in – not surprisingly the number of households is roughly the same as the number of homes. If we look in more detail at these households, we can see that some will be larger than intended because of the lack of housing, these are known as ‘concealed households’ who would ideally form new households if there was an adequate supply of homes. Often the reasons for these households being concealed is not simply due to the lack of homes but the lack of the right type of homes, i.e. of the right size and tenure in a suitable location.

Added to this number of concealed households are existing households who live in unsuitable housing and are therefore also in housing need, for example those living in homes that are not suitable, temporary, or unaffordable.

The issue of migration is also relevant; the national population will vary depending on levels of inward and outward migration but this does not break down proportionately across all parts of the country. Areas where housing is more affordable and possibly underused have sometimes relied on inward migration to keep homes in use; other areas where the cost of housing is much higher can become a cause of migration to other less expensive areas. Nationally the country has to understand international trends in migration, housing as a locality based resource has to take account of internal patterns of migration, within the country, at a micro rather than macro level.

At local levels, issues such as affordability, access to employment and education, transport, and more subtle issues such as the perception of crime, will affect migration irrespective of the larger national trend. As mentioned above, the type of households will also make a difference, a smaller population of wealthier households migrating into an area may be more likely to impact a local housing market than a greater number of less affluent, larger sized households, who may struggle to acquire or retain homes in the same area. If the level of inward migration is greater than the supply of homes in that area then inevitably existing local households will either be unable to settle in the area (existing as concealed households) or they will migrate to another area, causing a ripple of migration and house price inflation.

### Demand and Need

These words are often used interchangeably but when considering housing issues, the way the 'market' operates, and especially the duties of a local housing authority it is helpful to briefly make clear the difference in housing terms. Generally speaking demand for housing will be what we can see and quantify, either as sales and transactions, or people applying to rent.

In the open market, as prices rise, demand obviously reduces and this can create a dilemma – at what point would the development of new homes for sale become unsustainable if prices continue to rise? The fact that of the 3 million additional homes provided over the last 20 years, the number used by owner-occupiers has increased by only about a third of this growth suggests that we are closer to this margin than before. Without government assistance through initiatives such as the 'Help to Buy' scheme, the number of additional owner-occupiers would be about 10% lower (118,000 helped by the Help to Buy scheme – [www.gov.uk](http://www.gov.uk)).

We have seen how with rising costs, demand has moved from owner-occupation to the Private Rented Sector (PRS) and as with house values, where demand exceeds supply this has led to increases in rent and a growth in this type of tenure, homes that may have been bought by first time buyers previously are now more likely to be rented by them instead. Those unable to buy or rent, if they have to be housed, fall into the category of 'need'.

Clearly those who are at risk of becoming homeless, unable to stay in their current home, unable to access education, training or employment because of the lack of housing, or access to care and support, can all be seen as being in need of housing. It is difficult though to extend this definition of

‘need’ to include everyone who can’t afford to buy or rent if they are adequately housed, even though this may not be their ideal choice. For this reason, assessments of housing need have to take into account more than just one or two simple indicators such as number of households on the housing waiting list, or number of households living in unsuitable accommodation.

In terms of housing need, this also has to take into account the supply that already exists, if this is adequate then there may be no need for any additional homes. One of the first things to look at then is whether or not there are ways of improving supply (turnover) from within the existing housing stock, to improve the supply of homes to meet need and reduce the overall number of additional homes that are needed. The net number of homes required has to be broken down into more detail than just a number, the tenure and size of a home is what makes it suitable, not just an additional number of homes that could be completely unsuitable for the needs of local people. This detailed analysis should be carried out by every local authority when they produce their Strategic Housing Market Assessment (SHMA) which is why it is a requirement of the government’s National Planning Policy Framework for every local plan. The methodology for assessing the need for affordable homes is provided in Appendix Three and shows how a number of different issues combine to affect this need.

## **Local Housing Issues**

### The Local Housing Market Area

The Housing Market Area (HMA) is the starting point for identifying the housing need of an area. The official Planning Policy Guidance definition is: *“..a geographical area defined by household demand and preferences for all types of housing, reflecting the key functional linkages between places where people live and work.”*

In other words, if you were thinking about moving, where would you consider moving to? There is after all no point in planning to build homes in places where people don’t want to live, on the other hand if housing isn’t available in one location, people may consider moving to somewhere else if it is suitable.

A housing market area is often described as being ‘self-contained’ if 70% or more of moves, whether this is people selling and buying their home, or moving from the parents into their own rented property, start and end within the same area. As people become more mobile, it is less likely that every HMA will fit perfectly within the boundaries of every local authority.

In the case of the Maldon District, this level of self-containment is only about 50%, far lower than the suggested level of 70% and lower than most other districts in Essex but it is the Council’s view that the District should still be seen as self-contained for other reasons. These are:

- The proportion of different types of housing – by size and tenure – is so very different to the neighbouring districts: we have twice the proportion of larger, detached homes, half the proportion of smaller one-bedroom flats and maisonettes for sale or private rent, and about half the average proportion of affordable homes.

- The rural nature of the District – with only one ‘A’ road, only two secondary schools and the lowest levels of population density, the District is quite unlike other adjoining districts which may have rural areas but all have at least one major urban area and are also connected as growth areas.
- Migration – although nearly half of homes in the district when sold are bought by people from out of the area, and many come from Chelmsford, a significant number come from further afield, in particular London and south Essex. They also tend to be older than average, suggesting that inward migration into this area is often about a change in lifestyle. Many will still continue to work elsewhere, so there is a higher than average number of people who commute out of the area for work but through choice, typically because they may prefer to live in a larger home in a rural location, in preparation for their retirement. Those migrating out of the district are much younger and tend to move to different areas, for different reasons.

Some of these characteristics may not be so unusual in other coastal and rural communities elsewhere in the country but the Maldon District is distinctively different compared to other areas in Essex, so close to London, and this distinctiveness has a bearing on its housing and sometimes the relevance of national and regional housing policies.

#### Housing Requirement for the Maldon District

The Council’s SHMA was published in September 2014 and was last reviewed in December 2016 when the findings were found to still be sound and relevant. The Council also reviewed its Objectively Assessed Need (OAN) for housing in August 2016 and this was also reviewed once more in December 2016 along with the SHMA.

The OAN is the number of homes needed for the area based mainly on past population data and analysis, using this to project ahead what the future population will be. This is the recommended starting point but it isn’t particularly helpful in providing the finer detail such as to what extent can new households afford to buy or rent a home in the area, how well the existing supply is meeting local need, nor how suitable the existing housing stock may be to meet the needs of the local population in the future. This is why the OAN and the SHMA have to be combined to give a comprehensive picture of the local housing situation.

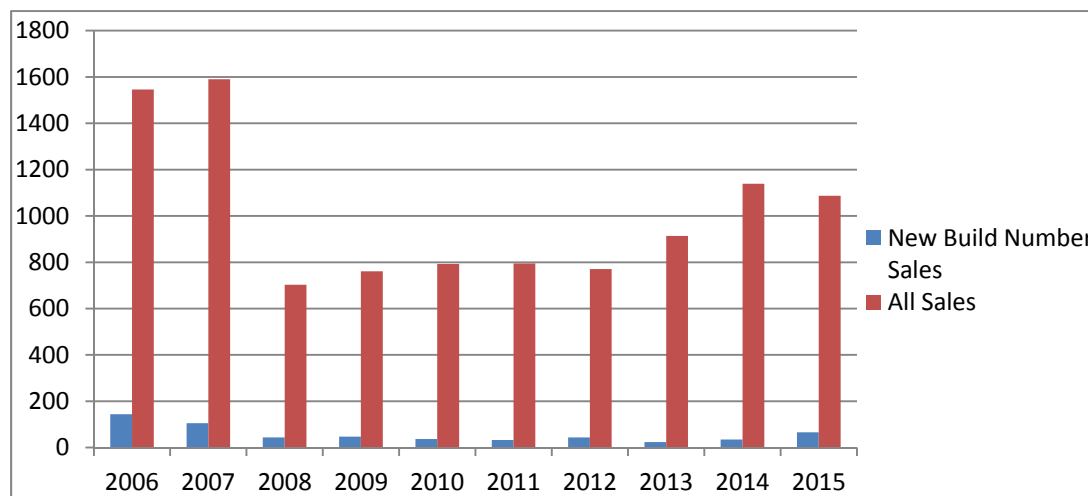
The total number of additional homes required over a 15 year period covered by the local plan is 4,650 (310 new homes a year). Of these 40% (130 per annum) need to be affordable homes to meet the housing need of local people unable to afford to buy or rent in the open market in the District.

#### Supply of New Homes

The Council has allocated a number of strategic sites throughout the District for the development of new homes through the LDP. This will meet the overall housing requirement of 4,650 additional homes. Conventionally, new development is a minor element of the overall annual supply of homes but it can play an important role in helping provide a better balance, providing a better mix of homes, especially affordable homes, to help meet housing need in the short, medium and longer term.

The table below shows the proportion of sales of new homes in the District over the last 10 years compared against sales of existing homes that are being re-sold.

House Transactions in the District 2006-2015



Source: Land Registry 2015

This table emphasises how important the existing profile of housing stock is in shaping the type of households who will live in the District in the short and medium term, how delivery follows market activity rather than need and the impact of the recession in 2008. Despite values recovering, transactions (or market activity) are still about 30% lower than 10 years ago.

The housing requirements in the local plan are therefore reliant on confidence in the local housing market, as is the supply of affordable homes through planning gain. The table above roughly reflects the same trends as most other areas over this period, with a sharp fall in 2008 followed by a very steady period of recovery. We should also bear in mind though that close to the start of this period, the Council's previous plan was for only 120 homes a year, with very few opportunities to develop within the development boundaries which were then in place. The new plan has allocated a number of larger sites, outside of these previous boundaries and more than doubled the annual supply planned for to help stimulate supply. If we look over the last decade, the overall number of sales has not only tracked the number of new homes but also been about 10 times the number of new sales. If the local housing market has been constrained by a lack of development, it will be interesting to monitor over the next few years to see if overall activity continues to remain at the same proportion as new development, especially as this increases to more than twice the level ten years ago.

What we can't see so easily though is the movement of those who are renting privately, often in homes which may otherwise have been shown as a transaction in the past when one household moved out and another moved in.

Although the Council's policies require new developments to provide a proportion of affordable homes, not every site or location can financially meet the level of 40%. This creates a gap between the need for affordable homes and the planned supply of 715 homes.

The Council could consider increasing the overall number of homes to help fill this gap but this would increase the population, placing too great a strain on local infrastructure such as schools,



highways, and healthcare that can not easily be increased. It could just ignore this shortfall but that would be unfair on those who would be left in need and would also have an impact on the local economy. Instead the Council is planning to take several different steps to improve supply so that this gap can be filled, these include:

- Supporting the development of 120 homes that provide higher levels of support for older people – this will help those who are struggling to live alone in their current homes, help meet the aims of the Care Act and provide a better quality of life and care. This would also help improve supply from within the existing stock as moving means that their existing homes become available for re-letting, so a supply of 120 new homes can generate an overall supply of at least 240 homes in total.
- Providing more affordable homes for people to downsize into – the Council has already granted planning permission for 60 new affordable homes for older people who do not need such a high level of care and support but may want to move closer to friends, family, shops and so forth. By giving priority to those under-occupying social housing, these 60 new homes could create an additional supply of another 60 homes from the existing stock.
- Community Led Housing – in December 2016 the government announced a programme of Community Led Housing, local authorities supporting local community groups to become more involved in identifying and responding to local housing issues such as the need for affordable homes, or homes to help older people stay in local communities. In the past, the Council has worked with a number of local parishes to support the development of affordable homes in rural parts of the District. This was suspended whilst the local plan was being developed but can recommence as part of the District's Community Led Housing Programme. Based on previous years, a realistic target of 5 homes a year would amount to 75 homes over a 15 year period.
- Strategic development – putting into action all of the above could provide an additional supply of 375 affordable homes, leaving a shortfall of 340 homes. Investing in the development of homes is one of the goals in the Council's Corporate Plan and many other local authorities have already set up new ways of working, sometimes in partnership with housing associations or others, to acquire land for development as a source of income and also to meet local need. This is something that the Council is considering, with the target of 300 or more homes as the justification for securing sites for development.

### Affordability

Affordable housing is defined in the NPPF as: "Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices." So although the type of homes provided as affordable may be similar throughout the country, in principle eligibility will vary depending on the local variation between house prices and local incomes. In practice, this is often overlooked with the consequence that affordable homes may be provided but without basing the rents on local income levels, they may still not be affordable to local people.

We should point out that there are two different levels of income for an area, Resident Income (the average income of people who live in the same area but may work in a variety of different places) and Workplace Income (the average wage paid to people who work in that area). Nationally these are the same, at a regional level these begin to vary especially in the south and east of the country. Once we get down to a county level these two different types of income measures begin to become more different, especially the closer to London. In Essex the variation between Resident and Workplace incomes varies on average by about £60 per week. In the Maldon District this variation is even greater, at about £150 per week, or £600 per month.

This is understandable though when we take into account the distinctive aspects of the District mentioned above; with a much larger proportion of larger homes, a higher than average number of people moving into the District, and a greater number choosing to still commute out of the area for work, especially to areas such as London and Chelmsford where house prices are higher, the reasons for this make sense. It would be unfair though to use this as an average income for assessing eligibility for affordable housing if the income of those who live and work in the District is so much lower. This would also create problems for local businesses and employers who are reliant on the local workforce.

The average gross workplace income for the District is £511.30 (£26,572 p.a.) lower than both the regional and national levels, compared with an average income of £663.80 per week ([www.nomisweb.co.uk](http://www.nomisweb.co.uk) 19/03/17).

On the basis that it is reasonable to expect a household to spend no more than a third of their gross income on housing costs, the maximum cost for affordable housing should be about £170 per week. To help make sure that residents in affordable homes are able to remain in their homes if they are on lower wages or become unemployed, current policy is to set a cap on the cost of affordable based on the level of Local Housing Allowance / Housing Benefit, this ranges from £64 per week for a bedsit to £231 per week for a four-bedroom house.

Currently all affordable housing in the District is within these levels, so the problem facing those households who need affordable housing at the moment is one of supply rather than cost.

In 2016 the Housing and Planning Act introduced Starter Homes as another type of affordable housing. These are homes that could be bought by first-time buyers at a 20% discount on the market price. Currently the average price of a small flat or maisonette in the District is £190,000, a 20% reduction would reduce the price to £152,000, if a 10% deposit is required then the amount to borrow would be £136,800. Assuming a mortgage could be offered on the basis of 3.5 the annual income, this would help any household with an income of £39,000 or more. This would just about be 'affordable' based on the Resident Income but not the Workplace Income.

The SHMA identified about 60 concealed households who may benefit from Starter Homes, if they can save for the deposit whilst also paying towards their existing housing costs. Higher house prices naturally mean larger deposits which is a barrier to anyone looking to buy a home, even if at a reduced price. Buy-to-rent can be a way of overcoming this, especially if the rents are affordable, there is some flexibility as to when people can buy, and especially if there is the possibility of the deposit being gifted or paid by someone else. The Council is supportive of this as a form of intermediate affordable housing if these criteria are met.

The Council can help support people to become home-owners by promoting government assistance such as the Help to Buy scheme, making information more easily available and training staff so they can give basic information about these schemes and signpost people to more specialist advice.

### Tenure

The National Audit Office estimate that the number privately rented homes has risen from 2 million in 1981 to almost 5 million in 2015, at the same time the number of social rent homes (let by either a local authority or housing association) has fallen from 5.5 million in 1981 to 4 million in 2015. If we look at the trends in renting from private landlords and housing associations between 2001 and 2011 we can see that there has been a similar increase in the District.

#### Household Tenure in the District 2001 - 2011

Year	Households renting from private landlords	Households renting from social landlords	Total households in rented accommodation	Owner Occupation
<b>2001</b>	1,551	2,818	4,369	19,471
<b>2011</b>	2,493	2,685	5,178	20,251
<b>Variation</b>	942	(133)	809	780

Source: ONS Neighbourhood Statistics 2017

Some private rent has provided a replacement to the reduction in housing association accommodation locally but the main growth has met the need of some households no longer able to buy a home. As with the national trend, there has been an overall reduction in the number of households renting from social landlords and despite an increase in new homes for sale, this has been moderated by a greater number of homes now being rented privately.

We know that the proportion of smaller open market homes is below the county and national average, and the proportion of larger homes is above these averages; if demand for private renting locally continues to rise it is possible that some larger homes could become rented to multiple households, becoming Homes in Multiple Occupation (HMOs). In some cases this can create problems as well as providing a solution, as the number of households in an area exceeds what was originally intended. Properties can become subject to a greater level of 'wear and tear', neighbours become affected by higher levels of traffic and parking and those responsible for managing the properties could be under additional duties. This is something that needs to be monitored.

In looking at the incomes of local households, especially those working in the District and local concealed households, the most appropriate type of tenure is social or affordable rent. The Council seeks to ensure through planning agreements that these rents do not exceed Local Housing Allowance levels, the amount that can be paid through welfare benefits if people are unable to work, or need assistance because they are on low incomes. This helps reduce the risk of homelessness in the future and provides families with more disposable income but it does make it harder to ensure new developments are financially viable. To help improve viability, the Council also allows a proportion of affordable homes to be 'intermediate' affordable homes, for example shared-ownership or rent-to-buy as long as they remain within the levels that would be affordable to someone earning the average local wage.

The type and size of affordable homes required from new developments is based upon the findings of the SHMA and is a balance between homes that best meet current need and homes that help improve the use and supply from the existing stock.

Example of 100 homes 40% Affordable: 40 affordable

- 30% General Need 1bedroom – two thirds affordable rent (8) and one-third intermediate, e.g. shared-ownership (4)
- 10% 1bed bungalows for rent for older people = Four 1bed bungalows
- 10% 2 bed bungalows for rent for older people = Four 2bed bungalows
- 40% 2 bed general needs, 80% for rent = Sixteen 2bed homes, 13 for affordable rent and 3 intermediate.
- 10% 3bed or larger general needs - at least 50% for rent = Four 3bed homes, at least two for rent

Getting the right type of homes is important to meeting local need but even more important is making sure that they are made available to the people who are in need. This is why the Council has to insist through its planning agreements that it has the ability to nominate families from its Housing Register (waiting list) both when first built and when the properties become available for re-letting in the future.

Every year the Council reviews its policies for the allocation of affordable homes and more detail about this can be found in the Housing Review which accompanies this strategy. By enabling the development of homes that meet the need for existing tenants as well as those who may be homeless, we can generate a better churn of the existing stock and a better overall supply.

### Population and Household Trends

Predictions for the future population of the District have varied but are a necessary starting point in working out the number of additional homes that may be needed. The projection in September 2014 when the Council's plan was being finalised was that the Objectively Assessed Need for housing was 4,650 additional homes (310 required per annum). The most recent review suggests that the growth of population may reduce to 260 per annum, taking into account the rate at which new households in the District are forming. In some ways, bearing in mind there is a lag between events, reporting and analysis, this may reflect in part the reducing levels of transactions that have been happening over the last few years, together with the rising costs of housing that may mean an increase in concealed households and a reduction in the number of newly forming households.

Between 2001 and 2011 the proportion of concealed households in the District has increased by 57% and this is fairly typical of the county. For these reasons, it was decided that the original requirement of 310 homes per annum should be retained in order to help improve the prospects for addressing this rising proportion of locally concealed households and local need, balanced against the demand from further afield.

### Demand and Need

We have seen how the District is meeting a larger than usual level of demand from outside of the area, due in part to the current profile of the stock being more attractive to those from a wider area with stronger purchasing power, and the gap between local income and local wage levels.

This isn't unique and as with other parts of the country, the supply of new homes mainly for sale has been adjusted as a growing number of existing homes have become available for private rent. This is a market response in some ways but it may also coincide with people's individual decisions about investing their savings; at a time when property values are rising and interest rates are low, investing in property and having an income will give many a better return on their investment. To some extent, there are now competing markets for the same property, those seeking to buy as a home bidding against those who are looking for an investment. This is well noted in London and on a smaller scale is happening locally as well. This does make the challenge of helping aspiring first time buyers more challenging, especially without assistance such as Help to Buy which tends to be targeted at new developments.

Helping people move on to home-ownership is something the government and Council want to promote. We have mentioned the proposed introduction of Starter Homes above which could help but as with any open-market home, there are no provisions at the moment to enable these to be offered to local people as a priority or even in preference to those from elsewhere.

The Council has considered other more innovative options such as rent-to-buy offered by Rentplus and other similar models. There is a growing interest in these other options especially if they provide not only an affordable route to home-ownership but can also be directed to those local people the Council has identified and included within its assessment of housing need.

The private rented sector has grown roughly in line with the national trend. In the past this was a tenure associated with those who were either looking for a temporary home, or was a supplement to social housing in that it offered housing that was accessible and affordable to many on lower incomes. Increases in local rents now mean that these can now be more than average mortgage repayments, frustrating attempts to save for a deposit. Recently reform of welfare benefits has made it harder for those on low incomes or reliant on help to meet the cost of the rent to find or retain privately rented accommodation and many, possibly the majority, of landlords and agents may refuse a prospective tenant without an adequate credit rating and ability to guarantee the payment of rent. This has been considered as part of the review into homelessness in the District.

Actions we can take in response to local and national housing issues:

- Monitor the supply of new homes and relaunch the use of post occupation surveys to build up a better understanding of the local housing market.
- Regularly monitor transactions and house prices and local rents
- Use local wage levels as a benchmark of affordability
- Keep the cost of affordable housing under review
- Promote government initiatives such as Help to Buy through the Council's Housing Options team, website and other ways.

- Monitor the supply of affordable homes to see if it is in compliance with requirements, making adjustments where necessary
- Continue to review and publish annual review of the Council's policy for allocating affordable housing
- Monitor for increase in HMOs and the possible need for greater enforcement and regulation
- Plan for the need for an increase in temporary accommodation
- Identify ways of providing supported housing in the future

## Homelessness

Current levels of homelessness are one of the factors that are considered when calculating the need for affordable housing, so in some ways, providing the right number and type of affordable homes should help alleviate the risk of the Council not being able to meet its duties, providing it is also able to maintain its performance in preventing homelessness which is a key aspect of the review.

There are though some additional requirements which have been identified from the review which need to be carried forward into this outline of our strategy.

Temporary accommodation: the need to use temporary accommodation is increasing due to a rise in the number of people approaching the Council as homeless, the reduction of privately rented accommodation to help prevent this and we are now anticipating as a result of the proposals in the Homelessness Reduction Bill that there may also be a need to consider providing temporary accommodation for a wider number of people. This could be sourced through the use of existing stock (which then becomes unavailable to meet longer term housing need), acquiring additional property (which is expensive) or using temporary buildings.

Supported housing: there is a small number of people who need both housing and some type of support to help them set up or maintain a home of their own, usually just for a period of less than a year or so. This may include victims of domestic abuse (no local provision), young people leaving care (very limited provision) and people with low to moderate mental health problems (also no local provision). Even if possible to find or develop homes, the cost of funding the support is now very difficult to find making the commissioning of these types of schemes very difficult but there may in the future be opportunities working with voluntary organisations, other statutory bodies and even some local community groups.

More detail about non-property based options for preventing homelessness is provided in the review and outline strategy in Appendix One.

### Actions we can take to respond to homelessness

- Identify options for increasing the supply of temporary accommodation
- Identify ways for providing a better range of supported housing in the District

## Older People

The District has an ageing population, meeting the housing needs of older people is now recognised as a national issue but has been something the Council has seen as a priority for some time, producing an Older People's Housing Strategy to highlight this need some years ago.

This has also been something highlighted in both the current and previous versions of the SHMA. Key recommendations of the current SHMA include:

- Working with local families and others to help provide housing advice and other forms of housing related support to complement other agencies;
- Considering encouraging the development of a wider choice of housing for older people, as the lack of choice and the high cost of some types of retirement housing may act as a disincentive for those who are considering moving.
- In addition, to also considering the need for extra-care housing to meet the demand from those who are especially frail and vulnerable.
- Provide financial assistance to those who wish to remain in their own home but are unable to meet the cost of improving or adapting their property.
- Consider a detailed review and analysis of the existing stock of sheltered housing in the District to see how well this is meeting need

We know from the SHMA that the majority of older people want to remain in their current home (83%) and may in the future require both visiting care and support and possibly some form of adaptation. The number who would consider moving is smaller (17%) but equates to more than 2,500 households in the District.

