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CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

05 July 2017

Dear Councillor

You are summoned to attend the meeting of the;

**COUNCIL**

on **THURSDAY 13 JULY 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 black ink, appearing to read 'F. R. Marshall', is written over a circular stamp or seal. The signature is written in a cursive style.

Chief Executive

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## **AGENDA COUNCIL**

**THURSDAY 13 JULY 2017**

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1. Chairman's Notices

2. Apologies for Absence

3. **Minutes - 11 May 2017** (Pages 9 - 26)

To confirm the Minutes of the Statutory Annual meeting of the Council held on Thursday 11 May 2017 (copy enclosed).

4. **Minutes - 18 May 2017** (Pages 27 - 32)

To confirm the Minutes of the extraordinary meeting of the Council held on 18 May 2017 (copy enclosed).

5. **Minutes - 29 June 2017** (To Follow)

To confirm the Minutes of the extraordinary meeting of the Council held on 29 June 2017.

6. **Declarations of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6 - 8 inclusive of the Code of Conduct for Members.

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

7. **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).

8. Chairman's Announcements

9. **Recommendations of Committees for Decision by the Council** (Pages 33 - 70)

(i) To consider the report of the Chief Executive (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 to Wednesday 5 July 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>		Minute Numbers:
Overview and Scrutiny Committee (acting as the Crime and Disorder Committee)	<a href="#">18 April</a>	1205 – 1214
Central Area Planning Committee	<a href="#">19 April</a>	1215 – 1221
Planning and Licensing Committee*	<a href="#">25 April</a>	1222 - 1233
Finance and Corporate Services Committee*	<a href="#">26 April</a>	1234 - 1246

<b>Minutes published:</b>		Minute Numbers
Finance and Corporate Services Committee (special)	<a href="#">11 May</a>	22 – 24
Community Services Committee (special)	<a href="#">11 May</a>	25 2 7
Planning and Licensing Committee (special)	<a href="#">11 May</a>	28 – 30
Overview and Scrutiny Committee (special)	<a href="#">11 May</a>	31 – 33
Audit Committee (special)	<a href="#">11 May</a>	34 – 36
Joint Standards Committee (special)	<a href="#">11 May</a>	37 – 39
Investigating and Disciplinary Committee (special)	<a href="#">11 May</a>	40 – 42
Central Area Planning Committee (special)	<a href="#">11 May</a>	43 – 45
North Western Area Planning Committee (special)	<a href="#">11 May</a>	46 – 48
South Eastern Area Planning Committee (special)	<a href="#">11 May</a>	49 – 51
North Western Area Planning Committee	<a href="#">15 May</a>	52 – 63
South Eastern Area Planning Committee	<a href="#">22 May</a>	68 – 76
Community Services Committee	<a href="#">23 May</a>	77 – 94
Central Area Planning Committee **	<a href="#">31 May</a>	95 – 108
Joint Standards Committee **	<a href="#">1 June</a>	109 – 115
North Western Area Planning Committee **	<a href="#">12 June</a>	116 - 126
Planning and Licensing Committee **	<a href="#">13 June</a>	127 – 142
Finance and Corporate Services Committee **	<a href="#">14 June</a>	143 - 161

**Minutes NOT finalised for publication:**

South Eastern Area Planning Committee	<a href="#">19 June</a>	-
Overview and Scrutiny Committee (special)	<a href="#">21 June</a>	-
Audit Committee **	<a href="#">22 June</a>	-
Central Area Planning Committee	<a href="#">28 June</a>	-

\* Please note that these Minutes contain recommendations previously dealt with by the Council at its last meeting.

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

10. **Statement of the Leader of the Council** (Verbal Report)  
  
To consider the Statement of the Leader of the Council setting out the Council's report and programme for the current municipal year.
11. Questions in accordance with Procedure Rule 6(3) of which notice has been given
12. **FUL/MAL/16/01252 Mobile Car Wash in Car Park, Blackwater Leisure Centre, Park Drive, Maldon** (Pages 71 - 78)  
  
To consider the planning application and recommendations of the Chief Executive (copy enclosed, Members' Update to be circulated)\*.
13. **FUL/MAL/17/00067 - Millennium Wood, Park Drive, Maldon** (Pages 79 - 94)  
  
To consider the planning application and recommendations of the Chief Executive (copy enclosed, Members' Update to be circulated)\*.
14. **FUL/MAL/16/01142 - Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex** (Pages 95 - 132)  
  
To consider the planning application and recommendations of the Chief Executive (copy enclosed, Members' Update to be circulated)\*.
15. **LBC/MAL/16/01143 - Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex** (Pages 133 - 148)  
  
To consider the planning application and recommendations of the Chief Executive (copy enclosed, Members' Update to be circulated)\*.
16. **Review of 2016 / 17 Performance** (Pages 149 - 182)  
  
To consider the report of the Chief Executive (copy enclosed).
17. **Bradwell Power Station** (Pages 183 - 186)  
  
To consider the report of the Chief Executive, (copy enclosed).
18. **Permit for School Parents Parking** (Pages 187 - 190)  
  
To consider the report of the Director of Customers and Community, (copy enclosed).
19. **Appointment of Representative to Outside Bodies - Essex County Council Health Overview and Scrutiny Committee** (Verbal Report)  
  
To consider an invitation to appoint a representative to serve as a co-opted non-voting Member on the above Committee.
20. Business by reason of special circumstances considered by the Chairman to be urgent

**\* Note:**

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Item Nos. 12 - 15.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7:00pm and 7:20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website [www.maldon.gov.uk/committees](http://www.maldon.gov.uk/committees)

**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.

## **BACKGROUND PAPERS**

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

### **Development Plans**

- Maldon District Replacement Local Plan 2008 – Saved Policies
- Maldon District Local Development Plan 2014-2029 - submitted to the Secretary of State for Examination in Public on 25 April 2014 (as amended).

### **Legislation**

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991 and The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- Growth and Infrastructure Act 2013

### **Supplementary Planning Guidance and Other Advice**

- i) Government policy and guidance
  - National Planning Policy Framework (NPPF) and Technical Guidance
  - Planning Practice Guidance (PPG)
  - Planning policy for traveller sites
  - Planning practice guidance for renewable and low carbon energy
  - Relevant government circulars
- ii) Essex County Council
  - Essex Design Guide 1997
- iii) Maldon District Council
  - Submission Local Development Plan (April 2014) (as amended)
  - Five Year Housing Land Supply Statement 2014/15
  - Planning Policy Advice Note v.4 (October 2015)
  - Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
  - Infrastructure Phasing Plan (January 2015)
  - North Heybridge Garden Suburb Strategic Masterplan Framework - 2014

- South Maldon Garden Suburb Strategic Masterplan Framework - 2014
- Vehicle Parking Standards SPD - July 2006
- Accessibility to Buildings SPD – December 2006
- Children’s Play Spaces SPD – March 2006
- Sadd’s Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide - 2010
- Affordable Housing Guide – June 2006
- Heybridge Basin Village Design Statement – November 2006
- Wickham Bishops Village Design Statement - 2010

Copies of all Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours



**MINUTES of  
STATUTORY ANNUAL COUNCIL  
11 MAY 2017**

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**PRESENT**

Chairman (presiding) Councillor P G L Elliott

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

**1. CHAIRMAN'S NOTICES**

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

**2. ELECTION OF CHAIRMAN**

Councillor P G L Elliott, presiding Chairman, referred to two recent civic and volunteer barge trips which had taken place with a number of persons from the voluntary sector attending in recognition for the work they did within the District. Prior to calling for nominations for the Chairman of the Council, Councillor Elliott thanked his personal assistant Ms Alia Hamdan, his wife who had attended a number of functions with him and Members for their support during his term of office.

It was proposed by Councillor Elliott and seconded by Councillor R G Boyce that Councillor H M Bass be elected as Chairman of the Maldon District Council for the ensuing Municipal Year.

There being no further nominations it was:

**RESOLVED** that Councillor H M Bass be elected Chairman of the Maldon District Council for the ensuing Municipal Year.

**3. CHAIRMAN'S STATUTORY DECLARATION OF ACCEPTANCE OF OFFICE**

Councillor H M Bass made the Statutory Declaration of Acceptance of the Office of Chairman of the Council.

IN THE CHAIR : COUNCILLOR H M BASS

Councillor D M Sismey joined the meeting at this point.

Councillor Bass thanked Members for the confidence they placed on him as Chairman of the Council and on behalf of the Council thanked Councillor Elliott for his efforts during the past two years.

The Chairman outlined his aims as Chairman of the Council and how he would promote the District, visit every village within the District, promote small rural businesses and encourage economic development and tourism.

Councillor Bass referred to being the fourth member of his family to occupy the position of Chairman of the Maldon District Council. It was noted that his late father had been one of the Council's founders and had created the Council's motto. Referring to future challenges the Chairman suggested two 'buzz' words for the future:

- Unity – working together, united in acting together in a way that was in the best interest of the Council;
- Harmony – showing respect for each other and working in a pleasant and friendly way.

#### **4. ELECTION OF VICE-CHAIRMAN**

It was proposed by H M Bass, and seconded by Councillor Mrs P A Channer that Councillor N R Pudney be elected as Vice-Chairman of the Maldon District Council for the ensuing Municipal Year.

There being no further nominations it was:

**RESOLVED** that Councillor N R Pudney be elected as Vice-Chairman of the Maldon District Council for the ensuing Municipal Year.

#### **5. THE VICE-CHAIRMAN'S STATUTORY DECLARATION OF ACCEPTANCE OF OFFICE.**

Councillor N R Pudney made the Statutory Declaration of Acceptance of the Office of Vice-Chairman of the Council.

#### **6. APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors J P F Archer, Miss A M Beale and Miss S White.

#### **7. DECLARATIONS OF INTEREST**

The following declarations of interest were made in relation to Agenda Item 20 – North Heybridge Garden Suburb – Administration of Sports Facilities:

- Councillor R P F Dewick advised that the last time a similar item had been discussed he had been advised by the Monitoring Officer that he had an interest,

so would therefore continue that personal and prejudicial interest and leave the meeting for this matter of business.

- Councillor B E Harker declared a personal interest in this item of business as in addition to being a Ward Member he was President of Drapers Farm Sports Club and Vice-Chairman of the Cricket Club.
- Councillor D M Sismey declared a prejudicial interest, as he owned land close to the site.
- Councillor Miss M R Lewis declared a non-prejudicial interest as Vice-President of the Rugby and Cricket Club at Drapers Farm.
- Councillor M W Helm declared a prejudicial interest, as he owned land in the LDP (Local Development Plan).

Councillor Mrs P A Channer disclosed a non-pecuniary interest as an Essex County Councillor and specifically in relation to Agenda Item 12 Recommendations of Committees for Decision by the Council (Community Services Committee Minute 1185 Outline Housing Strategy). She also declared a non-pecuniary interest as she was Trustee of an Almshouse.

#### **8. MINUTES - 23 MARCH 2017**

**RESOLVED** that the Minutes of the extraordinary meeting of the Council held on 23 March 2017 be received and adopted.

#### **9. MINUTES - 5 APRIL 2017**

**RESOLVED**

- (i) that the Minutes of the meeting of the Council held on 5 April 2017 be received.

#### **Minute 1159 – Corporate Plan, Key Activities, Indicators and Targets 2017 / 18**

Councillor Miss M R Lewis proposed that the text below be added in following the second paragraph of above Minute:

“The Leader of the Council in presenting the report thanked those Members who had assisted with the reworking and representation of the Corporate Plan. The Leader asked the Chief Executive to consider a minor change to Key Corporate Activity 2, following a strengthening communities meeting, adding isolation and listing old age and frailty separately and including isolation.”

This was duly agreed.

Councillor Savage advised of an amendment to the third paragraph of this Minute to read “...as he was not able to have Fibre...”. This was duly noted.

## RESOLVED

- (ii) that subject to the above amendments, the Minutes of the meeting of the Council held on 5 April 2017 be confirmed.

## 10. PUBLIC QUESTIONS

There were none.

## 11. CHAIRMAN'S ANNOUNCEMENTS

The Chairman congratulated the three members of this Council elected and re-elected to the County Council.

He introduced Ms Emma Foy, Director of Resources and Mr Saleem Chughtai, Deputy Monitoring Officer.

A list of the official engagements attended by the past-Chairman since the last meeting of the Council is reproduced below:

07/04/2017	Brentwood Civic Dinner
26/04/2017	Mayor of Chelmsford Civic Lunch
30/04/2017	Service of Dedication for the Memorial Garden - St Mary the Virgin Church, Burnham-on-Crouch
03/05/2017	Maldon Primary School Music Festival
05/05/2017	Thurrock Civic Dinner
06/05/2017	Mayor of Havering Charity Ball
09/05/2017	Maldon District Council (MDC) Civic and Voluntary Sector Barge Trip
10/05/2017	MDC Civic and Voluntary Sector Barge Trip

## 12. 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.

#### **Audit Committee (30 March 2017):**

##### Minute 1134 – Committee Structure Review

It was noted that this matter was the subject of a separate report to and subsequent decision of the Council on 5 April 2017 (Minute No. 1161 refers).

**Community Services Committee (11 April 2017):**

Minute 1185 – Outline Housing Strategy

**RESOLVED**

- (i) that the Outline Housing Strategy (attached as Appendix 1 to the Report), be approved for consultation.

**Planning and Licensing Committee (25 April 2017):**

Minute 1230 – Burnham-on-Crouch Neighbourhood Plan

**RESOLVED**

- (ii) that the Council approves the proposed changes to the Burnham-on-Crouch Neighbourhood Plan as set out in the Examiner’s Report and Appendix 1 to the report;
- (iii) that the Burnham-on-Crouch Neighbourhood Plan as modified goes forward to Referendum within the Neighbourhood Area.

**Finance and Corporate Services Committee (26 April 2017):**

Corporate Communications Protocol

**RESOLVED**

- (iv) That the revised Corporate Communications Protocol attached at Appendix 3 to the report, be adopted.

**(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 Wednesday 2 May 2017, for which Minutes had been published.

**13. QUESTIONS IN ACCORDANCE WITH PROCEDURE RULE 6 (2) OF WHICH NOTICE HAS BEEN GIVEN**

There were none.

**14. LEADERS AND COMPOSITION OF POLITICAL GROUPS**

The Council considered the report of the Chief Executive, tabled at the meeting. As required by the Local Government and Housing Act 1989, the Chief Executive had been notified that the composition of the political Groups on the Council were as follows:

<b>Political Group</b>	<b>Number of Members</b>	<b>Leader</b>
Conservative	28	Councillor Miss M R Lewis

<b>Political Group</b>	<b>Number of Members</b>	<b>Leader</b>
Independent	3	Councillor B S Beale MBE

It was noted that there was one single Member, Councillor Mrs B E Acevedo (UK Independent Party) who although not part of a political Group constituted part of the political make-up of the Council.

In accordance with the Council's Constitution, Councillor M F L Durham was therefore recognised as Leader-designate. There being no further nominations it was:

**RESOLVED**

- (i) that the Leader-designate, Councillor M F L Durham, be ratified as Leader of the Council;

Councillor M F L Durham then proposed that Councillor A S Fluker be elected as Deputy Leader of the Council and this was seconded by Councillor D M Sismey. There being no further nominations it was:

**RESOLVED**

- (ii) that Councillor A S Fluker be elected as Deputy Leader of the Council for the ensuing Municipal Year.

**15. APPOINTMENT OF MEMBERSHIP OF COMMITTEES OF THE COUNCIL**

The Council considered the report of the Chief Executive, tabled at the meeting.

**RESOLVED**

- (i) that the nominations of the Leader of the Council and the Opposition Leader to the places allocated to their respective Groups and the proposed allocations made for Councillor Mrs B E Acevedo, be noted;
- (ii) that the membership of the Committees of the Council as set out below, be agreed:

<b>Finance and Corporate Services Committee</b>	<p>Councillors: Mrs B F Acevedo J P F Archer I E Dobson P G L Elliott A S Fluker M S Heard Miss M R Lewis Rev. A E J Shrimpton D M Sismey</p> <p><i>Plus ex-officio non-voting Members: Leader of the Council Leader of the Opposition</i></p>
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<p><b>Community Services Committee</b></p>	<p>Councillors: E L Bamford H M Bass Miss A M Beale R G Boyce MBE A T Cain Mrs H E Elliott Mrs B D Harker R Pratt, CC Mrs N G F Shaughnessy Miss S White</p> <p><i>Plus ex-officio non-voting Members:</i> <i>Leader of the Council</i> <i>Deputy Leader of the Council</i> <i>Leader of the Opposition</i></p>
<p><b>Planning and Licensing Committee</b></p>	<p>Councillors: H M Bass B S Beale MBE R G Boyce MBE Mrs P A Channer, CC M F L Durham, CC A S Fluker M R Pearlman S J Savage A K M St. Joseph Mrs M E Thompson</p> <p><i>Plus ex-officio non-voting Members:</i> <i>None</i></p>
<p><b>Overview and Scrutiny Committee</b></p>	<p>Councillors: Mrs P A Channer, CC R P F Dewick P G L Elliott M S Heard M W Helm N R Pudney S J Savage Mrs M E Thompson</p>
<p><b>Audit Committee</b></p>	<p>Councillors: E L Bamford P G L Elliott A S Fluker B E Harker M S Heard R Pratt, CC A K M St. Joseph Mrs M E Thompson</p>

<p><b>Joint Standards Committee</b></p>	<p>Councillors: Mrs B F Acevedo I E Dobson M R Pearlman Rev. A E J Shrimpton Mrs M E Thompson</p> <p>Parish Councillors: Councillor J Anderson Councillor S Nunn</p>
<p><b>Investigating and Disciplinary Committee</b></p>	<p>Councillors: Mrs B F Acevedo I E Dobson M R Pearlman Rev. A E J Shrimpton Mrs M E Thompson</p>
<p><b>Appointments Committee</b></p> <p><i>Procedure Rule 16 (6) provides for the Committee to consider five Members drawn from those listed, politically balanced where possible.</i></p>	<p>Leader of the Council Chairman of the Council Leader of the Opposition</p> <p>Chairman or Vice-Chairman of the relevant service Committee where a Director appointment is to be made.</p> <p>Councillors A S Fluker Mrs B D Harker</p>

In accordance with the Local Government (Committees and Political Groups) Regulations 1990 Part IV, Paragraph 16(a), the membership of the Area Committees is confirmed as follows:

<p><b>Central Area Planning Committee</b></p>	<p>Councillors: Miss A M Beale A T Cain I E Dobson Mrs B D Harker B E Harker M S Heard Miss M R Lewis M R Pearlman S J Savage Mrs N G F Shaughnessy Rev. A E J Shrimpton</p> <p><i>Plus ex-officio non-voting Member: Chairman of Planning and Licensing Committee</i></p>
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<p><b>North Western Area Planning Committee</b></p>	<p>Councillors J P F Archer E L Bamford H M Bass M F L Durham, CC J V Keyes A K M St. Joseph D M Sismey Mrs M E Thompson Miss S White</p> <p><i>Plus ex-officio non-voting Member: Chairman of Planning and Licensing Committee</i></p>
<p><b>South Eastern Area Planning Committee</b></p>	<p>Councillors Mrs B E Acevedo B S Beale MBE R G Boyce MBE Mrs P A Channer, CC R P F Dewick Mrs H E Elliott P G L Elliott A S Fluker M W Helm R Pratt, CC N R Pudney</p> <p><i>Plus ex-officio non-voting Member: Chairman of Planning and Licensing Committee</i></p>

**16. ADJOURNMENT OF MEETING**

**RESOLVED** that the meeting be adjourned at 8:00pm to allow special meetings to be held as follows:

Finance and Corporate Services Committee, Community Services Committee, Planning and Licensing Committee, Overview and Scrutiny Committee, Audit Committee, Joint Standards Committee, Investigating and Disciplinary Committee, Central Area Planning Committee, North Western Area Planning Committee and South Eastern Area Planning Committee.

**17. RESUMPTION OF BUSINESS**

**RESOLVED** that the business of the Annual Meeting of the Council be resumed at 8:16pm.

## **18. APPOINTMENT OF REPRESENTATIVES TO LOCAL GOVERNMENT AND OUTSIDE BODIES**

The Council considered the report of the Chief Executive listing the nominations of the Leader Designate of the Council, tabled at the meeting.

The following inaccuracies were highlighted by Members of the Council and the relevant actions agreed by the Council:

- Maldon District Rural Housing Task Group – Task Group finished, to be deleted from the listing.
- Maldon Older People’s Floating Service Steering Group – to be deleted from the listing.
- Maldon Children’s Centre Partnership Group – now called Sure Start Maldon.

Councillor Miss M R Lewis and Mrs B D Harker requested that they be removed from the Local Highways Panel. It was clarified that Membership of this panel should be drawn from the Area Planning Committees. Councillor M F L Durham proposed that at the first meeting of each Area Planning Committee they nominate two Members of the Committee to sit on the Highways Panel. This was duly seconded and agreed.

### **RESOLVED**

- (i) that the changes to the Local Government and Outside Bodies as set out in paragraph 3.2 of the report be noted;
- (ii) that each of the Area Planning Committees be asked to nominate two Members from its Membership to sit on the Highway Panel;
- (iii) that the appointment of representatives on Local Government and outside bodies as amended and detailed in **APPENDIX 1** to these Minutes, be approved.

## **19. APPOINTMENT OF MEMBERS TO SERVE ON WORKING GROUPS OF THE COUNCIL**

The Council considered the report of the Chief Executive seeking Members’ agreement to appoint Members to serve on Working Groups of the Council for the municipal year, tabled at the meeting.

It was noted that the Community Services and Hospital Project Board was now named the Maldon Health Hub.