Most of those would like a bungalow (62%) followed by some form of supported housing (23%). Preference was to have two-bedrooms (52%) followed by one-bedroom (27%). Although 78% are home-owners, only 55% said that they would want to remain so if they moved, 41% saying that they would prefer to move into rented housing association property.

The suggested number of homes to meet demand according to the SHMA is broken down into two groups: older people who are currently living in the District, of which 188 require some form of affordable housing and 16 would like to move into privately owned sheltered housing; and 170 older households who currently live outside of the District would like to move here to be closer to family, requiring 104 privately owned sheltered homes and 66 affordable sheltered homes.

Overall, this is a total of 374 homes, 120 private and 254 affordable.

The SHMA also surveyed older people and their family to establish the need for extra-care housing. The suggested requirement for this was 138, with nearly half the demand coming from those considering moving to the District to be nearer to family.

Essex County Council's programme for Independent Living, aimed at delivering more extra-care throughout Essex, has assessed the District's need as being in the region of 120 to 150 homes which is within the range identified by the SHMA.

Actions we can take to meet the housing needs of older people

- Progress plans with ECC and others to provide Independent Living / Extra Care housing in the

## District

- Monitor the delivery of affordable homes to ensure there is adequate provision of homes for older people
- Undertake a review of existing housing options and local schemes in the District
- Review policy for DFGs and explore ways of making this more preventative
- Work with other local agencies to provide clearer guidance on housing options and housing related support for older people.

### Supporting the Local Economy

There are strong links between the local housing situation, the local economy, and the potential benefits that each can bring to the other. A good balance of homes can help support the local economy by providing homes for the local workforce, across all ranges of the employment sector. Likewise a vibrant local economy can make a location more attractive (and therefore more valuable) to existing and future homeowners.

For this reason many assessments of housing, including the Council's SHMA, take into account local employment levels and types. Our District does have a lower than average level of people employed in public services, finance and IT but a higher proportion working in construction and manufacturing (Business Inquiry Employee Analysis 2008). Although levels of employment are higher than average, we know that local wage levels are also lower than average.

Anecdotally we hear that some employers may be struggling to recruit because of the lack of affordable housing for potential staff. Without more detail it is difficult to establish whether there are some employers and professions affected worse than others, or if this is just a general reflection of the problem that many people on moderate incomes face finding suitable, affordable accommodation, especially if moving from areas where homes are not so expensive, or more freely available.

We do know statistically that smaller employers are more likely to be affected by housing costs that exceed local wage levels and this should be a concern for a district such as Maldon where a greater number of employers are smaller, or involved with primary industries and service industries.

As with homelessness, we would hope that improving the supply of affordable homes in the future will help but there may be a need to see if some sectors need something more specific. This is a subject that may benefit from more detailed investigation into local need and also possible ways of resolving this if there is a disproportionate problem for some sectors which in turn could undermine plans to grow the local economy.

#### Action we can take to support the local economy:

- Survey local employers to assess the extent to which access to suitable housing is affecting their ability to recruit or retain staff



## KEY PRIORITIES

The Council's Corporate Plan (updated in April 2017) has set goals and activities, some of which directly relate to housing:

### **Strengthening Communities to be Safe, Active and Healthy:**

*Implement projects from the Community Safety Partnership action plan to maintain the low levels of crime, support victims of anti-social behaviour and reduce the fear of crime*

- We shall continue to work with local housing associations to ensure that cases of anti-social behaviour that affect their tenants are dealt with as effectively and promptly as possible, making best use of civil actions such as demoted tenancies and reviews of introductory tenancies.
- We have also identified in our review of homelessness the need to develop existing services and explore other opportunities to support those affected by domestic abuse

*Implement with partners targeted projects that contribute to the local health and wellbeing needs: (a) obesity (b) old age frailty (c) educational attainment*

- Linked to our aim of meeting the housing needs of an ageing population, we shall also work with other agencies to improve help, support and advice to older people to help them live independently in their own homes or support them in making decisions about other housing options.

*Embed the Safeguarding Policy and Procedures across all Council services*

- Ensure that everyone in the Council's Housing Service has an excellent understanding of safeguarding policy and procedures
- Support other partners such as local housing associations in developing higher standards and better communication to protect vulnerable people at risk

### **Protecting and Shaping the District**

*Adopt the Local Development Plan for the Maldon District*

- We shall continue to monitor housing need and support delivery of the Local Development Plan

*Adopt the Maldon District Design Guide*

- We shall support the development of this including guidance on housing for older people

*Co-ordinate work with housing associations and developers to provide affordable housing and meet the identified requirements for older persons' independent living within the District*

- Continue to progress work in partnership with Essex County Council and others to develop Independent Living schemes in the District and other homes to meet the housing needs of older people

### **Creating Opportunities for Economic Growth and Prosperity:**

*Develop and implement a strategy to meet the skills need within the District*

- We have identified the need to consider reviewing the possibility of developing stronger strategic links between housing and local employers, exploring the extent to which a lack of suitable housing may be affecting recruitment and retention of employees.

Progress of the Corporate Plan's objectives will be measured against a number of indicators that include:

**Strengthening Communities to be Safe, Active and Healthy:**

- *Number of households where living conditions were improved through Council assistance*

**Protecting and Shaping the District:**

- *Total number of affordable homes delivered*
- *Number of long term (6 months+) empty homes returned to use*
- *Number of applicants who avoided homelessness following assistance from the Council's housing service*

The Council has recently set up a Strategic Housing Board to support and monitor the development and delivery of this strategy and is considering three other themes that could also be priorities for this strategy:

1. Encouraging the delivery of homes
2. Development of a programme of Community Led Housing, and
3. Performance and joint working with our partners

**1. Encouraging the delivery of homes**

This may sound an obvious task but we know that making plans is not the same as delivering them. The Council is reliant on a number of different partners to work together to help us meet our aims. Although planning permission has been granted for a number of the strategic sites in the local plan, some still require consideration of more detailed matters, others may face additional costs and delays due to infrastructure requirements, some have yet to enter into agreements with housing associations for the delivery of the affordable homes and in the longer term none of us can predict what may happen to house values and building costs which could affect the financial viability of a development.

To help us meet our targets for the delivery of new homes we shall consider:

- Engaging regularly with developing housing associations to ensure that they have the capacity to develop new homes, through s106 agreements where developers have to provide a proportion of affordable homes and also where they may be able to undertake 'land led' developments, acquiring whole sites to build out and provide a greater number or type of homes that meet local need

- Produce clearer guidance (as a Supplementary Planning Guide) on affordable housing to give greater clarity and understanding to others of what the Council requires and expects from developers
- Look for good practice from others, especially those districts where there is a record of good performance in delivering new developments within planned timescales, working with others such as the Housing Finance Institute on their 'Housing Business Ready' programme.
- Ensuring that partners are aware of both infrastructure issues and timescales for delivery, working with them to agree wherever possible ways to streamline enabling works and secure funding from others where possible.
- Review and expand the framework for assessing financial viability so that the Council can continue to take a reasonable, robust and consistent approach to achieving the optimum contribution towards affordable housing with the minimum need for subsidy.

These aims and actions would help reduce delay (and therefore costs) of development, meet the aims of the local plan and respond to housing need sooner rather than later bringing forward the benefits to the District.

## **2. Development of a programme of Community Led Housing**

The Council has in the past supported a number of different types of development, throughout both rural and urban areas, providing a range of affordable and supported housing outside of the conventional forms of development. Often that was done as necessity, at times when there was little opportunity to acquire affordable homes through planning gain. More recently we have developed a number of homes in rural areas to help meet the need in villages and parishes. We have mentioned above how the plan will help provide a large number of affordable homes but there will still be a shortfall which will have to be met through other strategic ways.

In December 2016 the government announced funding to help local authorities introduce a programme of Community Led Housing, which fits in well with our own way of providing affordable homes in the past. We do not yet know the extent to which local community groups will want to get involved although we are aware of some already who have expressed an interest. From spring 2017 we will be consulting with some local groups initially to get a better idea of the type of help and support they would like, then later in the year, we will begin to work with these groups to see how we can help them bring forward some of their proposals. We hope that such a programme could help achieve:

- A better supply of homes that meet local need

- Potential to provide homes that meet the needs of some particular groups that may not otherwise be addressed.
- A wider choice of homes for local people
- Support for local businesses and possibly to education and training
- Opportunity to make better use of existing housing stock

### **3. Performance and joint working with our partners**

We have explained how much we rely on partners to plan, build and manage homes in the District. Some, such as Essex County Council, also have an overlapping role as another authority with duties that link to our own, such as the need to support older people and commission services that have a direct impact on the way we work.

There are others, such as local voluntary organisations, that provide help and support to people we are also working with, such as smaller housing associations and Citizens Advice Bureau.

Housing associations as the main source of affordable housing are vital to the Council's ability to meet our statutory duties. Recent changes to their income and welfare reform may affect the number and type of households they can consider in the future and we need to be aware of this and plan for the possible risk of some households not being able to access affordable housing in the future. We have enjoyed the support of a number of different agencies and organisations in the past, often working in collaboration to innovate when there seems no other way of resolving some problems.

We need through the development of this strategy to explain the needs of the District and the requirements of the Council to a range of partners who can help with the following:

The development of new homes

The management of existing homes and support for residents

The prevention of homelessness, and

Meeting the housing needs of older people

Feedback from partners on the consultation of this strategy will help inform and give more detail to our plans for the future.

**Actions we can take to meet our Key Priorities:**

- Seek to link development of Independent Living with provision of health facilities
- Identify and progress ways of generating income through housing
- Engage with developers through the county-wide developers' forum
- Produce affordable housing SPD
- Engage and consult with developing housing associations
- Maintain up to date information on infrastructure requirements
- Renew framework for assessing financial viability of housing developments
- Deliver a programme of Community Led Housing
- Review relevant partnership agreements and roles of local partners

## **Managing Housing Need**

Managing the need for housing is important especially when in areas of high demand and limited supply. The review of homelessness gives more detail about this, with suggestions about how the Council's performance in preventing homelessness can be maintained at a time when most areas are expecting an increase in need.

In addition to these actions, there are some other areas where urgent need could be avoided; with an ageing population there will be a need to respond to this in terms of housing, explained above but also to make sure this is linked as best as possible with other partners: "It (the Maldon District) has a high proportion of over 65s and a 27% increase is expected between 2015 and 2025 equating to 4,000 more people. This ageing population will put greater demand on health, social care services and housing needs". – *A Profile of people living in Maldon: March 2016 Organisational Intelligence - Essex Local Authority Portraits A product of the Essex Joint Strategic Needs Assessment (JSNA)*.

The Council's Housing Service already provides financial assistance and helps offer assistance with adapting people's homes but too often this is after a fall or accident. Working with partners to identify those in need sooner rather than later, could help reduce admission to hospital and unnecessary suffering. As part of this Strategy, we will review the policy for Disabled Facilities Grants and other related assistance as well as the role that partners could play in helping people sooner rather than later.

Despite the need for affordable homes in the District, we have noticed over the last few years a steady reduction in the number of people registered on the waiting list. This is not unique to our District and some other areas have seen a similar reduction. The reasons for this are not clear but one possibility could be that those who have been registered in the past become frustrated by the inability to find somewhere and fail to renew their applications. Since the Gateway to Homechoice choice based lettings scheme was introduced in 2009, the average number of homes let each year is about 109 general needs homes (for anyone age 18 and above) and 53 sheltered homes (for people

over the age of 55), with a variation of about 25% depending on the number of new homes that have become available.

Year	General Needs	Sheltered	Total
2009/10	109	45	154
2010/11	107	43	150
2011/12	101	62	163
2012/13	116	82	198
2013/14	118	47	165
2014/15	89	38	127
2015/16	123	54	177
Average	109	53	162

Source: Gateway to Homechoice Annual Reports, Maldon District Council

The baseline for assessing the need for affordable housing was in 2014, a year when the number of lettings was quite low, and the average planned supply of affordable homes based upon what was either under construction or planned to start was 28 new affordable homes. The following year there was an increase in lettings and if this can be maintained it will help reduce the overall backlog of need. Likewise, although the predicted annual supply was accurate at the time and is still a reasonable estimation as an actual annual average up to 2018/19, we know that there should be a much greater supply coming after then, closer to the requirement suggested in the SHMA, which will also help reduce the level of local need.

The average waiting time for those being housed in the District is longer than other areas across Essex and Suffolk who operate the same scheme and share the same policy, with an average period for those in the highest bands (priority for housing) being between 8 to 9 months. In some cases this may be the time spent being housed in temporary accommodation so the more this waiting time can be reduced the better it would be for the applicants and the less expensive it would be for the Council. There does appear to be a smaller percentage of applicants in these two highest bands in our District, and we know from experience that some who present as homeless have not previously applied. Promoting the Gateway to Homechoice scheme more widely could help reduce the waiting time, especially if those who were uncertain about their housing applied and could then be given help and advice prior to them actually becoming homeless.

It may seem strange at first to suggest that having more people applying for housing would help manage demand but by having people already registered, if their circumstances remain unchanged, would reduce delays and in some cases the need for less suitable and more costly intervention.

About 80% of those registered with a disability or need for an adapted property are housed in a home that is suited to their need, improving their ability to live independently, reducing the need for further disruption to their homes in the future and reducing the need for further investment. There are 20% though who still need to have adaptations made to their homes after they move, this could be because of sudden changes which mean that they have to leave their existing home, or it could be that some only realise their new home is unsuitable once they have moved. This is another area where it would be helpful to have more information, possibly reviewing past cases, to see what improvements could be made.

Promoting the Gateway to Homechoice scheme, possibly to local employers to help address concerns some may have about recruitment and retention of staff, to voluntary agencies and the public in general could help reduce waiting times and the need for temporary accommodation.

Actions we can take to manage housing need:

- Review operation and policy of Gateway to Homechoice scheme
- Promote Gateway to Homechoice especially to older people and local employers
- Review how effective the allocation of adapted properties is meeting need of those with mobility problems who need to move

## Managing Housing Supply

The Council has a better understanding of its housing requirements as a result of developing our local plan and has policies to help meet these needs. We have also become more involved in assessing the financial viability of individual schemes as developers question whether or not they can meet the Council's policy requirements. In most cases we have found that sites can provide between 30% to 40% affordable housing without the need for any subsidy but this has often only been agreed following lengthy assessments of financial appraisals and sometimes quite robust discussions.

This is not uncommon amongst other districts; rising land values, based upon rising house values, can create an upwards spiral. Over the last few years the concept of a 'benchmark' land value has become established, supported by the NPPF which, although making the case for local authorities to assess their housing requirements and seek to meet these through their policies, also states that plans should be deliverable, which can be taken to mean that development will "provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable." (NPPF para 173). Comparisons of other sites, costs and values in the same area are used as a basis, with the addition of an uplift to encourage the owner to sell the land and the developer to take the risk of building in what in the past has been uncertain times. Whether these premiums are so justified at times when values are less volatile is something that could be debated but has to be balanced against the lengthy time taken to deliver some larger sites.

Considering local land values, we know that a large proportion of homes developed in the past have been larger properties, often built on lower density sites. This has in some ways set a local benchmark which needs to be considered when sites in the future could be required to produce a higher proportion of affordable homes, with less likelihood of subsidy, and ideally a higher proportion of smaller homes for the open market.

Currently national policy is not to provide government funding to support the delivery of affordable homes on sites where they are to be delivered through planning gain. This may be reviewed and the Council has also considered ways in which viability could be improved by varying tenure to other types of affordable housing but this in turn has to be balanced against the main purpose of our policies to meet local need. There is no point providing the right number of the wrong type of homes, on the other hand we know that it is naïve to think that sites brought forward by private

landowners and developers will be able to provide a return that they would see as reasonable whilst also providing homes that perfectly meet local need, bearing in mind also the proportion of inward migration into the District.

Assuming the likelihood would be in most cases a balanced approach, it is important that the Council can make sure what is provided is more likely than not going to meet our needs. Affordable rented homes are below market rents and policy and practice is to also set a ceiling so that they do not exceed Local Housing Allowance, all new homes are also allocated to people registered with the Council. Intermediate affordable housing such as shared-ownership is more expensive, so meets the needs of a lesser number of people and is also open to anyone if delivered through a programme supported by the Homes and Communities Agency. We know that this option does meet the need and aspiration of some local households, so it is something that we want to be able to provide. As a more expensive form of affordable housing it also provides a better return to developers, helping to improve viability but there is a risk that some of these homes may not be either affordable or guaranteed to those we are trying to help. The SHMA suggests that of those needing affordable housing, about 20% would consider and could afford some form of intermediate housing.

To help maintain financial viability and be consistent with the testing of our policies, the previous proportion of 30% of affordable homes on a development has been retained. If other forms of intermediate housing, such as a Rentplus model or a locally agreed fixed equity option could be provided instead, which gives the Council greater control over the allocation of the homes to those registered with the Council, then this could help overcome all of these problems. During the planned period of consultation for this strategy, we also intend to produce a planning document about affordable housing, clearly setting out and explaining our requirements, expectations, practice and procedure. This will help give more clarity and certainty to those developing homes in the future, by reducing uncertainty we hope we can also reduce some of the risks and delays.

A growing number of local authorities have become more involved in house building and property development, combining their duties to meet housing need with opportunities to invest and generate income. This can be done in a number of different ways, in a partnership, creating an arms-length organisation, a joint-venture company, or just contracting on a scheme by scheme basis. Having transferred our housing stock, there is very little land owned by the Council, nor do we have the capacity to manage homes but there are other ways the Council could meet its corporate goal of investing in housing and also bridging the gap of unmet need.

Housing associations are also diversifying, building homes for sale as well as affordable housing, using new methods of construction to reduce costs and creating new partnerships with others. In some cases they acquire sites for development that provide affordable homes beyond policy requirements, helping to offset shortfalls from other developments. Although most are well known to us, as they also go through changes and look at new opportunities, it would be helpful to use the launch of this strategy as an opportunity to make clear our needs and priorities and formally seek their input into how they think they could help us meet these objectives in the future.

The government's Community Led Housing initiative also gives an opportunity to re-introduce some of the types of development the Council supported and helped enable in the past, such as rural exception schemes, tackling empty homes, working with other districts and redevelopment of buildings.



We can't guarantee that all developments in the future will progress as planned, even if they do there remains a gap between planned delivery and our identified requirements, so it seems sensible to also consider these other option as well, creating a balanced range of activities to help balance the future supply of homes against need.

Actions we can take to manage the supply of housing:

- Maintain up to date records of house values and the value of affordable housing to support future viability assessments
- Review and expand the framework agreement for assessing financial viability of developments
- Identify and promote the most appropriate options to help meet the aspirations of those who would like to own their home
- Identify and progress he most appropriate options for investing in housing
- Consult with housing associations and other investors to identify ways of securing investment and delivery of homes that meets local requirements
- Review existing practice and policies for tackling empty homes

## Managing the Housing System

By playing an active role in managing the need and supply of homes, as well as having a plan in place, we will be able to manage as many aspects as the housing system as possible and steer it towards meeting the needs of the District.

Decisions about commercially led development are made by private developers and we can regulate some aspects through our policies but the Council has no direct control over their decisions to invest locally in development, nor do they over have control over changing market conditions. The county-wide Developer's Forum provides an opportunity to share good practice, knowledge and understanding between local authorities and private developers

Housing associations are regulated by the Homes and Communities Agency but are being given greater freedom and flexibility. Those that have homes in our District will be bound by local agreements but these sometimes have to be amended when primary legislation changes the way they or the Council have to operate. Essex Housing Officers' Group comprises officers from both local authorities and larger housing associations across the county, promoting good practice and a collective approach to housing issues.

Having regular contact with both these sectors helps us all see changing trends, whether commercial, legal or political and plan in advance to help make the most of opportunities or mitigate against risks.

There are also others involved with infrastructure which is strongly linked to the development of larger schemes, involving education, highways, utilities and environment. We need to make sure that our plans are integrated with those of others and the benefits of housing development are understood, along with the risks of delaying or preventing development that meets our need.

There are also aspects that will affect the need for housing, decisions made by those who commission support and services for local residents can directly and indirectly affect their ability to remain living independently. The Care Act is a challenge to deliver in terms of coordinating the overlapping worlds of health, housing and social care but meeting its aims provides great benefits to some of the most vulnerable people in the District and greater efficiencies to the agencies involved. Essex County Council's Housing Related Support Group brings together officers from local housing authorities, housing associations, health and social care to advise on the commissioning of support services for vulnerable groups.

In a similar way, the reform of the welfare system, which seeks to simplify the complexity of the current systems and encourage people to access employment and training, will change some people's circumstances including their ability to access or retain housing, and will have an impact on those who currently house them or will consider housing them in the future. Essex Housing Officers and Benefits Officers Groups have worked together on the implementation of welfare reform, with involvement from DWP.

All of the above will influence the supply, demand and need for housing and links to our District's economic development; the construction of homes, in particular affordable housing, is one of the highest 'fiscal multipliers', for every £1 of public investment more than £2 is generated, compared to 0.6 from changes to tax and 1.8 from capital investment into infrastructure (*Investment in Housing and its Contribution to Economic Growth – FTI/Shelter report, October 2011*). The more disposable income residents have, whether through lower housing costs or as a result of downsizing from more expensive areas, the better it is for our local economy. The Council's Housing, Planning and Economic Development Services are all within the same directorate, helping to ensure opportunities and benefits are realised

Somehow we have to try and make sure that decisions made across all these different disciplines coincide to create a harmonious outcome in helping us balance the supply of homes with our identified requirements.

This can't be left to chance, the aims of this strategy need to be explained and understood across all these areas and lines of communication retained. This will not only help improve the prospects of delivering the aims of this strategy but can also bring benefits to partners that they may not otherwise have considered or been able to achieve on their own, for example:

- Sustaining and promoting local businesses, helping them retain and recruit staff and support the local economy;
- Housing associations helping residents access training and employment, supporting the aims of welfare reform;
- Developments of homes for older people being colocated with local health and care services to make best use of land, investment and improve the quality of care;

Through some of the groups mentioned above and in other ways, we are able to work with others such as the South East Local Enterprise Partnership (SELEP), Essex County Council, the Homes and Communities Agency, the Department for Communities and Local Government (DCLG), the East of England Local Government Association (EELGA), the National Housing Federation (NHF), Clinical Commissioning Groups (CCG).

We also need to make sure that within our own organisation our approach to strategic housing issues is efficient and streamlined to reduce the risk of delays and conflicts in decision making and implementing plans. At the beginning of 2017 the Council established a Strategic Housing Board, comprising a selection of Members from each of our policy making committees and senior Planning and Housing Officers. This Board will oversee the development and delivery of the strategy, strengthening our corporate as well as service approach.

Actions we can take to manage the housing system:

- Maintain links and share information and practice with key groups
- Collate information through the Strategic Housing Board, Corporate Leadership Team and Directorate Leader team meetings

## Delivery

Our local plan is based upon a sound evidence base that addresses the needs of the District. It will serve little purpose though if it can not be delivered, or in delivering its aims key aspects have to be ignored or severely compromised, in particular our corporate aims of meeting the need for affordable housing and homes to meet the needs of an ageing population.

The importance of the delivery of homes has already been mentioned several times in this draft strategy but it can not be underestimated how important (and at times challenging) this will continue to be, nor the opportunities that it will bring to the District.

The government recognises in its White Paper just how difficult it can be to fix ‘our broken housing market’ and the vitally important task of making sure we do not just provide the right number but also (even more challenging) the right type of homes, and then make sure that they are accessible to the right type of people.

We have to recognise that this is an unprecedented time for the District and as an organisation will shall have to continually work as an organisation to make sure our skills are evolving in pace with the tasks required.

There are variations between districts, even within Essex between neighbouring authorities, of the time taken not just to make planning decisions but also the process thereafter. These variations could be due to factors outside of the control of the local authorities but we need to make sure as an organisation, learning from those who are most efficient, how to turn planning approval into real homes to speed up the benefits of development and reduce the risks and costs that come from delay.

As a small authority we have limited resources and it wouldn’t be possible or reasonable to underwrite all risks to development, ultimately these must start and end with those who take the lead in bringing forward developments. We do need to understand all of these risks though, so we are best placed to help others overcome them in a reasonable and responsible way. This may begin, for example by making sure that margins are reasonable and in proportion to the specifics of each

development, through to being objective as to how variations of policy could help whilst still justifying the need for a development to go ahead, to either supporting financially or deciding that the costs of these remedies are greater than the benefits a particular development would provide. To some extent this is part of the process of granting planning approval anyway but with a significant increase in planned growth, the likelihood of these issues occurring during construction will increase.

The Council's interest in investing in development and supporting Community Led development helps meet any gaps in housing need and also could ensure a sustainable supply of homes in the future.

If we can demonstrate that homes can be delivered as well as planned for, the District becomes more attractive to those seeking to invest in infrastructure, the local economy and new homes, creating a virtuous upward spiral away from 'a broken housing market'.

Actions we can take to support delivery:

- Improve clarity of housing requirements by producing an Affordable Housing guide.
- Develop skills and expertise in delivery and viability of housing development
- Consider ways to prioritise the use of resources and policy to respond when needed changes that could affect delivery
- Maintain up to date information on opportunities for securing funding to support the costs of infrastructure and housing development.

### Delivery Plan

We hope that this outline of our Housing Strategy will prompt thoughts and comments to help us put our plans into action, making a real difference to the District and those who live here.

Feedback will be sought from spring to summer 2017, this will influence the final draft which will include an detailed action plan to take effect from the autumn of 2017.

The Council's Strategic Housing Board will oversee the development and implementation of the strategy.

## **Homelessness Review 2017 – 2021**

### **Introduction**

Last year was the 50<sup>th</sup> anniversary of the television film *Cathy Come Home*, which told the story of a family's struggle to find and retain accommodation and the impact that this had on them and those around them. The film is still remembered as it has left as a legacy legislation which is still in use today that was introduced following the public concern that followed its broadcast. The concept of homelessness is simple, not having a settled place to live, or even to sleep, but as shown in the film of *Cathy Come Home*, this covers a wide range of people and circumstances, ranging from those who could never have anticipated falling into this situation to others who may never have known what it is like to have a place of their own.

The impact of being homeless, the fear of becoming homeless, has an impact on people's health and wellbeing, making it inevitable in many cases that there will be issues beyond just the need of housing that need to be considered and taken into account. Sometimes it is these other factors, such as mental illness that have led to homelessness and the need for accommodation can not be resolved without also putting in place measures to help with these other conditions as well.

This review and strategy will illustrate some of these other issues and it is important, as complex as it may be, that issues such as mental health, domestic abuse, and safeguarding are understood and responded to as best as possible alongside the more obvious issues of housing. The Council's Housing Options team and its Strategic Housing Service can not provide an effective service without understanding and responding to these diverse and often complex issues which is why this is an integral but distinct part of the Council's overall Housing Strategy.

We can not overlook the fact that since the time of the last review and strategy there have been changes to other services that provide support. It can now be harder to find solutions for some of these non-housing issues that also need to be dealt with and this is reflected in the increase in time it is now taking to resolve some cases of homelessness, only to be compounded by the lack of accommodation. This makes it vital that the Council engages with other agencies to reduce the risk of vulnerable people under the care of others from becoming homeless in the first place, making sure there is a closer link between housing expectations and reality.

Unfortunately, the stigma of homelessness remains as great as it was fifty years ago, as does the optimism of Cathy and her husband that "something will turn up". We know from contact with customers over the years that many don't want to think about the worst happening and when we do, it is hard to share this with others, even family, let alone seek help and advice from those we don't know. At a time when it has never been harder to access affordable housing because of the gap between supply and demand, it is more important than ever that people feel able (and comfortable) to seek help sooner rather than later. As challenging as it may be, the Council remains committed to maintaining its performance as a local authority that seeks to prevent homelessness

and promote wellbeing for local people as a priority and welcomes recent announcements by the government that will help us to achieve this as one of the most important and fundamental services provided by local authorities.

## **Executive Summary**

This review has highlighted some changes to both local causes and types of homelessness, which trigger different responses and actions to previous strategies. These include:

- A small but steady rise in the number of people sleeping rough in the District, requiring more specialist services to engage and work alongside the Council in helping people access employment, health, care and training as well as accommodation.
- A higher turnover of people in the private rented sector, with a greater number on lower incomes finding it harder to retain or access this type of accommodation. This places even greater pressure on housing associations to provide accommodation as the only other local source of affordable housing.
- Longer waiting times as the gap between the supply and demand for affordable homes grows in the short to medium term, leading to the risk of a greater number needing temporary accommodation.
- A need to reconsider a number of initiatives that we have used in the past, in anticipation of meeting demand from a wider range of applicants in the future.
- In anticipation of the impact of the Homelessness Reduction Bill, we will need to allocate time and other resources to preparing and implementing new ways of working.

## **Background**

All local housing authorities must have a strategy for preventing homelessness in their district (Homelessness Act 2002) which must be based upon a review of homelessness in their area.

The Review into homelessness should take into account local trends in homelessness, comparison with other areas to help illustrate those issues which may be particularly local, and how against this background the Council will plan to meet both its statutory duties and discretionary duties to those at risk of homelessness.

Maldon District Council's last Homelessness Strategy was produced in 2013 and covers the following five years, up to 2018. During the consultation there were a number of comments about how helpful it would be if the strategy gave more explanation about wider housing issues such as plans for improving the supply of affordable housing and ways of making better use of the existing housing stock. This was beyond the scope of the strategy itself but it was agreed that when the next strategy would follow the same process but be included as part of a wider Housing Strategy, making it easier to see and understand how this fits in to the wider picture of housing in the District.

As access to housing has become harder, especially for those on lower incomes, even in cases where a local housing authority may have a duty to secure housing for them, the focus of homelessness strategies and many local authorities has moved to the prevention of homelessness. As a rural area with a lower than average supply of affordable homes provided by housing associations, and smaller more affordable homes to buy or rent in the District, the concept of prevention is something that the Council has developed over the last 20 years, demonstrated by its previous levels of higher than average performance compared with other local authorities in Essex. This is however becoming harder to maintain, as demand for housing continues to rise, incomes especially for those on lower income or benefits remains comparatively static and the options that were previously used to prevent homelessness become more limited.

Against this challenging background which is reflected both regionally and nationally, there continues to be opportunities for innovation to help the Council continue to meet its duties and most importantly to minimise the risk of homelessness for local people.

## **Prevention and Relief**

The phrase ‘prevention’ is widely used to apply to a number of situations where the risk of homelessness has been avoided. It may be helpful at this point to clarify what local housing authorities mean by these terms:

Prevention – is where someone is at risk of becoming homeless, within the definition used by local housing authorities (Housing Act 1996 Part VII) but through intervention of the local housing authority this is avoided. For example it may be that a landlord can be encouraged to renew a tenancy agreement, or someone who is unable to return to the family home is helped to find alternate accommodation. It is important to understand that there has to be a real risk of homelessness, so many cases of providing housing advice would not automatically come under this, and it also has to be applied to cases where the local housing authority would otherwise have a duty, if not to house at least to provide advice and guidance, so it would not apply for example to those who are not eligible for assistance under the Act.

Relief – often confused with prevention because very often the outcome looks the same, relief of homelessness applies to those cases where someone has been accepted as being homeless by a local housing authority but there is no duty to secure housing for them because they have been helped to find suitable alternative accommodation. Often, cases that could have been prevented if there had been more time end up as cases where homelessness is relieved. The growing need for affordable housing however means that just as often there is now less opportunity to relieve homelessness and this is reflected in the growing number of families placed into temporary accommodation.

## What are the duties of a local housing authority to those who are homeless?

One of the duties is to make sure that the Council understands the main causes of homelessness and makes plans, through its Homelessness Review and Strategy to address this.

All local housing authorities also have a duty to provide free of charge advice on local housing options, such as how to apply to the housing register (waiting list), renting from private landlords and rights to occupy, request repairs and be protected from harassment. Often, through this work, homelessness can be avoided or prevented but this does rely on people knowing that help is available and increasingly being aware of what their options are, helping to manage expectations. One of the advantages of the Council's choice based lettings system Gateway to Homechoice is that it shows how often housing association properties become available, the size, type, cost and location.

If it is likely that someone may not have any settled accommodation within the next 28 days (currently there are proposals to extend this to 56 days) local authorities may need to consider their duty to help secure a home if this can not be prevented.

The current legislation creates five stages, each with a different level of duty

Issue	Duty
Is the applicant eligible for assistance? This means are they subject to immigration control, normally resident in the UK?	If not eligible then no assistance should be provided.
Are they homeless? Is it likely that they will not have any settled accommodation available to occupy within the next 28 days? This does not mean that they will necessarily be likely to sleep on the streets, on the other hand someone may not be homeless if there is suitable accommodation available that they can occupy (anywhere in the world) but choose not to do so.	If homeless, then everyone is entitled to advice and assistance. In some areas, for example where there is a low demand for housing, a local authority can use its discretionary powers to help secure accommodation.
Are they in 'priority need'? Basically are they especially vulnerable? There is an enormous amount of case law that provides guidance on this, some cases such as parents with children who normally live with them are automatically classified as being in priority need.	If so, there is a duty to secure accommodation for at least a temporary period and in some cases even if the details of a case are not yet known.
Are they intentionally homeless? Has the applicant either done something a reasonable person would not have done (for example anti-social behaviour) or failed to do something a reasonable person would have done (such as make regular payment of rent when they could	If so, then the local authority's duty to accommodate will only be for a temporary period, for example 28 days.



afford to do so) which has resulted in them becoming homeless?	
Do they have a local connection? Has the applicant lived in the area for at least 6 of the last 12 months, or 3 of the last 5 years? Have regular employment or close family members in the area?	<p>If so, then the Council will have a duty to secure settled accommodation, if not they may refer to another local authority if the applicant has a connection with that area.</p> <p>If there is no connection with anywhere then this is treated as having a connection with the area where they have presented as homeless.</p>

## **Review of Homelessness Strategy 2013/2017**

The previous review of homelessness in the District was undertaken in 2013 and noted the changes that had happened compared with previous years, and indicated some of the possible challenges that lay ahead which the accompanying action plan sought to deal with.

The private rented sector was still the main option to help prevent homelessness, although notice from private landlords had become the single greatest cause of homelessness locally, this was not the case in some other areas at the time and many of those affected were still able to find alternate and sometimes cheaper privately rented accommodation elsewhere in the District.

Levels of personal debt were increasing, as rents and other costs were rising faster than local incomes. Proposed changes to benefits were seen as something that could add to problems in the future and the Council was proposing to work more closely with others, especially local housing associations, to try and identify and help those most at risk.

The local housing market in particular was also recognised as something that added locally to the challenge of preventing homelessness, as there is a much higher proportion of larger properties and a smaller proportion of smaller homes compared with regional and national averages, creating a particular problem for smaller households looking for affordable housing.

Successful actions and outcomes from the previous strategy included:

- Completion of an external assessment of the Council's Housing Options service under the national Gold Standard, achieving above average scores for most aspects of the service.
- Working with other local housing authorities to evaluate the impact of welfare reform
- Working with partners to introduce a county-wide protocol for homeless young people
- Introduce a local service for those sleeping rough in the District
- Undertake a review of measures needed to help improve services to those at risk of homelessness because of domestic abuse.
- Develop plans to improve the longer-term supply of affordable homes

Actions which were more challenging and other intervening changes that have since had an impact on the risk of homelessness since this time have been:

- Inability to improve the supply of supported housing – this has reduced since 2013 for some groups and remains a concern.
- Further changes to welfare and benefits including the introduction of a £20,000 cap and restriction on entitlement to single people under 35 to only shared accommodation.
- Lack of interest from private landlords in a local landlord accreditation scheme to improve standards and support for the private rented sector
- Despite the growth in the private rented sector, a growing reluctance to consider possible tenants on lower incomes who may need to claim Local Housing Allowance to help meet the cost of renting.
- Rent reductions for housing associations, reducing capacity to provide support to tenants and increasing concerns about risk of arrears from those on lower incomes or with a previous history of homelessness.

In summary, as effective as the previous review and strategy were in identifying and responding to most of the main challenges at the time, subsequent changes including some of those mentioned above have led to it becoming harder to prevent homelessness. A review of cases dealt with by the Council in 2016 suggests that more people may be aware of the problems accessing affordable housing and this may be why there are fewer presenting who are at a lower risk, seeking advice as much as support and assistance. On the other hand, for those who are becoming homeless, the challenges of helping find other affordable accommodation means that there are a greater number who need temporary accommodation, for longer periods compared with previous years, and therefore more resources including staff time and funding is being allocated to a smaller but more complex number of cases.

## **Performance**

During the period of the previous Homelessness Strategy, the Housing Options Team dealt with an average of 600 enquiries a year who were concerned about the possibility of becoming homeless. The reasons for being concerned about homelessness are shown in the table below.

### Housing Problems – Enquiries 2014-2016

<b>Problem</b>	<b>Proportion</b>
Repossession	1%
Domestic abuse	8%
Eviction by friends / family	13%
Eviction by private landlord	23%
Eviction by social landlord	4%
Harassment	1%
Leaving armed services / hospital	2%
Mortgage arrears	1%
NFA	6%
Notice to quit (Private Landlord)	16%
Other	5%

Maldon District Council: Outline Housing Strategy 2017  
Appendix One: Review and Outline Homelessness Strategy

Parental eviction	7%
Relationship breakdown	8%
Unaffordable	5%
<b>Total</b>	<b>100</b>

Source: Maldon District Council HMS

As local authorities have varying levels of population, it is not helpful to assess levels of homelessness in an area with just the number of households accepted as being statutorily homeless. To help benchmark against varying levels of local population the government compiles each quarter and annually figures from all districts and presents them as the number who are homeless per 1,000 households.

Over the last three years the annual figure for our district has steadily risen.

#### Levels of Statutory Homelessness

<b>Year</b>	<b>Proportion of households accepted as homeless (per 1,000)</b>
2013 / 14	0.72
2014 / 15	0.91
2015 / 16	1.16

Source: DCLG Live Tables

This reflects a national trend, levels are still much lower than other parts of the county but the District is moving out of the lowest quartile for homelessness compared with Essex as a whole.

Based on these trends, we may see an additional 8 to 10 households accepted as homeless in 2017, although small in number this does begin to put additional pressure on the need for housing if the supply of new homes falters.

The increase in need for temporary accommodation is shown in the table below which shows by year, both the type and use of various forms of temporary accommodation.

#### Use of Temporary Accommodation

Type of temporary accommodation	Year				
	11/12	12/13	13/14	14/15	15/16
Bed and Breakfast	3	0	4	2	1
Annex shared facilities	0	0	0	3	1
Annex self-contained	0	0	0	0	0
Hostel	0	0	0	1	1
In women's refuge	0	0	0	5	3
In private sector leased by authority	0	0	0	0	0
In private sector leased by RSLs	0	0	0	0	0
Directly with private sector landlord	3	2	5	1	0
Within own stock	0	0	0	0	0
In RSL stock on assured shorthold tenancy	41	30	28	31	17
Other	1	0	0	5	6
<b>Total</b>	<b>49</b>	<b>32</b>	<b>37</b>	<b>48</b>	<b>59</b>

Source: Maldon District Council HMS

**Proposed action:**

- Establish system and process for using customer feedback to develop services
- Undertake a review of the effectiveness of prevention for different groups
- Assess the potential additional requirements for temporary accommodation

## Reasons for Homelessness in the District

The five main reasons for homelessness in the District 2012 / 2016

2012		2016	
Termination of tenancy	36%	Termination of tenancy	30%
Domestic abuse	22%	Evicted by friend / relative	27%
Evicted by friend / relative	16%	Relationship breakdown	20%
Relationship breakdown	14%	NFA	16%
Parental eviction	12%	Parental eviction	7%

These cases of homelessness in 2016 total 202 households, other significant reasons for homelessness included:

- Domestic abuse = 15 cases
- Eviction by private landlord = 14 cases
- Eviction by social landlord = 12 cases
- Discharge by hospital, prison, leaving care = 11 cases

The main prevailing cause of homelessness has continued to be the ending of tenancies for those in privately rented accommodation, which is consistent with national and regional trends. In most of these cases there was no fault by the tenant and it is most likely that the reason for this becoming such a common problem is because it is so closely linked to the wider issue of the availability and affordability of housing in general. Rising housing costs are pushing a greater number of households away from home-ownership into privately renting, although unable to afford to buy many of these households will still have a reasonable income, above that of those who have conventionally rented in the past. When tenancies expire, those on lower incomes will find it harder to move on to alternate rented accommodation and eventually fall into a risk of becoming homeless.

For many years, the private rented sector has been the main option to help prevent homelessness and it is an indication of the demand for housing that this has now become the main cause of homelessness. Ultimately the solution has to be improving the supply of homes, in particular those that are affordable and available for local families. This would reduce homelessness in the District by more than 20%, enabling resources to be directed towards other groups who often become homeless because of their vulnerability.

As the main cause of homelessness is so clearly one of supply, it makes sense to link the review of homelessness and the strategy for dealing with it to a wider Housing Strategy.

Eviction by friends and families has increased and in some cases this is also a matter of supply rather than fault of anything else; friends and family very often provide a temporary source of accommodation and this is also reflected in the rising number of older children remaining at home. In the case of homelessness, a common story is that of losing accommodation, such as termination of a previous tenancy agreement and being offered accommodation by friends or family until able to find somewhere else. Rising demand inevitably makes it harder, taking longer to move on; in some cases there may be disputes between family or friends but often it is for other reasons such as concerns about breaching tenancy agreements, entitlement to benefits, or overcrowding.

There has been a reduction in recorded cases of homelessness as a result of domestic abuse but an increase in relationship breakdown as a cause. To some extent there may be an overlap between the two, with applicants and officers reporting and recording some interchangeably.

Parental eviction was one of the major causes of homelessness in the past but this has been steadily reducing. Part of the reason is because of the way that the Council now works more closely with families, preventing homelessness through helping to explain options, manage expectations and help people make planned moves. There could also be a slight reduction due to the changing demographic trend in the District of an ageing population.

One of the most significant variations is the increase in the number of people who are now approaching the Council and are already homeless, with no fixed abode (NFA). This corresponds with the increase both regionally and nationally of the number of people who are street-homeless, sleeping rough or in very temporary accommodation.

## **Solutions to Homelessness**

From looking at the causes of homelessness it makes sense to plan for ways of preventing or relieving homelessness under these headings as they are the most common causes. Some other causes, although not so frequent, could also be prioritised on the basis that although a smaller number the risk of harm for a particular group is much greater, for example those who are homeless following release from hospital or at risk of violence. With finite resources, the Council needs to make sure that it is balancing the most likely causes alongside those that may create the greatest risk to provide as fair, comprehensive and effective service as possible.

### Termination of tenancy.

In most cases this will be for those living in privately rented housing who have been told by their landlord that their tenancy will not be renewed. The first thing that has to be done is to make sure that both landlord and tenant are complying with their legal duties and responsibilities, the legal right to occupy the property is clearly understood by both parties (licence, tenancy, joint-tenancy,

etc.) and the correct legal process is being used. Making sure that the Housing Options team have a good understanding about landlord and tenant legislation and can give fair and impartial advice is therefore an important starting point.

If landlords are giving notice because they are concerned about risks, such as possible damage or loss of rent, the Council can provide some help through its policies for paying and guaranteeing rent and bonds for damage. Such is the demand for rented accommodation now, many landlords asking more for this type of protection than the Council has previously budgeted for. A review of the existing policy and the extent to which it could be expanded within resources to help improve access for those who are homeless could help some also retain tenancies when they are due to expire.

Proposed actions:

- Training for staff and clearer, more accessible advice for landlords and tenants
- Review RIA, RDS policy and resources to secure a greater number of landlords willing to offer accommodation to those at risk of homelessness.
- Review links with court duty staff to ensure they are proactively assisting those at risk of possession and working with the Council
- Review with local housing associations trigger points at which they consider taking action, including offering assistance to tenants before seeking to issue notice and possession.

Eviction by friend or relative

In some cases the options required for this group may not be very different than for those who are having their tenancy ended. The Council's policy for allocating homes already gives additional priority to those who would have to be housed in temporary accommodation if homeless if they are staying temporarily with family or friends, giving people in this situation more time to plan and helping to demonstrate to those they are living with that this is only a temporary arrangement.

Sometimes it is frustration the inability of guests to find somewhere else that triggers the decision to ask them to leave. To help manage this, and explain the reasons why some people may take so long to find somewhere else, it may be helpful to relaunch information that the Council provided some years ago about the availability of housing in the area, managing expectations and also in some cases giving family and friends more information so that they are more able to help their guests find other accommodation.

Proposed actions:

- New housing info leaflet to help manage expectations and inform of options
- Review all service literature and website
- Explore the possibility of using professional independent mediation service
- Ensure home visits are completed to verify and seek to prevent homelessness due to eviction by family or friends

### Relationship breakdown / Domestic Abuse

Not all cases recorded as a relationship breakdown will involve violence or abuse but nor will all people affected in this way feel comfortable disclosing this, so it seems inevitable that there will be an overlap between these two headings. In cases where there is a breakdown of a relationship and nothing more, the options may be the same as for parental eviction, working with families to understand options, manage expectations and try to help people make a planned move as a result.

Domestic abuse can take different forms: physical, psychological, emotional and financial. Some people will therefore require support as well as just accommodation to help becoming independent and reduce the risk of abuse in the future. The Council is working on projects such as the Tutis database to help streamline the process of moving and sharing information between agencies but is also having to manage the impact of a loss of local refuge places and reduction in some other services that can help provide support. There are options that can help improve the safety for those who decide to remain in their home, with action taken against the perpetrators but this is a complex area of work, requiring co-ordination between those affected, housing providers and other agencies. A review of local services to help provide a more consistent and effective range of options should be a priority for the Council.

#### Proposed actions:

- Review of options and support for those at risk of domestic abuse.

### No Fixed Abode / Rough-sleepers

Rough sleeping has risen along with the general rise of homelessness, although the District does not have the same numbers as other larger towns and cities in Essex, it is something that has increased from something that was very infrequent some years ago to a situation that many who approach the Council are now facing. Most who are homeless are not sleeping rough but with no settled accommodation many may be at risk of this.

The Council introduced a local outreach service for those sleeping rough in 2015 and referrals to this service have risen steadily. The reasons for people falling into this situation are varied and we often see the need to deal with these as well as the obvious need for accommodation, for example help recovering from mental health, disability, access to training and work. In a similar way, providing the same support to those at risk of homelessness could also help to reduce the risk of others becoming homeless in the future. Exploring ways in which existing services for those who are homeless could be expanded to help those at risk of homelessness would help improve the level of prevention in the future.

#### Proposed actions:

- Explore ways of expanding advice and assistance to those at risk of becoming homeless,

especially those who are single.

- Identify and promote opportunities for improving access to work, training and education, ensure better liaison with Job Centre Plus and any credit unions operating in the area.

## Improving Access to Accommodation

The supply of housing is obviously linked to homelessness, homelessness being the most acute indication of a problem between supply and demand. This is why the Council's Homelessness Review and Strategy is now an integral part of the wider Housing Strategy but it is a little more complex than just improving the overall supply.

For many of those facing homelessness, even in other areas where there may be a better supply of more affordable housing, the problem is 'access' rather than supply. Where demand is far greater than supply, an improvement in supply may mean more can access homes, costs could even come down, but those on the lowest incomes will be the last to benefit unless sellers and landlords have an incentive to give them preference.

Social landlords, local housing associations and others may have as their purpose the provision of homes to those in greater need but how well this meets local need will depend on supply from their existing stock and also, just as importantly, their policies for allocating homes to those in need.

In preventing and responding to homelessness, the Council therefore has to be aware of and understand the policies as well as the supply of affordable housing.

Proposed actions:

- Investigate pre tenancy training/ accreditation for tenants so they have an advantage over others seeking accommodation
- Formalise agreement with Maldon CAB to make repayment agreements with social housing providers on behalf of former tenants with arrears.

### Access to Social Housing

Access to new homes built by housing associations are usually regulated by agreements made as part of the development, linked through local planning policies but the majority of existing housing stock is allocated by more generic policies of the housing association. These may exclude people who have a previous history of rent arrears or other issues from previous tenancies, this can create a problem if the Council has a duty to secure accommodation for a household.