**RESOLVED** that the appointments to the Working Groups as set out below be confirmed.

<p>Corporate Projects Member Task and Finish Working Group</p> <p><i>(Set up by the Council on 8 September 2016)</i></p>	<p><u>From the Community Services Committee:</u> Councillor R Pratt, CC Councillor Mrs B D Harker</p> <p><u>From the Finance and Corporate Services Committee:</u> Councillor I E Dobson Councillor A S Fluker</p> <p><u>From the Planning and Licensing Committee:</u> Councillor A K M St. Joseph Councillor S J Savage</p>
<p>Corporate Governance Working Group</p>	<p>Councillor M F L Durham, CC (Leader of the Council)</p> <p>Councillors B S Beale MBE, R G Boyce MBE, H M Bass, P G L Elliott, A S Fluker, and Mrs M E Thompson</p>
<p>Devolution Member Task and Finish Working Group</p> <p>(10/09/15)</p>	<p>Leader of the Council Deputy Leader of the Council Leader of the Opposition</p> <p>Chairmen of the Community Services, Finance &amp; Corporate Services and Planning &amp; Licensing Committees *</p> <p><i>* Substitutes: Vice-Chairmen of Community Services, Finance &amp; Corporate Services and Planning &amp; Licensing Committees</i></p>
<p>Maldon Health Hub</p>	<p>Councillors Mrs P A Channer CC and Mrs B D Harker</p>
<p>Strategic Housing Board</p> <p><i>(Council 16 February 2017 – Minute No, 991)</i></p>	<p><u>From the Community Services Committee:</u> Councillors B S Beale MBE and Mrs B D Harker</p> <p><u>From the Finance and Corporate Services Committee:</u> Councillors A S Fluker and Rev. A E J Shrimpton</p> <p><u>From the Planning and Licensing Committee:</u> Councillors E L Bamford and R G Boyce MBE</p>
<p>Transformation Programme Board</p> <p><i>(Council (19/12/14) Min No. 675 refers)</i></p>	<p>Councillors M F L Durham CC and A S Fluker</p>

## 20. NORTH HEYBRIDGE GARDEN SUBURB - ADMINISTRATION OF SPORTS FACILITIES

In accordance with their earlier declarations Councillors R P F Dewick, M W Helm and D M Sismey left the meeting at this point and did not return.

The Council considered the report of the Director of Customers and Community seeking Members consideration of policy direction 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 with the Council.

The report provided background information regarding the governance of parks, open spaces and public recreation facilities and previous agreement by the Council that the management of such spaces would be by a Local Management Organisation (LMO). It was noted that under the South Maldon Garden Suburb agreement the LMO would also manage the Sports Facilities. Drapers Farm Sports Club had expressed interest in partnering with the Council to run the new sporting facilities included within the NHGS on a similar basis to the existing arrangements with the Council.

Options were set out in the report and if the Council wished Officers to explore the proposal to take ownership of the site Members were advised that a necessary clause would have to be included in the Section 106 agreement at this time. This would leave options for the sports facilities to be managed directly by the Council or via an LMO in the future.

The Leader of the Council presented the report to the Council and outlined the recommendations. He proposed the acceptance of recommendation (i)a and deletion of (i)b as this would provide opportunity for all potential options to be reviewed. This proposal was duly seconded and agreed.

**RESOLVED** that the Director of Customers and Community authorises the appropriate Officers to 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.

## 21. SCHEDULE OF MEETINGS 2017 / 18

The Council considered three revisions to the Schedule of Meetings 2017 / 18 as set out on the agenda, in light of the recent confirmation of a General Election on 8 June 2017.

In response to a request to hold the meeting of the Overview and Scrutiny Committee after the General Election, it was agreed that this be rescheduled for Thursday 15 June 2017.

**RESOLVED** that the following revisions to the 2017 / 18 Schedule of Meetings be agreed:

- to move the meeting of the Overview and Scrutiny Committee from Wednesday 7 June to Thursday 15 June;

- to move the meeting of the Planning and Licensing Committee from Thursday 8 June to Tuesday 13 June;
- to move the meeting of the Finance and Corporate Services Committee from Tuesday 13 June to Wednesday 14 June.

The Chairman then invited all those present to join him for light refreshments in the training room after the meeting.

There being no further items of business the Chairman closed the meeting at 8.32 pm

CHAIRMAN

H M BASS

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**APPOINTMENT OF REPRESENTATIVES ON LOCAL GOVERNMENT  
AND OUTSIDE BODIES**  
**2017 - 18**

<b>LOCAL GOVERNMENT BODIES</b>	<b>2017 / 18 REPRESENTATIVES</b>
East of England Local Government Association	Leader of the Council
Essex Local Government Association	Leader of the Council
Local Government Association	Leader of the Council

The list of Outside Bodies seeking a Member(s) representative has been split into three. The first section covers Outside Bodies with a wide remit covering the whole of the Council's services. The second and third sections of the list cover Outside Bodies with particular remits that are closely aligned with the Community Services Committee and Planning and Licensing Committee respectively. In these instances, the Council may feel it is more appropriate to nominate Members who sit on those Service Committees.

<b>OUTSIDE BODIES</b>	<b>2017 / 18 REPRESENTATIVES</b>
Bradwell Local Community Liaison Council	Councillors B S Beale MBE, A S Fluker and Rev. A E J Shrimpton
British Red Cross Society – Essex County Branch	Chairman of the Council
Essex Countywide Traveller Unit Committee	Councillor M F L Durham, CC
Essex Flood Partnership Board	Councillor A K M St. Joseph <i>Substitute: Councillor Mrs P A Channer CC</i>
Haven Gateway Partnership <i>(Previously Heart of Essex and Haven Gateway Local Enterprise Partnerships)</i>	Leader of the Council and Chairman of the Planning and Licensing Committee <i>Substitute: Deputy Leader of the Council and / or Vice-Chairman of the Planning and Licensing Committee, as appropriate</i>
Maldon Locality Board	Leader of the Council Deputy Leader of the Council Leader of the Opposition (or representative) Chairmen (or Vice-Chairmen) of the Community Services, Planning and Licensing and Finance and Corporate Services Committees
Maldon Harbour Improvement Commissioners <i>This position is an appointment as a Commissioner for a minimum period of three years (appointment will continue even if Member leaves the Council)</i>	Councillor A S Fluker

<b>OUTSIDE BODIES</b>	<b>2017 / 18 REPRESENTATIVES</b>
Maldon and District Youth Strategy Group	Councillor Miss S White
Mid Essex Hospital Services NHS Foundation Trust - Council of Governors	Councillor N R Pudney
Police and Crime Panel	Councillor Mrs P A Channer, CC <i>Substitute Councillor M F L Durham, CC</i>
Plume Educational Trust <i>(Four yearly appointment)</i>	Councillor A T Cain <i>(to June 2019)</i> D N Williams <i>(to June 2017)</i> P G L Elliott <i>(from June 2017 to June 2021)</i>
The Sparsity Partnership for Authorities Delivering Rural Services (SPARSE)	Chairman or Vice-Chairman of the Finance and Corporate Services Committee
The Thomas Plume Library Charitable Incorporated Organisation	Leader of the Council <i>Substitute: Deputy Leader of the Council</i>

**Outside Bodies aligned with the Community Services Committee's responsibilities.**

<b>OUTSIDE BODIES</b>	<b>2017 / 18 REPRESENTATIVES</b>
Drapers Farm Sports Club Committee	Councillor Miss M R Lewis
Essex Waste Inter Authority Agreement Member Working Group	Chairman of Community Services <i>Substitute: Vice Chairman of Community Services</i>
Essex Waste Member Partnership Board	Chairman of Community Services <i>Substitute: Vice Chairman of Community Services</i>
Maldon and District Community Transport Liaison Group	Councillors B E Harker and Rev. A E J Shrimpton
Maldon Sue Start	Councillor N R Pudney <i>Substitute: Councillor Rev A E J Shrimpton</i>
Moat Homes Ltd Joint Strategic Board	Chairman and Vice-Chairman of the Community Services Committee Leader of the Council
Parking and Traffic Regulations outside London Adjudication Joint Committee (PATROL)	Councillor R Pratt, CC <i>Substitute: Councillor Rev. A E J Shrimpton</i>
Responsible Authorities Group (RAG) (Community Safety)	Councillor Miss S White <i>Substitute: Councillor Mrs B D Harker</i>

OUTSIDE BODIES	2017 / 18 REPRESENTATIVES
South Essex Parking Partnership – Joint Committee (NB representative to be member of Community Services Committee)	Councillor R Pratt, CC <i>Substitute: From Community Services Committee (If use of substitute, must notify the Committee 30 minutes prior to the start of a meeting)</i>
West Maldon Community Association Management Committee	Councillor M S Heard

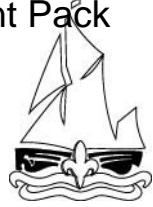
### Outside Bodies aligned with the Planning and Licensing Committee’s responsibilities

OUTSIDE BODIES	2017 / 18 REPRESENTATIVES
Bradwell Legacy Partnership  (Membership amended by the Council 07/04/16)	Chairman of the Planning and Licensing Committee ( <i>Substitute: Vice-Chairman of the Planning and Licensing Committee</i> )  <u>Representing the Dengie Peninsular</u> Councillor R G Boyce MBE ( <i>Substitute: Councillor E L Bamford</i> )
Blackwater Estuary Siltation Steering Group	Councillor A K M St. Joseph
“Dawn” Sailing Barge Trust Limited	Councillor R G Boyce MBE
Essex Coastal Forum	Councillor M F L Durham CC <i>Substitute: Councillor A S Fluker</i>
Local Government Association Coastal Issues Special Interest Group	Councillor A K M St. Joseph <i>Substitute: Councillor Miss S White</i>
Local Government Flood Forum	Councillor Miss M R Lewis <i>Substitute: Councillor A K M St. Joseph</i>
Local Highways Panel	<i>Two representatives from each of the three Area Planning Committees to be appointed.</i>
Sense of Place Board	Chairman of the Planning and Licensing Committee <i>Substitute: Vice-Chairman of the Planning and Licensing Committee</i>
Southend Airport Consultative Committee	Councillor P G L Elliott
Southminster Heritage Economic Regeneration Scheme Steering Group	Councillor A S Fluker

**The following body is not appointed by Maldon District Council but involves Members of the Council:**

Essex Partnership Board (Mid Essex representative)	Leader of the Council (appointed 4 April 2013)
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**MINUTES of  
COUCIL (EXTRAORDINARY)  
18 MAY 2017**

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**PRESENT**

Chairman	Councillor H M Bass
Vice-Chairman	Councillor N R Pudney
Councillors	Mrs B F Acevedo, B S Beale MBE, R G Boyce MBE, Mrs P A Channer, CC, I E Dobson, Mrs H E Elliott, P G L Elliott, A S Fluker, M S Heard, M W Helm, Miss M R Lewis, R Pratt, CC, S J Savage, Mrs N G F Shaughnessy and Miss S White

**64. CHAIRMAN'S NOTICES**

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

**65. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J P F Archer, E L Bamford, R P F Dewick, M F L Durham, Mrs B D Harker, B E Harker, M R Pearlman, Rev. A E J Shrimpton, A K M St. Joseph and Mrs M E Thompson.

**66. DISCLOSURE OF INTERESTS**

Councillor Mrs P A Channer disclosed a non-pecuniary interest as a Member of Essex County Council who was consulted on matters of highways and other aspects such as access etc.

**67. RES/MAL/17/00126 - LAND SOUTH OF MARSH ROAD, BURNHAM-ON-CROUCH**

The Committee received the report of the Chief Executive and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

<b>Application Number</b>	<b>RES/MAL/17/00126</b>
<b>Location</b>	Land South Of Marsh Road Burnham-On-Crouch Essex
<b>Proposal</b>	Reserved matters application for the approval of appearance, landscaping, layout and scale on approved planning application OUT/MAL/14/00108 (Outline planning application for the provision of up to 75 dwellings, provision of public open space, a pavilion building, a new vehicular access from Pippins Road and a temporary haul road access from Marsh Road.)
<b>Applicant</b>	Matthew Homes Ltd.
<b>Agent</b>	Mr Matthew Driver - Thrive Architects
<b>Target Decision Date</b>	22/05/17 (as by agreement)
<b>Case Officer</b>	Mark Woodger, TEL: 01621 875851
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

The Principal Planner – Major Applications (Strategic Sites) presented the application and provided Members with an update on the consultation response from the Leisure and Liveability Officer who now had no objection, subject to the introduction of conditions 16 and 17, as outlined in the report.

Following the Officers’ presentation Councillor Wendy Stamp, on behalf of Burnham-on-Crouch Town Council addressed the Committee.

Councillor A S Fluker proposed that the application be approved in accordance with Officers’ recommendation. This proposal was duly seconded.

In response to a number of questions, the Principal Planner – Major Applications (Strategic Sites) provided Members with further details regarding the application. He also advised that the approved Outline consent on this site included a condition which required a construction access route and the subsequent removal of it once building had been completed.

The Officer noted concern raised regarding the surface of proposed footpaths and referred Members to proposed conditions 16 and 17.

A Member raised concern that there was no condition requiring the enabling of new homes for broadband and in response the Officer advised that a condition in relation to this could be added, if Members were mindful to approve the application.

The Chairman then put Councillor Fluker’s proposition of approval with the addition of a condition regarding broadband, to the Council and upon a vote being taken this was agreed.

**RESOLVED** that this application be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
- 2 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning

- Authority. The development shall be carried out using the materials and details as approved.
- 3 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers, including knee high rails around the road boundaries of the public open spaces, have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
  - 4 Within the first available planting season (October to March inclusive) following the commencement of the development the landscaping works as shown on the approved plan(s) drawing number(s) as may be agreed and specifications attached to and forming part of this permission shall be fully implemented. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
  - 5 No development shall commence until a landscape management plan, including long term design objectives (five year period), phasing, and maintenance schedules for all landscape areas, other than domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the details as approved.
  - 6 No development shall commence until details of the materials to be used for the hard surfacing of the site have been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented and completed in accordance with the approved scheme within three months following the first use / occupation of the development hereby permitted and retained and maintained as such thereafter.
  - 7 The trees and hedges identified for retention on the approved plans and accompanying arboricultural reports which is attached to and forms part of this permission shall be protected during the course of the development. The trees and/or hedges shall be protected by which accord with British standard 5837:2012 (trees in relation to construction). The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the Local Planning Authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement 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.
  - 8 The open space and informal play area as shown on the approved drawings shall be laid out and landscaped in accordance with condition 4. The open space shall be available for use prior to the first occupation / connection of utility services,

- whichever is the sooner of the 30th dwelling / development and shall be permanently retained for such amenity purposes thereafter.
- 9 Layout details of the proposed finished surfaces of the footpaths through the development site and through the approved areas of open space shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of the dwellings intended to take access therefrom or within any such extended period that may otherwise be agreed in writing by the Local Planning Authority.
  - 10 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.
  - 11 The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access therefrom. Furthermore, the carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway.
  - 12 Until such time as the final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and paths commensurate with the frontage of each dwelling shall be fully completed with final surfacing within twelve months from the occupation of such dwelling.
  - 13 No development shall commence until the details of a residential travel information pack for sustainable transport have been submitted to and approved in writing by the Local Planning Authority. The approved residential travel information pack shall be provided to residents on first occupation of each dwelling.
  - 14 The scheme to be submitted pursuant to the reserved matters regarding layout shall make provision for car parking within the site in accordance with the council's adopted car parking standards. Prior to the occupation of any dwelling 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.
  - 15 No clearance or destruction of any vegetation or structure which may be used as a breeding site shall take place during the bird breeding season, 1st March to 31st August, unless otherwise agreed by a variation of condition application by the Local Planning Authority.
  - 16 The areas of public open space shall be laid out and landscaped in accordance with a detailed scheme and timetable for implementation to include details of future management and maintenance that shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. The open space shall be made available for public use in accordance with the approved timetable for implementation unless otherwise agreed through a variation of condition application by the Local Planning Authority. The amenity space shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.
  - 17 Notwithstanding the details submitted by way of this reserved matters application no development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in

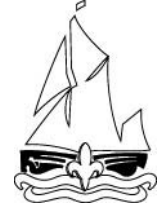
writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

- 18 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 7.59 pm

H M BASS  
CHAIRMAN

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## **REPORT of CHIEF EXECUTIVE**

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**to  
COUNCIL  
13 JULY 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 consider the recommendations from the following Committees contained in sections 3 - 6 of this report:

**Section 3: Joint Standards Committee – 1 June 2017**

- Minute 113 – Constitutional and Operating Arrangements for the Joint Standards Committee (section 3.2)

**Section 4: Planning and Licensing Committee – 13 June 2017**

- Minute 135 – Designated List of Wheelchair Accessible Vehicles (section 4.2)

**Section 5: Finance and Corporate Services Committee – 14 June 2017**

- Annual Treasury Outturn Report 2016 / 17 (section 5.2)

**Section 6: Audit Committee – 23 June 2017**

- Review of Data Quality Policy (section 6.2)

- (ii) that Members note the recommendations from the Central Area Planning Committee (section 7) and North Western Area Planning Committee (section 8) which are the subject to separate Agenda Items on this Council meeting agenda.

### **3. JOINT STANDARDS COMMITTEE – 1 JUNE 2017**

#### **3.1 Web link to agenda, reports and Minutes for the above meeting**

<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=148&MIId=1246>

#### **3.2 MINUTE 113 – CONSTITUTIONAL AND OPERATING ARRANGEMENTS FOR THE JOINT STANDARDS COMMITTEE**

##### **3.2.1 Minute Extract:**

The Committee considered the report of the Monitoring Officer on a reference from the Council to review certain aspects of these proposed revised arrangements considered at the last meeting. The Chairman welcomed to the meeting Mr S Chughtai, Deputy Monitoring Officer.

At the last meeting agreement was reached on a range of potential revisions to the constitutional and operating arrangements for the Committee for recommendation to the Council. At the meeting of the Council on 5 April 2017 concerns were raised principally on:

- the ability of the Councillor being investigated to request that the matter is dealt with in open session, and
- the period of 28 working days given for responses to hearings.

The report sought to provide clarification on both issues and the Deputy Monitoring Officer had written to all Members in response to the queries raised at the Council meeting.

In the discussion that followed, Members raised the following issues:

- the need to ensure that the Leader of the Council was advised of all complaints against District Councillors. It was noted that the Committee had previously highlighted this.
- the changes agreed to the procedure for electing the Chairman and Vice-Chairman of the Committee had not gone far enough in that this should not take place within the confines of the Statutory Annual Meeting but should occur at the first ordinary meeting of the Committee. Councillor S Nunn asked that his dissatisfaction on this point be recorded. It was agreed that no further action was required on this.
- the need for the action point in Stage 1 where the Monitoring Officer may move straight to consultation with the Independent Person if the Councillor complained of declining to meet with or speak to the Monitoring Office to be qualified with the words “without good reason”; equally, the Monitoring Officer needed to be flexible in these arrangements. This was agreed.
- Councillors the subject of conduct complaints had expressed a loss of confidence in the ability of the Monitoring Officer to investigate complaints and should be able to choose to have an independent investigator.
- the Committee had not taken up the recommendations of the Local Government Authority (LGA) Peer Review and should meet on a more regular basis. It was noted that although scheduled meetings had in the past been

cancelled for lack of business, special meetings had been arranged as when required.

On the fourth bullet point above, a proposition by Councillor I E Dobson seconded by Councillor Mrs B F Acevedo that as an alternative the Councillor concerned should have the right to revert to this Committee was subsequently withdrawn. It was noted that there would be expense associated with engaging an external investigator.

On a general point regarding the Conduct Complaints Process flowchart, the Committee agreed with the observation of the Committee Services Manager that it had become over-populated and that some written text to summarise the process would be helpful♦.

There then followed some discussion on the second of the points raised at the Council meeting on the basis of which the entire matter had been referred back to the Committee. It was agreed that notification of outcomes of the Committee's consideration of reports on and hearings into complaints should be given to the Councillor concerned immediately or otherwise as soon as practicably possible. The ability for a detailed decision notice with reasons could follow within the 28 day period. It was also agreed that the text of the operating arrangements in this respect is aligned with the provisions of the flowchart.

In reply to a question the Committee Services Manager advised that in terms of sanctions the Committee could only recommend to a Parish/Town Council on a complaint against a Parish or Town Councillor. In the event that the recommendation was that training be given it would be open to the Parish or Town Council to procure it.

Subject to the matters highlighted above, the Committee agreed to resolve to recommend to the Council acceptance of the revised constitutional and operating arrangements.

### **3.2.2 Committee recommendations:**

- (i) that the Council agrees that the revisions to the constitutional and operating arrangements of the Joint Standards Committee as outlined in the report and clarified above, and shown as tracked in **APPENDICES 1 and 2** to this report be adopted as part of the Council's constitutional documentation;
- (ii) that as a consequence of a revision included in (i) above, Council and Committee Procedure Rule 20 be amended to also exclude the Joint Standards Committee when conducting its business in private session.

♦ Since the meeting Officers have prepared the attached summary (**APPENDIX 3**) which details the complete process for Members consideration.

Please see overleaf for Section 4 – Planning and Licensing Committee (13 June 2017)

#### **4. PLANNING AND LICENSING COMMITTEE - 13 JUNE 2017**

##### **4.1 Web link to agenda, reports and Minutes for the above meeting**

<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=133&MIId=1259>

##### **4.2 MINUTE 135 – DESIGNATED LIST OF WHEELCHAIR ACCESSIBLE VEHICLES**

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

The Committee considered the report of the Chief Executive seeking Members' consideration of publishing a designated list of wheelchair accessible taxis and private hire vehicles and commercial vehicles available to hire.

It was reported that Section 165 – 167 of the Equality Act 2010 came into force in April 2017 and provided the Council (as a licensing authority) with the power to make a list of wheelchair accessible vehicles (designated vehicles). Once published duties would be placed on drivers of such vehicles to ensure that passengers got appropriate assistance, allowing the passenger to travel in safety, reasonable comfort and giving them confidence to use this mode of public transport.

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

- (i) that the Council produces a list of designated wheelchair accessible vehicles;
- (ii) that subject to (i) above the Council produces procedures in relation the production of the list of designated wheelchair accessible vehicles, including the exemption of drivers from their duties based on medical grounds.

Please see overleaf for Section 5 – Finance and Corporate Services Committee (14 June 2017)

**5. FINANCE AND CORPORATE SERVICES COMMITTEE - 14 JUNE 2017**

**5.1 Web link to agenda, reports and Minutes for the above meeting**

<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=131&MIId=1239>

**5.2 ANNUAL TREASURY OUTTURN REPORT 2016 / 17**

**5.2.1 Minute Extract (DRAFT as Minutes have not been finalised):**

The Committee considered the report of the Director of Resources seeking Members' approval of the annual report (attached as Appendix A to the report), in accordance with the code of practice on Treasury Management.

The Director of Resources advised that she would be bringing a report to the next meeting of this Committee to look at further maximising the Council's investment income.

**5.2.2 Committee recommendation:**

That annual Treasury Management Report for 2016 / 17 attached at **APPENDIX 4** to this report, be approved.

Please see overleaf for Section 6 – Audit Committee (23 June 2017)

**6. AUDIT COMMITTEE - 23 JUNE 2017**

**6.1 Web link to agenda, reports and Minutes for the above meeting**

<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=135&MIId=1199>

**6.2 REVIEW OF DATA QUALITY POLICY**

**6.2.1 Minute Extract (DRAFT as Minutes have not been finalised)**

The Director of Resources advised that this had been revised and would be re-worked to ensure it complied with the new requirements of the Data Protection Act which must be in place by May 2018.

In response to a question, the Director of Resources advised that there was a separate data retention policy.

It was requested by Members that information was made available on the internet as the intranet was not always accessible.

**6.2.2 Committee recommendation:**

**That the Data Quality Policy (APPENDIX 5 to this report) is adopted.**

Please see overleaf for Section 7 – Central Area Planning Committee (31 May 2017).

## 7. CENTRAL AREA PLANNING COMMITTEE – 31 MAY 2017

**PLEASE NOTE: These recommendations relate to Agenda Items 12 and 13 on the Council Agenda and are reproduced below for information only.**

7.1 **Web link to agenda, reports and Minutes for the above meeting**  
<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=150&MIId=1188>

7.2 **MINUTE 100 – FUL/MAL/16/01252 MOBILE CAR WASH IN CAR PARK  
BLACKWATER LEISURE CENTRE, PARK DRIVE, MALDON**

7.2.1 Minute Extract:

<b>Application Number</b>	<b>FUL/MAL/16/01252</b>
<b>Location</b>	Mobile Car Wash In Car Park Blackwater Leisure Centre Park Drive Maldon Essex
<b>Proposal</b>	Retrospective - Change of use of 3No. parking bays for use as mobile car wash
<b>Applicant</b>	Mr Mark Taylor - Places For People Leisure Ltd
<b>Agent</b>	-
<b>Target Decision Date</b>	06.06.2017
<b>Case Officer</b>	Spyros Mouratidis, TEL: 01621 875841
<b>Parish</b>	<b>MALDON EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Council Owned Land

It was noted from the Members' Update that if Members were mindful to refuse the application under the Committee's Terms of Reference the application would need to be determined by the Council.

Councillor Rev. A E J Shrimpton declared an interest in this application, as he was a regular user of the Blackwater Leisure Centre.

Following the Officers' presentation a debate ensued and in response to a comment regarding an application relating to Maldon Saints the Group Manager - Planning Services advised that temporary consent had been granted due to the community benefit it offered. A number of concerns relating to the proposed use were highlighted by Members.

### **7.2.2 Committee recommendation:**

That this application be **REFUSED** for the following reason:

- 1 The stationing of the metal container by way of its scale, poor utilitarian and rudimentary design and detailing and temporary nature is considered to have a detrimental impact upon the character and appearance of the area and visual amenities contrary to adopted and saved policy BE1 of the Maldon District Replacement Local Plan, emerging policy D1 of the submitted Local Development Plan and guidance contained within the National Planning Policy Framework.

### 7.3 MINUTE 101 – FUL/MAL/17/00067 MILLENNIUM WOOD, PARK DRIVE, MALDON

#### 7.3.1 Minute Extract:

<b>Application Number</b>	<b>FUL/MAL/17/00067</b>
<b>Location</b>	Millennium Wood, Park Drive, Maldon
<b>Proposal</b>	Place a 20 foot x 10 foot converted metal container in the promenade park for use as a booking in suite, office and storage. Fence off the surrounding area for change of use for outdoor activity centre.
<b>Applicant</b>	Mr Ian Dobney - KI Combat Limited
<b>Agent</b>	-
<b>Target Decision Date</b>	29 May 2017
<b>Case Officer</b>	Hilary Baldwin, TEL: 01621 875730
<b>Parish</b>	<b>MALDON EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Council Owned Land

It was noted from the Members' Update that if Members were mindful to refuse the application under the Committee's Terms of Reference the application would need to be determined by the Council.

Councillors Mrs B D Harker, B E Harker, M S Heard and S J Savage declared that they knew the objector who had registered to speak on this application.

Following the Officers' presentation, an objector, Mr Bob Wyness addressed the Committee.

#### 7.3.2 **Committee recommendation:**

That this application be **REFUSED** for the following reasons:

1. The proposed development would result in significant detrimental impact upon the character and appearance of the site by way of visual intrusion including choice of boundary treatment, choice of materials within the site, level of built form and loss of public open amenity space contrary to adopted policies BE1, CC6 and REC7 emerging policies D1 and E5 of the submitted Local Development Plan and the guidance and provision of the National Planning Policy Framework.
2. It has not been demonstrated that the proposal would not result in material harm or detrimental impact upon the enjoyment and safety of adjacent neighbouring occupiers or users and workers within the site contrary to policies BE1, CON5 and CON6 of the adopted Maldon District Replacement Local Plan and emerging policies D1 and D2 of the submitted Local Development Plan and the guidance and provision as contained within the National Planning Policy Framework.
3. Policy E5 of the Local Development Plan supports development for new tourist facilities providing it is demonstrated that there is an identified need for the proposal, there is good connectivity with other tourist sites and green infrastructure networks, there is no significant detrimental impact on the character and amenity of neighbouring uses or the surrounding area and any impact on the natural environment is avoided. The proposal fails to meet these

policy criterion and is therefore, contrary to Policy E5 of the Local Development Plan as well as provision as contained within the National Planning Policy Framework.

4. The Ecological Scoping Survey reference 0259.0001 Rev 0 has not fully demonstrated that there will be no detrimental effect on the ecology and biodiversity of the site contrary to adopted policies BE1, CC5 and CC6 of the adopted Maldon District Replacement Local Plan and emerging policies D1, E5, N1 and N2 of the submitted Local Development Plan and the guidance and provision as contained within the National Planning Policy Framework.

Please see overleaf for Section 8 – North Western Area Planning Committee (12 June 2017).

**8. NORTH WESTERN AREA PLANNING COMMITTEE – 12 JUNE 2017**

**PLEASE NOTE: These recommendations relate to Agenda Items 14 and 15 on the Council Agenda and are reproduced below for information only.**

8.1 **Web link to agenda, reports and Minutes for the above meeting**  
<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=150&MIId=1188>

8.2 **MINUTE 120 – FUL/MAL/16/01142 STOW MARIES AERODROME, HACKMANS LANE, COLD NORTON, ESSEX**

8.2.1 Minute Extract:

<b>Application Number</b>	<b>FUL/MAL/16/01142</b>
<b>Location</b>	Stow Maries Aerodrome Hackmans Lane Cold Norton Essex
<b>Proposal</b>	<p>Planning Application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome including hours of operation, restrictions on the number of take-offs and landings, and arrangements for Special Public Event days. The arrangements to be as follows:</p> <ul style="list-style-type: none"> <li>• The airstrip to be used by fixed wing and propeller driven aircraft; helicopters, apart from emergency services machines, may only use the site in the event of emergency or during Public Event days</li> <li>• Take-offs and landings only after 08.00 hours and no later than either 20.00 hours, or sunset whichever is earlier</li> <li>• In the Winter months (November to April inclusive) there shall be no more than 25 landings and 25 take-offs per day</li> <li>• In the Summer months (May to October inclusive) there shall be no more than 25 landings and 25 take-offs on weekdays</li> <li>• In the Summer months (May to October inclusive) there shall be a maximum of 50 landings and take-offs per day at weekends and bank holidays apart from Special Public Event Flying days when maximum landings and take-offs are increased to 75 take-offs and 75 landings per day</li> </ul>
<b>Applicant</b>	The Trustees - Stow Maries Great War Aerodrome Trust
<b>Agent</b>	Ms Sarah Threlfall - TMA Chartered Surveyors
<b>Target Decision Date</b>	24.01.2017
<b>Case Officer</b>	Yee Cheung, Tel: 01621 876220
<b>Parish</b>	<b>COLD NORTON</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application Member Call In

The Officer presented the report of the Chief Executive on this planning application in conjunction with the report for Agenda Item 6 and the Group Manager for Planning Services advised Members that the second Members' Update produced did not add

any additional information. It had been produced to clarify the report to Members and should be read in conjunction with it. In particular, the second Members' Update:

- Listed all proposed conditions and not just those that had been amended;
- Highlighted the maximum amount of take-offs and landings;
- Highlighted that the site was already an aerodrome;
- Clarified that a maximum of 12 movements (i.e. take-offs and landings) per day had originally been imposed.

He reminded Members that the scheme before them must be assessed on what it proposed and just because proposed movements would increase did not automatically mean that there was harm. The Group Manager for Planning Services then read out paragraph 1.8 of the second Members' Update for the benefit of Members which dealt with noise.

Mr P Brady, an Objector, of The Planning Law Practice, Wood End, 20 Oaklands Park, Bishops Stortford, Hertfordshire, Mr S Hollington from Stow Maries Parish Council and Mr T Matthews, the Agent, then all addressed the Committee.

Following this the Chairman asked the Environmental Health and Licensing Manager to explain the law on noise.

The Environmental Health and Licensing Manager advised that noise was an important and emotive part of airfield planning applications and, once permission had been granted, then noise would fall outside the scope of statutory nuisance which would mean that neither the Council nor the Civil Aviation Authority would be able to take any action. Therefore, it was important to get the noise aspect right at the planning stage. However, ground noise was different and if the airfield was to develop as a maintenance base or similar, then the Council could deal with noise associated to that.

The Environmental Health and Licensing Manager advised that if noise was above the lowest observed significant effect level, then noise should be controlled by conditions. However, that would not necessarily be sufficient to refuse an application. When the highest observed significant effect level was reached then a development should not go ahead unless it could be mitigated. The more the highest level was exceeded, then the more it would lean towards refusal.

Councillor J P F Archer, a Ward Member, was in agreement with the objector and was of the opinion that the Council was trying to expand the aerodrome too much and that the roads in the vicinity could not cope with the potential increase in traffic. Furthermore, he considered that there would need to be increased storage for aircraft as the storage currently there was not sufficient. Councillor Archer was not in support of approving this application and felt that the decision made by this Committee in 2009 was correct. Any expansion of the aerodrome needed to be managed sensibly and the site was not big enough to warrant a massive influx of aircraft or visitors.

In response to a technical question on noise, the Environmental Health and Licensing Manager advised that aircraft noise was dealt with on a long term average which came from national guidance. The noise would be assessed over working days, whereby each aircraft movement was measured, the level was condensed to a one second

movement and the movements were added together to get the daily allowance. By way of clarification, unless the minimum level of noise was exceeded then any changes in noise level would not be relevant. The consultant's approach to assessing noise was considered to be sound.

Members raised concerns about this application being submitted for determination by this Committee as it was a complicated and significant application for the Council. Stow Maries aerodrome was one of the most significant attractions in the District and had the potential to become even more significant. Whilst the tourism that could bring to the district must be welcomed, it must be balanced with the demands on infrastructure etc.

Councillor M F L Durham, CC proposed that this application be deferred to be considered by full Council and this was duly seconded.

The Group Manager for Planning Services advised that this application was before this Committee in accordance with the scheme of delegation. Decisions by area planning committees should be made on behalf of the Council as a whole and should be based on policies and any demonstrable harm for the District.

Members voted in favour of this application and application **LBC/MAL/16/001143 – Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex** – being determined by full Council.

Councillor J P F Archer requested that his vote against this proposal be recorded.

### **8.2.2 Committee recommendation:**

**That both this application and application LBC/MAL/16/01143 – Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex – be referred to full Council for determination.**

### **8.3 MINUTE 121 – LBC/MAL/16/01143 STOW MARIES AERODROME, HACKMANS LANE, COLD NORTON, ESSEX**

#### **8.3.1 Minute Extract:**

<b>Application Number</b>	<b>LBC/MAL/16/01143</b>
<b>Location</b>	Stow Maries Aerodrome Hackmans Lane Cold Norton Essex
<b>Proposal</b>	Planning Application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome including hours of operation, restrictions on the number of take offs and landings, and arrangements for Special Public Event days.
<b>Applicant</b>	Ms Sarah Threlfall - TMA Chartered Surveyors
<b>Agent</b>	The Trustees - Stow Maries Great War Aerodrome Trust
<b>Target Decision Date</b>	24.01.2017
<b>Case Officer</b>	Yee Cheung, TEL: 01621 876220
<b>Parish</b>	<b>COLD NORTON</b>

<b>Reason for Referral to the Committee / Council</b>	Member Call In
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This application was heard in conjunction with Agenda Item 5 – **FUL/MAL/16/001142 – Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex** above and it was...

**8.3.2 Committee recommendation:**

That it would be referred to full Council for determination.

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

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

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**JOINT STANDARDS COMMITTEE****Constitutional Arrangements:**

- 1) The Joint Standards Committee consists of five Members of Maldon District Council, two Local Council representatives. The Independent Person (or Reserve) shall be notified of and invited to attend meetings and may participate in the discussion. The Independent Person has no voting rights.
- 2) Maldon District Council Members will be appointed at the Annual Meeting of the Council in line with the rules on political proportionality.
- 3) Local Council Member representatives will be nominated by the Essex Association of Local Councils (EALC) as co-opted members (with voting rights) and serve for a period of no more than two years subject to remaining elected and pending further nomination.
- 4) Independent Persons will be appointed by Council. Independent Persons shall be appointed for a period of four years, with the option of re-appointment for a further four years; no Independent Person may serve more than two terms of office.
- 5) Group Leaders may not be members of the Committee.
- 6) The Chairman and Vice-Chairman of the Committee shall be elected at the first and special meeting of the Committee held on the day of the Annual Meeting of the Council. All members of the Committee will be notified of and invited to participate in the election of the Chairman and Vice-Chairman.
- 7) The Vice-Chairman shall deputise for the Chairman in his or her absence.
- 8) The quorum for meetings of the Committee shall be three voting Members.
- 9) Substitutes shall be permitted for District Council Members to maintain political balance, and named substitutes as nominated by the EALC shall be permitted for Local Council Members.

**Roles and Functions of the Joint Standards Committee:**

The Joint Standards Committee will promote and maintain high ethical standards of conduct by Councillors in the District of Maldon. It will hold Councillors to account where it determines that Councillors' conduct has fallen short of what is to be expected or otherwise required of them pursuant to the applicable Council's adopted Code of Conduct. Further details on the role and functions of the Joint Standards Committee are set out in Part 9 of the Council's Constitution.

**Procedural Arrangements:**

The Joint Standards Committee will conduct its proceedings in accordance with the relevant Procedure Rules set out in Part 8 of the Council's Constitution and also the adopted Conduct Complaints Process annexed here. The Committee will meet as and when required.

**ADD Additional Paragraph –**

When dealing with matters deemed to be private / confidential where the public is to be excluded from the meeting, it is essential that the Committee's work is confined to the

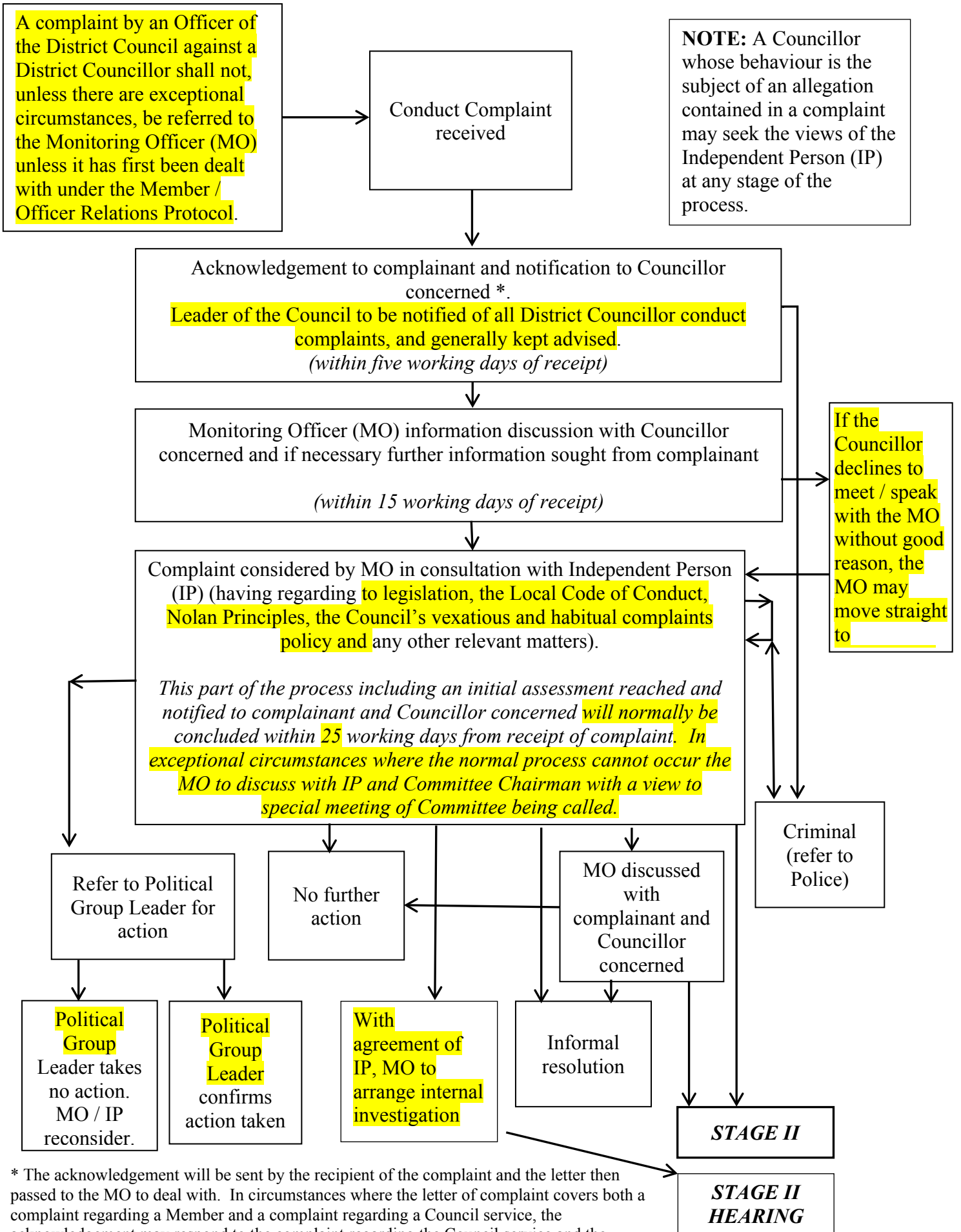
Members of the Committee only at the time, and circulation of papers will be restricted accordingly. Notwithstanding Procedure Rule 20 and the general acceptance of the practice which enables Members to attend meetings of other Committees, private sessions of meetings of this Committee should proceed only with the appointed Members, the Independent Person, and required support Officers present.

**To exercise on behalf of the Council the following roles and functions:**

- 1) Promoting and maintaining high standards of conduct by Members and co-opted members (with or without voting rights) of the District Council and also Parish/Town (Local) Councils, and considering relevant issues to enable the Committee to fulfil this role;
- 2) Advising and assisting Councillors to maintain high standards of conduct and to make recommendation to Local Councils on improving standards or actions following a finding of a failure by a Local Councillor to comply with the Code of Conduct;
- 3) Advising the Council and Local Councils on the adoption or revision of the applicable Member Code of Conduct;
- 4) Receiving and considering referrals from the Monitoring Officer into allegations of misconduct;
- 5) Receiving reports from the Monitoring Officer and assessing the operation and effectiveness of the Member Code of Conduct;
- 6) Advising, training or arranging to train Councillors and co-opted Members on matters relating to the Member Code of Conduct;
- 7) Assisting Councillors and co-opted Members to observe the Member Code of Conduct;
- 8) Conducting hearings and determining complaints as necessary about District and Local Councillors and co-opted Members where an investigation is undertaken to consider whether an allegation that there has been a breach of the Member Code of Conduct has been undertaken;
- 9) Following a hearing the Joint Standards Committee is able to make one of the following findings:-
  - (a) That the Member **has not failed** to comply with the Member Code of Conduct and no further action needs to be taken in respect of the matters considered at the hearing; or
  - (b) That the Member **has failed** to comply with the Member Code of Conduct but that no further action needs to be taken in respect of the matters considered at the hearing; or
  - (c) That the Member **has failed** to comply with the Member Code of Conduct and that a sanction and/or an informal resolution should be imposed in respect of the matters considered at the hearing;
- 10) After making a finding at a hearing the Committee shall, through the Monitoring Officer, provide written notice of its findings immediately or otherwise as soon as practicable to the subject Member. Detailed reasons for its decision shall be given to the subject Member and the complainant in the form of a decision notice within 28 days of the hearing;

- 11) Advising the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council;
- 12) Maintaining oversight of the Council's arrangements for dealing with complaints against Councillors;
- 13) Informing the Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints;
- 14) Developing and adopting:
  - (a) Arrangements for dealing with complaints against councillors and publicising the arrangements;
  - (b) Such other provisions and procedures as may be required;
- 15) The Committee may impose any action or combination of actions available to it, or impose any informal resolution or combination of informal resolutions in accordance with the approved Complaints Procedure. The following list is an indication of the actions or combination of actions available:
  - Reporting its findings to Council (or to the Local Council) for information;
  - Recommending to Council that the Member concerned be issued with a formal censure or reprimand (or to the Local Council);
  - Recommending to the Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
  - Recommending to the Leader of the Council that the Member be removed from, or removed from any particular posts or responsibilities they hold;
  - Instructing the Monitoring Officer to (or recommend that the Local Council) arrange training for the member;
  - Removing (or recommend to the Local Council that the Member be removed) from all outside appointments to which he/she has been appointed or nominated by the authority (or by the Local Council);
  - Withdrawing (or recommend to the Local Council that it withdraws) facilities provided to the Member by the Council, such as a computer, website and/or email and internet access; or
  - Excluding (or recommend that the Local Council exclude) the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- 16) Granting dispensations to elected and co-opted Members in respect of Disclosable Pecuniary Interests, Other Pecuniary Interests and Non-Pecuniary Interests.
- 17) Determining arrangements for the remuneration of the Independent Person(s).
- 18) Making recommendations to the Council in relation to the appointment of the Independent Person(s).