The current programme of rent reductions and welfare reform means many housing associations are having to consider the longer term prospects of applicants to maintain tenancies. Some have introduced 'affordability checks' and will exclude those whose income and living costs is outside of



what they see as being reasonable. This creates a problem for households who need larger homes with higher rents, who are affected by the cap on benefits.

Most supported housing is also provided and managed by housing associations; proposed changes to funding for supported housing schemes where some of the revenue is funded by Essex County Council are currently reviewing their policies as part of a re-commissioning of housing related support. There is also national consultation on proposals to limit the cost of supported housing to be no more than Local Housing Allowance, with any additional cost paid through other ways such as a local grant. The proposal in the government's white paper on housing – Fixing Our Broken Housing Market – makes clear a commitment to support housing associations becoming more independent which may also mean greater variation between policies in the future.

**Proposed action:**

- Review policies of local housing providers to make sure not affecting statutory duties

### Access to Privately Rented Accommodation

Over the last decade this has replaced social housing as the second most common type of tenure both locally and nationally. As demand continues to rise faster than supply, many of those who would have been referred to this as an option to prevent homelessness a few years ago are now finding it much harder to secure and a growing number of landlords and their agents no longer consider potential tenants who may need to rely on benefits to supplement their housing costs, or who have a poorer credit rating. This is despite the offers of help provided by the Council such as Rent in Advance, Deposit Bonds and assurances to meet rent loss.

In a local survey carried out in 2016, less than 20% of local landlords and letting agencies contacted said that they would consider anyone referred to them who may be reliant on some type of benefit, which is a major concern when there is an inadequate supply from local housing associations. In some areas, local housing authorities have introduced and supported social lettings agencies; these are locally based letting agents who operate on a not-for-profit basis with the main purpose of helping local people on lower incomes access privately rented accommodation. By operating on a charitable basis, they are also able in some cases to offer a more cost-effective option to local property owners and landlords. As the Council has no housing stock or capacity to manage property, this is something that it would have to work in partnership with another organisation to provide.

**Proposed action:**

- Explore potential for social lettings agency

### Temporary Accommodation

The need for temporary accommodation, whether for the assessment of those who suddenly become homeless, or because of the problems securing more settled accommodation, continues to rise, albeit at a more steady rate than some other districts in Essex. All of the existing temporary accommodation in the district is taken from the existing stock of general needs housing, solving a short-term problem but reducing the options for a longer term solution. This is therefore something that the Council would not want to continue to expand as a way of meeting this need, as critical as it may be to meeting its statutory duties, if there are other options.

In the long term, we can hope that a better supply of homes reduces the need for all but a very small number of properties used for this purpose, making it difficult to justify investing in property designed or intended specifically for this purpose. In the short to medium term however it is likely that need for this will rise.

The ideal option would be new buildings built or adapted for this purpose, so that there is still a net increase in the number of homes, with the potential to be converted to general needs housing as and when the need for temporary accommodation reduces.

**Proposed action:**

- Explore options for provision of additional housing to provide temporary accommodation.

## **Homeless Reduction Bill**

Despite the continued rise in homelessness, prevention of homelessness has essentially remained a pragmatic response by local housing authorities. The Homeless Reduction Bill was announced in the late summer of 2016 and seeks to impose a number of new legal duties upon local housing authorities, applicants and other agencies to create a more unified approach to the prevention of homelessness.

Key changes announced in the Bill include:

- An extended duty on local housing authorities to provide temporary accommodation for everyone who may be at risk of becoming homeless;
- The provision of a personal housing plan for anyone at risk of becoming homeless, setting out their options to prevent them from actually becoming homeless;
- A new category of intentional homelessness to apply to those who fail to take reasonable steps to work with the local housing authority and others on their personal plans; and
- A duty on other agencies to identify and refer to local housing authorities any clients they may have who are at risk of becoming homeless.

The government recognises that this will create an additional workload for local housing authorities and is currently working with some to evaluate this.

In December 2016 the Council worked closely with Essex County Council to secure funding from government to pilot a 'Trailblazer' scheme throughout Essex, based upon the proposals in this Bill. This will help give a better understanding into the practical aspects of implementing these proposals and prepare the Council, other local housing authorities in Essex and a range of partner agencies such as the criminal justice system and social care for when the bill becomes an Act. Future reviews of homelessness in the District and the service plan for the Council's Housing Options team which is reviewed each year will take account of the lessons that can be learnt from this pilot.

**Proposed action:**

- Monitor progress of Trailblazer pilot and prepare for implementation of reduction bill.

## Resources

The Council has no housing stock of its own, nor therefore capacity to manage or support people living in the community. The need to build and manage partnerships with other organisations plays an essential part of the role of its Strategic Housing Service to a greater degree than most of local housing authorities in Essex. In 2016 the number of affordable homes becoming available in the District, excluding those restricted to older people, was 123, compared to 59 households who were statutorily homeless, at risk of becoming homeless and in urgent housing need. The previous year (2014/15) there were only 89 general needs affordable homes available due to the lack of new homes being developed. A similar year to 2014/15 with a rising level of homelessness would create a critical situation for some families.

Local housing associations Moat Homes Limited and Salvation Army Housing Association provide 14 homes which are used as temporary accommodation to avoid the need to use bed and breakfast accommodation. Despite this, 6 households still had to be placed in bed and breakfast in 2016.

There is very little supported accommodation in the District and the Council therefore has to rely on the goodwill and cooperation of other organisations and neighbouring local housing authorities to meet these needs. The table below shows what supported housing is available within the District.

Support Need	In District	Out of Area
<b>Mental Health</b>	Friary Fields: 6 people – high level only referred by NHS, no accommodation that can be accessed through the Council	Limited availability in Braintree and Chelmsford
<b>Ex-offender</b>	None	None
<b>Young People (16/17)</b>	None	Limited availability in Braintree and Chelmsford
<b>Young People (18-25)</b>	Nacro: 4 people	Possible access to accommodation in Chelmsford, Braintree and Colchester subject to availability

<b>Single homeless (over 25)</b>	None	Short-term access to night-shelters in Chelmsford or Colchester
<b>Learning disabilities</b>	Colne Housing Society: 8 people but long term, no direct access through the Council.	Provision in Chelmsford area subject to availability
<b>Rough sleepers</b>	Outreach service only provided by CHESS	Accommodation and support provided by CHESS in Chelmsford
<b>Domestic abuse</b>	None – but can provide adaptations to make homes safer	Nearest short-term provision in Chelmsford
<b>Substance abuse</b>	None	Outreach services available in Chelmsford and Colchester
<b>Young parents (under 25)</b>	Stephens House: 4 people provided by Colne Housing Society	Limited access to scheme in Chelmsford

The lack of supported housing locally to meet a number of different needs highlights the importance of floating support in the district as a way to help vulnerable people manage tenancies and it is a concern that the capacity of this service will be reduced by 30% from April 2017.

The Council also has its own allocated funding to help meet the cost of responding to homelessness, paid annually as a grant by government to all local housing authorities. As a smaller district, this is more modest than most other districts in Essex. Some is used to meet the cost of resourcing the Housing Options Team and after these costs there is a balance of about £30,000 which is available as an operational budget to meet costs such as paying deposits to landlords, travel and additional costs for B&B and other expenses.

## **Summary of proposed actions**

### **Proposed actions:**

- Undertake a review of the effectiveness of prevention for different groups
- Assess the potential additional requirements for temporary accommodation
- Training for staff and clearer, more accessible advice for landlords and tenants
- Review RIA, RDS policy and resources to secure a greater number of landlords willing to offer accommodation to those at risk of homelessness.
- Review links with court duty staff to ensure they are proactively assisting those at risk of possession and working with the Council
- Review with local housing associations trigger points at which they consider taking action, including offering assistance to tenants before seeking to issue notice and possession.
- New housing info leaflet to help manage expectations and inform of options
- Review all service literature and website
- Explore the possibility of using professional independent mediation service
- Ensure home visits are completed to verify and seek to prevent homelessness due to eviction by family or friends
- Review of options and support for those at risk of domestic abuse.
- Explore ways of expanding advice and assistance to those at risk of becoming homeless, especially those who are single to reduce risk of rough-sleeping.

- Identify and promote opportunities for improving access to work, training and education, ensure better liaison with Job Centre Plus and any credit unions operating in the area to reduce risk of single homelessness and rough sleeping
- Investigate pre tenancy training/ accreditation for tenants so they have an advantage over others seeking accommodation
- Formalise agreement with Maldon CAB to make repayment agreements with social housing providers on behalf of former tenants with arrears.
- Review policies of local housing providers to make sure not affecting statutory duties
- Explore potential for social lettings agency
- Explore options for provision of additional housing to provide temporary accommodation.
- Monitor progress of Trailblazer pilot and prepare for implementation of reduction bill.
- Establish system and process for using customer feedback to develop services

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## APPENDIX 1: SUMMARY OF RECOMMENDATIONS

## Burnham-on-Crouch Neighbourhood Plan Examiner's Recommendations

Key:

Text in bold indicates new text: **new**Text struck through indicates deleted text: ~~deleted~~

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	Rename Statement of Community Involvement to Consultation Statement	To correct an error	Agree – to correct an error
	Land use and non-land use policies to be clearly distinguished	To provide clarity	Agree - to provide clarity the non-land use planning policies will be shown in a different colour to the land use planning policies
1.5	<p>Insert the following supporting text at the end of 1.5:</p> <p><b>National planning policy indicates that policies in neighbourhood plans should be land use based. It is on this basis that these policies will sit with the Maldon Local Development Plan as part of the development plan for planning purposes. National policy anticipates that neighbourhood planning groups will generate a series of non-land use policies and proposals. This is the case in this Plan. Whilst they sit within the main body of the Plan they are shown in (insert colour) shading. This distinguishes them from the main land use policies (shown in blue).</b></p>	<p>Whilst their contents will be important to the future of the town, these policies are non-land use proposals and projects. In accordance with government policy they need to be distinguished from the land use policies elsewhere in the Plan.</p> <p>Given both the significance and the number of these proposals I am satisfied that they remain within the order in which they sit in the submitted Plan. Nevertheless, I recommend that they are shown in a different colour to that used for the land use policies.</p> <p>In addition, I recommend that a further paragraph is added to the introduction of the Plan to highlight this matter.</p>	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
S1	<p>Reposition the policy into the supporting text at the end of Section 3 and with the following modifications:</p> <p>The Maldon District Council Emerging Local Development Plan (2014-2029) provides the evidence base to support an objectively assessed housing need to deliver a <b>target minimum</b> of 4,650 dwellings within the District over the plan period of 2014-2029 at a rate of 310 dwellings per annum.</p> <p>As one of the three main settlements of the District, Burnham-on-Crouch is a sustainable settlement which has a specific role in delivering strategic growth in order to meet the needs of the local population. However, strategic growth in Burnham-on-Crouch <del>has a target</del> <b>will deliver a minimum</b> of 450 dwellings, with any development above this figure needing to resolve infrastructure capacity issues, particularly with regard to education, health, sewerage and SuDS.</p> <p>Further detail as to the development of the strategic sites in Burnham-on-Crouch is given in Policy S6 of the Maldon District Council Emerging Local Development Plan (2014-2029).</p> <p>Replace policy S1</p> <p>Policy S1 – Strategic housing growth</p> <p><del>The Maldon District Council Emerging Local Development Plan (2014-2029) provides the evidence base to support an objectively assessed housing need to deliver a target of 4,650 dwellings within the District over the plan period of 2014-2029 at a rate of 310 dwellings per annum.</del></p> <p><del>As one of the three main settlements of the District, Burnham-on-Crouch is a sustainable settlement which has a specific role in delivering strategic growth in order to meet the needs of the local population. However, strategic growth in Burnham-on-Crouch has a target of 450 dwellings, with any development above this figure needing to resolve infrastructure capacity issues, particularly with regard to education, health, sewerage and SuDS.</del></p>	<p>I recommend a series of detailed modifications that take account of factual matters that were published in the Main Modifications to the Local Development Plan during this examination. They refer specifically to housing site's anticipated build trajectories</p> <p>I also recommend a modification so that the policy requires the delivery of a minimum level of housing. This matter has been properly raised by several developers. The modification will ensure that the Plan meets the basic condition of having regard to national planning policy on boosting the supply of housing (National Planning Policy Framework (NPPF) paragraphs 47-50).</p> <p>In terms of the details of the policy its wording in the submitted Plan is narrative largely setting out the relationship between the two plans. I recommend modifications both to the policy and to the text to address this matter and to provide clarity and certainty to the decision-maker.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>



Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>Further detail as to the development of the strategic sites in Burnham-on-Crouch is given in Policy S6 of the Maldon District Council Emerging Local Development Plan (2014-2029).</p> <p><b>Within the Plan period a minimum of 450 dwellings will be provided.</b></p> <p><b>These dwellings will be provided through both the development of the strategic housing sites shown in table 1 and figure 4 and on other windfall sites.</b></p> <p><b>Proposals for the residential development of the following three strategic sites will be supported within the context of site specific policies set out in policies H.7, H.8 and H.9 of this Plan:</b></p> <ul style="list-style-type: none"> <li>• Land west of Burnham on Crouch (Policy HO.7)</li> <li>• Land north of Burnham-on-Crouch (West) (Policy HO.8)</li> <li>• Land north of Burnham-on-Crouch (East) (Policy H).9)</li> </ul>		

Modify the left-hand reference number and the year 0-5, 6-10 and 11-15 trajectories in the table at the top of page 20 to reflect the figures indicated in the Main Modifications to the Local Plan and give it a table number (to cross refer to the modified policy).

Table 1: Housing trajectory for the strategic sites allocated in policy S1

Ref.	Source of supply (1)	Total	Year 1-5	Year 6-10	Year 11-15
			2014/15 – 2018/19	2019/20 – 2023/24	2024/25- 2028/29
	<b>Burnham-on-Crouch Strategic Sites</b>				0
S2(i)	West of Burnham-on-Crouch	180	138	42	0
S2(j)	North of Burnham-on-Crouch (West)	180	123	57	0
S2(k)	North of Burnham-on-Crouch (East)	90	0	90	0
	<b>Total</b>	<b>450</b>	<b>261</b>	<b>189</b>	<b>0</b>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
S2	<p>Reposition the policy into the supporting text at the end of Section 3 and with the following modifications: Policy E1 of the Maldon District Council Emerging Local Development Plan (2014-2029) and the Employment Land Study 2015 state that <del>there is a need to supply a total of 2,200 jobs within</del> <b>a minimum of 2000 new jobs will be created in</b> the District, amounting to a total District provision of 11.4 ha of B1, and B2 <b>and B8</b> employment space during 2014-2029. As one of the main settlements, Burnham-on-Crouch plays a role in the provision of strategic employment sites. Policy E1 of the Maldon District Council Emerging Local Development Plan (2014-2029) states the following existing designated employment sites in Burnham-on-Crouch which are reserved for employment development:</p> <ul style="list-style-type: none"> <li>• E1 (b) Burnham Business Park;</li> <li>• E1 (j) Springfield Industrial Estate</li> </ul> <p>Replace Policy</p> <p>Policy S2 – Strategic Employment Growth <del>Policy E1 of the Maldon District Council Emerging Local Development Plan (2014-2029) and the Employment Land Study 2015 state that there is a need to supply a total of 2,200 jobs within the District, amounting to a total District provision of 11ha of B1 and B2 employment space during 2014-2029. As one of the main settlements, Burnham-on-Crouch plays a role in the provision of strategic employment sites. Policy E1 of the Maldon District Council Emerging Local Development Plan (2014-2029) states the following existing designated employment sites in Burnham-on-Crouch which are reserved for employment development:</del></p> <ul style="list-style-type: none"> <li>• E1 (b) Burnham Business Park;</li> <li>• E1 (j) Springfield Industrial Estate</li> </ul> <p><b>Proposals for the development of the extension to Burnham Business Park (E2(p)) for employment uses (Class B1, B2 and B8) as shown on figure 4 will be supported.</b></p>	<p>I recommend a series of detailed modifications that take account of factual matters that were published in the Main Modifications to the Local Development Plan during this examination. They refer specifically to overall amount of employment land required in the wider District, to a change in policy numbering to an extended range of uses and to a revised site area to the extension to Burnham Business Park. The first three of these three points are as follows:</p> <ul style="list-style-type: none"> <li>• Overall District requirement 11.4 ha rather than 11.0 ha</li> <li>• Policy number E1p rather than E1q</li> <li>• Site E1p B1, B2 and B8</li> </ul> <p>I recommend modifications accordingly.</p> <p>As I have already commented in relation to Policy S1 this policy in the submitted Plan its narrative largely setting out the relationship between the two plans. I recommend modifications to address this matter and to provide clarity and certainty to the decision maker.</p>	<p>Agree – in general.</p> <p>Proposed amendment to Examiner's recommendation to correct an error, as the current wording could be misleading. The changes make it clear that the new jobs will be created throughout the District, not just on the new 11.4ha employment allocations. (proposed changes shown in italics):</p> <p><b>...a minimum of 2000 new jobs will be created in</b> the District, <del>amounting to a total District provision</del> <b>including allocations</b> of 11.4 ha new <b>employment land for</b> <del>of</del> B1, and B2 <b>and B8</b> employment space <del>uses</del> during 2014-2029...</p> <p>To correct an error - in policy S2 – replace E2(p) with <b>E1(p)</b></p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason								
	<p>Table 2: Extension to Burnham Business Park as allocated in policy S2</p> <table border="1"> <tr> <th>Ref</th><th>Site</th><th>Appropriate uses</th><th>Size</th></tr> <tr> <td>E1(p)</td><td>Extension to Burnham Business Park</td><td>B1, B2, <b>B8</b></td><td>3.4ha</td></tr> </table>	Ref	Site	Appropriate uses	Size	E1(p)	Extension to Burnham Business Park	B1, B2, <b>B8</b>	3.4ha		
Ref	Site	Appropriate uses	Size								
E1(p)	Extension to Burnham Business Park	B1, B2, <b>B8</b>	3.4ha								
CS1	<p>Replace part of policy</p> <p>CS1a Community Assets and Services Support community groups in the Town such as the sea scouts, youth groups, and elderly organisations with access to facilities. (non-land use policy formatting)</p> <p>CS1b <del>Protect existing community assets such as the cinema, the clock tower, halls, the weekly Tuesday High Street Market, the monthly Sunday Farmers Market and the Annual Art Trail and many more (as shown in the Town Guide).</del></p> <p><b>The following community uses and buildings will be safeguarded for community use:</b></p> <ul style="list-style-type: none"> <li>• <b>The clock tower;</b></li> <li>• <b>The cinema</b></li> <li>• <b>The market</b></li> </ul> <p><b>Proposals for the change of use to non-community uses will not be supported unless:</b></p> <ul style="list-style-type: none"> <li>• <b>Alternative community facilities are provided within the locality as part of the planning application concerned; or</b></li> <li>• <b>It can be clearly demonstrated that the community building concerned is no longer financially viable</b></li> </ul>	<p>This policy has two separate parts. The first sets out to support community groups such as the sea scouts and the youth club. It is not a land use matter that can be controlled through the planning system. I recommend a modification so that this element of this policy is identified as an aspirational non-land use proposal.</p> <p>I recommend that the second part of the policy is modified to ensure that it safeguards community buildings and community land uses. This approach would reflect the control that the planning system can exert over such buildings and uses. As part of the modification I recommend that a degree of flexibility is introduced into the approach, especially when improved or relocated facilities may arise as a direct outcome of any such planning applications. It also reflects that some community buildings or uses may become economically unviable during the Plan period.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>								

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
CS2	<p>Policy CS.2 – Community Facilities</p> <p>Community facilities should <del>only</del> be provided where a need is identified <b>in relation to proposals for new housing development in accordance with Maldon District Council standards at the time. Community facilities should be provided or improved either within the town in general or on the site concerned, including the three strategic sites identifies in policy S1.</b> The improvement of existing facilities in the Town would be preferred to new facilities in peripheral locations.</p>	<p>I recommend a modification to this policy to ensure that it meets the basic conditions with regards to national and local planning policy. I also recommend that the policy establishes the scale of the contribution by reference to the most up to date Maldon District Council (MDC) standards.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
CS3	<p>Replace policy</p> <p>Policy CS.3 – New Sports and Amenity Space</p> <p><del>Burnham-on-Crouch Town Council will support investment in new and existing sports and leisure facilities within the Town</del></p> <p><b>Proposals for investment and improvements in new and existing sports and leisure facilities in the town will be supported.</b></p>	<p>I recommend a modification to ensure that the policy is more inclusive. As drafted the support is from the Town Council rather than as part of the development plan as a whole</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
CS4	<p>Insert the following text immediately before the policy:</p> <p><b>This should be of an appropriate size to meet the needs of the existing residents and the needs of any planned new homes. Facilities could include play equipment, designated dog exercising areas, quiet areas and a nature trail.</b></p> <p>Replace policy</p> <p>Policy CS.4 – Amenity Space Provision in the North of the Town</p> <p><del>A new amenity space should be provided adjacent to the Parish Church of St. Mary the Virgin, designed to enhance the setting of the listed building. This should be of an appropriate size to meet the needs of the existing residents and the needs of any planned new homes. Facilities could include play equipment, designated dog exercising areas, quiet areas and a nature trail. The design and layout of the new amenity space should respect the setting of both the Parish Church of St. Mary the Virgin (Grade II*) and Burnham</del></p>	<p>The policy addresses a variety of factors. They would be clearer to the decision maker if they were set out as criteria in the policy.</p> <p>Some elements of the policy are supporting text rather than policy. I recommend the second sentence is placed in the supporting text.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>Hall (Grade II)</p> <p><b>Proposals for amenity space adjacent to St Mary's Church will be supported subject to the following criteria:</b></p> <ul style="list-style-type: none"> <li>• The amenity space should respect the setting of the listed church building;</li> <li>• The amenity space should respect the setting of Burnham Hall; and</li> <li>• The facilities included in the amenity space should address the recreational needs of households in the immediate vicinity of the site.</li> </ul>		
CS5	<p>Insert the following supporting text before the policy:  <b>Allotments in the Town are a valued and well-used resource. Policy CS5 safeguards existing allotments. This will be a key component of delivering the community infrastructure key principle as set out in Section 2 of the Plan</b></p> <p>Replace policy</p> <p>Policy CS.5 – Allotments  <del>The allotments in the Town are a valued and well-used resource. The area to the south, SN38, has been allocated as an area of semi-natural open space in the Maldon District Council Emerging Local Development Plan (2014-2029). Burnham Town Council supports that all viable allotment land be safeguarded for that use in perpetuity.</del></p> <p><b>Existing areas of allotments in the Town will be safeguarded. Proposals for built development on allotments will not be supported.</b></p>	<p>The reference to site SN38 has now been removed in line with the LDP Post-Examination Modifications.</p> <p>The policy as drafted is part policy and part supporting text. I recommend that the policy is replaced with a modified policy and that the elements of the supporting text sit before the policy</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
CS6	<p>Replace policy</p> <p>Policy CS.6 – St. Mary's Primary School  <del>St Mary's Primary School could increase its permanent capacity by replacing a temporary classroom if required and developer</del></p>	<p>The reference to the option of taking children to Southminster by a school bus service is not directly a land use issue. On this basis, I recommend that it is removed from the policy.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p><del>contributions will be expected to meet this, in preference to bussing 'excess' pupils to Southminster</del></p> <p><b>Proposals to extend St Mary's Primary School to replace temporary classrooms will be supported.</b></p>		
CS7	<p>Policy CS.7 – Early Years Facilities</p> <p>New early years care facilities should be provided in accessible locations, within the town centre, adjacent to existing schools, or, where appropriate, located adjacent to new housing <b>or employment</b> development.</p>	<p>Representations highlight that there is a positive recognition amongst the development community on this matter. It has been suggested that there would be merit in locating such facilities close to employment as well as housing development. This approach reflects the requirement to drive sustainable development through its three separate dimensions and I recommend accordingly.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
CS8, CS8.1, CS8.2	<p>Insert the following supporting text before the policy:</p> <p><b>The area around the Station and Foundry Lane is an important gateway into the town centre in general terms and for rail users in particular. Whilst the station itself is well-maintained its extensive car park is underused and it is dominated by the industrial premises off Foundry Lane to the south. In addition its relationship with the adjacent Co-op store is poor. There are significant opportunities to improve the public realm in this part of the town and to secure improved circulation between the station and the supermarket. This will involve negotiation with various stakeholders and will be subject to the legal provisions surrounding the rail franchise; ideally, Burnham Town Council may be able to secure operational control of the station car park</b></p> <p><b>Policy CS.8 also supports the development of new retail, residential and office accommodation adjacent to the railway station. There is a significant opportunity to bring forward brownfield development in a highly sustainable location. Burnham Town Council would support the enhancement of this location to provide sheltered accommodation for the elderly, close to shops, the doctors' surgery and the railway</b></p>	<p>I recommend a series of policy and supporting text modifications to these policies (CS8, CS8.1, CS8.2). In particular, I recommend that the policies are combined into a single policy. This will bring clarity to land owners, investors and decision-makers alike. The modifications also take account of the inherent limitations of the planning system. Issues around the under use of the station car park, its charging regime and the potential for the Town Council to secure operational control over the car park are not land use matters</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Proposed amendment to correct an error – in policy CS.8, first bullet point, replace Foundry Road with <b>Foundry Lane</b></p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p><b>station (see Figure 7, illustrating the policy area labelled 'secondary area').</b></p> <p>Replace policies</p> <p>Policy CS.8 - Station and Foundry Lane Areas The size and setting of the station car park should be re-assessed with a view to:</p> <ul style="list-style-type: none"> <li>(a) ensuring that there is more intensive use of the area provided for car parking,</li> <li>(b) releasing land for use in accordance with policy CS.8.2 below, and</li> <li>(c) facilitating appropriate landscaping and public realm improvements to secure better and safer circulation between the station and the supermarket. This will involve negotiation with various stakeholders and will be subject to the legal provisions surrounding the rail franchise; ideally, Burnham Town Council may be able to secure operational control of the station car park.</li> </ul> <p>Policy CS.8.1 Support planning permission for improvements to the frontage and smaller shop units for Station Road and Foundry Lane and throughout the High Street.</p> <p>Policy CS.8.2 New retail, residential and office units should be provided by the station as and when the opportunity arises. Burnham Town Council would support the enhancement of this location to provide sheltered accommodation for the elderly, close to shops, the doctors' surgery and the railway station (see Figure 7, illustrating the policy area labelled 'secondary area').</p> <p><b>Proposals to rationalise the area around the railway station and Foundry Lane to create a more attractive gateway to the town will be supported.</b></p> <p><b>Particular support will be given to proposals that deliver some</b></p>		



Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>or all of the following:</p> <ul style="list-style-type: none"> <li>Physical improvements to the frontages of buildings in Foundry Road;</li> <li>The development of retail, residential and office units adjacent to the railway station; and</li> <li>The implementation of landscaping and public realm improvements that would deliver better and safer circulation<sup>165</sup> between the railway station and the supermarket.</li> </ul>		
Physical Infrastructure policies	<p>Insert the following supporting text at the end of 1.5:  <b>National planning policy indicates that policies in neighbourhood plans should be land use based. It is on this basis that these policies will sit with the Maldon Local Development Plan as part of the development plan for planning purposes. National policy anticipates that neighbourhood planning groups will generate a series of non-land use policies and proposals. This is the case in this Plan. Whilst they sit within the main body of the Plan they are shown in (insert colour) shading. This distinguishes them from the main land use policies (shown in blue).</b></p> <p>Insert an additional paragraph before section 5.1 to read:  <b>The highways proposals listed in Policies PI. 1-12 are currently unfunded. They may be suitable for consideration for funding under the Maldon Local Highways Funding Panel process.</b></p> <p>Highway Proposals Policies PI 1-5  Road Access Proposals Policies PI 6-9  Pedestrian/Cycle Friendly Proposals Policies PI 10 -12  Improved Bus and Rail Services Policies 13 and 15  Railway Station Key Zone Policy 16  (non-land use policy formatting)</p>	<p>Whilst their contents will be important to the future of the town, these policies are non-land use proposals and projects. In accordance with government policy they need to be distinguished from the land use policies elsewhere in the Plan.</p> <p>Given both the significance and the number of these proposals I am satisfied that they remain within the order in which they sit in the submitted Plan. Nevertheless, I recommend that they are shown in a different colour to that used for the land use policies.</p> <p>In addition, I recommend that a further paragraph is added to the introduction of the Plan to highlight this matter.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
PI 10	<p>Replace part of policy</p> <p><b>Policy PI.10a Safe Cycle &amp; Pedestrian Routes</b> Plan, build and highlight clearly signposted, direct and safe cycle and pedestrian routes into the Town from new and existing neighbourhoods, between all schools and the town centre. The existing network of footpaths should be better maintained and new routes should connect to an agreed network. (non-land use policy formatting)</p> <p><b>PI. 10b Safe Cycle &amp; Pedestrian Routes</b> <del>Also, a proposed combined clearly marked pedestrian walkway/cycle path should be created e.g. along the existing walkway adjacent to Riverside Car Park down to Priors boatyard</del> <b>Proposals to create a combined pedestrian walkway/cycle path along the existing walkway adjacent to Riverside Car Park will be supported.</b></p>	<p>This policy has two separate parts. The first part is aspirational in design and context. This part of the policy should sit separately as a non-land use proposal with the batch set out above.</p> <p>The second part refers to a more specific proposal for a pedestrian and cycle path adjacent to the Riverside Car Park. This is a land use policy that should be retained as such and separated from the non-land use component set out in the previous paragraph. I recommend a modification to this part of the policy so that it has the clarity required by the NPPF</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Proposed amendment to correct an error (Amendment in italics): Riverside <b><i>Park</i></b> Car Park</p>
PI 14	<p>Insert the following additional text after the second paragraph of section 5.4 of the Plan: <b>Policy PI. 14 sets out a positive context for the delivery of improvements to the railway station and its immediate surroundings. The delivery of this policy will require the involvement of a variety of stakeholders. The policy acknowledges that some of the investment sought may not need planning permission. The Plan also supports the introduction of bus stops and visitor information in this locality. This matter overlaps with the approach adopted in Policy PI. 15</b></p> <p>Replace policy</p> <p><b>PI 14 Railway station</b> <del>Burnham Town Council will seek to improve, through the appropriate stakeholders, the appearance of the railway station with new public realm and improvements to the station building. Provide additional and enhance existing facilities including café, business</del></p>	<p>I recommend modifications to the policy so that it sits as a supportive policy for the variety of improvement envisaged in the policy. This will provide the clarity required by the NPPF and provide a clear context for the various organisations to assess and organise their investment programmes throughout the lifetime of the Plan. The modifications also make the appropriate distinction between policy and supporting text and acknowledge that some of the potential investment projects may not need planning permission.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p><del>and commercial space, ticket office, customer lounge, retail units, including public toilets, bus stop and visitor information of the Town's layout and facilities</del></p> <p><b>Proposals for the improvement of the railway station and for the implementation of public realm works in its immediate surroundings will be supported.</b></p> <p><b>Insofar as planning permission is required particular support will be given to any or all of the following proposals:</b></p> <ul style="list-style-type: none"> <li>• <b>Improvements to existing facilities (including café, business and commercial space); and</b></li> <li>• <b>Improvements to the ticket office and customer lounge; and</b></li> <li>• <b>The introduction of new retail units; and</b></li> <li>• <b>The introduction of new public toilets</b></li> </ul>		
PI 17	<p>Include new supporting text at the end of paragraph 5.6:  <b>The existing Riverside Car Park would benefit from being resurfaced and marked out to an appropriate standard. This process would assist in making the most effective use of the space and presenting a positive image to visitors and local residents alike.</b></p> <p>Replace policy</p> <p>Policy PI 17 <b>Car Park Provision</b>  Burnham Town Council will support Planning applications which assist car parking provision within the town centre, particularly in the following locations:  (i) the Marina Car Park incorporating spaces for visiting coaches (3rd party ownership)  (ii) the Maldon District Council Millfields car park should be extended to the west to provide additional spaces  (iii) Riverside Car Park to be surfaced to an approved condition and appropriately marked</p>	<p>The third component of the policy refers to the surfacing and marking out of the Riverside car park. Whilst I can see that this would be a very worthwhile venture it would not require planning permission. On this basis, I recommend that it is addressed in the supporting text. I also recommend a modification to the policy so that it makes absolutely clear that the Plan (as well as the Town Council) supports the development of further car parking facilities</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Proposed amendments to correct errors in supporting text and policy:  Riverside <b>Park</b> Car Park;  <b>Marina Burnham Yacht Harbour</b> Car Park</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p><b>Proposals that would deliver new or improved car parking provision within the town centre will be supported. Particular support will be given to the following proposals:</b></p> <ul style="list-style-type: none"> <li>• The incorporation of parking spaces for coaches into the Marina Car Park; and</li> <li>• The extension of the Millfields car park to the west</li> </ul>		
PI 18	<p>Policy PI 18  <del>Improve connectivity to include ultra fast broadband as soon as possible and 4G in the area. Location of 4G masts should be sited appropriately to strike a balance between technical requirements and conservation of heritage and character.</del></p> <p>Replace part of policy</p> <p><b>PI 18a Telecommunications and Broadband Service</b>  Improve connectivity to include ultra fast broadband as soon as possible and 4G in the area.  (non-land-use policy formatting)</p> <p><b>PI18b</b>  <b>Proposals for the siting of new 4G phone masts in the Plan area will be supported where they respect the character of the area in which they are located and where they safeguard the built heritage of the town.</b></p>	<p>The policy has two separate parts. The first sets out an expectation that Broadband and mobile phone signals should be improved in the Plan area. Whilst this is appropriate it depends on commercial judgements that are beyond the planning system. I recommend a modification to the policy so that its first sentence is identified separately as a non-land use policy and in a separate colour.</p> <p>The second part sets out the Plan's general support for new installations subject to environmental considerations. I recommend a modification to this land use part of the policy so that its purpose and role is clear.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
PI19	<p>Amend the heading at 5.8 to read:  5.8 <del>Recycling works</del> <b>Water recycling centres</b> and underground sewage/surface water infrastructure</p> <p>Current drainage capacity fails to cope with heavy rain in several places in Burnham-on-Crouch with combined sewage and surface water drainage, leading to localised flooding, with raw sewage entering some houses. <del>Current statutory requirements are that as part of the planning process only developments of ten houses or</del></p>	<p>On the basis of this technical response [from Anglian Water] I recommend modifications to the policy and supporting text so that it reflects national planning policy and provides the necessary clarity for developers throughout the Plan period</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p><del>more need to be notified to the relevant authority for them to assess the impact on sewage and drainage.</del></p> <p><del>Burnham Town Council</del> <b>The Plan</b> will seek to ensure that all planning applications, irrespective of size of development, that impact on the sewer system shall, at the time of application, provide written confirmation that contact has been made with, and acknowledgement obtained from, the relevant service provider that the application will not adversely affect the operational effectiveness of the existing underground sewer collection system. <del>The service provider should also provide confirmation that the Town's existing water recycling works has adequate capacity to process the projected additional load imposed by the application.</del></p> <p>Replace policy</p> <p>Policy PI 19 – <b>Water Infrastructure</b>  <del>Ensure the water recycling works and underground sewage/surface water infrastructure in the Town meets all current and projected future requirements.</del></p> <p><b>Proposals for new development should demonstrate that there is or will be sufficient infrastructure capacity at Burnham-on-Crouch water recycling works and underground sewage/surface water infrastructure in the Town to meet all current and projected future necessary requirements.</b></p> <p>IMPLEMENTATION Priority Short term Lead Responsibility  MDC/BTC/Anglian Water/D of E, SuDS, Funding Source <del>ECC/MDC</del>  CIL budget, Utility Operator</p>		

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
PI 20	<p>Delete policy</p> <p><del>Policy PI 20 – Drainage</del>  <del>BTC will not support planning applications for any extra buildings that do not include these drainage assessments together with a commitment to fund front loaded mitigation works irrespective of the size of development.</del>  <del>IMPLEMENTATION Priority short term Lead Responsibility</del>  <del>MDC/BTC/Anglian Water/D of E SuDS, Funding Source:</del>  <del>Developers incl. S106, ECC/MDC New Homes Bonus and CIL,</del></p>	<p>The policy is considered too onerous and well beyond national and local legislation and policy. On the basis of my comments in relation to Policy PI.19 I share this approach. The policy does not have regards to national policy and other associated legislation. On this basis I recommend that the policy is deleted.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
EC1	<p>Show the Springfield Business Park on one of the maps in the Plan</p> <p>Insert new supporting text at the end of 6.1 to read:  <b>As part of a package of measures to stimulate the economy in the town Policy EC.1 sets out to safeguard the Springfield Business Park for employment uses. A range of new buildings will be supported. Clustering types of businesses and industries could help different industrial parks to develop a unique selling point (USP). The USP could also be supported in an additional location within Burnham-on-Crouch in an incubator space to enable small and micro businesses to start and establish themselves.</b></p> <p>Replace policy</p> <p><b>Policy EC1 – Springfield Business Park</b>  Ensure that the site which has been allocated for employment at the Springfield Business Park is protected to meet an identified strategic local need, in terms of type of building, size of units and type of industry. Large, medium and small office units should be built for long term lease and short term rent particularly for the knowledge based sector and possibly tourism. Clustering types of businesses and industries could help different industrial parks to develop a unique selling point (USP). The USP could also be supported in an additional location within Burnham-on-Crouch in an incubator space to enable small and micro businesses to start and</p>	<p>I recommend a series of modifications so that the policy and the supporting text elements are separated and so that the policy itself has long term clarity for both the investor and the decision-maker. In doing so I recommend the deletion of any direct reference to the tenure of the buildings concerned. This is a matter of commercial judgement rather than one of planning control. I also recommend that the Park is shown on one of the Maps. This will provide clarity not currently provided in the submitted Plan.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Both Burnham and Springfield Business Parks will be shown on Fig 4.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p><del>establish themselves.</del></p> <p><b>Land at Springfield Business Park (as shown on Map Insert number xxx) will be safeguarded for employment purposes.</b></p> <p><b>Proposals for new employment buildings will be supported, particularly for the knowledge based sector.</b></p>		
EC2	<p>Policy EC2 – <b>River related uses</b></p> <p><del>Encourage</del> The provision of river-related <b>trades will be supported.</b> in locations as identified in Policy RI.3.</p>	<p>This policy encourages the development of river-related trades. In the submitted Plan the policy offers such support in locations where existing uses are proposed to be safeguarded by Policy RI. 3. Plainly the majority of any new such businesses will either be close to the river or in the safeguarded locations. Nevertheless there is no reason why this policy cannot apply throughout the town. This would accord with the positive approach to job creation in the NPPF. In any event as figure 8 demonstrates there are several river related uses already operating successfully throughout the built-up area.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
EC3	<p>Include additional supporting text at the end of paragraph 6.2:</p> <p><b>Policy EC.3 recognises that there is a particular concentration of retail units in High Street itself. These sit at the heart of the town and its impressive conservation area. The retention of a strong core of retail units is vital to the economic and social well-being of the Town and its inherent sustainability.</b></p> <p>Replace policy</p> <p>Policy EC3 – <b>Retention of Retail Uses</b></p> <p><del>Resist the loss of retail between the cinema and “One-Stop” as the primary retail frontage in Burnham-on-Crouch. There should be no loss of retail uses to be replaced by residential or office use in this area. In addition, support should be given to maintain and develop new retail business in this area.</del></p> <p><b>A Primary retail area is defined between the Cinema to No.40</b></p>	<p>The policy seeks to define the spatial extent of the primary retail area by reference to the names of the properties at either end of its northern side. I recommend that the extent of the policy area is defined by the addresses of the buildings concerned.</p> <p>I propose a modification to the policy itself so that it has the necessary clarity on what proposals will and will not be supported. The policy will need to have regard to national planning policy. The General Permitted Development Order 2015 has introduced significantly different permitted development rights than those that were in place at the time was being developed. In particular Classes C, D and M respectively of that Order provide a degree of flexibility (subject to conditions) for</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p><b>High Street (northern side) and No.51 to 151 High Street (southern side).</b></p> <p><b>Insofar as planning permission is required within the primary retail area proposals for the change of use from retail to other uses will not be supported.</b></p> <p><b>Within the Primary retail area proposals for the expansion of existing retail uses will be supported where they preserve or enhance the character or appearance of the Burnham Conservation Area.</b></p>	<p>changes of use from retail use to a restaurant/café, to a financial and professional service use and for use as a dwelling house without the need for planning permission. In the case of Classes C and M such proposals would need prior approval from MDC. As part of the process MDC would need to take a view about the likely effects of such proposals on the sustainability of this shopping area.</p> <p>The second part of the policy offers support for the retention and development of new retail businesses in this primary shopping area. I recommend a modification to this part of the policy to address two issues. The first is that most changes of use from commercial buildings to retail use would not need planning permission. Nevertheless, it would be appropriate to modify the policy to support the expansion of existing retail units. I recommend that appropriate safeguards are put in place given that this part of the High Street is at the heart of the Town and its impressive and distinctive conservation area. The second is that the planning system cannot directly 'maintain' existing retail units.</p>	
EC4	<p>Replace policy</p> <p>Policy EC4 – <b>Co-op / Mildmay Foundry</b>  <del>Encourage the enhancement of the Co-op/Former Mildmay Foundry site and its environs.</del>  <b>Proposals for the enhancement or the extension of the Co-op supermarket and its immediate environment will be supported.</b></p>	<p>The policy reflects the community's support for the potential extension of the supermarket. It is sustainably located in its own right and is accessible on foot or by car into the town centre itself. I recommend a modification to the policy so that its planning purpose is absolutely clear.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
EC5	<p>Include the following additional supporting text at the end of paragraph 6.4:  <b>All such proposals should be designed to have regard to the</b></p>	<p>I recommend two modifications. The first clarifies the purpose of the policy and ensures that it will be effective as a development management tool</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by</p>



Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p><b>character and appearance of the designated conservation area. High quality materials and designs should be used. Wherever possible designs should reflect the rich and varied maritime heritage of the town.</b></p> <p>Replace policy</p> <p>Policy EC5 – <b>High Street Character</b> Encourage planning applications in the High Street which use high quality materials and preserve local character <b>Proposals for public realm improvements in High Street will be supported where the works concerned:</b></p> <ul style="list-style-type: none"> <li>• <b>Respect the character and appearance of the Burnham Conservation Area:</b></li> <li>• <b>Use high quality materials; and</b></li> <li>• <b>Use designs that respect the local vernacular and the Town's maritime heritage</b></li> </ul>	<p>throughout the Plan period. The second clarifies the importance of the conservation area in this part of the town centre and the obligations that this designation places on land owners and investors.</p>	<p>the Examiner.</p>
EC6 EC6.1	<p>Insert the following supporting text at the end of paragraph 6.5 of the Plan:</p> <p><b>The promotion of tourism in the Plan area will do much to secure the economic dimension of sustainable development. It will also make the most effective use of the existing tourism related infrastructure in the town such as car parking. Policy EC.6 sets out a positive context in which new tourism will be encouraged. It acknowledges that in certain circumstances planning permission will not be required for the implementation of such proposals.</b></p> <p><b>As a key part of this approach the policy sets out a context to safeguard the existing petrol filling station (in Maldon Road) and the tourist information centre (in High Street). The former provides a key element of the sustainability and self-sufficiency of the town. The latter provides a well-located facility for both visitors and local residents.</b></p>	<p>The policy offers support for a range of facilities including bed and breakfast accommodation, restaurants, cafes and other such outlets. The associated policy EC 6.1 addresses the retention of the petrol station (off Maldon Road) and the establishment of a tourist information and booking office in the town.</p> <p>I recommend that these two policies are combined into a single policy. This will bring clarity to land owners, investors and decision-makers alike. I also recommend the inclusion of additional supporting text at the end of paragraph 6.5 of the Plan to provide context and explanation for the modified policy.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>Replace policies EC6 and EC6.1</p> <p><del>Policy EC.6</del>  <del>Encourage Planning applications which improve the tourism offer of the Town, such as;</del></p> <ul style="list-style-type: none"> <li><del>• Bed and Breakfast accommodation,</del></li> <li><del>• Sailing schools including other water sports,</del></li> <li><del>• Walking and cycling,</del></li> <li><del>• Restaurants, cafes and associated tourist outlets,</del></li> <li><del>• Tourist Information Centre.</del></li> </ul> <p><del>Policy EC.6.1</del>  <del>To support tourism and the local population Burnham Town Council would vigorously support the retention of a fuel station within the Town, and also the establishment and protection of a tourist information/accommodation booking office in a prime location near The Quay.</del></p> <p><b>Policy EC6 – Tourism</b>  <b>Proposals that would improve and extend the tourism offer in the Town will be supported.</b></p> <p><b>Particular support will be given to the following activities insofar as planning permission would be required:</b></p> <ul style="list-style-type: none"> <li><b>• The development of bed and breakfast accommodation or the change of use of existing properties to this use;</b></li> <li><b>• The development of sailing schools and other water-related sports;</b></li> <li><b>• The development of walking and cycling facilities; and</b></li> <li><b>• The change of use of buildings to create restaurants and cafes</b></li> </ul> <p><b>The petrol filling station in Maldon Road and the Tourist Information Centre in High Street will be safeguarded to reflect their importance to the tourism economy of the Town. Their use or redevelopment for other purposes will only be</b></p>		