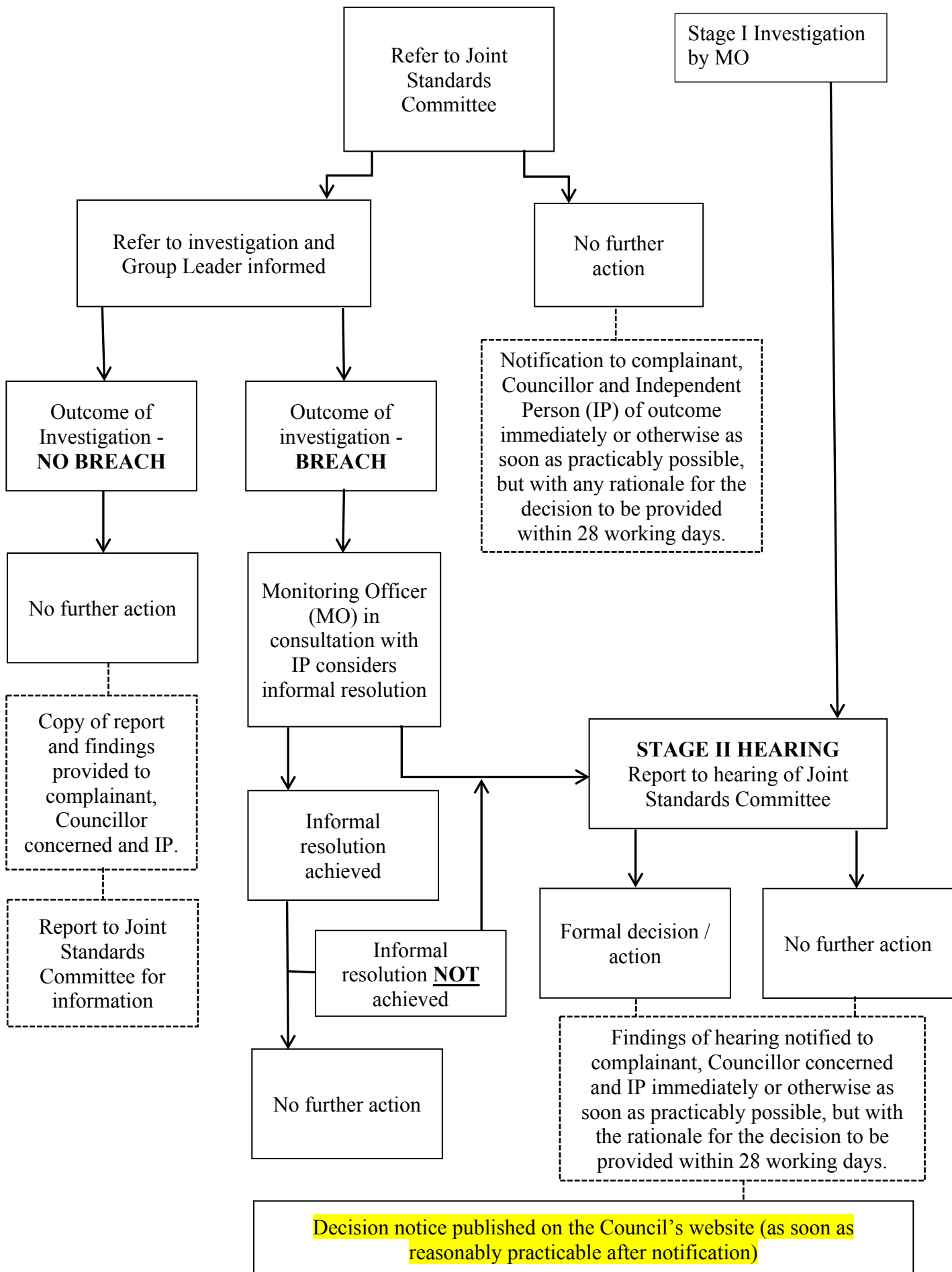
CONDUCT COMPLAINTS PROCESS – STAGE 1



\* The acknowledgement will be sent by the recipient of the complaint and the letter then passed to the MO to deal with. In circumstances where the letter of complaint covers both a complaint regarding a Member and a complaint regarding a Council service, the acknowledgement may respond to the complaint regarding the Council service and the complainant will be informed that the complaint regarding the Member will be passed to the MO for response.

**Maldon District Council  
Conduct Complaints Process**

**STAGE II**



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**CODE OF CONDUCT COMPLAINTS PROCESS – WRITTEN SUMMARY****Stage I**

1. If a complaint has been made by an Officer of the District Council against a District Councillor it shall not normally be referred to the Monitoring Officer (MO) unless it has first been dealt with under the Member/Officer Relations Protocol.
2. Upon receipt of complaint, an initial assessment will be undertaken by the MO to establish the exact nature of the complaint and whether there is a potential breach of the Code of Conduct.
3. All complaints will be acknowledged and the Councillor complained of notified within five working days of receipt. The Leader of the Council will be notified of all complaints against District Councillors and generally kept advised.
4. The MO will seek further information as required from either the Councillor complained of or the complainant within 15 working days of receipt of the complaint. If the subject Councillor declines to co-operate with the MO without good reason, then the MO may move directly to consult with the IP – this in itself could constitute a separate breach of the Code of Conduct.
5. The MO will then consider the complaint in discussion with the Independent Person (IP) and reach a conclusion as to the likelihood of a breach of the Code and a way forward. A conclusion will normally be reached within 25 working days of receipt of the complaint, and the respective parties notified. Options for conclusion at this stage are:
  - No further action
  - Refer to Political Group Leader for action (MO / IP to reconsider if no action taken)
  - Informal resolution
  - Refer to Police (if potential criminal issues involved)
  - MO/IP decide to put straight to **investigation** (internal) and then Stage II **Hearing**
  - Move to Stage II (with or without further discussion with parties to complaint)

**Stage II**

1. Refer to Joint Standards Committee (JSC) – two possible decisions/outcomes –
  - **Investigation** (and Group Leader informed)
  - No further action (all parties including IP to be notified immediately or otherwise as soon as practicable, rationale/detailed reasoning to be provided within 28 working days of the decision)
2. **Investigation** outcomes –
  - NO BREACH
    - No further action
    - Copy of report and findings to all parties including IP
    - Report to JSC for information

- **BREACH**
  - MO / IP consider and pursue possible **informal resolution**
  - **JSC Hearing** (which may also be convened to hear outcome of Stage I investigation by MO or a failure to achieve informal resolution under Stage II)
  
- 3. **Hearing** findings to be notified to all parties immediately or otherwise as soon as practicable and any rationale/detailed reasoning for decision to be provided within 28 working days of the hearing. Decision notice to be published on Council's website as soon as is practicable after notification.

## Annual Treasury Report 2016-17

### 1. Background

The Chartered Institute of Public Finance and Accountancy's Treasury Management Code (CIPFA's TM Code) requires that authorities report on the performance of the treasury management function at least twice a year (mid-year and at year end).

The Council's Treasury Management Strategy for 2016/17 was approved by the Council on 16 February 17 (Minute No. 991refers).

The Council has invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. This report covers treasury activity and the associated monitoring and control of risk.

### 2. Economic Background provided by Arlingclose

**Economic background:** Politically, 2016/17 was an extraordinary twelve month period which defied expectations when the UK voted to leave the European Union and Donald Trump was elected the 45<sup>th</sup> President of the USA. Uncertainty over the outcome of the US presidential election, the UK's future relationship with the EU and the slowdown witnessed in the Chinese economy in early 2016 all resulted in significant market volatility during the year. Article 50 of the Lisbon Treaty, which sets in motion the 2-year exit period from the EU, was triggered on 29<sup>th</sup> March 2017.

UK inflation had been subdued in the first half of 2016 as a consequence of weak global price pressures, past movements in sterling and restrained domestic price growth. However the sharp fall in the Sterling exchange rate following the referendum had an impact on import prices which, together with rising energy prices, resulted in Consumer Price Index (CPI) rising from 0.3% year/year in April 2016 to 2.3% year/year in March 2017.

In addition to the political fallout, the referendum's outcome also prompted a decline in household, business and investor sentiment. The repercussions on economic growth were judged by the Bank of England to be sufficiently severe to prompt its Monetary Policy Committee (MPC) to cut the Bank Rate to 0.25% in August and embark on further gilt and corporate bond purchases as well as provide cheap funding for banks via the Term Funding Scheme to maintain the supply of credit to the economy.

Despite growth forecasts being downgraded, economic activity was fairly buoyant and Gross Domestic Product (GDP) grew 0.6%, 0.5% and 0.7% in the second, third and fourth calendar quarters of 2016. The labour market also proved resilient, with the International Labour Organisation (ILO) unemployment rate dropping to 4.7% in February, its lowest level in 11 years.

Following a strengthening labour market, in moves that were largely anticipated, the US Federal Reserve increased rates at its meetings in December 2016 and March 2017, taking the target range for official interest rates to between 0.75% and 1.00%.

**Financial markets:** Following the referendum result, gilt yields fell sharply across the maturity spectrum on the view that Bank Rate would remain extremely low for the foreseeable future. After September there was a reversal in longer-dated gilt yields which moved higher, largely due to the MPC revising its earlier forecast that Bank Rate would be dropping to near 0% by the end of 2016. The yield on the 10-year gilt rose from 0.75% at the end of September to 1.24% at the end of December, almost back at pre-referendum levels of 1.37% on 23<sup>rd</sup> June. 20- and 50-year gilt yields also rose in Q3 2017 to

1.76% and 1.70% respectively, however in Q4 yields remained flat at around 1.62% and 1.58% respectively.

After recovering from an initial sharp drop in Q2, equity markets rallied, although displaying some volatility at the beginning of November following the US presidential election result. The Financial Times Stock Exchange (FTSE)-100 and FTSE All Share indices closed at 7342 and 3996 respectively on 31<sup>st</sup> March, both up 18% over the year. Commercial property values fell around 5% after the referendum, but had mostly recovered by the end of March.

Money market rates for overnight and one week periods remained low since Bank Rate was cut in August. 1- and 3-month London International Bid Rate (LIBID) rates averaged 0.36% and 0.47% respectively during 2016-17. Rates for 6 and 12-months increased between August and November, only to gradually fall back to August levels in March, they averaged 0.6% and 0.79% respectively during 2016-17.

**Credit background:** Various indicators of credit risk reacted negatively to the result of the referendum on the UK's membership of the European Union. UK bank credit default swaps saw a modest rise but bank share prices fell sharply, on average by 20%, with UK-focused banks experiencing the largest falls. Non-UK bank share prices were not immune, although the fall in their share prices was less pronounced.

Fitch and Standard & Poor's downgraded the UK's sovereign rating to AA. Fitch, Standard & Poor's (S&P) and Moody's have a negative outlook on the UK. Moody's has a negative outlook on those banks and building societies that it perceives to be exposed to a more challenging operating environment arising from the 'leave' outcome.

None of the banks on the Authority's lending list failed the stress tests conducted by the European Banking Authority in July and by the Bank of England in November, the latter being designed with more challenging stress scenarios, although Royal Bank of Scotland was one of the weaker banks in both tests. The tests were based on banks' financials as at 31st December 2015, 11 months out of date for most. As part of its creditworthiness research and advice, the Authority's treasury advisor Arlingclose regularly undertakes analysis of relevant ratios - "total loss absorbing capacity" (TLAC) or "minimum requirement for eligible liabilities" (MREL) - to determine whether there would be a bail-in of senior investors, such as local authority unsecured investments, in a stressed scenario.

On the advice of Arlingclose, new investments with Deutsche Bank and Standard Chartered Bank were suspended in March 2016 due to the banks' relatively higher credit default swap (CDS) levels and disappointing 2015 financial results. Standard Chartered was reintroduced to the counterparty list in March 2017 following its strengthening financial position, but Deutsche Bank was removed altogether from the list.

### Local Context

At 31/03/2017 the Council's underlying need to borrow for capital purposes as measured by the Capital Financing Requirement (CFR) was zero.

At 31/03/2017, the Council had no borrowing and £11.5m of investments. The Council may however have to borrow to pre fund future years requirements or unexpected capital expenditure that occurs in the year providing this does not exceed the authorised limit for borrowing of £10m.

The Council is currently debt free and its capital expenditure plans do not currently imply any need to borrow over the forecast period. Investments are forecast to fall to £7.8m as capital receipts are used

to finance capital expenditure and reserves are used to finance the revenue budget over the next three years.

#### Investment Activity in 2016 / 17

Investments	Balance on 01/04/2015 £'000	Investments Made £'000	Maturities/ Investments Sold £'000	Balance on 31/03/2017 £'000
Short term fixed Investments **	3,000	2,000	3,000	2,000
Cash Accounts	1,005	1,000	5	2,000
Money Market Funds	0	45,400	42,900	2,500
Certificates of Deposit	4,000	8,000	10,000	2,000
LAMIT Property Fund	3,000			3,000
<b>TOTAL INVESTMENTS</b>	11,005			<b>11,500</b>
Increase/ (Decrease) in Investments £m				500

\*\* The Short Term fixed Investment outstanding at 31 March 2017 was as follows

Borrower	Amount £'000	Maturity Date
Lloyds	2,000	10 August 2017

Security of capital has remained the Council's main investment objective. This has been maintained by following the Council's counterparty policy as set out in its Treasury Management Strategy Statement for 2016/17.

#### Compliance Report

All treasury management activities undertaken during 2016/17 complied fully with the CIPFA Code of Practice and the Authority's approved Treasury Management Strategy.

The council continues to be debt free so compliance with the authorised limit and operational boundary for external debt is confirmed.

#### Treasury Management Indicators

The Authority measures and manages its exposures to treasury management risks using the following indicators.

**Interest Rate Exposures:** This indicator is set to control the Authority's exposure to interest rate risk. The upper limits on fixed and variable rate interest rate exposures, expressed as the proportion of net interest payable, should borrowing become necessary, would be:

	31.3.17 Actual	2016/17 Limit	Complied
Upper limit on fixed interest rate exposure	0	100%	✓
Upper limit on variable interest rate exposure	0	100%	✓

Fixed rate investments and borrowings are those where the rate of interest is fixed for at least 12 months, measured from the start of the financial year or the transaction date if later. All other instruments are classed as variable rate.

**Maturity Structure of Borrowing:** This indicator is set to control the Authority's exposure to refinancing risk. The upper and lower limits on the maturity structure of fixed rate borrowing, should borrowing become necessary, would be:

	31.3.17 Actual	Upper Limit	Lower Limit	Complied
Under 12 months	0%	100%	0%	✓
12 months and within 24 months	0%	100%	0%	✓
24 months and within 5 years	0%	100%	0%	✓
5 years and within 10 years	0%	100%	0%	✓
10 years and above	0%	100%	0%	✓

Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

**Principal Sums Invested for Periods Longer than 364 days:** The purpose of this indicator is to control the Authority's exposure to the risk of incurring losses by seeking early repayment of its investments. The limits on the long-term principal sum invested to final maturities beyond the period end will be:

	2016/17	2017/18	2018/19
Limit on principal invested beyond year end	£1m	£1m	£1m

There were no investments made beyond 364 days in 2016/17

**Security:** The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit score of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) and taking the arithmetic average, weighted by the size of each investment.

	Target	Actual
Portfolio average credit score	6	3.83

**Liquidity:** The Council has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a rolling three month period, without additional borrowing.

	<b>Target</b>	<b>Actual</b>
Total cash available within 3 months	£3m	£4.5m

**Investment Training**

The needs of the Council’s treasury management staff for training in investment management are assessed as part of the staff appraisal process and additionally when the responsibilities of individual members of staff change.

During 2016/17 staff attended training courses, seminars and conferences provided by Arlingclose. Training was also provided to Members by Arlingclose at the Council offices in March 2017.

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**MALDON DISTRICT COUNCIL**

**DATA QUALITY POLICY**

**2017 - 2019**

**“Getting it right first time”**

**Produced By: People, Performance and Policy  
Maldon District Council  
June 2017**

**To be reviewed: June 2019**

If you have any comments on the Data Quality Strategy, please contact  
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**MALDON DISTRICT  
COUNCIL**

Document Control Sheet

<b>Document title</b>	Data Quality Policy
<b>Summary of purpose</b>	This document sets out the Council's expectations and framework for maintaining high levels of data quality across all of the Council's activities and processes
<b>Prepared by</b>	Performance and Risk Officer
<b>Status</b>	Draft
<b>Version number</b>	01
<b>Approved by</b>	Audit Committee, Council
<b>Approval date</b>	(Audit Committee) 22 June 2017, Council (13 July 2017)
<b>Date of implementation</b>	XXX
<b>Review frequency</b>	Every two years
<b>Next review date</b>	June 2019
<b>Circulation</b>	Internal
<b>Published on the Council's website</b>	Intranet only

### 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.

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### Maldon District Council's Data Quality Policy



**1. Maldon District Council's Objective:**

**To ensure the collection and use of high quality data which is available at the right time, at the right costs and can be relied upon for informed decision making and all aspects of financial and performance management and service delivery.**

**2. Scope**

**2.1** The policy relates to all information which can be held as electronic data or physical records.

**2.2** It covers the:

- Collection
- Use
- Sharing
- Storage
- Presentation

of information by Maldon District Council.

**2.3** The policy applies to all staff, councillors and contractors accessing Maldon District Council information systems.

**2.4** The policy does not cover the following, which are addressed through other policy or frameworks:

- Information security
- Information/data sharing
- Records management.

**3. The following definitions are used for the purpose of this policy:**

<b>Data</b>	<b>Unstructured pure and simple facts – numbers, words or images that have yet to be organised or analysed</b>
<b>Information</b>	<b>Structured data with additional meaning, put in context and with significance</b>
<b>Knowledge</b>	<b>Ability to use information strategically to achieve one's objective</b>
<b>Wisdom</b>	<b>Capacity to choose objectives consistent with one's value within a larger social context</b>

**4. What is data quality and why is it important?**

## Data Quality Policy

- 4.1** The availability of complete, accurate, relevant, accessible and timely data is important in supporting decision-making, planning, resource allocation, accountability, and the delivery of service outcomes and priorities; for example:

Strategic planning	High quality data and information is used to plan the Council's vision and goals and informs the decisions that underpin everything the organisation does.
Financial planning	Financial data must be reliable to enable the Council to set budgets and forecasts to support service planning.
Service planning	Accurate data about the volume and type of services delivered and activities undertaken is essential to ensure appropriate allocation of resources and future service delivery.
Performance management	Accurate data enables the identification and resolution of any shortfalls against standards and targets.
Service improvement	Accurate data enables the analysis of service provision against user needs and overall efficiency and effectiveness.
Customer Support	Accurate data enables the delivery of relevant and timely services and ensures that the customer and other parties involved can be kept informed where appropriate.
Efficient administration	Data needs to be provided to an appropriate standard and in such a way that the full range of stakeholders, partners and agencies can access the information they need easily and quickly.
Adherence to audit processes	Data needs to be available for timely, reliable and accurate reporting to support the Council's internal and external audit regimes.
Accountability, transparency and open data	Good quality data is essential in delivering the Council's transparency and open data agenda.

- 4.2** Data quality is particularly important in partnership working and integrated service delivery, an increasingly important aspect of the Council's work. We need to be clear that the quality of the data from the organisations who are working together is consistent in order to ensure an accurate and shared understanding of the task in hand.

- 4.3** The key risks associated with poor data quality include:
- decisions are based on inaccurate or out of date information;
  - customers are not given the service for which they are eligible;
  - at risk individuals are not identified;
  - opportunities for integration and partnership working cannot be taken;
  - poor performance is not identified and addressed;
  - published information is misleading;
  - inaccuracies in base data result in financial error and loss;
  - inaccuracies in externally reported data result in funding discrepancies;
  - good performance is not recognised and rewarded;
  - poor use of resources;
  - policies are ill-founded and impacts are not properly assessed; and
  - improvement opportunities are not identified and monitored.

- 4.4** Poor data quality can have a significant impact on the Council's political, legal, reputational,

professional and financial position.

## 5. What is good quality data?

It is generally accepted that the six characteristics of good quality data are:

<b>Accuracy</b>	Data should be sufficiently accurate for its intended purposes and captured once only, as close to the point of activity as possible. Sometimes, accuracy must be weighed against timeliness, cost and effort of collection. Where compromises are made on accuracy, limitations must be clear to users.
<b>Validity</b>	Data should be recorded and used in compliance with relevant requirements, including the correct application of any rules or definitions. This will ensure consistency between periods and with similar organisations, measuring what is intended to be measured. Where estimated data is used to compensate for an absence of actual data, services must consider how well this data is able to satisfy the intended purpose.
<b>Reliability</b>	Data should be consistently calculated, recorded, analysed and reported over time in a way that provides a meaningful reflection of the situation. It is essential that definitions and guidance are followed each time performance data is produced to enable assessments to be made consistently over time.
<b>Timeliness</b>	Data should be available frequently and promptly enough (as near to 'real-time' as possible) for it to be valuable for managing service delivery and decision making, providing the opportunity to take corrective action where needed.
<b>Relevance</b>	Data should be defined/selected, collected, recorded and analysed with the intended use and audience in mind so that it is fit for purpose and adds value to the decision making process.
<b>Completeness</b>	Data should be complete and comprehensive to ensure it provides a full picture of the current situation, e.g. for performance data enabling assessment of how we are doing against our targets and/or others. Where it is incomplete and/or could be misleading this should be stated to enable appropriate judgements about its use to be made.

In seeking to achieve good quality data, it is recognised that a balance may be required between some of the elements. It is also important that the resources used to achieve these characteristics should be proportionate to the perceived value it provides to the organisation and therefore consideration must be given to its purpose/use.

## 6. Checklist for applying the principles of good data quality in practice:

<b>Timeframe</b>	<ul style="list-style-type: none"> <li>Is the timeframe covered by the data clear?</li> <li>Has there been a change in policy since the data was collected or are the circumstances the same?</li> <li>When comparing datasets – are they for the same year?</li> </ul>
<b>Scope</b>	<ul style="list-style-type: none"> <li>Is the scope of the dataset known and stated?</li> <li>For example, when looking at demand for a service in Essex, is data only taken from Essex sources?</li> </ul>
<b>Collection methodology</b>	<ul style="list-style-type: none"> <li>Is it clear how the data was obtained?</li> <li>In a survey, for example, were respondents able to tick more than one box, or just one?</li> <li>When comparing datasets, were the two methodologies the same (e.g. self-reported issues vs collected by an agent?)</li> </ul>
<b>Source</b>	<ul style="list-style-type: none"> <li>Is the source of the data known and clearly stated?</li> <li>Is it a reliable and ethical source, with no bias?</li> <li>When comparing datasets, is the source the same?</li> </ul>
<b>Metadata</b>	<ul style="list-style-type: none"> <li>Are metadata available and clearly communicated?</li> <li>Do they give access to the raw data so that further analysis can be done?</li> </ul>
<b>Limitations</b>	<ul style="list-style-type: none"> <li>Are the limitations of the data clearly presented when used in a report?</li> </ul>
<b>Validation</b>	<ul style="list-style-type: none"> <li>Has data been validated through cross-checks with, for example previous/historical data, other staff members or other sources where available?</li> </ul>

## 7. Roles and responsibilities

- 7.1** Overall responsibility for maintaining accurate and complete data and information lies with the Senior Information Risk Owner (the Director of Resources).
- 7.2** In general, data quality is the shared responsibility of all:
- Information providers are the source of the data and so are the starting point for creating good data
  - Information recipients have responsibility to maintain accurate data within their systems and ensure its integrity in their processes
- 7.3** Whilst all staff have a collective responsibility for quality, there are also some specific responsibilities that individuals and teams should be aware of. See table below:

<b>Role</b>	<b>Areas of responsibility</b>
<b>Corporate Leadership Team</b>	<ul style="list-style-type: none"> <li>Overall responsibility for ensuring that arrangements are in place to assure the quality of data (in particular that which is business critical) and that improvement action is taken where necessary</li> </ul>
<b>Directors</b>	<ul style="list-style-type: none"> <li>Responsibility for ensuring that accurate and complete records are maintained and that performance, performance reviews and disciplinary processes are in place to maintain and enhance data and information quality for their Directorate.</li> <li>To support corporate data quality and take forward appropriate actions assigned to them.</li> </ul>

## Data Quality Policy

Role	Areas of responsibility
<b>Managers and Team Leaders</b>	<ul style="list-style-type: none"> <li>▪ Responsible for ensuring the implementation of corporate procedures with regard to data quality.</li> <li>▪ Ensuring that appropriate systems and processes are in place to deliver high quality data, and contingency arrangements and appropriate controls are in place to give assurance about quality</li> <li>▪ Ensuring staff have the necessary skills required to deliver high quality data and that their responsibility for data quality is reflected in job descriptions and monitored and supported through the performance management process.</li> <li>▪ Reviewing data quality and agreeing action required</li> </ul>
<b>Performance and Risk Officer</b>	<ul style="list-style-type: none"> <li>▪ Maintaining an overview of performance information to satisfy internal and external corporate reporting requirements, ensuring systems and processes are in place to collect and report this corporately</li> <li>▪ Keeping knowledge of relevant performance measures, requirements and issues up to date and cascading appropriate information to any other staff involved in producing this information</li> <li>▪ Sharing learning relating to data quality from inside and outside of the organisation, applying good practice and collectively tackling data quality issues</li> <li>▪ Maintaining an overview of data quality issues for performance data, using wider intelligence to adopt a risk based approach to internal quality assurance, facilitating internal and external audits</li> <li>▪ Producing and refreshing the Data Quality Policy (every two years) in line with good practice guidance and feedback from inside and outside of the organisation</li> <li>▪ Monitoring/assessing the levels of data quality and reporting any issues identified to Corporate Leadership Team</li> <li>▪ Monitoring progress against any data quality/compliance issues identified, offering challenge and 'critical friend' support, and including issues and progress updates in corporate reports and audit responses where appropriate</li> </ul>
<b>All Staff</b>	<ul style="list-style-type: none"> <li>▪ Awareness of their individual responsibilities relating to data quality and how their day to day work can impact upon the quality of data and add value for the organisation.</li> <li>▪ It is the responsibility of all Officers that input, store, retrieve or otherwise manage data to ensure that it is of the highest quality and is administered in accordance with approved systems.</li> <li>▪ Every officer in the Council will be responsible for complying with this Data Quality Policy.</li> </ul>
<b>Members</b>	<ul style="list-style-type: none"> <li>▪ The <b>Audit Committee</b> is responsible for providing assurance to the Council on the adequacy of internal controls, corporate governance and risk management processes. Data quality is a significant factor in the effectiveness of these processes.</li> <li>▪ Any concerns re data quality issues are included in the quarterly performance reports submitted to the <b>Overview and Scrutiny Committee</b>.</li> <li>▪ All Members will be responsible for adhering to this Data Quality Policy.</li> </ul>

**8. Systems and processes**

- 8.1** Arrangements for collecting, recording, analysing and reporting data (including frequency and quality standards required) should be considered as part of the business planning process, for example when new local indicators or standards are agreed

Responsible officers should ensure that systems and processes are in place to provide data in line with the characteristics of good quality data (see page 5).

- 8.2** Systems and processes should be designed, and staff trained, in line with good practice guidance. These systems and processes should be set up in a way that maximises our ability to achieve high quality data first time, avoiding the need to divert resources and cause delays due to excessive checks, controls and 're-works'.

The level of checks and controls should be proportionate to the value of the data and risk of poor quality. These should be appropriate to the systems and processes being used.

- 8.3** The interface between systems and processes should be streamlined as far as possible. Ineffective/inefficient overlaps in data storage and reporting systems should be avoided where possible to minimise duplication of effort and reduce opportunities for errors and inconsistencies.

- 8.4** Accountability for data quality must be clearly defined. For example, in the case of performance data, each indicator will have a designated collector with overall responsibility for collating the information and entering it into the Council's performance management system. The designated owner will have overall accountability for performance and responsibility for the quality of the data.

- 8.5** Procedure notes/manuals must be in place for the production of all information to ensure that the necessary data can still be extracted/provided when required even in the absence of the designated collector. These procedure notes should be reviewed regularly and updated as appropriate.

- 8.6** Contingency arrangements should be established to ensure data can still be delivered when circumstances change. This should include, as a minimum, producing back-ups of data, creation/retention of audit trails and ensuring that there is a deputy in place who would also have some knowledge of the relevant data and processes and/or systems used to produce it.

- 8.7** Where data is provided by a third party or shared externally, quality standards and frequency of exchange should be agreed and documented. (See Partnerships on page 9).

- 8.8** Data collection systems and processes should be regularly tested to ensure they remain fit for purpose. Any data quality issues will be reported to the Corporate Leadership Team and the Overview and Scrutiny Committee to

enable necessary actions to be taken.

## **9 Contracts**

- 9.1** Maldon District Council recognises that data quality is an important part of any contract that is outsourced to a third party to manage. This is of particular importance for public-facing service contracts where information is requested by the Council, from which to judge a contractor's performance.
- 9.2** All appropriate contracts where data collection and data quality are instrumental to the delivery of the service have a standard clause inserted into the contract which defines data quality and how it should be embedded into the contractors' processes. This clause lays out our requirements for the contractor to provide timely and accurate information and that responsibilities for data quality and checking information are clearly set out.
- 9.3** Responsibility for the verification of data lies within the service managing the contract.

## **10. Partnerships**

- 10.1** Maldon DC is increasingly undertaking more partnership working which involves the need to share data or rely on data from other providers. To be confident of the quality of the data, MDC is a partner of the Whole Essex Information Sharing Framework ([Whole Essex Information Sharing Framework](#)) which is an agreement in principle for partners in any County wide group to share information. The framework is supported by specific sharing protocols.
- 10.2** There is a need to ensure sufficient data quality and information sharing protocols are in place when data is to be shared between, or provided by, partners. Any service establishing a new partnership or a new information sharing arrangement should follow the guidance contained within "Managing Partnerships Effectively" (available on the Intranet) and meet the Council's requirements in this respect.

## **11. Monitoring and Review**

- 11.1** Performance and risk updates are reported to the Corporate Leadership Team, Overview and Scrutiny Committee and the Audit Committee on a quarterly basis. Any data quality issues identified during this process are highlighted in the reports and any necessary action required agreed with the Director.
- 11.2** Data quality is monitored as part of the annual governance process. A review is undertaken of the Council's internal controls, risk management and governance arrangements and an Annual Governance Statement is produced in liaison with the Corporate Leadership Team.

**Further information on the Council's commitment to data quality is available and accessible by all on the Intranet.**

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**REPORT of  
CHIEF EXECUTIVE**

**to  
COUNCIL  
13 July 2017**

<b>Application Number</b>	<b>FUL/MAL/16/01252</b>
<b>Location</b>	Mobile Car Wash In Car Park Blackwater Leisure Centre Park Drive Maldon Essex
<b>Proposal</b>	Retrospective - Change of use of 3No. parking bays for use as mobile car wash
<b>Applicant</b>	Mr Mark Taylor - Places For People Leisure Ltd
<b>Agent</b>	-
<b>Target Decision Date</b>	06.06.2017
<b>Case Officer</b>	Spyros Mouratidis, TEL: 01621 875841
<b>Parish</b>	<b>MALDON EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Council Owned Land

**1. UPDATE AND RECOMMENDATION**

This application is for determination by the Council. The Central Area Planning Committee on 31 May 2017 agreed to support the Officer recommendation of **REFUSAL** for the reasons as detailed in Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

3.1.1 The application site is located within the premises of the Blackwater Leisure Centre, at the north-eastern corner of the parking area. Blackwater Leisure Centre lies within the development boundary for Maldon and Heybridge and a Flood Zone 2. Access is taken off the eastern side of Park Drive.

3.1.2 Planning permission is sought for the use of three parking spaces as a car wash (use class Sui Generis). The use is already taking place, and as such the application is retrospective in nature. A converted metallic shipping container measuring 2.4m wide by 6m long by 2.6m high has been placed on one of the parking spaces to facilitate the use.

#### **3.2 Conclusion**

3.2.1 The stationing of the metal container by way of its scale, poor utilitarian and rudimentary design and detailing and temporary nature is considered to have a detrimental impact upon the character and appearance of the area and visual amenities contrary to adopted and saved policy BE1 of the Maldon District Replacement Local Plan, emerging policy D1 of the submitted Local Development Plan and guidance contained within the National Planning Policy Framework.

### **4. MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

#### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 7-8 - Roles of sustainable development
- 14 - Presumption in favour of sustainable development
- 17 - Core planning principles
- 29-41 - Promoting sustainable transport
- 56-68 - Requiring good design
- 109-125 - Conserving and enhancing the natural environment
- 196-197 Determining applications
- 216 - Weight of emerging plans

#### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- CON5 - Pollution Prevention
- T1 - Sustainable Transport and Location of New Development
- T2 - Transport Infrastructure in New Developments
- T8 - Vehicle Parking Standards

#### **4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**

- D1 - Design Quality and the Built Environment
- D2 - Climate Change & Environmental Impact of New Development
- T1 - Sustainable Transport
- T2 - Accessibility

#### **4.4 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Essex Design Guide

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise [Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990) and paragraph 196 of the NPPF].

5.1.2 The application site lies within the development boundary as defined by strategic policies of both the adopted and emerging local plans. The principle of providing a commercial use within a defined development boundary is acceptable. However, the determining factors of the application would be the impact of the development upon the character and appearance of the area, the parking and access arrangements and its effect upon neighbouring uses.

#### **5.2 Design and Impact on the Character of the Area**

5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design sought to create a high quality built environment for all types of development.

5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. In order to comply with saved policy BE1 of the RLP, the proposal must be compatible with, or improve the surrounding location through its scale, height and choice of external materials. Similarly, the basis of policy D1 of the submitted LDP ensures that development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.

5.2.3 Given its external finishes, scale and lack of detailing, the container is of little architectural merit and as such is at odds with the existing built form within the

locality. Although the development is located away from entrance from Park Drive, the adjacent highway, access to Blackwater Leisure Centre is open to the public. Given that there is no screening around the container, the development is highly visible in the centre. The utilitarian and rudimentary design of the container, which is out of keeping in the context of this location, is causing detrimental and demonstrable harm upon the character and appearance of the area contrary to local and national planning policies.

### **5.3 Impact on Residential Amenity**

- 5.3.1 Policy BE1 of the RLP protect neighbouring occupiers from unacceptable development which results in a loss of amenity in relation to overlooking, overpowering or undue reduction of light to the main windows of their property. Similarly, the basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area.
- 5.3.2 The nearest residential property is located approximately 150m west of the application site, across the highway. Given the ample distance between the use and any residential units, it is not considered that the development gives rise to issues of overlooking, loss of privacy or oppressiveness in relation to the amenity of residential occupiers.
- 5.3.3 Concerns have been raised for the opening hours of the car wash. Within the application form the opening hours are stated to be 06:15 – 22:30 Monday to Friday, 07:30 – 18:00 Saturday, 07:30 – 19:00 Sunday. Although the stated opening hours are consistent with the opening hours of the leisure centre, it is considered that proposed hours are excessive and the resultant intermittent stark noises produced from the use would materially alter the soundscape of the area. Whilst there is noise produced from the apparatus and equipment used for the leisure centre, this is a constant underground noise which has been integrated with the ambient noises and forms the soundscape in the vicinity. Therefore, in order to avoid an adverse effect upon the amenities of the neighbouring occupiers, in the event of a positive determination of the application, an appropriately worded condition shall restrict the hours of operation to normal working hours in line with the permitted hours of similar uses, such as 08:00 – 18:00 Mon. – Sat. and 10:00 – 16:00 Sundays and Bank Holidays.

### **5.4 Access, Parking and Highway Safety**

- 5.4.1 Policy T8 of the RLP seeks to ensure that appropriate off-street parking is provided in conjunction with a change of use. Likewise, policies T1, T2 and D1 of the submission LDP seek to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards. The Parking Standards are expressed as maximum standards taking into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.4.2 The application site is located within the parking area for the Blackwater Leisure Centre. The access arrangements and the internal traffic arrangements have not been altered because of the development. Nevertheless, three parking bays are occupied by the use. The leisure centre covers an area of 3815.71sq.m., which gives rise to a

requirement of 174 spaces, given that the Council's adopted parking standards require one space per 22sq.m. for this use. At the time of the site inspection, the car parking area had 148 designated parking bays, a deficit of 26 spaces compared to the required standard.

- 5.4.3 Allowing the use to be accommodated on three parking bays would increase the deficit of parking spaces to 29. However, it has to be taken into consideration that the Leisure Centre is well connected with public transport and is located within walkable and cyclable distance from the town centre. Therefore, it is not considered that the loss of three spaces is detrimental to such a degree as to warrant the refusal of the application on this basis.

## **5.5 Impact on the Natural Environment**

- 5.5.1 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by, among others, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. This national guidance has been reflected on policy D2 of the emerging Local Development Plan. In addition policy CON5 of the Replacement Local Plan is consistent with the NPPF.

- 5.5.2 It is known that car wash uses produce water contaminated by vehicle washing waters, chemical additives and steam-cleaning effluent for the disposal of which extra care shall be given. Acceptable solutions may include that any such water to be discharged to the foul sewer and only clean, uncontaminated surface water to be discharged to the surface water drainage system. Surface water susceptible to oil contamination shall be passed through an oil separator prior to being discharged to a soakaway system.

- 5.5.3 There is little information about the drainage arrangements and in the event of a positive determination of the application, appropriately worded conditions shall be considered for the surface and foul water drainage of the scheme in line with policies CON5 of the RLP and D2 of the LDP.

## **5.6 Other Material Planning Considerations**

- 5.6.1 It has been noted that the application site lies within a flood risk zone. However, the use is not sensitive according to the PPG and the Council's Emergency Planner advised that the site does not fall within a warning zone.

## **5.7 Other Matters**

- 5.7.1 It is noted that the application form included details of proposed advertisements. This would have been registered as a separate application, but subsequent to the submission of the application form, the request of the advertisement consent has been withdrawn. Nevertheless, there are advertisement signs on site and away from the site advertising the car wash use which need express consent from the Local Planning Authority in order to be displayed lawfully.

5.7.2 As Council is the owner of the land and the officer's recommendation is to refuse the grant of planning permission, the Council's scheme of delegation determines that the Area Planning Committee shall note the recommendation and report to the Council. However, if the Area Planning Committee is minded to grant permission for the development, this decision is delegated to them.

**6. ANY RELEVANT SITE HISTORY**

- **16/00092/CU** – Enforcement case – Awaiting outcome of planning application.

**7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

**7.1 Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Maldon Town Council	Object - No objection to the car wash but there is no permission for the container.	The application is retrospective in nature. The planning system allows for application to be considered after the development has taken place.

**7.2 Statutory Consultees and Other Organisations (*summarised*)**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Highways	No objection	Comment noted

**7.3 Internal Consultees (*summarised*)**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Emergency Planner	No objection – Although within a flood zone, the site is not within a warning zone.	Comment noted
Environmental Health	No objection in principle subject to conditions relating to surface water drainage, foul water drainage and hours of operation	Comment noted, see sections 5.3 and 5.5 of the report

**7.4 Representations received from Interested Parties** (*summarised*)

7.4.1 No comments have been received for the application by the date of this report.

**8. REASON FOR REFUSAL**

- 1 The stationing of the metal container by way of its scale, poor utilitarian and rudimentary design and detailing and temporary nature is considered to have a detrimental impact upon the character and appearance of the area and visual amenities contrary to adopted and saved policy BE1 of the Maldon District Replacement Local Plan, emerging policy D1 of the submitted Local Development Plan and guidance contained within the National Planning Policy Framework.

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**REPORT of  
CHIEF EXECUTIVE**

**to  
COUNCIL  
13 JULY 2017**

<b>Application Number</b>	<b>FUL/MAL/17/00067</b>
<b>Location</b>	Millennium Wood, Park Drive, Maldon
<b>Proposal</b>	Place a 20 foot x 10 foot converted metal container in the promenade park for use as a booking in suite, office and storage. Fence off the surrounding area for change of use for outdoor activity centre.
<b>Applicant</b>	Mr Ian Dobney - KI Combat Limited
<b>Agent</b>	-
<b>Target Decision Date</b>	29 May 2017
<b>Case Officer</b>	Hilary Baldwin, TEL: 01621 875730
<b>Parish</b>	<b>MALDON EAST</b>
<b>Reason for Referral to the Committee / Council</b>	The planning application is on Council's owned land and therefore would need to be considered by Members at Full Council in accordance with its terms of reference.

**1. UPDATE AND RECOMMENDATION**

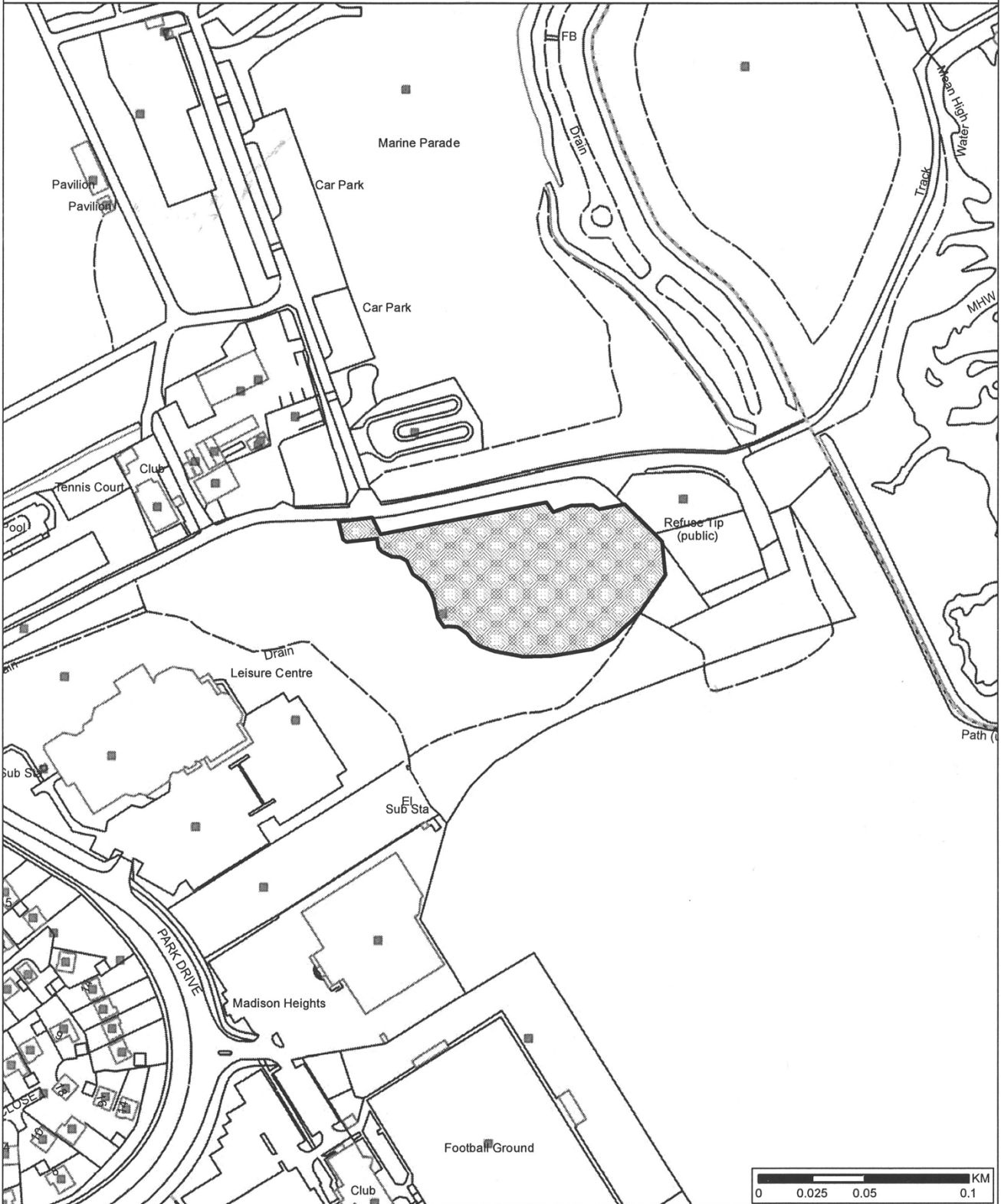
This application is for determination by the Council. The Central Area Planning Committee on 31 May 2017 agreed to support the Officer recommendation to:

**REFUSE** subject to the reasons as detailed within Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

**Millennium Wood, Park Drive, Langford**  
**FUL/MAL/17/00067**



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 Maldon District Council 100018588 2014



MALDON DISTRICT COUNCIL

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Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	Central Committee 17/00067
Date:	18/05/2017
MSA Number:	100018588

### 3. SUMMARY

#### 3.1 **Proposal / brief overview, including any relevant background information**

3.1.1 The application site is within the wider area of public land adjacent to the south side of Promenade Park. Immediately to the east of the site is the Council recycling centre and to the west is the Blackwater Leisure Centre. To the south of the site is open land.