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<b>supported where it can be demonstrated that their continued uses are no longer economically viable or where satisfactory alternative provision has been provided.</b>		
EN2	<p>Insert the following supporting text at the end of paragraph 7.1:  <b>Policy EN.2 sets out a policy approach towards the location and design of new development in the town. It takes account of the NPPF in general, and the precautionary principles in particular. In particular, new development will not be supported in areas at risk from surface water flooding</b></p> <p>Policy EN2 – <b>New development and flood risk</b>  <del>In accordance with National Planning Policy, inappropriate development should be avoided in areas at risk of flooding including areas at risk of surface water flooding.</del>  <b>New development will not be supported in areas at risk from surface water flooding.</b> All development proposals should be built using sustainable drainage principles to ensure that flood risk will not be increased either on or off site. <del>Where All new</del> development does occur it must be safe and flood resilient for its lifetime. Surface water run off from new developments should <del>pass through the relevant number of treatment stages to ensure that international water quality targets are being met and must not be allowed to affect water levels in other areas</del> <b>be discharged in a self-contained fashion and to appropriate standards in place at the time of the determination of the planning application concerned'</b></p>	I recommend a series of modifications to the policy and its supporting text. The first repositions elements of the submitted policy that are more supporting text than planning policy. The second element makes an appropriate distinction between where development will and will not be supported.	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Propose amendment to correct error – delete 'does occur it' (amendment in italics)  ... <del>Where All new</del> development <del>does occur it</del> must be safe and flood resilient for its lifetime. Surface water run off from new developments should...</p>
EN4	<p>Replace policy</p> <p>Policy EN4 – <b>Renewable Energy</b>  <del>Burnham Town Council will support appropriate renewable energy projects in the Dengie Peninsula.</del></p> <p><b>Proposals for the development of renewable energy proposals will be supported in the Plan area subject to the following criteria:</b></p>	I recommend a modification to the policy so that it makes absolutely clear that the Plan (as well as the Town Council) supports the development of renewable energy projects. The recommended modification is arranged in criteria based fashion to address the very helpful and important factors set out in the supporting text in section 7.3.2	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<ul style="list-style-type: none"> <li>• They preserve or enhance the character and appearance of the conservation area;</li> <li>• They take account of the setting of the Town within the Dengie Peninsular</li> <li>• They do not have an unacceptable detrimental effect on the integrity of a listed building or its setting; and</li> <li>• They do not have an unacceptable detrimental effect on the amenities of residential or other properties in the site's locality</li> </ul>		
EN5	<p>Policy EN5 – <b>Access to renewable energy sites from the River Crouch</b></p> <p>Encourage any future construction and maintenance of wind turbines to be accessed from the river to reduce the impact on the road network where possible. (non-land use policy formatting)</p>	Whilst the maintenance regime of existing and future wind turbines is not directly a planning and land use matter a degree of control is traditionally exercised over their construction. Otherwise the policy is not land use based and I recommend accordingly.	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.
EN6	<p>Policy EN6 – <b>Domestic Recycling and Amenity Site</b> Burnham Town Council to champion with Essex County Council and Maldon District Council the maximisation of recycling at dwellings and to protect the recycling amenity centre in Burnham-on-Crouch. (non-land use policy formatting)</p>	This is a non-land use project. In accordance with other such policies it should be highlighted by a different colour in the Plan	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.
RI 1	<p>Insert new supporting text at the end of section 8.1 of the Plan: <b>Some of the projects identified in Policy RI.1 may not need planning permission. At the same time, some or all of the works may need a Flood Risk Activity Permit under the provisions of the Environmental Permitting Regulations 2010. In addition, there would be benefit in the agencies promoting these works in having early discussions with the Environment Agency on the implementation of any emerging projects. This will particularly apply to the more remote sections of the seawall at Holliwell Point and also to the area to the west of the town to avoid impacts on the unique flora in the SSSI.</b></p> <p>Policy RI 1- <b>Protection and Improvement of the Riverside</b></p>	<p>The Environment Agency has made two very helpful representations on this policy. I reflect these important matters of national policy in my recommended modifications.</p> <p>I also recommend a modification so that the policy is more directed towards its delivery through the planning system. This will bring the clarity as required by the NPPF. It also reflects that some elements of these proposals will not need planning permission.</p>	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p><del>Burnham Town Council will work with the public and a range of partners to better maintain a more attractive riverside for Burnham-on-Crouch.</del> <b>The riverside will be protected and improved throughout the Plan period. Proposals that deliver any or all of the following measures will be supported:</b></p> <ul style="list-style-type: none"> <li>• Formalise the walking routes further along the River Crouch and linking with other established walking routes around the town centre. Burnham Town Council will support and work with Natural England to implement the England Coast Path;</li> <li>• Improve the quality of the public realm along the sea wall. Any works will employ a limited, high quality material palette. There will be a high standard of design for all new seating, lighting, raised walkways and viewing platforms to protect the character and appearance of the conservation area; and</li> <li>• Maintain the Town Steps to become a leisure facility to reinforce the sense that the Quay and Town Pound area as the hub of the Town.</li> </ul>		
RI2	<p><del>Due to the relatively flat and long riverside, new development must be designed in a particularly sensitive way to take account of the prominence and visibility of any proposed sites. Key factors to consider along the riverside include the following:</del></p> <p><b>New development adjacent to the riverside should be designed to reflect its relationship to the river and to respect its prominence and visibility from the river. Proposals will be supported that bring forward good design appropriate to its location and which satisfactorily address the following matters:</b></p> <ul style="list-style-type: none"> <li>• The roofscape of the building, contributing <b>contributes</b> to the attractive, varied roofscape that currently exists. Flat roofs are generally inappropriate. A range of slate and tile will be encouraged.</li> <li>• New buildings should be sensitive to the height and character of existing buildings along the riverside which are generally no</li> </ul>	<p>The various criteria in the policy are entirely appropriate to this very special part of the town. I recommend a modification to the introduction to the policy so that its applicability through the planning process is clear. I also recommend some consequential changes to the criteria.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>taller than 2.5 storeys and fine in grain.</p> <ul style="list-style-type: none"> <li>• New window openings should contribute to the attractive mix of styles that characterise the riverside.</li> <li>• <del>Sites should be considered on a site by site basis in terms of access arrangements to the Quay, and also its impact/appearance when viewed from the River.</del> <b>Any access arrangements to the Quay are sensitive both to the development concerned and the wider Quay side. The appearance of any access arrangements should be sensitive when viewed from the River.</b></li> <li>• Any development must retain and improve the set back distance from the water's edge to improve the promenade and walkway adjacent to the riverside.</li> </ul>		
RI3	<p>Insert additional text at the end of Section 8.2:  <b>Policy RI.3 establishes key criteria to safeguard the variety of uses in the town that are directly related to the river. It takes account of the flexibility that exists in relation to permitted development rights to convert offices and storage and distribution facilities to residential use. It also offers flexibility in the event that river related uses cease to trade for retail, leisure or tourism uses to take their places. These will help to safeguard and consolidate the economic base and vibrancy of these parts of the town</b></p> <p>Replace policy</p> <p><b>Policy RI 3 – Retention of Primary River related employment uses</b>  <del>Safeguard land which is used for primary/direct river related employment uses from development for housing. This includes the boatyards and sailing clubs. If these uses cease then other employment uses could replace them which could also include space for retail, leisure and tourism. Residential development will only be considered for support if all other options have been exhausted, based on proven independent viability evidence.</del></p>	<p>Whilst the land uses as shown in figure 8 were readily apparent when I visited the town neither the policy nor the map provides the degree of clarity needed by landowners, developers and decision-makers throughout the Plan period. I recommend that an appendix is produced identifying the buildings to which the policy would apply.</p> <p>I also propose a modification to the policy itself so that it has the necessary clarity on what proposals will and will not be supported. The policy will need to have regard to national planning policy. The General Permitted Development Order 2015 has introduced significantly different permitted development rights than those that were in place at the time was being developed. In particular Classes O and P respectively of that Order provide a degree of flexibility (subject to conditions) for changes of use from offices (B1a) and storage/distribution (B8) to residential use without the need for planning permission.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>An Appendix will be added to the Plan detailing the land and buildings this policy applies to. The site will also be shown on an amended Figure 8. Both of these can be found at the end of this schedule.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p><b>Land and buildings in primary or directly related river employment uses (and as shown in figure 8 and Appendix X) will be safeguarded.</b></p> <p><b>Insofar as planning permission is required their conversion to residential use will not be supported.</b></p> <p><b>Proposals for the retail, leisure or tourism uses of the buildings concerned will be supported where they would comply with other policies in the development plan and where they would not change the overall character of the riverside.</b></p> <p>Appendix listing the land and buildings identified in figure 8 to be produced (can be found at the end of this schedule)</p>		
RI4	<p>Include additional supporting text at the end of Section 8.2 of the Plan:  <b>Within the context set by both policies RI.3 and RI.4 there is the potential for additional public slipways to give access to the River for the launching of smaller craft. Such proposals should be considered on their merits taking account of these and other policies in the Plan.</b></p> <p>Replace policy</p> <p>Policy RI 4 – <b>Secondary River related employment uses</b>  <del>Encourage/support a variety of secondary /indirect maritime related uses along the River Crouch in the town centre such as chandlery, cafes, restaurants and sailing schools. There may be the potential for additional public slipways giving access to the River for the launching of smaller craft.</del></p> <p><b>Proposals for the development of maritime related employment uses alongside the River Crouch in the town centre will be supported.</b>  <b>Particular support will be offered to proposals for the development of chandleries, cafes restaurants and sailing schools.</b></p>	<p>I recommend a modification to the format of the policy so that it has the clarity required by both the decision-maker and the developer.</p> <p>I also recommend that the second sentence of the policy is captured in supporting text rather than the policy itself. As drafted it highlights the potential for additional slipways rather than providing a policy commitment to their development.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
RI5	Policy RI 5 – <b>Gateway to RSPB Wallasea</b> Display the policy in a different colour to that used for the land use policies (non-land use policy formatting)	This policy proposes joint work between the Town Council/MDC and the RSPB for Burnham to be identified as a gateway to the RSPB Wallasea facility. I can see that this is an entirely appropriate proposal in its own right and one that will assist tourism in the Plan area. Nevertheless, it is a non-land use proposal.	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.
RI6	Policy RI 6 – <b>East Coast Sailing Activities</b> Display the policy in a different colour to that used for the land use policies (non-land use policy formatting)	This policy proposes that the Town Council and MDC support the relaunch of the Town as the premier centre for East coast sailing and associated activities. I can see that this is an entirely appropriate proposal in its own right and one that will assist tourism in the Plan area. Nevertheless, it is a non-land use proposal.	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.
RI 7	Replace part of policy  Policy RI 7a – <b>Swimming facility</b> <del>Burnham Town Council will support financially viable projects to promote swimming facilities in the Town subject to a full risk assessment and environmental impact assessment.</del> <b>Proposals for a new swimming pool or other swimming facilities will be supported where they safeguard the amenities of any adjacent residential properties and take account of the local environment in which they are located.</b>  Policy RI7b In addition the Burnham Town Council will support and promote other uses on the River itself for purposes such as rowing, windsurfing, canoeing and crabbing  Display RI7b in a different colour to that used for the land use policies (non-land use policy formatting)	This policy has two separate parts. The first offers support for new swimming facilities in the town. This is a land use policy. I recommend a modification to ensure that the purpose of the policy is clear.  The second part of the policy offers support to recreational uses of the river. The uses identified are beyond planning control and are, in effect, of a promotional nature. In this regard, they fall into the same category of other non-land use proposals identified elsewhere in the Plan. I recommend accordingly.	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.



Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
HC1	<p>Insert the deleted text above immediately after the second paragraph of section 9.2 of the Plan</p> <p><b>Burnham Town Council/Maldon District Council to develop a detailed policy and most importantly an effective implementation and enforcement process for current and future generations on all retail and commercial frontages.</b></p> <p>Policy HC 1 – <b>Shop Front Design</b> New and existing shop fronts should be designed to be sensitive to the historic character of the town centre. They should generally follow a traditional format of sign board, stall-riser and pilasters and use appropriate colours. The use of internally illuminated signs and external shutters should be avoided. <del>Burnham Town Council/Maldon District Council to develop a detailed policy and most importantly an effective implementation and enforcement process for current and future generations on all retail and commercial frontages.</del></p>	<p>The first part of the policy is very well-designed and meets the basic conditions. In particular, it provides clear guidance on how developers should propose any new shop fronts to respect the traditional character of the town centre.</p> <p>The second part of the policy is more aspirational. It indicates that the Town Council and MDC will develop a more detailed implementation policy to assist in this process. I have no doubt that this will be both a useful and a helpful process. Nevertheless, it will be subject to its own consultation and adoption process at that time. It does not meet the basic conditions given that there is no clarity at this stage on the more detailed approach. On this basis, I recommend that the second part of the policy is deleted and incorporated into the supporting text at section 9.2 of the Plan.</p>	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.
HC2	<p>Replace policy</p> <p>Policy HC2 – <b>New Development features</b> <del>New development should have the following features where appropriate;</del></p> <ul style="list-style-type: none"> <li><del>Local materials such as weatherboarding and brick.</del></li> <li><del>Features such as vertically proportioned windows should feature in new homes</del></li> </ul> <p><b>Proposals for new housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings.</b></p> <p><b>Where appropriate new residential developments should incorporate the following features:</b></p> <ul style="list-style-type: none"> <li><b>The use of traditional local materials such as brick and weatherboarding; and</b></li> <li><b>The use of vertically-proportioned windows.</b></li> </ul>	<p>Nevertheless, in order to ensure that developers have the necessary clarity I recommend that the policy is modified so that the two features concerned sit within the wider context of good design. Otherwise the two features could be seen outside a wider context. This recommended modification would also overlap with my recommended modifications to Policy HO.10. That is the principal policy that establishes the design expectations of the Plan and provides a context for the introduction of the design principles in Appendix 1</p>	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
HC3	<p>In the third paragraph of section 9.3 replace the third sentence with the following: Areas of development should connect with one another. Simple permeable street patterns with a block structure and perimeter block layout are recommended. Cul-de-sacs are to be avoided where this does not reflect the character of the surrounding area. Opportunities should be sought to improve linkages between existing areas with any new development <b>Within this context cul-de-sacs should only be proposed where they reflect the character of the surrounding area and would produce good design and a high-quality living environment.</b></p> <p>Policy HC3 <b>Street Layout Principles</b> The street layout of new development is also important and should incorporate the following principles: <b>Proposals for new residential development will be supported where they incorporate the following principles:</b></p> <ul style="list-style-type: none"> <li>• A well connected network of streets rather than cul-de-sacs.</li> <li>• A street pattern that connects well with existing streets and allows for connections with future development.</li> <li>• Street widths that allow for a variety of car parking e.g. within the curtilage of plots but also within the street, without impeding access for emergency vehicles and local authority services e.g. refuse collection, <b>and</b></li> <li>• Perimeter block layouts with clear front and back accesses</li> </ul>	<p>The restrictive approach on this point as set out in the Plan does not have regards to national policy as set out in paragraphs 59 and 60 of the NPPF. It is too prescriptive. I recommend modifications to the policy and the supporting text accordingly.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
HO1	<p>Add the following supporting text to the end of Section 10.1: <b>Policies HO.1 and HO.2 set out key policy approaches towards new residential development in the Plan area. Policy HO.1 supports new residential development where it complies with other policies in this Plan and the wider development plan. Once the Maldon Local Development Plan is adopted it and the neighbourhood plan will constitute the development plan for Burnham. Planning applications should set out how they comply with development plan policies. This could be done either generally or through the preparation of a Planning</b></p>	<p>I recommend two modifications to this policy. The first would replace reference to the emerging local plan with the concept of the development plan. This will ensure that the Plan sits within its wider planning context and is future-proof. The second deletes reference to the role of a design and access statement in the policy. Such statements have a very specific role in the planning process and which are not best suited to the requirements of the policy. I recommend that the process for compliance is set</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p><b>Statement</b></p> <p>Policy HO.1 – <b>New Residential Development</b> Proposals will be supported for residential development provided that it complies with the requirements set out in other policies of this Plan and the Maldon District Council Emerging Local Development Plan (2014-2029). Such compliance should be demonstrated by a design and access statement to be submitted with each application.</p>	out in modified supporting text.	
HO2	<p>Policy HO.2 – <b>Range and Type of new residential development</b> New housing development should demonstrate that the homes developed properly meet the needs of local families. This should include homes for first time buyers, single people, affordable homes, family homes at a range of sizes and styles including bungalows, semi-detached, detached and terraced houses.</p>	The need for new housing to meet the 'needs of local families' is far less closely aligned to meeting the basic conditions. Plainly in many instances the second component of the policy will be informed to a greater or lesser extent by the needs of these families. Nevertheless, the definition of local families is not made clear in the Plan, nor is there any direct evidence on this matter. The Plan will be contributing to meeting the wider objectively-assessed housing needs of the wider Maldon area. This need takes account of a variety of factors including the demographic needs of the local population and in migration. On this basis, I recommended that the first component of the policy is deleted so that the policy has the clarity required by the NPPF.	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.
HO3	<p><i>Insert as additional supporting text at 10.1:</i> <b>The Maldon District Council Emerging Local Development Plan (2014-2029) states (S6) a significant proportion of the proposed dwellings for Burnham-on-Crouch are of a form, tenure and dwelling mix that is appropriate for meeting the housing needs of an older population including the provision of bungalows, sheltered housing, extra care housing, private retirement homes and "Lifetime Homes" standard in accordance with national guidance/current building legislation, unless the developer can prove that it is economically unviable.</b></p>	The second component of the policy is both unclear in its definition and purpose. In the first instance, there is no definition of 'close' in the policy. This will therefore present practical issues for its consistent application through the development management process. In the second instance the policy takes no account of the strategic policies in the Plan that would result in the majority of new dwellings being located on the three strategic sites to the west and north of the town. A strict interpretation of the submitted policy may prevent housing for the	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Additional text at 10.1: To correct an error, quote marks and italics will be added to show which part of the sentence is quoted from policy S6. A new sentence</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p><b>Policy HO.3 requires the development of houses to meet the need of retired and elderly persons as part of new housing developments. Proposals that position either general housing or bespoke housing for the elderly close to shops and services will be particularly supported subject to such proposals conforming with other policies in the Plan.</b></p> <p>Replace policy</p> <p>Policy HO.3 – <b>Housing for retired and elderly persons</b>  <del>Housing for retired and local elderly people, and people with mobility and sensory impairment, should be provided close to shops and services. The Maldon District Council Emerging Local Development Plan (2014-2029) states (S6) a significant proportion of the proposed dwellings for Burnham-on-Crouch are of a form, tenure and dwelling mix that is appropriate for meeting the housing needs of an older population including the provision of bungalows, sheltered housing, extra care housing, private retirement homes and "Lifetime Homes" standard in accordance with national guidance/current building legislation, unless the developer can prove that it is economically unviable. Housing developments of five or more dwellings should achieve 12 "greens" against the requirements of 'Built for Life' and be eligible for "Built for Life Outstanding" status.</del></p> <p><b>Housing for retired and elderly persons and people with mobility and sensory impairment will be supported. They should be provided on the strategic housing sites and elsewhere as appropriate.</b></p>	<p>elderly being developed on this sites.</p> <p>I recommend that this component of the policy is deleted so that there is clarity on the content and application of the policy. Nevertheless, I also recommend that the issues about the desirability of such housing being located close to shops and services is set out separately in the supporting text.</p> <p>I also recommend the deletion of the word 'local' to ensure consistency with my recommended modification to Policy HO.2</p> <p>I also recommend that other elements of the policy explaining the relationship between this policy and policy S6 in the emerging local plan are transferred into the supporting text. They are not in themselves of a policy nature.</p> <p>Finally I also recommend that the references in the policy to Lifetime Homes and Built for Life assessment homes are deleted. The Ministerial Statement of March 2015 identified that planning policies should not identify local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.</p>	<p>will be created for the wording that is not from policy S6:</p> <p>The Maldon District Council Emerging Local Development Plan (2014-2029) states (S6) <i>'a significant proportion of the proposed dwellings for Burnham-on-Crouch are of a form, tenure and dwelling mix that is appropriate for meeting the housing needs of an older population including the provision of bungalows, sheltered housing, extra care housing, private retirement homes and Lifetime Homes'. standard</i>  <b><i>This should be</i></b> in accordance with national guidance/current building legislation, unless the developer can prove that it is economically unviable.</p>
HO4	<p>Insert the following additional supporting text at the end of section 10.2 of the Plan:</p> <p><b>Given the concerns set out in this section of the Plan the Town Council will work closely with the District Council to ensure that all the relevant cumulative effects of windfall and other developments in the Plan period are addressed and mitigated where appropriate.</b></p>	<p>As submitted the policy does not identify any specific policy requirements or expectations. On this basis, it would be impractical for MDC to apply consistently throughout the Plan period. In addition, it provides no clarity to developers. I recommend the deletion of the policy. In any event the issue will be overtaken by any future introduction of a</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	Delete policy  Policy HO.4 – New Residential Development and Infrastructure requirements	Community Infrastructure Levy regime in the District. The approach set out in the submitted policy does however represent a genuine concern within the town generally. As such I recommend that a revised form of words sits at the end of Section 10.2 that addresses the wider issue	
HO5	Policy HO.5 – <b>Affordable Market Housing Initiatives Proposals</b> which deliver affordable market housing will be supported. <del>The Malden District Council Emerging Local Development Plan (2014-2029) has set the affordable housing requirements for Burnham at 40% of market rate on strategically allocated developments and 30% on all others.</del>	Whilst the supporting text in section 10.3 clarifies that the policy takes this approach rather than the more traditional affordable housing route, this matter becomes far less clear in the policy itself. I recommend a modification to bring the clarity required by the NPPF	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.
HO6	Delete policy  Policy HO.6 – Sustainable Building Standards	This policy sets out to ensure that new residential development meets national technical standards in terms of sustainability and efficiency.  This process will be supported by all concerned. However, it is now controlled by the Building Regulations. I recommend that the policy is deleted for identical reasons to those set out in relation to that part of policy HO. 3 on this matter as set out in paragraph 7.122 of this report	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.
HO7	Include additional supporting text at the end of Section 10.5 of the Plan: <b>In May 2016, the District Council resolved to grant planning permission for a planning application on the allocated site, on land to its south and on the allocated employment site (Policy E1p). This addresses many of the important components set out in Policy HO.7. The policy takes account of this development proposal. Plainly that proposal is now well-advanced in the planning process. The policy will apply to any revised or new planning applications that may be submitted on the site.</b>	A neighbourhood plan needs to be both practical and to meet the basic conditions. Within this context, I recommend modifications to the policy and its supporting text to reflect this updated set of circumstances.  Nevertheless, there is merit in retaining the policy to provide a policy framework against which any new or revised planning applications can be assessed. This approach will provide the clarity required by the NPPF at the same time as meeting the	Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner. Minor amendments are proposed to bullet point 3:  The delivery of pedestrian and cycle routes throughout the site and which are well-integrated into the <b>both new</b>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>Modify Figure 11 by adding <b>'that reflects the character of the immediate locality'</b> after 'Low-rise residential development'</p> <p>Replace part of policy</p> <p>Policy HO.7 – <b>Land at Burnham West</b> Development on the Maldon Road/Chandlers/Creeksea Lane frontages should respect the scale and character of the existing development.</p> <p><del>Connections should be made to the surrounding context, particularly to establish links with existing footpath routes and ensure these are wide enough with the appropriate surface to accommodate mobility scooters, pushchairs, wheelchairs and parents walking with children. Carefully planned cycle routes should be implemented, minimising crossing of roads, connecting all existing areas, new developments and the town centre and schools. Any green space provision should be to the south west side of the development to create open views to the estuary and the setting of Creeksea Place, a Grade II* Listed Building should also be protected. Housing should be orientated to face into open countryside supported by access roads, improving the appearance of the Town from the countryside.</del></p> <p><b>Development proposals should bring forward high quality designs that take account of the following factors:</b></p> <ul style="list-style-type: none"> <li>• <b>The delivery of low density development along the Maldon Road frontage;</b></li> <li>• <b>The delivery of higher density development within the middle part of the site;</b></li> <li>• <b>The delivery of pedestrian and cycle route throughout the site and which are well-integrated into the existing network;</b></li> <li>• <b>The preservation and enhancement of existing rights of way;</b></li> <li>• <b>The provision of facilities for persons of all ages;</b></li> </ul>	<p>requirements of paragraph 59 of the NPPF on design matters and their level of detail</p>	<p><b>and existing networks;</b></p> <p>Wording changes are made for the following reason:</p> <ul style="list-style-type: none"> <li>• 'through' the site is more practical and achievable than 'throughout' the site.</li> <li>• It is necessary to ensure that any proposed networks in / from new developments are planned to ensure that they integrate with each other, not just with the existing network.</li> </ul>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<ul style="list-style-type: none"> <li>• The provision of green and open space to District Council standards; and</li> <li>• The delivery of affordable housing to District Council standards at the time of the determination of the planning application concerned</li> </ul>		
HO8	<p>Include additional supporting text at the end of Section 10.5 of the Plan:</p> <p><b>In May 2016, the District Council resolved to grant planning permission for a planning application on the allocated site. This addresses many of the important components set out in Policy HO.8. The policy takes account of this development proposal. Plainly that proposal is now well-advanced in the planning process. The policy will apply to any revised or new planning applications that may be submitted on the site.</b></p> <p>Modify Figure 12 to indicate the potential for an alternative 'new vehicular route' into the site from Southminster Road and for an alternative 'indicative vehicular access' at this same point</p> <p>Replace policy</p> <p>Policy HO.8 – Land at Burnham North (West)</p> <p>Development should be focussed to the south of the site to protect the character of Green Lane and maintain the green gap with Burnham-on-Crouch.</p> <p>Existing mature trees should be maintained and the setting of the locally listed Grade II "High House", an eighteenth century dwelling on Green Lane should be protected as appropriate.</p> <p><b>Development proposals should bring forward high quality designs that take account of the following factors:</b></p> <ul style="list-style-type: none"> <li>• The delivery of a layout that respects and is set back from the Green Lane frontage to the site;</li> <li>• The delivery of a layout that respects the existing green gap that exists between the two principal built-up elements</li> </ul>	<p>This policy addresses the strategic housing site at Burnham North (West) (S2j). In May 2016 MDC resolved to approve a full planning application on this site (MAL16/00093). The same principles apply to this site as I have set out in relation to Policy HO.7 (paragraphs 7. 129 to 7.132). I recommend a similar set of modifications in general, and which reflect the site details in particular.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Fig 12 will be amended.</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>of the town along the section of Southminster Road in the eastern part of the site;</p> <ul style="list-style-type: none"> <li>• The delivery of satisfactory access into the site;</li> <li>• The protection of existing mature trees and their incorporation into the layout of the proposal; and</li> <li>• The delivery of affordable housing to District Council standards at the time of the determination of the planning application concerned.</li> </ul>		
HO9	<p>Replace policy</p> <p>Policy HO.9 – <b>Land at Burnham North (East)</b> Development should:</p> <ul style="list-style-type: none"> <li>• respect the setting of the Grade II* Listed Church of St. Mary the Virgin</li> <li>• be orientated towards Marsh Road, reducing in scale and density to the north of the site and around the Church;</li> <li>• deliver an improved north-south cycle connection from Stoney Hills to Burnham-on-Crouch and public open space to meet the need of the local area, and</li> <li>• contribute to the improvement of Marsh Road.</li> </ul> <p>Further to Policy CS.4 proposals for amenity space and public facilities on site should be designed to protect the setting of the Grade II* Listed Church of St. Mary the Virgin and the adjacent Grade II listed Burnham Hall.</p> <p><b>Development proposals should bring forward high quality designs that take account of the following factors:</b></p> <ul style="list-style-type: none"> <li>• The delivery of a layout that respects and takes advantage of the topography of the site as it falls to Pannel's Brook to the north;</li> <li>• The delivery of a layout that respects the setting of St Mary the Virgin Church and which provides appropriate vistas towards its tower;</li> <li>• The delivery of a layout that respects the Marsh Road frontage and provides a strong design solution towards</li> </ul>	<p>Whilst this site is less advanced than the other two strategic sites I recommend similar modifications to the policy by way of setting out key development principles. Several of these principles are helpfully set out in the representation from agents acting for the site owners.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>