3.1.2 The 0.8Ha site comprises undulating land and is heavily wooded. Informal footpaths cross the site and it is currently utilized by walkers with footpath access from the south eastern corner and from the north within Park Drive.

3.1.3 The site straddles the settlement boundary of Maldon, is fully within the Central Area Action Plan boundary and the northern section of the site adjacent to Park Drive falls within Flood Zone 3.

3.2 Planning permission is sought for the following:

- enclosure of the site with 1.8m Heras fencing covered in scaffolding safety netting.
- the siting and use of a shipping container for office and booking facility painted in combat pattern and colours,
- the container would be located 8m south of Park Drive with the existing woodland cover removed for the benefit of access to the site
- the siting of numerous moveable combat obstacles in the form of timber pallets and timber “A ”frames, old car tyres bolted together and Base Camp flag markers.
- The change of use of the site for that of the outdoor activity known as “Nerf Wars” and clearance of “scrub and some small trees”

3.3 The submission states that the site would be open as follows:

#### **March - April**

- Weekends only 8-30am – 5pm
- (School holidays 8-30am – 5pm daily)

#### **May – June**

- Week days 4pm – 8pm
- Weekends 8-30am – 8pm

#### **July – August**

- Weekdays 4pm – 8pm
- Weekends 8-30am – 8pm
- (School holidays 8-30am – 8pm daily)

#### **September**

- Weekdays 4pm – 6-30pm
- Weekends 8-30am – 6-30pm
- (School holidays 8-30am – 6-30pm daily)

### **October**

- Weekends only 8-30am – 4pm
- (School holidays 8-30am – 4pm daily)

### **November – February**

- Closed
- Parking for the site would be within the Promenade Park with users walking from that location and accessing the site across Park Drive.

## **3.4 Conclusion**

- 3.4.1 The proposed development and change of use for an outdoor activity area within the Millennium Wood is considered to result in significant detrimental visual impact upon this woodland area and the wider park, would result in conflict between vehicle users of the Recycling Centre and pedestrians accessing the site from Promenade Park, would result in detrimental impact upon the ecology and biodiversity of the site. Furthermore the proposal is considered to conflict with the draft Central Area Masterplan.
- 3.4.2 No identified need or commercial requirement for the tourist facility has been submitted in support of the proposal and the submitted Environmental Impact Assessment is not considered to have adequately addressed the potential for harm to either users of the site or nearest noise receptors.
- 3.4.3 In view of the multiple concerns raised by consultees and the identified conflict with adopted and emerging policies and the guidance and provision of the National Planning Policy Framework, it has not been possible to negotiate a way forward with the applicant.

## **4. MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 7, 14, 17, 56, 69, 70, 109 and 126

### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- S1 Development Boundaries and New Development
- S2 Development outside Defined Settlement Boundaries
- BE1 Design of New Development and Landscaping
- BE8 Lighting
- CC5 Protection of Wildlife at Risk on Development Sites
- CC6 Landscape Protection
- CC11 Coastal Zone
- CON5 Pollution Prevention
- REC7 Protection of Existing Public and Private Open Space

- T1 Sustainable Transport and Location of New Development
- T2 Transport Infrastructure in New Developments
- T8 Vehicle Parking Standards

#### **4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- E5 Tourism
- H4 Effective Use of Land
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

#### **4.4 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Essex Design Guide
- Car Parking Standards

## **5. MAIN CONSIDERATIONS**

### **5.1 Relevant Planning History**

- 5.1.1 It is considered pertinent to note that the site is within an area known as Millennium Wood and is in the wider area of Promenade Park. It is part of the Maldon Millennium Way, a 22 mile walk created in 1991 in recognition of and celebration of a thousand years since the Battle of Maldon AD991. It forms part of an extension to Promenade Park and is a wildlife area consisting of woodland plantation, natural scrub and rough grassland. A mown informal pathway is maintained through the site and it is an informal recreation area.

### **5.2 Principle of Development**

- 5.2.1 The Council acknowledges that tourism is an important part of the District's economy and will support development which contributes positively to the growth of local tourism in a sustainable manner and which realises opportunities that arise from the District's landscape, heritage and built environment. The aim of the adopted Local Plan is to provide facilities for all in sufficient quantity in the right location. The Plan's aims are to balance the demands for new facilities against the need to identify sustainable locations, protection of the countryside and promotion of environmental quality.

- 5.2.2 The proposal is for the enclosure of a section of Promenade Park for private commercial use as an outdoor activity centre known as Nerf Wars. The site is designated as Public Park within the emerging LDP.
- 5.2.3 Policy E5 of the emerging LPD supports developments which contribute positively to the growth of local tourism in a sustainable manner providing the proposal does not create a detrimental impact on the character and amenity of neighbouring uses of the surrounding area and where there is a demonstrable need for the proposal.
- 5.2.4 Whilst it is acknowledged that the development would provide a new tourism facility that is likely to be used in associated with the wider park, it is considered contrary to the policy criterion by way of its lack of sustainable transport and parking facilities, lack of demonstrated need, poor connections with other tourist destinations, detrimental impact upon green infrastructure network and demonstrable impact upon character and amenity of neighbouring uses and on the surrounding areas.
- 5.2.5 Policy E5 also requires that adverse impact on the natural environment is avoided where possible and the proposal must clearly indicate how the adverse impacts will be effectively mitigated to the satisfaction of the Council and relevant statutory agencies. This has not been demonstrated in this submission.
- 5.2.6 Other material planning considerations are discussed below.

### **5.3 Design and Impact on the Character of the Area**

- 5.3.1 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. In order to comply with Policy BE1 of the RLP, the proposal must be compatible with, or improve the surrounding location through its scale, height and choice of external materials. Similarly, the basis of policy D1 of the emerging LDP ensures that development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.
- 5.3.2 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.
- 5.3.3 The NPPF states that:  
*'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'*  
  
*'That permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'*
- 5.3.4 Planning permission is sought for the enclosure of 0.8Ha of the natural woodland for private commercial use for the activity known as Nerf Wars and the siting of a

shipping container and numerous “obstacles” within the woodland for its beneficial use.

- 5.3.5 The shipping container would be sited 8m south of Park Drive with the area in between cleared for pedestrian access. This naturalized woodland is considered to provide significant amenity value to the public park and is the only public woodland area in this location. In the applicants supporting evidence, it is stated that the booking office facility would be clearly visible from the main park to the north for the benefit of visitors. It would therefore be intrinsically highly visible within the public domain and the siting of a shipping container painted with camouflage patterns and colours is considered to result in a discordant and strident structure within this verdant setting.
- 5.3.6 Furthermore, the use of Heras fencing as a perimeter barrier clad in scaffold netting for the entire boundary and the stationing of wooden pallets and rubber tyres in stacks for the use of obstacles throughout the site is considered to result in significant detrimental visual impact upon the soft landscaped area. This type of boundary fencing is considered acceptable for temporary use around development sites for security and safety, but its use across steeply undulating land within a woodland setting would result in significant detrimental visual impact upon the site. In addition, whilst the application states that the “game” would be within the woodland with minimal clearance, by its very nature, the woodland floor would become compacted and worn with limited regeneration of the ecology.
- 5.3.7 Adopted policies BE1, REC1 and REC7 and emerging policies D1, N2 and E5 are clear in their aim to protect such spaces against inappropriate development and loss of public open space. Whilst it is acknowledged that the space would be for outdoor recreation, it would preclude public access and result in significant detrimental visual impact on the character and appearance of the area.

#### **5.4 Effect on amenity of neighbouring occupiers and users of the site**

- 5.4.1 The site is adjacent to the Council’s recycling centre, the public park and the Blackwater Leisure Centre. There are no directly adjacent residential occupiers and the use of the site for an outdoor activity is not considered to result in significant detrimental impact upon the users of the recycling centre or the leisure centre. Notwithstanding this, the Council’s Environmental Health Service has commented that there is a holding objection subject to a Noise Impact Assessment.
- 5.4.2 There is concern that the noise of the game equipment in the form of imitation guns will reverberate throughout the woodland and to the residential occupiers within Park Drive to the east. This is particularly relevant as the use of the site would be during evenings when background noise from both the park is quiet and the recycling centre is closed and therefore there is limited ambient noise to mask the noise generated by the equipment and people undertaking the activity on site.
- 5.4.3 There is major concern that such detrimental impact cannot be mitigated against by way of a planning condition, should permission be granted. Whilst there may be limited impact in terms of noise nuisance, it has not been possible to assess this at this time and this element must be addressed prior to any use commencing as post decision, there is limited scope by the Environmental Health Service to overcome this.

- 5.4.4 Therefore, without the relevant information in the form of an appropriate noise assessment, the Council cannot assess the presence of detrimental impact upon adjacent residential occupiers or users of the other park facilities. Furthermore, the submitted land contamination report is not considered to meet the standards of BS:10175 and therefore, further comment on this cannot be made until an appropriate assessment in accordance with UK policy and the Essex Contaminated Land Consortium's Technical Guidance has been submitted.
- 5.4.5 As such the proposal could result in potential impact on the living conditions of the nearest residential properties, impact upon adjacent park users and may impact upon the health and safety of users and workers within the site contrary to adopted policies BE1 and CON5 and emerging policies D1 and D2 of the submitted Local Development Plan and the guidance and provision of the NPPF.

## **5.5 Access, Parking and Highway Safety**

- 5.5.1 The Maldon District Council Supplementary Planning Document (SPD), states that leisure use for outdoor sports requires a maximum of 1 space per 22m<sup>2</sup> of floor space. The proposal comprises no provision for parking within the application site and it is stated that the parking facility would be within the adjacent park.
- 5.5.2 Without evidence to the contrary, there is no statement to confirm that this parking facility would be available for such use or that the opening times of the park would coincide with the opening times of the site. It should also be noted that this area has not been edged red under the application and is also not in control of the applicant.
- 5.5.3 The Essex County Council highway authority has not raised an objection to the proposal. However, Essex County Council Waste Management Team, have raised serious concern for pedestrians' safety who will be required to cross the service road to the Recycling Centre for Household Waste (RCHW) to access the site. Although this would be limited to a short stretch, it should be noted that there is no pavement along this non-adopted service road, which is used by a significant number of cars and HGVs. Weekends represent peak usage times for the RCHW when it is not unusual for vehicles accessing the RCHW to queue along the access road beyond the proposed development site. The combination of queuing traffic waiting to enter the RCHW and free flowing traffic leaving the Promenade Park, together with the limited road width, presents a potential risk for pedestrians, the majority of whom will be young children, accessing the development.
- 5.5.4 Whilst it is noted that consideration is given to widening the access road to allow for a pedestrianised route to be installed, or entering the proposed development from the Blackwater Leisure Centre site, thereby removing the need for pedestrians to use the service road this does not form any part of the current proposal and the safety of users is not considered to be overcome by way of a planning condition should permission be granted.
- 5.5.5 Therefore, as the proposal does not comprise formal parking arrangements, safe pedestrian access and egress; safe access, egress or facility for cycling and prohibits social inclusion and accessibility, the proposal is considered to contrary to the criteria of adopted LP policy T1 and T2 and emerging policy T1 of the submitted LDP.

## 5.6 Landscaping, Ecology and Tree Protection

- 5.6.1 As the proposal comprises development and change of use within a wooded landscape, the Council's Coast and Countryside Officer and Tree Officer have been consulted. The submission has been supported by way of Biodiversity and Ecology Report and Arboricultural Report.
- 5.6.2 At the time of writing only a response from the Coast and Countryside Officer has been received.
- 5.6.3 The response raises serious concerns and an objection to the proposal. It is stated that the proposal would enclose a greenspace designated within the existing LP and emerging LDP. It represents one of the few areas of semi-natural habitat within the park. The Ecology Report recognises that the scrub could provide habitat for nesting birds and may also hide badger setts. It is not clear how many users are proposed and due to its use almost continually in daylight hours in summer months, it is considered that detrimental impact upon the ecology of the site would result.
- 5.6.4 Furthermore, features such as this woodland within designated parks and open space should be conserved and enhanced not excluded from public use. Current users of the space will have their own experience seriously restricted or reduced.
- 5.6.5 Proposed LDF Policy N2 - Natural Environment, Geodiversity and Biodiversity states: *'All development should seek to deliver net biodiversity and geodiversity gain...'*
- 5.6.6 In addition, Proposed LDF, Policy N1 - Green Infrastructure Network, identifies that *'there will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure'*. In the judgement of the Council's Coast and Countryside Officer this proposals will cause degradation and fragmentation of Promenade Park, Maldon's flagship greenspace and a vital part of the Green Infrastructure network.
- 5.6.7 The proposed site also adjoins the main part of the park that is recognised as an Historic Park and Garden and seeks to use the Park for parking. The proposal will be used almost continuously throughout the day in summer, generating potentially large amounts of additional vehicles. It is not clear how many users on the site at any one time. Large parts of the Historic Park and Garden are already degraded by intensive summer car-parking for users of the park and this will add to the degradation. The fencing proposed is utilitarian Heras fencing which is usually used as security fencing around development sites on a temporary basis, and is not appropriate for use as permanent fencing in a parkland setting in the middle of Maldon. The use of a container for sales of tickets etc. is also not in keeping with this flagship green space in Maldon. Promenade Park is the premier designed publically accessible greenspace in Maldon District.
- 5.6.8 Proposed LDF Policy D1 Design quality and Built Environment identifies that: 'All development must:  
1) *Respect and enhance the character and local context and make a positive contribution...*  
3) *Contribute positively towards the public realm and public spaces...*

#### *4) Protect the amenity of surrounding areas...*

- 5.6.9 The Tree Officer was consulted as part of this application and has advised that Millennium Wood is small in size, but contains diversity in character with various levels and vegetation types. There are open areas with low vegetation and grasses to the east of the site and high canopy with under storey and woodland floor interest to the west. The proposal, if approved, would reduce the habitat/species diversity and therefore undermine the future potential of the wood to become a local beauty spot and support its full potential of species. The area has not been regularly monitored for ecological improvement so it is difficult to estimate the detrimental effect of the proposal on the potential of the wood. It is noted that part of the area was cleared of the poorer quality trees and the general tree stock thinned to encourage better tree development and a low, wet grassy area to provide an alternative type of habitat. The proposal would destroy this area and much of the developing vegetation. Whilst the wood at present is young, it is developing well and has begun to achieve a woodland character. It is considered that the proposal, if approved, would seriously affect the character and quality of the developing trees and flora, limiting any future potential. There is a risk that Millennium Wood will become sterile and unattractive, unable to support enough wildlife to be beneficial. Although the wood may not have been thoroughly assessed for protected species and habitat value, the Tree Officer notes that Water Vole was recognised a few years ago in the stream that marks the western boundary of the site.
- 5.6.10 Further, it is considered that if the proposal is approved, the appearance of the fencing and the container, especially during the winter months, would be more visible thus having the appearance of a contractor's yard in full view of the public using the busy access road.
- 5.6.11 The proposal is considered contrary policies BE1, REC1, REC7, CC5 and CC6 of the adopted LP and emerging policies D1, N1, N2 and N3 and the guidance and provision as contained within the NPPF.

### **5.7 Flood Risk Assessment**

- 5.7.1 As the northern section of the site falls within Flood Zone 3, as defined by the Environment Agency, the submission has been supported by way of a Flood Risk Assessment. There is no objection to the proposal, subject to the Council applying the Sequential Test as required by national policy in the form of the NPPF.
- 5.7.2 Subject to an appropriate condition for an Emergency Flood Plan to be displayed within the office container at all times, the proposal is considered to be acceptable in terms of flood risk.

### **5.8 Other Considerations**

- 5.8.1 Numerous Letters of Representation have been submitted in objection to the proposal and include letters from local community groups including the Friends of Prom Park and The Maldon Society. The key issues are considered to be the loss of woodland, the privatisation of the current open access area, impact upon ecology and the integral nature and benefit to the main parkland and loss of amenity for public users. These

issues are considered to have been adequately addressed within previous sections of this report.

- 5.8.2 The Council's Senior Urban Design Officer has objected to the proposal and commented on its impact and conflict upon the objectives and projects within the Maldon and Heybridge Central Area Masterplan. There are already conflicts with traffic and parking management within the park that Project 16 of the draft Masterplan is required to manage. This is especially apparent in the vicinity of the application site where cars exiting the park and accessing the recycling centre and yacht club cause traffic congestion.
- 5.8.3 The detrimental visual impact of the proposal does not sit well in the context of what the draft Masterplan strives to achieve in the Leisure Quarter and to support the success of the Central Areas as a whole in terms of movement and connectivity and the cultural significance of the part and its environs

## 6. ANY RELEVANT SITE HISTORY

- 6.1 None relevant to this application.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Object	The comments of the Parish Council are noted

### 7.2 External Consultees (*summarised*)

Name of External Consultee	Comment	Officer Response
Essex County Council (ECC) Highway Authority	No Objection.	The comments of the Service are noted
ECC Waste and Recycling	Object. Impact and conflict between site and road users to the RCHW	The comments of the Service are noted
Environment Agency	No Objection. Subject to appropriate Flood Protection Plan.	The comments of the Service are noted

### 7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	Holding Objection, subject to submission of appropriate Environmental Impact Assessment and Noise Impact Assessment	The comments of the Environmental Health Service are noted
Senior Urban Design Officer	Object Detrimental impact upon the Central Area Action Plan and contrary to policy S5	The comments of the Senior Urban Design Officer are noted
Coast and Countryside Officer	Object Detrimental impact upon ecology and biodiversity contrary to adopted and emerging policies	The comments of the Coast and Countryside Officer are noted
Tree Officer	No response received	Any comments received will be updated by way of the Members Update

Additional Internal Consultee responses received since publication of original report:

Name of Internal Consultee	Comment	Officer Response
Economic Development Officer	No objections to the application.	Noted
Tree Officer	<p><u>Observation:-</u></p> <ul style="list-style-type: none"> <li>Millennium Wood contains diversity in character with various levels and vegetation type</li> <li>The proposal will reduce the habitat/species diversity and therefore undermine the future potential of the wood to become a local beauty spot and support its full potential of species</li> <li>The area has not been regularly monitored for ecological improvement so it is difficult to estimate the detrimental effect of the proposal on the potential of the wood.</li> <li>The author of the tree report appears to be aware</li> </ul>	Noted

Name of Internal Consultee	Comment	Officer Response
	<p>of BS5837 and has made reference, but the report is wholly inadequate and does not provide the required level of detail</p> <ul style="list-style-type: none"> <li>• In recent years, the wood has begun to mature and therefore will offer more diverse species and habitat value.</li> <li>• The loss of the application area and its future potential should be balanced against the financial gain.</li> </ul>	

#### 7.4 Representations received from Interested Parties (*summarised*)

7.4.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarized as set out in the table below:

- Friends Of The Prom, C/O Robert Wyness, 112 Mill Road Maldon Essex CM9 5JA
- Maldon Society, C/o Judith Lea, 12 The Courtyard Spital Road Maldon Essex CM9 6DX
- Ms. S Bates, 22 London Road Maldon Essex CM9 6HD
- Ms. L Beasley, 18 Acacia Drive Maldon Essex CM9 6AP
- Ms. A Brannigan, 17 Cross Road Maldon Essex CM9 5EE
- Mrs. Craig, 110 Mill Road Maldon Essex CM9 5JA
- Mrs. Joanna Doyle, 2 Minster Way Maldon Essex CM9 6YT
- Ms. Laura Epps, 51A Mill Road Maldon Essex CM9 5HY
- S Gilmore, Kestrels Cottage Lodge Road Woodham Mortimer Essex CM9 6SJ
- Mrs. Kathy Goff, 180 Fambridge Road Maldon Essex CM9 6BH
- Mrs. Sarah Green, 24 Mirosa Reach Maldon Essex CM9 6XS
- Miss. Julia Lawrence, 3 D'Arcy Avenue Maldon Essex CM9 5JL
- R Murphy & Family, 4 Bower Gardens Maldon Essex CM9 6HJ
- Ms. Sue Pepper, The Old Manse Manse Chase Maldon Essex CM9 5EA
- Mrs. Josephine Phillips, 47 Spital Road Maldon Essex CM9 6DZ
- Ms. Sarah Simmons, 4 St Giles Close Maldon Essex CM9 6HU
- Mr. C Swain, 4 Mermaid Way Maldon Essex CM9 5LA
- Ms. V Williams, 36 Redshank Drive Heybridge Maldon Essex CM9 4UE
- Miss. Michele Williams, Barge End Cottage 30 The Hythe Maldon Essex CM9 5HN
- Elizabeth & Eric Willsher, 39 Wantz Road Maldon Essex CM9 5DB

- Mr. Simon Wood, 46 Freshwater Crescent Heybridge Maldon Essex CM9 4PA

<b>Objection Comment</b>	<b>Officer Response</b>
<p>Millennium Wood is a valuable asset.  Rare to find a wood within a town.  Should be safeguarded as natural habitat for all to enjoy.  Should not be treated as an extension of recreation ground  Totally unsuitable location and destructive of woodland environment.  Shipping container gives impression of transit camp.  Against spirit of central area action plan.  Park at risk of overdevelopment.  No further commercialisation of the park.  Spoil pleasure for many.  Will be expensive and therefore inaccessible for all.  Think of majority not the minority.  Detrimental impact upon habitat location.  Encourages use of guns in the young.  Designated wood at risk for sake of small income.  Gateway to sea wall and marshes.  Already numerous offerings in the park.  What happens if it fails?  Shipping container is an eyesore.  Noise and disruption for all.  Impact upon dog walkers.  Noise impact well beyond the fence.  Loss of peaceful area of park.  Many species of birds including migrant birds and important feeding and refuge area.  Millennium Wood named after a unique event never to be repeated.  Contrary to local and national policies.</p>	<p>The comments have been noted and addressed within the report</p>

7.4.2 Addition letters of **objection** received since publication or the original report:

- Mr Steven Craven - 56 Poulton Close Maldon CM9 6GB
- Mrs A Sandison – Longlea Esplanade Maylandsea CM3 6AW
- Thomas Kelly – Iona 2 Midguard Way Maldon CM9 6UP
- Philip Luke - Box Lodge Manse Chase Maldon CM9 5EA

<b>Objection Comment</b>	<b>Officer Response</b>
<ul style="list-style-type: none"> <li>• Fencing off the site would mean the wood becomes a private space and no longer be for free information</li> </ul>	<p>The comments have been noted and addressed within the report</p>

Objection Comment	Officer Response
recreation <ul style="list-style-type: none"> <li>• The site will no longer be a suitable wildlife habitat / ecology</li> <li>• The container will change the natural environment</li> <li>• Loss of a natural recreational area</li> <li>• Impact on the character and appearance of the area, contrary to policies</li> <li>• This is for financial gain</li> <li>• Local Essex Wildlife Trust volunteers has recently planted a number of Buckthorn trees in the wood for Brimstone butterflies</li> <li>• An alternative site for such activity would be more sustainable than Millennium Wood</li> </ul>	

**8. REASONS FOR REFUSAL**

1. The proposed development would result in significant detrimental impact upon the character and appearance of the site by way of visual intrusion including choice of boundary treatment, choice of materials within the site, level of built form and loss of public open amenity space contrary to adopted policies BE1, CC6 and REC7 emerging policies D1 and E5 of the submitted Local Development Plan and the guidance and provision of the National Planning Policy Framework.
2. It has not been demonstrated that the proposal would not result in material harm or detrimental impact upon the enjoyment and safety of adjacent neighbouring occupiers or users and workers within the site contrary to policies BE1, CON5 and CON6 of the adopted Maldon District Replacement Local Plan and emerging policies D1 and D2 of the submitted Local Development Plan and the guidance and provision as contained within the National Planning Policy Framework.
3. Policy E5 of the Local Development Plan supports development for new tourist facilities providing it is demonstrated that there is an identified need for the proposal, there is good connectivity with other tourist sites and green infrastructure networks, there is no significant detrimental impact on the character and amenity of neighbouring uses or the surrounding area and any impact on the natural environment is avoided. The proposal fails to meet these policy criterion.
4. The Ecological Scoping Survey reference 0259.0001 Rev 0 has not fully demonstrated that there will be no detrimental effect on the ecology and biodiversity of the site contrary to adopted policies BE1, CC5 and CC6 of the adopted Maldon District Replacement Local Plan and emerging policies D1, E5, N1 and N2 of the submitted Local Development Plan and the guidance and provision as contained within the National Planning Policy Framework.

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**REPORT of  
CHIEF EXECUTIVE**

**to  
COUNCIL  
13 JULY 2017**

<b>Application Number</b>	<b>FUL/MAL/16/01142</b>
<b>Location</b>	Stow Maries Aerodrome Hackmans Lane Cold Norton Essex
<b>Proposal</b>	<p>Planning Application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome including hours of operation, restrictions on the number of take-offs and landings, and arrangements for Special Public Event days. The arrangements to be as follows:</p> <ul style="list-style-type: none"> <li>• The airstrip to be used by fixed wing and propeller driven aircraft; helicopters, apart from emergency services machines, may only use the site in the event of emergency or during Public Event days</li> <li>• Take-offs and landings only after 08.00 hours and no later than either 20.00 hours, or sunset whichever is earlier</li> <li>• In the Winter months (November to April inclusive) there shall be no more than 25 landings and 25 take-offs per day</li> <li>• In the Summer months (May to October inclusive) there shall be no more than 25 landings and 25 take-offs on weekdays</li> <li>• In the Summer months (May to October inclusive) there shall be a maximum of 50 landings and take-offs per day at weekends and bank holidays apart from Special Public Event Flying days when maximum landings and take-offs are increased to 75 take-offs and 75 landings per day</li> </ul>
<b>Applicant</b>	The Trustees - Stow Maries Great War Aerodrome Trust
<b>Agent</b>	Ms Sarah Threlfall - TMA Chartered Surveyors
<b>Target Decision Date</b>	24.01.2017
<b>Case Officer</b>	Yee Cheung, Tel: 01621 876220
<b>Parish</b>	<b>COLD NORTON</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application Member Call In

**1. UPDATE AND RECOMMENDATION**

This application is referred to the Council for determination by the North-Western Area Planning Committee at its meeting on 12 June 2017. The content of the Members' Update, circulated at the Area Planning Committee, has been incorporated into this report. The Officer recommendation on this application is as follows:

**APPROVE** subject to the completion of a S106 agreement and to the conditions (all as detailed in Section 9 of this report).

2. SITE MAP



### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

- 3.1.1 The Stow Maries Great War Aerodrome (SMGWA) is located off a private track from Hackmans Lane. The aerodrome is understood to be the most complete WWI aerodrome in Europe, and is therefore of outstanding architectural and historic and significance. The site is also designated conservation area and twenty-four of the surviving buildings are Grade II\* listed.
- 3.1.2 The SMGWA was purchased from the previous private owners in 2013 with funding from the National Heritage Memorial Fund and other local and national government sources. The site is now under the custodianship of Stow Maries Great War Aerodrome Trust and is open to the general public where it runs as a charitable and educational establishment.
- 3.1.3 Planning permission was granted on 15 June 2009 (reference: 09/00250/FUL) for the *“Re-instatement of airfield and erection of 2 no. aircraft hangers to match former buildings on site”*. Within this decision notice, there were planning conditions imposed which restricts the use of the site. Namely these relate to hours of operation during summer both and winter months, special public events, the number of landing and taking off from the site and the type of aircraft that are able to land or taking off from the site; These conditions were placed on the airfield when it was in private commercial ownership.
- 3.1.4 In this current planning application, the SMGWA Trust seeks to change some of the planning conditions imposed on 09/00250/FUL, particularly with regards to the type of aircraft landing and taking off, the number of landings and take-offs from the air strip and the hours limitation on when aircraft can take-off and land at weekends and bank holidays not just Special Public Events in the summer (May to October inclusive) and winter months (November to April inclusive) at the airfield. The number of landings and take-offs is outlined in the Description of Proposal above; however, this would need to be managed by a condition if the application as approved.
- 3.1.5 In support of this planning application, the Applicant has submitted, amongst other things, a Planning Statement, including maps to show the Controlled Airspace (Appendix 1) and Flight Guidance for Visiting Pilots (Appendix 2) prepared by TMA; Design and Access Statement prepared by TMA dated October 2016; Planning Policy Statement prepared by KLW Planning & Development Consultants dated November 2016; Noise Report prepared by Sharps Gayler LLP Acoustic Consultants dated 10 March 2017; and Planning Justification Statement prepared by KLW Planning & Development Consultants dated December 2016.
- 3.1.6 Since the submission of this application, a number of complaints in relation to the site operating in breach of a number of planning conditions. The breach of planning control is not considered to be a material consideration, of any demonstrable weight, when determining this planning application.

## **3.2 Conclusion**

- 3.2.1 It is concluded that on planning balance, it is considered the above proposal to change the conditions imposed on restricting the use of the airfield would support the rural economy in terms of rural tourism and leisure development that benefit businesses in rural areas, communities and visitors. Further, the proposal would meet the requirement as set out in the NPPF where it supports the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural areas. In addition, the revenue generated from the proposal would be ploughed back into projects for the airfield enabling the Trust to continue to maintain, restore and preserve the site in accordance with Development Plan Policies, including Paragraphs 28 and 131 of the National Planning Policy Framework. The harm identified is not considered to outweigh the benefits and therefore the application is recommended for approval.

## **4. MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 7, 14, 17 including Chapters 3, 11 and 12 of the NPPF (the list is by no means exhaustive)

### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- S2 – Development boundaries and New Development
- CON5 – Pollution Prevention
- CON7 – Development Affecting Airports
- CC5 – Protection of Wildlife at Risk on Development Sites
- CC6 – Landscape Protection
- BE1 – Design of New Development and Landscaping
- T2 – Sustainable Transport and Location of New Development

### **4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**

- S1 – Sustainable Development
- D1 – Design Quality and Built Environment
- E5 – Tourism
- E6 – Skills, Training and Education
- N2 – Natural Environment and Biodiversity
- T2 – Accessibility

### **4.4 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

5.1.1 The adopted Maldon District Replacement Local Plan has 10 Strategic Objectives upon which all its policies are based. The three most relevant objectives to this planning application are outlined below where the Council seeks to:-

- To protect and enhance the coast and countryside, recognising the contribution of their intrinsic character and beauty and the diversity of their landscapes, heritage and wildlife, the wealth of natural resources and the character, ecology and economy of the District (Sii);
- To improve access to and the provision of sport and leisure facilities and enhance tourism for all (Svi); and
- To create a sustainable and accessible environment in which living, working and leisure encourage pride in the District, recognising its important historic qualities (Svii).

5.1.2 There are three main considerations underlying the assessment of the proposal which should be recognised:-

- The unique circumstances of this site and its national importance as a complete WW1 airfield site within this District;
- Relaxing and increasing the number of aircraft landing / take-off in connection with the use of the site as a ‘living museum’ would increase the number of visitors to the District and provide for employment opportunities; and
- The impact on the existing residential community surrounding the airstrip and in the locality of the site

### **The Current Situation**

5.1.3 The SMGWA Trust and airfield are now run wholly as a charity and receives some national and local grant funding and financial support. Flying in and out of the site is carried out under strict Civil Aviation Authority (CAA) regulations. The airfield is under an airspace corridor used by all aircraft which are not permitted within the controlled airspace of Southend Airport or Stanstead Airport. This means that there is significant over-flying of the airfield and the adjoining areas by all types of light aircraft. Any fancy maneuvering or Aerobatics are only permitted with CAA approval.

5.1.4 The CAA published its policy on Consultation on Planning Applications in August 2012, whereby it will not respond to applications where it is not a statutory consultee and emphasises that in all cases Aerodrome safeguarding is the responsibility of the operator and licence holder. The CAA is a Statutory Corporation within the Department of Transport and publishes advice. This is also reflected in the Applicant’s Design and Access Statement in Appendix 1 relating to the controlled airspace for Southend Airport. The Council is therefore entitled to rely on the operator (and other aircraft using the airspace in the vicinity) observing the Class D Air Space Safeguarding Classification introduced by Southend Airport in 2015.

- 5.1.5 There are currently two runways within the SMGWA airfield. Both runways are entirely grassed and can only be used by very light aircraft. The application does not propose to alter this.
- 5.1.6 The buildings at the site are being carefully restored and preserved in their World War 1 format and now house a growing collection of historic aircraft; both original and ‘reproduction’. The site is being developed as a museum and educational site in order to preserve the heritage and it is envisaged that it will eventually become a significant local tourism asset for visitors. It is understood from the Applicant’s submission that visitors already come to this site from all over the UK and increasingly from Europe.
- 5.1.7 It is noted that there are a few modern aircraft currently based at the site and are stored on a permanent basis. The intention of the SMGWA Trust is to encourage more original and reproduction aircraft. Such aircraft would include Sopwith Pup, Albatross D Va, Sopwith Snipe, BE 2e and Dh2. The aircraft that are permanently based or stored on site would ‘fly in’ and then ‘fly out’ and this is reflected in the proposed description of traffic movement in terms of take-offs and landings.
- 5.1.8 At present, much of the Trust’s income is generated by Special Public Event Flying days when events and displays are provided on the ground and suitable aircraft are encouraged to “fly in” to the site to create interest for the public. The success of a “fly in” is entirely weather dependent and therefore, cannot be predicted in advance. If the weather is poor, there is poor visibility or the wind is ‘in the wrong direction’ very few aircraft can approach the airfield.

### **The Airfield and Airstrip**

- 5.1.9 The airfield was originally laid out during World War 1 and the layout of the runways is unchanged. The site has two short, mown grass runways and neither is suited to the prevailing winds and the practicalities of using these runways place natural safety limits on the way the airfield can be operated. The lengths of the runways are 680 metres in length x 60 metres in width (02/20 bearing) and 550 metres in length x 40 metres in width (15/33 bearing).
- 5.1.10 During the war, it was recorded that the site was not used at its operational capacity. This is a reflection of the impractical nature of the site which continues to limit its use today. Guidance for pilots approaching or leaving the airfield is strict and requires that they follow certain routes. These routes have been designed to direct aircraft away from centres of population and certain groups of dwellings. A copy of this guidance was attached in the Planning Statement (Appendix 2) as part of the Applicant’s submission.
- 5.1.11 The proposed conditions as outlined in the Description of Proposal would be an absolute maximum capacity for the airfield. The SMGWA Trustees are seeking to increase the permitted number of take-offs and landing to the maximum to allow for long-term planning, and to avoid returning to this issue in the near future.

### **Flying Activities**

- 5.1.12 Planning permission is sought for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome including hours of operation, restrictions on the

number of take-offs and landings, and arrangements for Special Public Event days.

The arrangements to be as follows:-

- The airstrip to be used by fixed wing and propeller driven aircraft; helicopters, apart from emergency services machines, may only use the site in the event of emergency or during Public Event days.
- Take-offs and landings only after 08.00 hours and no later than either 20.00 hours, or sunset whichever is earlier.
- In the Winter months (November to April inclusive) there shall be no more than 25 landings and 25 take-offs per day.
- In the Summer months (May to October inclusive) there shall be no more than 25 landings and 25 take-offs on weekdays.
- In the Summer months (May to October inclusive) there shall be a maximum of 50 landings and take-offs per day at weekends and bank holidays apart from Special Public Event Flying days when maximum landings and take-offs are increased to 75 take-offs and 75 landings per day.

5.1.13 With regards to 'Special Public Event Flying Days', the Applicant has confirmed in an email correspondence dated 25 January 2017 which advises the following:-

- The dates for Special Public Event Flying Days must be notified to the Planning Department of MDC not less than 14 days in advance
- Cancellation or re-scheduling of a Special Public Event must also be notified to the Planning Department who may permit re-scheduling with less than 14 days notice
- The number of Special Public Event Flying Days will be limited to 7 per year, a public event may run across a weekend but total number of days of Special Public Events will not be more than 14 days per year

The dates would normally include Bank Holidays but the events would be tailored around other large events / venues. An example given was The Blackwater Show.

5.1.14 In terms of flying activities in association with the airfield, a Planning Justification Statement prepared by K LW was submitted in support of the application. This Planning Justification Statement has been prepared by Peter Kember, an experienced pilot, aircraft owner and operator of an aerodrome in West Kent and specialises in aviation planning matters from the 1980s to the present day. Peter Kember has advised on over 200 different airports and aerodromes in the UK, he has advised Government spokesmen on aviation planning issues and has given expert evidence at more than 20 public inquiries into flying sites in the UK and has only recently stepped down from his position on the Civil Aviation Authorities General Aviation Consultative Committee.

5.1.15 In the 2009 planning application (09/00250/FUL), conditions were imposed to limit the number of aircraft movements at Stow Maries Aerodrome to a maximum of 24 per day (Condition 14). Whilst this planning permission gave the lawful use of the land as an aerodrome, it is suggested by the Applicant that the number of aircraft movements is unrealistically low for SMGWA to operate with the necessary regime to control numbers of aircraft movements, their noise abatement procedure and their flight paths.

5.1.16 It has been identified that aerodromes of comparable size to Stow Maries including Old Warden Aerodrome in Bedfordshire, (the home base of The Shuttleworth Trust which operates a fleet of historic aircraft), Earls Colne Aerodrome and Andrewsfield Aerodrome in Essex have a permanent member of staff who is responsible for granting permission to land at the aerodrome and for ensuring that proper procedures are followed by the pilots of home-based and visiting aircraft. In the case of the Stow Maries Aerodrome the increase in flight operations would enable the aerodrome to introduce the type of aircraft control measures seen at other comparable aerodromes, as recommended by the Government and as endorsed by Planning Inspectors on appeal.

5.1.17 It is proposed that the daily aircraft movements (weekdays 50, summer weekends and bank holidays 100, 14 event days per annum at 150) would produce a maximum annual total of 23,800 aircraft movements for this site. Whilst this may be the case, the Applicant suggests that this is an unrealistic calculation because of the following factors:-

- a) The weather in the UK does not permit flying in light aircraft operating on Visual Flight Rules (VFR) on more than an average of approximately 250 days per annum.
- b) Stow Maries has grass runways which can get waterlogged after periods of wet weather putting them out of action sometimes for weeks at a time.
- c) Stow Maries has short runways which are not aligned into the prevailing wind and historic aircraft cannot be flown in a crosswind.
- d) The types of aircraft operating at Stow Maries are predominantly lightweight and historic aircraft which, like those based at Old Warden Aerodrome, are only flown in light winds.
- e) Pilots who propose to visit the aerodrome fear operating in close proximity to Southend Airport's Class D airspace where a specific permission is required to enter.

5.1.18 As such, it has been calculated that these factors would reduce the maximum number of annual aircraft movements to be about 8000 aircraft movements.

5.1.19 As advised in the Planning Justification Statement, it states that should the application be approved, the SMGWA Trust would be prepared to accept a cap of 8,000 aircraft movements per calendar year which may only be increased by permission from MDC for the purpose of a special occasion such as the Remembrance Day event held towards the end of the flying year.

### **Flight Control Measures**

5.1.20 The Government have endorsed the use of Airport (or Aerodrome) Consultative Committees (ACC) as a means of involving the community in the operation of an aerodrome and to resolve issues of importance locally. The current Guidelines for Airport Consultative Committees published by the Department for Transport (DoT) are dated April 2014. The ACC would involve users of the aerodrome, the Local Planning Authority (in this case Maldon District Council) and others with an interest, principally any other organisation representing the interests of persons concerned with the locality in which the Aerodrome is situated. A committee is made up of representative from the three categories above. The DoT Guidelines recommends that

ACCs meet at least three times a year. An ACC would be set up, should the application be approved, to ensure the guidelines are adhered to.

5.1.21 The ACC would be empowered to adopt a Standard Operating Procedure (SOP) to decide on the optimum flight paths to and from Stow Maries Aerodrome to ensure the minimum of disturbance to noise sensitive properties within the locality of the Aerodrome. The ACC would also have sight of the Display Authorisation issued by the Civil Aviation Authority which controls the display line and routing of display aircraft on public event days and practice days for events. Following a recent flying event day at Stow Maries Aerodrome the CAA has found the display satisfactory in all respects. A copy of the CAA Flying Display Report dated 10th August 2016 was submitted in support of the application.

5.1.22 In conjunction with the ACC, the SMGWA are seeking to improve procedures whereby visiting pilots obtain permission to land at Stow Maries Aerodrome. This procedure known to pilots and published in the various Flight Guides used by pilots is called Prior Permission Required (PPR). It has been acknowledged that until recently the responsibility for authorising the grant of permission to a visiting pilot has been unorthodox and as a consequence the numbers of visiting aircraft has, on a number of occasions, exceeded the numbers specified in the 2009 planning permission. To alleviate future concerns, should the application be approved, pilots seeking permission to land, before taking off would need to telephone a dedicated aerodrome number. The responsible person at SMGWA would only grant permission after having ascertained that:-

- 1) There is a slot available in accordance with any planning permission then in force; and
- 2) The particular pilot has examined and understands the Aerodromes Standard Operating Procedure as published in the Flight Guides used by pilots or as published online, via SMGWA's website.

### **Guidance to Users of the Airfield**

5.1.23 All pilots approaching the airfield receive guidance about how to approach the airfield. This guidance specifies routes in and out of the airfield to avoid flying near to centres of population and neighbouring properties. A copy of this guidance, containing the flying brief for pilots and map information, is attached to Planning Statement (Appendix 2) in support of the proposal. This guidance is intended to limit, as far as possible, planes flying over neighbouring properties.

5.1.24 It is important to note that the airfield rules do not apply to aircraft in the area which are not intending to land at the airfield. Aircraft within the general air corridor are subject to the UK Rules of the Air not to fly within 500ft of structures and people and at a maximum height of 1,500 ft above sea level.

## **5.2 Impact on Residential Amenity**

5.2.1 The potential for noise as a result of an increase in activity of the site is one of the main reasons for objections by third parties. Concerns have been raised, predominately, in relation to noise generated by aircraft movement.