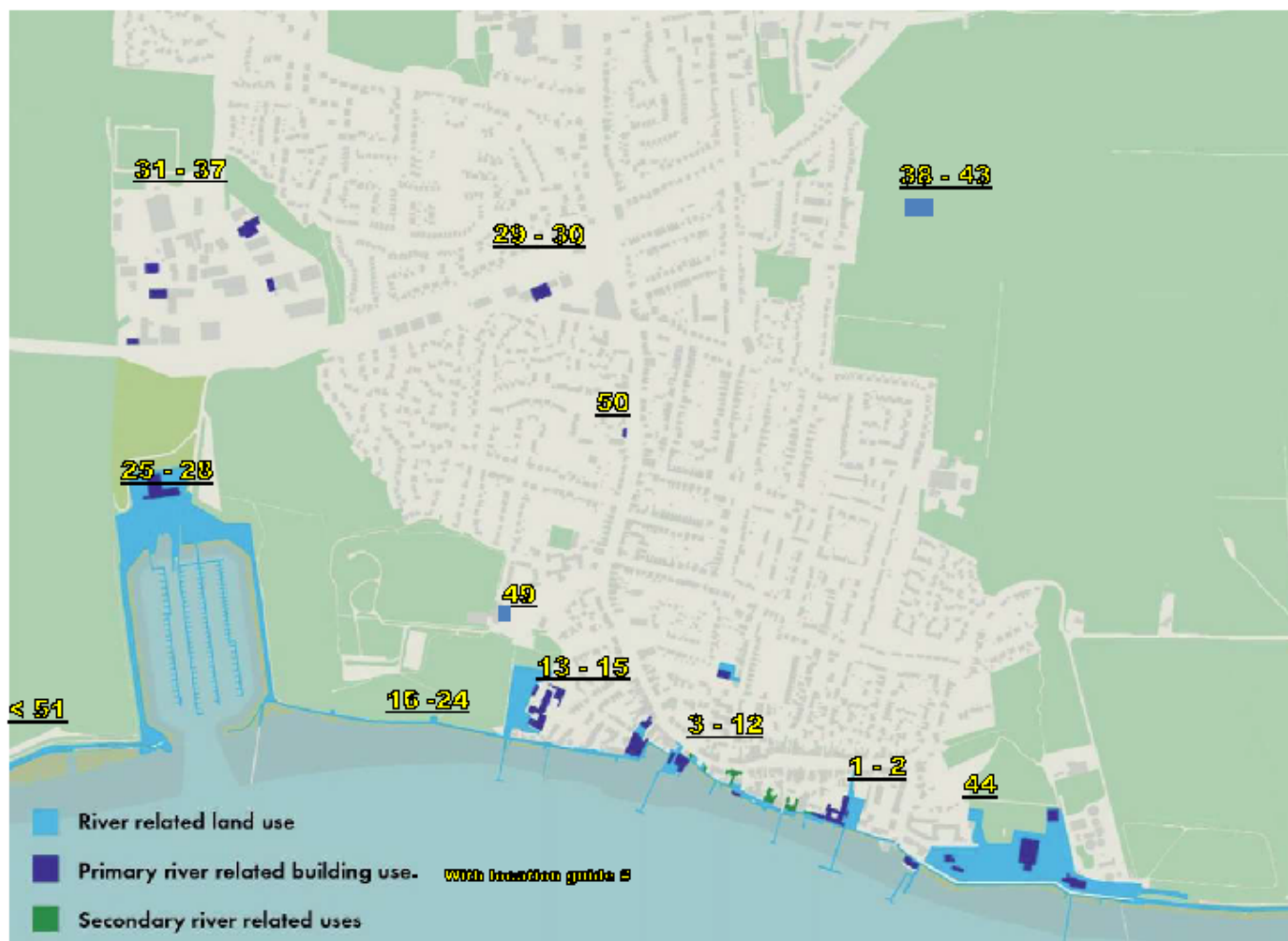
Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>that frontage</p> <ul style="list-style-type: none"> <li>• The delivery of a layout that reduces in both scale and density from south to north</li> <li>• The delivery of affordable housing to District Council standards at the time of the determination of the planning application concerned; and</li> <li>• The delivery of a layout that takes account of Pannel's Brook both in terms of urban design and the protection of properties from potential flooding</li> </ul>		
HO10	<p>Add the following to the end of the existing supporting text at 10.8:  <b>Within this context all new housing development proposals should be designed, planned and delivered in a fashion to bring about high quality design in terms of layout, materials and vernacular finishes. Policy HO.10 sets out the policy basis that underpins this approach. Specific Housing Design Principles are set out in Appendix 1.</b></p> <p>Replace policy</p> <p>Policy HO.10 – <b>Housing Design Principles</b>  <del>Having regard to the above, Burnham Town Council, in reviewing planning applications, will only support applications that comply with the standards listed in Appendix 1 below.</del>  <b>Proposals for new housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings.</b></p> <p><b>Proposals should take account of the Housing Design Principles set out in Appendix 1 insofar as those principles apply to any particular site.</b></p>	<p>This policy sets out a series of design principles to which it requires housing developments to comply. The principles are set out separately in Appendix 1</p> <p>There is a disjoint between the supporting text and the policy itself. The Principles set out in Appendix 1 are primarily design-led. The supporting text refers primarily to viability and development costs. Plainly these two important factors both overlap and interplay one with the other. I recommend modifications so that these matters are addressed. This will provide the decision maker with longer term clarity on the purpose of the policy</p> <p>In addition I also recommend a modification to the structure of the policy itself. Whilst it refers the reader to the Principles in Appendix 1 it fails to set out its clear purpose of wanting to secure high quality design in accordance with the NPPF.</p>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>
App 1	<p>NHD 3 Delete the final sentence in brackets (P)</p> <p>NHD 6 Delete the first element (P)</p>	<ul style="list-style-type: none"> <li>• D - Too detailed matters - more properly addressed at planning application stage</li> </ul>	<p>Agree – the modifications meet the basic conditions for the reasons expressed by</p>

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>NHD 7 Modify second component to read:  <b>All dwellings should be provided with safe and convenient car parking spaces. Proposals for communal garage courts will be supported where they have a clear functional and visual relationship with the dwellings concerned.</b> (C)</p> <p>NHD 8 There is already sufficient detail in the site-specific housing policies Delete (P)</p> <p>NHD 9 The Principle is unclear on what is 'a sufficiently generous standard'. In any event the imposition of standards would be too prescriptive and may in itself prevent the delivery of good design. Delete (D/P/C)</p> <p>NHD 10 Insert '<b>wherever possible</b>' at the end of the first element (P)</p> <p>NHD 17 Replace 'village' with '<b>Town</b>' (C)</p> <p>NHD 19 This principle is very general and is repetitive of other principles Delete (C)</p> <p>NHD 20 Insert '<b>wherever possible</b>' after 'management' (P)</p> <p>NHD 21 This Principle is very prescriptive. It may hinder good design and may not result in the best use of development land Delete (D/P/C)</p> <p>NHD 22 This Principle is far too vague for inclusion in a development plan Delete (D/P/C)</p> <p>NHD 23 This Principle requires community involvement for all applications. The approach is both unreasonable and prescriptive. Delete (P)</p> <p>NHD 27 This is more of a process issue than a design principle</p>	<ul style="list-style-type: none"> <li>• P - Too prescriptive and contrary to the NPPF</li> <li>• C - To provide clarity</li> </ul>	the Examiner

## APPENDIX 2

Policy	Examiner's recommendation	Examiner's reason	Officers' recommendation and reason
	<p>Delete (P)</p> <p>NHD 28/29 There is already sufficient detail in the site-specific housing policies. In any event the requirements lack clarity. Delete (C/P)</p> <p>NHD 30 Replace 'will require' with '<b>should be accompanied</b>' (C)</p> <p>NHD 32/33 These Principles do not add local value either to national or local standards on traffic generation and highways matters. In any event, they are both lacking in detail and clarity. Delete (C)</p> <p>NHD 34 The final sentence refers to traffic speed. This is not a land use matter. Delete final sentence (C).</p>		
	Modification of general text (where necessary) to achieve consistency with the modified policies	Where consequential changes to the text are required directly as a result of my recommended modifications to the policy concerned I have identified them in this report. However, there may be other required factual changes to the general text elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for the District Council and the Town Council to have the flexibility to make the necessary changes. I recommend accordingly.	Modifications to be agreed between the District and Town Councils

Figure 8: Marine and River Related land Use. Figure 8



## Appendix 2 Marine and River Related land Use. Figure 8 Location Guide

Location Guide #	Location	Business - Company	Activity
1	Sea End Boat House, The Quay.	Rice & Coles	River Moorings, cranage, boat storage.
2	Sea End Boat House, The Quay.	Yachting Solutions	Chandlery, ropes, fittings, clothing etc.
3	The Quay	Royal Corinthian Yacht Club	Sailing club covering children through to off-shore sailing.
4	The Quay	The Otter Hut	Catering for young children starting sailing.
5	The Quay	Royal Burnham Yacht Club	Sailing club covering children through to off-shore sailing.
6	The Quay	Fairways Chandlery	Rope, clothing, foot ware, fittings etc.
8	The Quay	Quayside	Café/Restaurant
9	The Quay	The Anchor Hotel	Accommodation, food and drink
10	The Quay	Ferry	Dial-up ferry to Wallasea Island
11	The Quay.	White Harte Hotel	Accommodation, food, drink.
12	The Quay.	The Crouch Harbour Authority	Controls river usage.
13	The Sail Loft, Buckingham Square, The Quay.	Wet Works	Chandlery and Marine Lifestyle
14	Ground Floor, Buckingham Square, The Quay.	Wet Works	Chandlery and Marine Lifestyle
15	First Floor, Buckingham Square, The Quay.	Yachtline	Yacht Insurance
16	The Quay.	R.J Prior & Son	River Moorings.
17	The Quay	R.J Prior & Son	Work Shops for building & Repairing boats.
18	The Quay	R.J Prior & Son	Sunken Store.
19	The Quay	R.J Prior & Son	Boat Shed, storage of boats removed from moorings out of season.
20	The Quay	R.J Prior & Son	Dock for house boats etc.
21	The Quay	Maldon District Council	Foreshore, House boats.
22	The Quay	Crouch Yacht Club	Sailing club covering children through to off-shore sailing.
23	The Quay	Burnham Museum	Location of Burnham History Society depicting all aspects of the towns history & heritage
24	The Quay	Burnham Sailing Club	Sailing club more for dinghy sailing.
25	Foundry Lane	RNLI Lifeboat Station	Saving lives at sea.

Location Guide #	Location	Business - Company	Activity
26	Foundry Lane	Burnham Yacht Harbour	Marina with permanent floating moorings, workshop, outfitting, hoist crane, dry boat storage.
26	Foundry Lane	Clarke & Carter Interyacht	Yacht Brokers
27	Foundry Lane	Marinestore Ltd	Chandlers, rope, paint, clothing etc.
28	Foundry Lane	The Lighthouse Bar & Restaurant	Food & Drink
29	Mildmay Industrial Estate, Foundry Lane	APB Engineering	Manufactures of launching trolleys, boat cradles & trailers
30	Mildmay Industrial Estate, Foundry Lane	Hardy Engineering	Manufactures of marine hydraulic winches, electrical gear
31	Unit 2A Springfield Industrial Park	Lonton & Gray	Sailmakers
32	1-2 Hobbs House Burnham Business Park	Proboat	Wholesale marine hardware suppliers
33	10 Burnham Business Park	Holt Marine	Manufacturer/supplier marine hardware
34	The Sail Loft Burnham Business Park	Tri-Ark Ltd	Suppliers of diaphragm pumps
35	Liferaft House Burnham Business Park	Premium Liferafts	Lifeboat & safety equipment hire
36	Unit 8 Springfield Business Park	Flag Paints	Manufacturer marine paints and finishes
37	Unit 9 Springfield Industrial Park	Marine Windows	Manufacturer of windows for boats and yachts.
38	Unit 13 Dammerwick Farm	Petticrows	Builders of International Dragon and Finn Class yachts
39	Unit 9 Dammerwick Farm	Rannoch Adventure	Design and build of trans-ocean rowing boats
40	Unit 4 Dammerwick Farm	The Old Salt Loft	Manufacturer clothing, bags, merchandising for marine industry, upcycling old sails into products in sustainable manner.
41	Unit 3 Dammerwick Farm	Essex Embroidery-Black Jack Design	Embroidery and print for marine use.
42	Unit 8 Dammerwick Farm	Mike Wood Marine	Builds and prepares dinghies for international competition.
43	Unit 2 Dammerwick Farm	Demi Foils	Specialist manufacturer of fibre glass foils for dinghies.
44	Unit 18 Wick Road Industrial Site	Robert Underhill Multi Hulls Ltd	Brokerage, surveys etc. for supply of multi hull yachts
45	Belvedere Road	The Victoria Inn	Public house for food and drink
46	52 High Street	The Ship Inn	Accommodation, food and drink
47	29 High Street	The Star Hotel	Accommodation, food and drink
48	Rear of 4 Chapel Road	R J Prior & Son	Dry Boat Store
49	Station Road, Nr. Millfields car park	1 <sup>st</sup> Burnham-on-Crouch Sea Scouts	Scout Hut

## APPENDIX 2

Location Guide #	Location	Business - Company	Activity
50	49/51 Station Road	Essex Police	Marine Unit
51	Ferry Road	Creeksea Sailing Club	Dinghy Park

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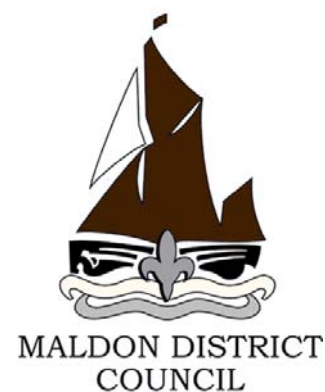


## Document Control Sheet

<b>Document title</b>	Corporate Communications Protocol
<b>Summary of purpose</b>	Three Yearly Review
<b>Prepared by</b>	Russell Dawes
<b>Status</b>	Draft
<b>Version number</b>	V1
<b>Approved by</b>	
<b>Approval date</b>	
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<b>Review frequency</b>	Three Yearly
<b>Next review date</b>	
<b>Circulation</b>	
<b>Published on the Council's website</b>	

**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

### CORPORATE COMMUNICATIONS PROTOCOL

#### 1 INTRODUCTION, SCOPE AND CONTEXT

1.1 ‘Corporate communication’ is a dialogue. It is about ensuring that an appropriate message is given, using the right medium, to all those who need to receive it, and how in return their messages are received.

1.1.1 The purpose of this protocol is therefore to:-

- Ensure that the Council communicates in an accurate, timely and appropriate way that meets its own needs and those of its stakeholders.
- Ensure that stakeholders are well informed on matters relevant to them.
- Ensure that stakeholders have an appropriate mechanism to communicate their views, feelings, opinions etc to the Council in a way that influences, and is seen to influence, Council decision making.
- Use all available methods in which to communicate our messages, promote, enhance and protect the Council’s reputation to secure maximum benefits for the Council and the District in general.

1.1.2 The scope of this protocol is therefore:-

- Communication with the media and other external stakeholders concerning the Council’s policies, plans and activities.
- Communication with colleagues internally to ensure that they are kept informed of our media response concerning the Council’s policies, plans and activities.
- Communication with our external partners and co-ordinate messages as necessary.
- Consultation with the community and other external stakeholders in so far as the Corporate Communications function interfaces with and contributes to the Council’s consultation strategy.

1.1.3 This protocol is mindful of a number of existing strategies but does not specifically deal in detail with the following:-

- Promoting the Maldon District as a visitor destination
- Individual service and business plans.
- Marketing or promoting individual services except as part of promoting a corporate message.
- Petitions including e-Petitions
- Emergency plan
- Economic Prosperity Strategy
- Member/Officer Protocol
- Code of Conduct

1.1.4 Whilst not directly in the scope of this protocol, it must also feed into other strategies, such as our Channel migration strategy, customers’ strategy, consultation strategy, specific service related marketing, Human Resources policies, financial services, e-Petitions etc.

- 1.1.5 The protocol now goes on to identify what core messages we want to promote to a variety of audiences, how we will do it and the implications for the Members of the Council, our Public Relations Team and colleagues both inside and outside of the organisation.

## 1.2 Council's Press Office Protocol

- 1.2.1 The Council's press office is managed by the Council's Public Relations and Engagement Team and receives **all** communications from the Press and Media and issues **all** News Release/Statements on behalf of the Council.
- 1.2.2 The Press Office will not speculate on matters which are raised and will ask for an enquiry to be emailed in order to seek the necessary response in discussion with the relevant Officer, Director and Member as considered appropriate.
- 1.2.3 With the exception of the Chief Executive, Directors and the Council's PR & Engagement Team (Press Office team, which also includes the Programme and Stakeholder Liaison Manager). No other Officer of the Council is permitted to speak or communicate with the Press and Media on any matters affecting the Council or its business in general, unless after discussion with the Press Office, and as authorised by the Chief Executive, and/or Director, the Leader and/or Deputy Leader of the Council or Committee Chairman and/or Vice-Chairman
- 1.2.4 If an issue is highlighted to the Press Office by a Member, a copy of the response given will be sent to the originating Member for information.*

## 1.3 Council Staff

- 1.3.1 All staff must adhere to the paragraph above (1.2.3) and failure to do so will be seen as a breach of the Council's code of conduct and ultimately may result in disciplinary action being taken in line with our current policies.*
- 1.3.2 Staff should also show respect and courtesy to Members **at all times in line with the Member /Officer Protocol** and not be seen to do otherwise. Staff will also be reminded of the confidentiality of their posts and the availability of the whistleblowing policy.*
- 1.3.3 The PR & Engagement Team also works in conjunction with the Programme and Stakeholder Liaison Manager with regards to Planning PR matters.
- 1.3.4 The Press Office may from time to time use the term 'Council Spokesperson' to respond to agreed enquiries but it should also be acknowledged that the press may also use this term as a matter of course following a response to an enquiry.
- 1.3.5 However, this is not the case for approved press releases which would normally have an agreed Member quote included.
- 1.3.6 A style guide is available for staff and this provides useful guidance on items such 'house' font, writing for the web and a variety of letter templates*
- 1.3.7 In the unlikely absence of anyone in the Public Relations and Engagement Team, media communications will be referred to either the Chief Executive's PA or the Programme and Stakeholder Liaison Manager, who will deal as necessary with any enquiries.
- 1.3.8 Staff should ensure that Ward Members are advised of issues which may affect their Ward in addition to the relevant Committee Chairman/Vice Chairman/Leader or Deputy Leader as required.*

**Appendix 1 shows the process which should be followed when dealing with the media.**

#### **1.4 Meetings of Council and Committees**

- 1.4.1 Copies of agenda, minutes and reports for meetings of the Council or its Committees are e-mailed to the Press and Media and placed on the Council's web site seven days before the meeting.
- 1.4.2 Facilities are provided at meetings for the Press to take notes of the proceedings and both the Press and Public may be excluded from a meeting whilst certain confidential matters (as provided for in the relevant legislation) are under discussion.
- 1.4.3 Members of the Public Relations and Engagement Team when available will attend agenda meeting to advise on any matters as necessary.

#### **2. MEMBERS OF THE COUNCIL**

- 2.1 Elected Members of the Council play a key and valuable role in communicating the work of the Council to its residents, the media and business community.
- 2.2 Elected Members can express a **Ward**, political party or individual personal view to the press, media or in public forums but should indicate that any such opinion does not necessarily represent the view of the Council.
- 2.3 An elected Member must be mindful of the Council's Code of Conduct and all other policies, procedures and regulations whenever he/she conducts the business of the authority, or conducts the business of the office to which he/she has been elected, appointed, or acts as a representative of the authority.
- 2.4 *If Members fail to adhere to the paragraph above they may be in breach of the requirement for respect and confidentiality as stated within the Local Code of Conduct and may therefore have sanctions applied to them pursuant to the Code (local code of conduct).*
- 2.5 In addition Members should be mindful of the following;
  - Elected Members should not disclose information that is of a confidential nature. This includes any discussion with the press on any matters which may have been discussed as a confidential item on the Council's or Committees' agenda or at any other private briefing or working group.
  - During the pre-election period or 'Purdah', elected Members should comply with the guidance issued. During this period news releases will be issued in the name of the Chief Executive, Director or Council Spokesperson as appropriate

#### **2.6 Dealing with the media**

- 2.6.1 A Councillor should act with integrity at all times when representing or acting on behalf of Maldon District Council.
- 2.6.2 Make clear the capacity, in which they are providing the information. For example:
  - as Leader or Deputy Leader of the Council
  - as Chairman of a Committee
  - as Leader or Deputy Leader of the Opposition
  - as an individual (i.e. letter to press for publication)
  - as Ward Councillor

- 2.6.3 Members are advised to keep a copy of any response which is given to the media so as to record the question and the response.
- 2.6.4 Members are advised to take a cautious approach when dealing with the media if asked for a comment on a controversial subject. It is advisable that the assistance or guidance of the Council's press office is obtained, rather than being led into stating something you did not really mean to say.
- 2.6.5** *An elected Member should not raise matters relating to the conduct or capability of an Officer at meetings held in public or before the press. **This should be addressed through the existing Member/Officer protocol.***
- 2.6.6 The Chairman of the Council is the Civic and Ceremonial head of the Council to which is attached great importance in terms of the Council's profile of the District both locally and outside of the District. A separate and detailed protocol already exists for this position and is therefore not part of this Communications protocol.

### **3. OUR VISION, VALUES & MESSAGES**

- 3.1 Underpinning the communications protocol is the overall vision of the Council, and its four corporate priorities: one internal and four external. Our vision is clearly focussed on the type of community we are striving to achieve and our priorities demonstrate our commitment to support our overall vision.

#### **Our Vision**

To make the Maldon District a better place to live, work and enjoy

#### **Our Goals**

Helping communities to be safe, active and healthy

Protecting and shaping the District

Creating opportunities for economic growth and prosperity

Delivering good quality, cost effective and valued service

- 3.1.2 As part of this protocol the Council's vision and corporate identity will be reinforced.
- 3.1.3 Alongside our vision, brand and values, we need to identify the key messages we wish to promote and in what areas we wish to be recognised for our success.
- 3.1.4 Key messages must run throughout all communication we have with our residents and partners and need to relate to the community. They are critical to:-
- Reinforce what we are trying to achieve; and
  - Provide a clear, simple focus for our actions.
- 3.1.5 Repetition of message is important so that the use of key messages becomes standard practice.  
- *If the story does not contain a key message, don't tell the story*

### **3.2 The Council's good name**

- 3.2.1 The Council has a well known brand which is depicted on livery and stationery as a Thames Sailing Barge but there is a need to continually enforce this message corporately in all of our internal and external communications.
- 3.2.2** *In addition, the Council is acting as an advocate and supporter of the 'Sense of Place' brand which is being used to promote the District and its eclectic mix of businesses. This complements the Council's own brand and is used in line with the specific Sense of Place guidelines.*

- 3.2.3 Our Customer Contact Centre promotes the Council's good name through their endeavours to ensure that customer enquiries are dealt with at the first point of contact and together with our Customers Strategy provides a solid foundation in which to ensure that the Council is customer focussed.

#### **4. COMMUNICATING THE MESSAGE**

- 4.1 In order to effectively communicate the message to our residents it is important that any communication is:-

- Relevant to them and where they live
- Timely and accurate
- In plain English (and other formats as appropriate)
- Factual
- Honest – admitting when we're wrong and being prepared to apologise.

#### **4.2 Letting the community tell our story**

- 4.2.1 Day-to-day communications should focus on the service users and tell the story through their eyes – how has this new service affected their lives? Why is it making an impact in their community?

- 4.2.2 Charter Marks, ISO Accreditation, Beacon Awards and such like may be important to the organisation, but residents may not perceive their true value if the message is not seen as a high priority for our residents.

- 4.2.3 To communicate our message effectively we need to turn the message around to focus on them – how are we going to make their life better?

- 4.2.4 The Public Relations and Engagement Team will assist in enabling stories originating from the Council to be written in a more proactive manner:-

- Sourcing contributions from our residents and partners where possible
- Members to endorse initiatives, where possible.
- Wider involvement of Members: feeding back information from successful community projects.

#### **4.3 Keeping the public well informed – key sources and publications**

- 4.3.1 All Key publications should be co-ordinated centrally and reviewed by the Public Relations and Engagement Team to ensure that key messages are used appropriately and consistently.

- 4.3.2 These core methods of communication would need to be identified but could include:-

- Specific service information leaflets
- Online A-Z Guide
- The Courier (annual)
- Media releases
- Council Tax information
- Our Web site
- Social Networking Sites

#### **4.4 Specific Service Information Leaflets**

- 4.4.1 There is a critical need for the public to have a clear understanding of the range of services we provide and who they should contact.

4.4.2 Feedback in the past has suggested that customers:-

- Do not understand what services are provided by the Council
- Do not know the best way to access services

#### **4.5 A-Z Guide of services**

4.5.1 The online A-Z guide of Council services provides an excellent method of communicating the services undertaken/offered by the Council

#### **4.6 The ‘Courier’ - Council newspaper**

4.6.1 The Courier is produced annually and distributed door-to-door as well as being available via our web site and covers matters which affect our residents or which relate to the District.

4.6.2 The Vision for the Courier is to provide;

- Factual and cross cutting information about the work we do
- Greater involvement from our partners, providing information that is 'joined up', reflecting the fact that customers are concerned with the services they need, and not with who provides them.

#### **4.7 Media Releases**

4.7.1 It is vital that the Council is able to tell its story in its own words to its residents and the most effective way of managing key messages is through a good relationship with the media.

4.7.2 A toolkit called ‘working with the Media’ is available on the intranet and from the Public Relations and Engagement Team has been developed in order to assist colleagues in how to help us to raise our profile of the Council in the print and broadcast media. It gives a template of how to construct a news release and other useful hints and tips.

4.7.3 A regular press briefing is just one way in which to ensure that the correct message is given and understood to the media and these will be co-ordinated as necessary.

4.7.4 Specific promotions/campaigns will require a managed communications action plan developed by the Public Relations and Engagement Team and will require key actions/milestones.

4.7.5 A regular dialogue with the media is vital in order to maintain and build good relations with them.

#### **4.8 Council Tax Information**

4.8.1 The current Council Tax bill information is provided mainly as part of the online billing process and provided information about how we spend the money.

4.8.2 Opportunities are also used to communicate messages to residents who use monthly billing and this in the past has included messages from our partner organisations.

#### **4.9 Web Sites**

4.9.1 Web sites are a key Communication tool and provide the Council’s with world-wide ‘shop window’.

4.9.2 Our corporate web site was upgraded in 2016 and provides information which can be viewed across a number of devices using ‘responsive’ technology. Our ability to offer on-line

transactions 24/7 has increased together with a web site which can be developed to meet any future needs.

- 4.9.3 The information on the site will be accurate, interesting, useful and user friendly. This will be monitored by the Public Relations and Engagement Team, Web Site Super User Groups and IT.
- 4.9.4 The Visit Maldon District web site was also refreshed and re-designed in 2016 to meet the growing demands of our visitors. A new events calendar, e-shop and tourism branding as part of the Sense of Place project has enabled the production of a vibrant interactive site

#### **4.10 Social Networking**

- 4.10.1 The Council is proactively using social networking as one of the key communications tools.
- 4.10.2 We manage our social media through an online dashboard and are continually expanding our use of the social media channels and have developed an acceptable use of social media guidance document for staff.

#### **4.11 Selling the vision**

- 4.11.1 To maximise the impact of the key messages, the Council must promote itself and its work to the community. This can be done cost-effectively (although requiring some budget) and will help to reinforce key messages in a visual way.
- 4.11.2 This promotion should:-
  - Reflect the vision and brand image;
  - Show how the Council is adding value and making lives better;
  - Take credit for the work that the Council does; and
  - Signpost customers to services.
- 4.11.3 This should be a combination of PR and advertising (each supporting the other) to get across key messages about our services with a strong visual element, for example the refreshed approach to our recruitment activities.

#### **4.12 Branding everything we do**

- 4.12.1 It is important that the Council receives the credit for the work that it is responsible for and where we are working in partnership with others for example:-
  - Leisure Centres and car parks - should have appropriate branded signage.
  - Major project developments - funding should be set aside at the earliest time for promotional activity and branding.
  - Partnership working – wherever the Council is working in partnership equal branding opportunities should be given
  - Seeking opportunities to use both the Council's own brand whilst also supporting the 'Sense of Place' brand.

### **5. ENGAGING WITH THE RESIDENTS**

- 5.1 Closer engagement with residents should be seen as key to improving the quality and effectiveness of Council services.
- 5.2 Developing customer opinion and involving service users' needs to be undertaken constantly to maintain a highly level of service and customer satisfaction.



- 5.3 However, citizen and user engagement should not just be about consultation exercises, but it is a fundamental way in which to communicate with, involve and seek the views of local people.
- 5.4 Good media relations have an important part to play in any such consultation working with colleagues to ask the correct questions as per the Consultation Strategy which will inform future decisions.
- 5.5 This should not be seen as a once-a-year duty to consult, but an integral part of any regular feedback from stakeholders, community panels, focus groups, staff, youth forums, hard to reach groups and other partners as appropriate.
- 5.6 The Council has also demonstrated its commitment to improve the profile of the Council and local government in general as a partner in the LGA's Reputation in Local Government initiative.

## **6. SUMMARY**

- 6.1 It is the responsibility of everyone to deliver effective communication. The Chief Executive, Corporate Leadership Team, Members and Staff must be responsible for driving the protocol by actively applying its principles to all aspects of their work.
- 6.2 The Public Relations & Engagement Team will work across services to deliver a comprehensive good news service and deal with bad news as and when it arises.
- 6.3 The Public Relations & Engagement Team, supported by Corporate Leadership Team and with Member consideration, will be responsible for strategic thinking, driving forward the good news and making day-to-day decisions about promoting the Council and its services.
- 6.4 By working together, the delivery of this communications protocol will ensure that the Council grows in reputation and builds a strong relationship with the public.

## Media enquiries

Members and officers are encouraged to inform the PR and Engagement team of items of potential media interest

All media enquiries including interviews should be directed to **press.office@maldon.gov.uk** in the first instance

### ENQUIRIES

Forwarded to the appropriate officer  
(**Planning issues:** the Programme and Stakeholder Liaison Manager)  
to seek a response.  
If an issue is highlighted to the Press Office by a Member, a copy of the response given will be sent to the originating Member for information

#### Matters of fact

The response must be agreed with the Director or nominated officer

#### Matters of contention or requiring comment

The response must be agreed with the Director or nominated officer and, at the discretion of the Director, attributed to the relevant Chairperson or Ward Member (in which case that Member's agreement must be obtained), Director or Council spokesperson. Exceptionally, a specific member of staff may be nominated by a Member or Director

Agreed response forwarded to  
press.office@maldon.gov.uk

Proof read and sent to the media

### INTERVIEWS

Press office to liaise with the relevant Member, Director or their nominated spokesperson  
(**Planning issues:** the Programme and Stakeholder Liaison Manager will assume liaison)

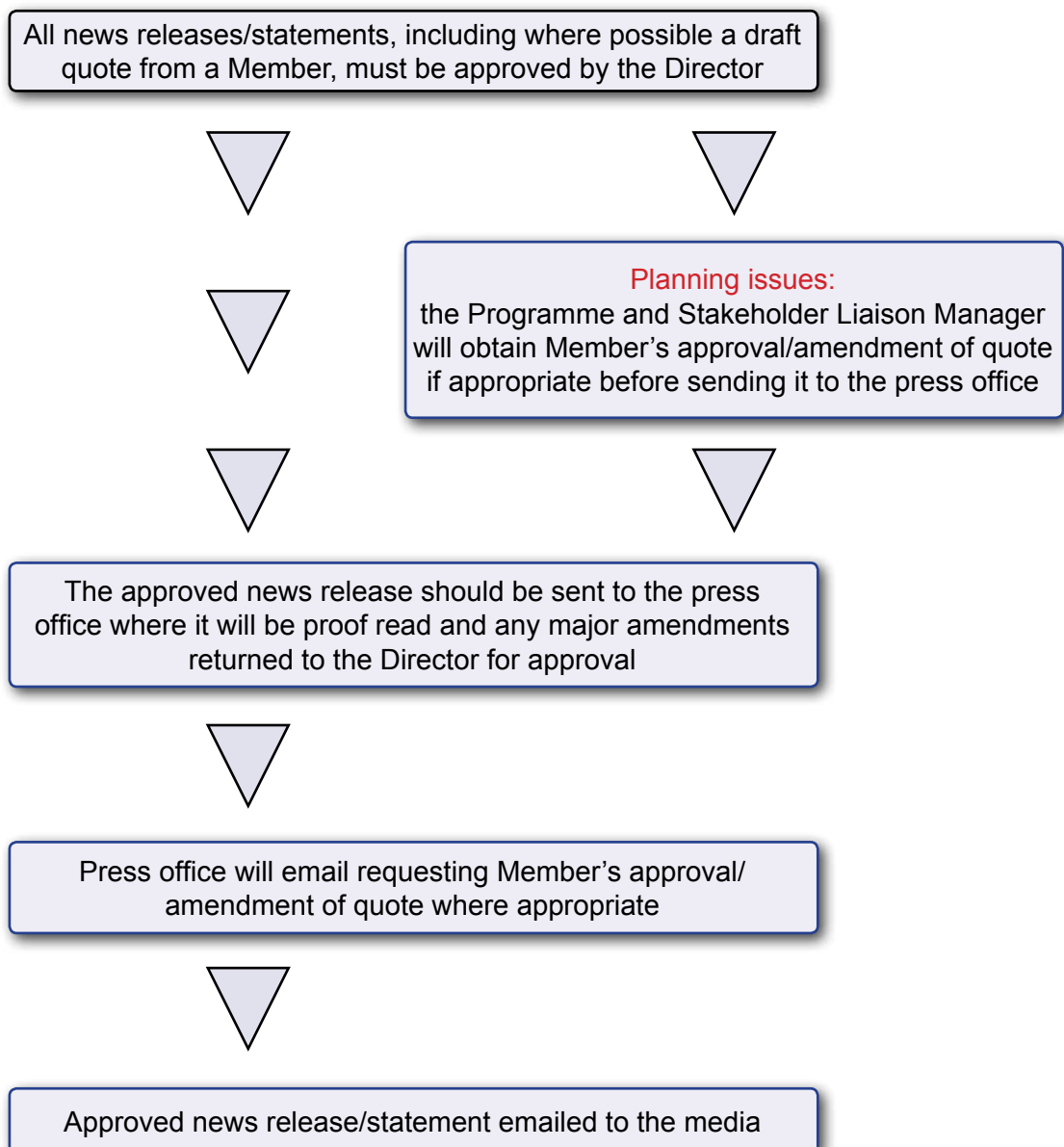
Briefing for Member if appropriate

Press office to confirm arrangements with the media  
(**Planning issues:** the Programme and Stakeholder Liaison Manager to confirm arrangements with the media and inform the press office)

## Proactive media (news releases and statements)

Members and officers are encouraged to liaise with the PR and Engagement team regarding the production of news releases/statements on potentially controversial issues as well as 'good news' stories.

The PR & Engagement team has the sole responsibility to send approved news releases/statements to the media. Exceptionally, (eg in the event of urgent need and the non availability of any members of the team), the Programme and Stakeholder Liaison Manager of Chief Executive's PA will assume responsibility.



All press releases/statements are emailed to the 'press contacts list', copied to Corporate Leadership Team, the originator of the news release, circulated to all Members and uploaded on to the Council's website and linked to our social media accounts

## **Media enquiries received by Elected Members directly from the media**

1. Members are encouraged to speak to the media on matters relating to their Ward
2. If a Member is approached to discuss a decision of Council or one of the committees they should ensure that they are clear in what capacity they are commenting (ie Ward Member, Committee Member, or individual)
3. Members are advised to respond in writing to the media so as to record the question and the response
4. Out of courtesy, the Leader or Deputy Leader or relevant committee Chairman/Vice Chairman should be made aware of any such approaches
5. It would also be helpful for the Council's press office to be made aware at [press.office@maldon.gov.uk](mailto:press.office@maldon.gov.uk)
6. Please note during an emergency this process replaced with the emergency protocol led via Gold Command



## **REPORT of DIRECTOR OF CUSTOMERS AND COMMUNITY**

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**to  
ANNUAL COUNCIL  
11 MAY 2017**

### **NORTH HEYBRIDGE GARDEN SUBURB – ADMINISTRATION OF SPORTS FACILITIES**

#### **1. PURPOSE OF THE REPORT**

- 1.1 To consider policy direction from Members into the future management and administration of sports facilities included within the new North Heybridge Garden Suburb (NHGS) as part of the Section 106 agreement (S106) with the Council.

#### **2. RECOMMENDATIONS**

- (i) That the Director of Customers and Community authorises the appropriate Officers to:
- a) complete the Section 106 Agreement (which is part of the planning application approved by Members at the extraordinary meeting of the Council on 7 December 2016, Minute No. 791 refers) for North Heybridge Garden Suburb setting out clear options allowing for either future management of the sporting facilities via a Local Management Organisation or via the District Council and a preferred partner;
  - b) investigate the proposal to allow the Council to take full ownership of the new sports facilities and then seek a suitable partner for its management and administration at no ongoing operating cost or financial risk to the Council and report back with findings for Members consideration.

OR

- (ii) That the Council confirms its position in that management of all green and blue infrastructure (including the new sporting facilities) within the North Heybridge Garden Suburb is undertaken by a Local Management Organisation and this infrastructure transfers to such an organisation at no future operating cost to the Council and the Section 106 agreement (which is part of the planning application approved by Members at the extraordinary meeting of the Council on 7 December 2016, Minute No. 791 refers) is completed accordingly.

### 3. SUMMARY OF KEY ISSUES

#### 3.1 Background

3.1.1 At the meeting of the Council on 18 December 2014 Members considered a report on the governance of parks, open spaces and public realm facilities in new developments (Minute No. 690 refers). The recommendations, as set out in the report, were agreed but in each case a modification was included as set out in **bold** below:

- (i) that the Council adopts and manages suitable areas of green space and public realm in new developments providing that the costs and resources required to manage and maintain the facilities over an agreed timescale are secured through the planning process **and that this be at no financial risk to the Council;**
- (ii) that in the Garden Suburbs and other large developments, the Council works in partnership with stakeholders and the community to develop appropriate governance arrangements for the future management of green spaces **and that this be at no financial risk to the Council.**

3.1.2 Within the report on the planning application for the NHGS which went to the extraordinary meeting of the Council on 7 December 2016 (Minute No. 791 refers), an illustrative layout and Design Parameter Plan (the Plan) was provided. The Plan showed a network of green infrastructure, a range of general amenity areas and formal and informal open space including allotments, play areas, playing fields and general landscaping. The following is referred to within the Minutes:

- Delivery of Allotments to serve North Heybridge to the value of £49,560;
- Delivery of sports pitches and pavilion to the value of £1,266,000;
- Open space to be provided in accordance with phasing plan;
- Management of all green and blue infrastructure by Management Company.

3.1.3 From the above it is clear that the intention of the Council was for all green and blue space to be managed and maintained by a Local Management Organisation (LMO). This approach is consistent with the Commercial Estates Group (CEG) S106 for the South Maldon Garden Suburb agreement.

3.1.4 Under the South Maldon Garden Suburb agreement the LMO will also manage the Sports Facilities.

3.1.5 However, the existing Drapers Farm Sports Club (the Club) has indicated interest in taking on responsibility for the new sport facilities included within the scheme on a similar basis to the existing arrangements with the Council (i.e. the Council owns the site and grants a lease to the Club allowing it to operate from the site). It should be noted the existing arrangement at Drapers Farm is not cost neutral to the Council which funds grounds maintenance at a cost of over £20,000 per annum, a proportion of which is used to support the sports activities at the site.

3.1.6 In April 2016 within a report to the Community Services Committee Members agreed to early negotiation with the Club regarding the renewal of their existing lease at

Drapers Farm including seeking clarification on maintenance responsibilities and the creation of a clause that allows the club to expand into new land if it became available in the future (Minute No. 1132 refers). The new NHGS offers a possible solution in meeting the needs of the Club however, the renewal of the lease and inclusion of a clause does not bind the Council to any action in relation to NHGS.

- 3.1.7 The proposal for sports facilities within the NHGS amount to 6.47 hectares (ha). The new facilities are comparable with the existing Drapers Farm complex in as much as the site area is comparable and clubhouse is also provided.

### 3.2 **Option for Council ownership**

- 3.2.1 Given the clear instructions from Members in 2014 the full management and maintenance costs of the grounds and buildings associated with sporting facilities at NHGS would have to be met by a partner organisation rather than the Council.

- 3.2.2 It is estimated that at the new NHGS site maintenance costs could amount to £50,000 per annum. The overall size and location of the playing fields is set within the design plan and the associated facilities will be in keeping with the scale of the provision. At this time it is not possible to be definitive about the arrangement of the new facilities as community engagement will be required to help shape the final configuration. The indicative maintenance figure above is based upon £25,000 for grounds maintenance and £25,000 for upkeep of the pavilion, parking and other infrastructure.

- 3.2.3 In considering the option for the Council to take on responsibility for the new facilities as opposed to passing the site to an LMO there are a number of considerations to be made.

- 3.2.3.1 Finance: As discussed above at this early stage it is difficult to establish exact costs associated with the provision of the new facilities but the indicative figure of £50,000 per annum for the length of the life of the asset, is a credible starting point. If the Council was to take ownership of the facilities and offer a lease to operate it, detailed work will be necessary by any partner organisation to develop a business case demonstrating that there would be no deficit and financial risk to the Council. However, the timescale for delivery of the sports facilities is estimated to be between six and ten years into the future and it will be extremely difficult for any potential partner to establish any credible business plan given the uncertainty at this time.

- 3.2.3.2 Community Involvement – Through the LMO option local residents would be able to influence the direction and management of the facilities through a Steering Group. If the Council was to take on the responsibility for the site the partner organisation would need to mirror this arrangement. In October 2015 Members were updated upon the Local Development Plan Implementation – South Maldon and North Heybridge Garden Suburbs (Minute No. 460 refers). Within the report details were provided upon progress in establishing the governance structure for each Garden Suburb. It was reported that a Community Liaison Panel comprising Council Members, representatives from Town and Parish Councils and community representatives was in the process of being established for both Garden Suburbs. For the NHGS this work is yet to be taken forward. In addition to the above, the Council will need to undertake a review of all existing sports provision in the area to establish future needs and this will help shape the final sports provision.

3.2.3.3 Risk to the Council: If the sports facilities pass to the Council as owner of the site, the Council would effectively underwrite the facility in financial terms which is anticipated to cost a minimum of £50,000 for the length of the life of the asset. It is vital that a credible partner is identified whom could evidence a sound business plan without relying upon the Council to fund operations. Going forward if the identified partner organisation could not meet the necessary obligations under the lease, responsibility would pass back to this Council and new arrangements would have to be sought. This could result in ongoing costs to the Council, as well as possible temporary loss of provision to the community or degradation of the facility until an alternative arrangement can be made. It could also result in a poorer quality of facility going forward. The LMO is bound by the S106 to deliver certain standards of management and maintenance via the Green Infrastructure Management and Maintenance Plan and other clauses in relation to open space. It is reasonable to assume this Council (through its partner) would also need to meet agreed standards as mentioned above.

3.2.3.4 Impact upon Section 106 Timetable: Discussions with the developer are at an advanced stage. It is clear if the Council was of a mind to explore the option to take ownership of the site the proposal will need thorough investigation. Due to the uncertainty regarding costs it will be necessary to include a clause within the S106 agreement leaving options for the sports facilities to be managed directly by the Council or via an LMO. This matter will be the subject of negotiation with the developer as would require any future LMO appointed by the Developer to include the option to take on the sports facilities at a future date if required. It is not clear if this negotiation would delay or put at risk the overall S106 agreement.

## **4. CONCLUSION**

- 4.1 As early as 2014 the Council considered the governance of parks, open spaces and public realm facilities within the new garden suburbs. The new sporting facilities planned for the North Heybridge Garden Suburb will provide new and existing residents access to new facilities.
- 4.2 In December 2016, the Council agreed that the Management of all green and blue infrastructure should be undertaken by a LMO.
- 4.3 Drapers Farm Sports Club has indicated interest in partnering with the Council to run the new sporting facilities. The Club operating from Drapers Farm is popular with users and has identified a need for additional resources. The capacity within the existing site is limited and conflict exists between the activities being undertaken (cricket and rugby both of which are very popular sporting activities). It is also believed that Drapers Farm Sports Club is in a strong position to offer a management service or become a partner to the LMO in delivering the future sporting facilities (but this is not a guaranteed outcome).
- 4.4 Given the uncertainty into the final configuration of the new sports facilities if the Council wishes Officers to explore the proposal to take ownership of the site it will be necessary to include a clause within the S106 agreement at this time leaving options



for the sports facilities to be managed directly by the Council or via an LMO in the future.

## 5. IMPACT ON CORPORATE GOALS

- 5.1 This work contributes to Councils corporate goal of ‘Delivering Good Quality Cost Effective and Valued Service’ and Creating opportunities for economic growth and prosperity.

## 6. IMPLICATIONS

- (i) **Impact on Customers** – The provision of new sporting facilities is an integral part of the new housing development within the North Heybridge Garden Suburb. The Council has been considering the best vehicle to ensure the new facilities are managed appropriately and in a sustainable way.
- (ii) **Impact on Equalities** – No issues identified.
- (iii) **Impact on Risk** – If Members decide to take on the responsibility for the new sports facilities a financial risk will need to be managed to ensure that the Council does not have to fund any operating deficit. More detailed work will also be required on legal issues connected with taking responsibility for the site by the Council. There are concerns regarding a possible delay to the overall S106 agreement for the site. It is hoped through negotiation it will be possible to include an option clause (as detailed within the recommendations to this report) relating to the sports facilities so it allows the progression of the overall S106 agreement to continue.
- (iv) **Impact on Resources (financial)** – If Members decide to opt for the LMO option there will be no financial implications to the Council. However if the Council takes on responsibility for the new facilities it will need to plan for the long term future of the site and find a partner willing to operate the facilities to cover the expected £50,000 per annum operating cost for the life of the asset, at no cost to the Council. It will be difficult to give a clear and certain picture to Members at this time as the development is not likely to come forward for another six to ten years and for this reason if Members decided to explore the proposal of ownership time is required to develop a business case.

The Drapers Farm Sports Club has been successful in operating sports facilities in Heybridge and has given an early expression of interest in operating the new facilities within the NHGS but there is the question of whether the Council should be entering an agreement with one club without seeking possible alternative partners.

- (v) **Impact on Resources (human)** – If Members decide to look into the proposal of the Council running the facility itself through an agreed partner a detailed feasibility study will need to be undertaken, at this time resources have not been allocated to undertake this work.
- (vi) **Impact on the Environment** – None identified.

Background Papers: Report to the Council on 18 December 2014 (Minute No. 690 refers).  
Report to the extraordinary Council meeting on 7 December 2016 (Minute No. 791 refers).

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