- 5.2.2 The Aerodrome is located in a remote part of the countryside at a distance from noise sensitive properties that is considered to substantially mitigate against any undue impact from noise and disturbance during landing and take-off. Furthermore, it is essential to remember that the site currently functions as an aerodrome and it is essential to consider the proposal against the fallback position.
- 5.2.3 In support of the planning application, a Noise Report prepared by Sharps Gayler dated 10 March 2017 was submitted to the Council for assessment.
- 5.2.4 The Environmental Health Team has raised no objection to the proposal subject to conditions to be imposed should the application be approved. It was advised that the introduction sets out the current conditions and seeks to address the discrepancy and confusion caused by the change in terminology between what was originally proposed and supported by the Environmental Health Officer's recommendations and the eventual wording of the Condition 4 of planning application 09/00250/FUL.
- 5.2.5 The report goes on to outline the current proposal, with Table 1 providing a useful summary of the required increase in activity. It goes on to describe this as "broadly doubling the allowable movements per day during the Winter months and Summer weekdays and to quadruple the allowable daily movements on Summer weekends and Bank Holidays." This is explained in terms of noise levels as adding 3dB and 6dB although the resultant change to ambient noise levels will be somewhat less. This is due to the potential of at least some of the activity to be masked by other noise sources.
- 5.2.6 Section 2 of the noise assessment provides an accurate and effective summary of Government Policy and Practice in relation to noise impact and planning. In particular it explains the concept of "adverse effect levels" and the three tier approach based on the Lower Observed Adverse Effect Level and the Significant Observed Adverse Effect Level, quoting the National Policy Statement and Planning Policy Guidance. These levels will vary depending on the situation under consideration and neither policy nor guidance attempts to prescribe values. The consultant appropriately goes on to make a case for ascribing appropriate values of LOAEL and SOAEL for the application in question.
- 5.2.7 Section 3 of the assessment looks at the relevance of the much quoted World Health Organisation "Guidelines for Community Noise" and the National Physical Laboratory's interpretation of the guidelines and concludes that the average level (LAeqT) for LOAEL and SOAEL in relation to this development should be 50dB and 60dB respectively. The report points out that this represents the most stringent interpretation of the WHO range of levels with an added margin of safety in that the average is taken over the shorter operating day of 12 hours rather than the WHO full day of 16 hours. It further justifies these values by reference to three other studies which also address the evaluation of impacts from changes in noise levels. In respect of the latter it reproduces the IEMA summary of impacts associated with increases above the LOAEL in Table 2.
- 5.2.8 Having justified the standard to be applied the consultant then addresses the assessment of aircraft noise emission levels, using commercially available modelling software to predict noise levels from basic input data including the General Flying Orders for the airfield. A number of assumptions are set out based on current

operating arrangements and using data for a Cessna 172 as being the closest match to the type of aircraft using the airfield. The software produces noise contours for the airfield which have been provided as an appendix to the report. Predicted noise levels are properly validated using field measurements from the noisiest aircraft currently based at the airfield.

- 5.2.9 Evaluation of the predicted noise levels show that at up to 100 movements per day the LOAEL of 50dB LAeq 12hr is not exceeded at any property in the vicinity of the airfield, with the highest effect being 45dB at Edwins Hall from 50 movements, rising to 48dB with 100 movements. The impact is also evaluated in terms of the change in noise climate. The IEMA summary provided in Table 2 is not appropriate as the predicted level does not exceed the 50dB LOAEL threshold. However the consultant helpfully attempts to evaluate the increase, demonstrating in paragraph 6.6 that the change in noise levels arising from the increase in aircraft will be 2dB LAeq 12hr at 50 movements per day and 5dB LAeq 12hr at 100 movements per day at the worst affected property (Edwins Hall). These are relatively low increases and there is no attempt to explain their significance. Furthermore, although not considered in the consultant's evaluation, when considered over a longer period flying activity is extremely unlikely to reach the maximum number of movements permitted due to weather and runway conditions.
- 5.2.10 In respect of the proposed increase to 50 and 100 movements per day, the Environmental Health Team is broadly satisfied that the proposed LOAEL is appropriate, that it provides considerable margin for error and will not be exceeded. In accordance with guidance no additional restrictions are required other than conditions to ensure the proposed level of activity can be monitored and will not be exceeded. One outstanding concern is that the assessment has been based on the noisiest aircraft currently operating from the airfield. There is of course a likelihood of noisier aircraft visiting the airfield and potentially being based at the airfield in the future. As such, that Environmental Health Team has taken a pragmatic approach to this on the basis that other aircraft currently based at the airfield are quieter than the aircraft type used in the model which applies the worst possible case as a 12 hour average. The overall impact of a small number of noisier aircraft can be absorbed within this average. Furthermore, it is noted that the aircraft type would be somewhat limited by the nature and length of the runways. However due to the uncertainty here it is prudent to attempt to formulate a condition which will ensure the LOAEL is not exceeded by future activity.
- 5.2.11 The proposal refers to "Special Public Event Days", "Public Event Days" and "Special Public Event Flying Days" but these are not defined. The Environmental Health Team have considered just two interpretations; public events that involve flying as part of the attraction; and public events with no flying displays or demonstrations. In relation to the proposal for "Special Public Event Flying Days" there has been no evaluation of the potential impact of increasing permitted activity to 75 take-offs and 75 landings per day. Furthermore the application does not indicate the number of such events to be held each year. It was previously recommended in relation to the original application 09/00250/FUL was that this should be restricted to 4 public flying events per year, not exceeding 3 days per event as per the proposal contained within the application. This was reduced to 2 events per year by Condition 13 of the current approval. The Environmental Health Team had extrapolated the aircraft noise emission data from the consultant's calculations to reflect the potential

150 movements per day. This gives a predicted level of 49.8 dB LAeq 12hr or a 6dB increase over current daily activity. Flying Day activity is severely restricted at the airfield by the CAA rules governing air displays (CAP 403) but there will be an unknown contribution from display aircraft which may well be noisier than the simple take-offs and circuits modelled. There is also a risk that visiting aircraft may stay overnight on 2 or 3 day events leading to the number of noisier take offs being more than half of the movements on the departure day. Taken together this suggests that the LOAEL may be exceeded on “Special Public Event Flying Days” and that reasonable steps are required to mitigate the effect of noise. This should at a minimum be a control over the number of events and a reduction in the number of movements might also be justified depending on the number of events proposed. Public events without flying displays are considered unlikely to impact on the local environment other than through the additional road traffic and visiting aircraft. Provided the latter are within the 100 movements per day they do not require any additional consideration.

- 5.2.12 Concerns have been raised in relation to the potential commercial element of the proposal or the use of the site by various types of aircraft. The existing landing strips, that are not to be altered as part of this application, are grassed and would not be an attractive option for modern day aircraft. Irrespective of this, and taking into account the tourism and historical nature of the development, it is considered appropriate to impose a condition on any approval to limit the development to fixed wing, single propeller driven aircraft and not for charter of fare paying flights.
- 5.2.13 Shortly after the publication of the Environmental Health Team’s comments, the Council received a letter from The Planning Law and Practice dated 11 April 2017 questioning the Noise Impact Assessment as the practice had considered the assessment prepared by Sharps Gaylor Acoustic Consultants has ‘seriously underestimated’ the impact that an increase in the flight movement to and from the airfield. As the Environmental Health Team had based their comments upon the information that the Applicant had submitted, it was therefore considered necessary to go back to the Applicant for further clarification.
- 5.2.14 Sharps Gaylor Acoustic Consultants responded to The Planning Law and Practice’s comments on 8 May 2017. The Environmental Health Team had also provided additional comments regarding the proposal and planning conditions should the application be approved. In the Environmental Health Team’s response to The Planning Law and Practice’s letter dated 11 April 2017, it is noted that the first three points relate to the confusion over the number of flights permitted by FUL/MAL/09/00250. Having researched this further it appeared that Members at the 2009 (8 June 2009) committee had halved the number of aircraft movements required by the application which restricted flights to 12 movements per day (being take offs or landings) where the original application had stated 24 movements. This led to Condition 14 to be amended to read *‘There shall be no more than 12 aircraft movements (take offs and landings) undertaken from the site in any 24 hour period, subject to a maximum of 74 movements (take offs and landings) undertaken in any calendar month, and subject to a maximum of 360 movements (take offs and landings) undertaken in any calendar year unless otherwise agreed in writing by the Local Planning Authority for the purposes of public events.’*

- 5.2.15 This reduced number of permitted movements has had an impact on the Sharps Gayler assessment as concluded by the PLP letter, although only to the extent that it doubles the figures quoted which describe the aircraft movements in terms of current permitted activity. i.e. broadly quadrupled during winter months and summer weekdays, with an 8 fold increase on summer weekends. In terms of sound pressure levels this equates to 6dB and 9dB respectively. This is not necessarily as misleading or wrong as PLP are suggesting. Sharps Gayler seem to be using this as a simple descriptor of the additional activity. This part of the report is useful but in noise terms it could be considered superfluous as it does not impact on the later calculations.
- 5.2.16 It should also be considered what this descriptor is really trying to convey. If the baseline is the current permitted number of movements (12) then the description shows the increase from the theoretical current cap to the cap required in this latest application. Using the perceived permitted number (24), to which the airfield has apparently been working and may be more representative of actual activity, the description of doubling and quadrupling activity is still valid in relation to actual current and historical flight numbers.
- 5.2.17 PLP's fourth point refers to the assertion in 1.13 of the noise assessment that "the impact on a limited number of event days a year will not materially affect the prevailing noise emission level and impact". In the previous comments made by the Environmental Health Team, reference has been made in some detail to the various "event days" and the failure to evaluate the noise impact from the events. The Environmental Health Team have provided the extrapolated aircraft noise emission data for the additional movements which will be 6dB higher than the current daily activity (or 9dB higher than the current permitted activity). This is significant and suggests that reasonable steps are required to mitigate the effect. In practice this mitigation needs to be a balance between number of events permitted and the number of additional movements allowed. There is no scientific answer to this, it's just a case of determining what might be a reasonable compromise.
- 5.2.18 PLP's fifth point refers to the selective treatment of the AECOM report which Sharps Gayler quote in justifying their suggested LOAEL and SOAEL values. However, the report goes on to explain that the (quantitative and qualitative) impact of change is only relevant once the LOAEL has been exceeded. This is only likely to occur on a special event flying day and the lack of assessment is discussed above.
- 5.2.19 PLP's sixth point criticises the lack of explanation for the statement in paragraph 5.5 of Sharps Gayler's assessment. The Environmental Health Team is satisfied that this needs no further explanation if read together with the preceding two paragraphs. Also related to the noise model, the seventh point concerning runway usage is a clearly stated assumption and presumably based on historical data. It looks correct based on flights observed while officers have attended meetings and events at the aerodrome, this assumption has not been challenged. Runway usage is largely dictated by weather conditions and aircraft safety and cannot reasonably be expected to form part of the planning application.
- 5.2.20 PLP's final point quotes "absolute noise levels" at two farms. The figures quoted represent the SEL which is the total sound energy captured during the flyover event normalised to one second. This is used to build the overall sound levels for a number

of events over a 12 hour period. It does not relate to the actual level heard on the ground unless the aircraft was only audible for 1 second.

- 5.2.21 In undertaking this further review of the Sharps Gayler report and comments made by the Environmental Health Team previously, a number of other issues have come to light. The assessment is based on the normal practice of assessing aircraft noise as a long term average of the individual aircraft movement events and as such is robust. However, shorter term impacts may well be greater. Examples will be if the same runway is used for several days in succession, potentially over a long period in stable weather conditions or when the pattern of flying during the day concentrates flight movements into short periods (e.g. a fly in early morning with departures late afternoon).
- 5.2.22 The Environmental Health Team had concerns regarding the terminology used within the submission referencing “Special Public Event Days”, “Public Event Days” and “Special Public Event Flying Days” (this was mentioned in Paragraph 5.2.11 of the report) In the Applicant’s letter dated 18 May 2017”, it appears that all of these references in the application documents refer to “Special Public Event Flying Days” (SPEFD’s) which are now also described as *“days when specific flying events are held and owners of specific aircraft are invited to attend”*. This is a useful clarification although there is concerns that simply requiring 14 days’ notice without any ability to refuse or require modification does not give sufficient protection to local residents in relation to the potential loss of amenity due to aircraft noise. Even if the notice of events was on a permissive basis, 14 days is insufficient time to evaluate the potential noise impact, and too short a notice for the Applicant if an event is not permitted within that period.
- 5.2.23 It should also be noted, as discussed above in Paragraph 5.1.15, that is recommended that there is a cap of 8000 aircraft movements per annum imposed on any grant of planning permission.
- 5.2.24 In addition, the SMGWA has in place the Flight Guidance for Visiting Pilots, a guidance which is issued to all visiting pilots to the Stow Maries airfield. The guidance stipulates that:-
- “No flying to the east of the airfield due to very noise sensitive neighbours, and avoid over flight of any habitation and houses in the vicinity”.*
- “To avoid disturbing the local residents standard farm strip procedures apply when taking off- take-off and fly off - no circuits and please avoid all local habitation particularly on climb out”.*
- 5.2.25 Having acknowledged the concerns raised in the number of representations, the SMGWA is proposing a number of measures to limit potential adverse amenity effects by controlling the operation and flight paths of aircraft and is willing to enter into a legal agreement which would include the following Heads of Terms as suggested below:-
- A) Within 2 months of the resolution to grant planning permission in the terms specified in the 2016 Planning Application SMGWA will, in discussion with Maldon District Council and other interested parties set up an Aerodrome

Consultative Committee in accordance with current DoT Guidelines on Aerodrome Consultative Committees.

- B) SMGWA will, through the mechanism of the ACC adopt a revised Standard Operating Procedure to optimise flight paths and other procedures to minimize aircraft noise disturbance from flight operations at the Aerodrome.
- C) SMGWA will, through the mechanism of the ACC, adopt a PPR procedure which will more effectively control the flight paths to be used by visiting pilots which will provide for the banning from use of the Aerodrome by pilots who do not comply with the adopted procedure.
- D) SMGWA will, through the mechanism of the ACC, adopt a similar procedure for home-based and display pilots to comply with Standard Operating Procedures which will provide for the banning of pilots who do not comply with the adopted procedure.

5.2.26 The wording of the legal agreement would have to be thoroughly checked to ensure that the terms listed can be adhered to.

5.2.27 Therefore noise predicted as a result of the development is not likely to be significant, providing adequate mitigation is put in place. This is taking into account the lawful use of the site and the potential mitigation through the imposition of conditions and a S.106 agreement.

#### 5.2.28 **Additional information**

5.2.28.1 As highlighted in paragraph 5.2.1 above the potential for noise from the increase in landing and take offs from the site is one of the main reasons for objections by third parties and considerations for the determination of this application. Concerns have been raised, predominately, in relation to noise generated by aircraft movement.

5.2.28.2 The site currently benefits from planning permission to function as an aerodrome subject to conditions. The most salient condition is condition 14 of planning application FUL/MAL/09/00250 which states:

*There shall be no more than 12 aircraft movements (take offs and landings) undertaken from the site in any 24 hour period, subject to a maximum of 74 movements (take offs and landings) undertaken in any calendar month, and subject to a maximum of 360 movements (take offs and landings) undertaken in any calendar year, unless otherwise agreed in writing with the local planning authority for the purposes of public events.*

#### REASON

*To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy S2 of the adopted Maldon District Replacement Local Plan.*

5.2.28.3 It must be noted that the Aerodrome is located in a remote part of the countryside at a distance from noise sensitive properties that is considered to substantially mitigate against any undue impact from noise and disturbance during landing and take-off. Furthermore, it is essential to remember that the site currently functions as an

aerodrome and it is essential to consider the proposal against the fallback position and not against the principle of the use of the site as an aerodrome.

- 5.2.29 In support of the planning application, a Noise Report prepared by Sharps Gayler dated 10 March 2017 was submitted to the Council for assessment. The introduction sets out the current conditions and seeks to address the discrepancy and confusion caused by the change in terminology between what was originally proposed and the eventual wording of the Condition 14. This has formed the basis for comparing the likely impact of the increased activity proposed under the current application.
- 5.2.29.1 However, it transpires that the Elected Members when determining the application in 2009 imposed a condition on the permission that was more restrictive than that which had been requested. The condition imposed halved the number of aircraft movements originally requested and restricted flights to 12 movements per day (being take offs or landings). It is important to understand that whilst this may mean that some of the statements within the report are inaccurate it does not mean that the entire report is flawed. This is because the percentage increase in flight numbers is a misdemeanour as a percentage increase or a numerical increase in itself does not demonstrate demonstrable harm and that is the issue the planning considers. The reports assessment on the noise generated from the site if the application was allowed is considered to be the key point and the major consideration when determining this application.
- 5.2.29.2 So whilst the report outlines the current proposal, with Table 1 providing a summary of the required increase in activity and describes this as “broadly doubling the allowable movements per day during the Winter months and Summer weekdays and to quadruple the allowable daily movements on Summer weekends and Bank Holidays” it is still helpful in accessing the apparent impact of the application.
- 5.2.29.3 The noise assessment, in section 2, provides a summary of Government Policy and Practice in relation to noise impact and planning. Whilst section 3 looks at the relevance of the World Health Organisation “Guidelines for Community Noise” and the National Physical Laboratory’s interpretation of the guidelines. A more detailed assessment of these sections is contained within the Officers report.
- 5.2.29.4 Below the Lowest Observed Adverse Effect Level noise can be heard, but does not cause any change in behaviour or attitude. It can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life. No specific noise measures are required i.e. we should not attempt to control by condition.
- 5.2.29.5 In respect of the proposed increase to 50 and 100 movements per day, the Environmental Health Team is broadly satisfied that the proposed Lowest Observed Adverse Effect Level (LOAEL) is appropriate method for assessment. Evaluation, contained within the noise assessment, of the predicted noise levels show that at up to 100 movements per day the LOAEL of 50dB LAeq 12hr is not exceeded at any property in the vicinity of the airfield, with the highest effect being 45dB at Edwins Hall from 50 movements, rising to 48dB with 100 movements.

- 5.2.29.6 It is therefore, not considered that the use of the site for 100 movements per day will result in such a degree of harm as to warrant a reason for refusal or any additional mitigation.
- 5.2.29.7 The Environmental Health Team had extrapolated the aircraft noise emission data from the consultant's calculations to reflect the potential 150 movements per day, which would be a worst case scenario based on the numbers proposed. It is also necessary to note that there is also the potential for additional aircraft to undertake flybys on "Special Public Event Flying Days" which will add to the noise generated from the site. Any public events without flying displays is not considered to be likely to result in any demonstrable increase above that of the limited 100 movements. However, concern is raised that potentially the LOAEL may be exceeded on "Special Public Event Flying Days" if the full 150 movements were taken advantage of alongside a number of flybys. With this in mind it is considered reasonable to limit the number of worst case scenarios possible.
- 5.2.29.8 Whilst it is accepted and noted that the noise assessment has been undertaken on the incorrect interpretation that there are 24 movements per day it is not considered that this fundamentally flaws the report or the ability of the Council to determine the planning application. The Council has assessed the planning application on the noise generated from the proposed number of aircraft movements, not on the percentage increase, and considered the demonstrable harm from the proposed level of aircraft movements.
- 5.2.29.9 Under the original planning application in 2009, FUL/MAL/09/00250, there was a condition that restricted the number of public events. This is not considered to be necessary as the noise and disturbance from the site will come directly from aircraft movements. With the exception of the dwelling on the aerodrome the distance from adjoining dwellings would mitigate against demonstrable harm from reasonable activities. It is important to note that Government guidance is that planning can only be used to control planning issues and when there are other bodies that have more appropriate legislative powers these should be used to manage situations. If there were any issues due to noise from ground based activities such as public events or works to aircraft these could be resolved through Environmental Health's powers.
- 5.2.29.10 The Council's Coast and Countryside Officer was consulted as part of the application process and has requested a condition in relation to the submission of a Preliminary Ecological Appraisal and this is suggested within the amended recommendation below.
- 5.2.29.11 It should also be noted that this application is for full planning permission and not an application to vary any previous permission. Therefore, there is no need to repeat conditions imposed in 2009 that are not directly relevant or affected by the granting of this permission. It is recommended that an informative is included that highlights this to the applicant.

### **5.3 Access and Highway Safety**

- 5.3.1 Policy T2 of the adopted local plan seeks to ensure that all development would provide safe access to and from the highway, including adequate visibility and junction capacity.

- 5.3.2 The Highway Authority has assessed the application taking into account the accesses to the airfield via Crows Lane and Hackmans Lane as shown the Location Plan; Drawing No: TMA/848/1B; Drawing No: TMA/848/2B submitted by TMA Chartered Surveyors dated December 2016. It has been advised that given that the Applicant has demonstrated that two vehicles can safely pass each other off the carriageway at the site access on Hackmans Lane, existing traffic management arrangements ensure that larger vehicles do not use this access and traffic flow on Special Event Flying Days is suitably marshalled, from a highway and transportation perspective, the impact of the proposal is acceptable to Highway Authority subject to a condition being imposed regarding the provision of a 2.4 metres x 180 metres visibility splay in both direction of Hackmans Lane.
- 5.3.3 There is a public footpath and bridleway in the vicinity of this site. The Public Footpath Officer has raised no objection to the proposal subject to a condition imposed to ensure that the footpath and bridleway would be maintained free and unobstructed at all times.

#### **5.4 Tourism and the Local Economy**

- 5.4.1 One of the planning justifications for the proposal is that SMGWA had suffered a lack of funding when the Trust took over the site in 2013. As part of the application submission, financial figures were provided by the SMGWA which excluded grants, exceptional items, depreciation and capital expenditure. The figures were obtained between the 7 month period April 2016 to October 2016 reflecting the financial year end of SMGWA showed the level of income, expenditure and trading deficit.
- 5.4.2 It is considered that an income directly related to aviation the airfield activity is vital to the generation of visitor income from general admissions and coach income. The financial impact of the increase in flight numbers would make a significant contribution to reducing the current trading deficit of SMGWA. The figures are year on year increases in income which will contribute to the growth of SMGWA as a leading visitor attraction over time. Together with other trading income (eg: events; venue rental) and grants/fund raising the aviation component will underpin the long-term viability of the site supporting the main objective of conservation and restoration of this heritage site.
- 5.4.3 The Council, in principle, supports proposals that contribute positively to the growth of local tourism in a sustainable manner across the District. The current proposal would attract additional visitors from outside of the District thus contributing to the local economy. As such, the development proposal would accord with policy E5 of the Local Development Plan and Chapter 3 of the National Planning Policy Framework.

#### **5.5 Impact on the Listed Buildings and the Conservation Area**

- 5.5.1 The issues regarding the impact of the development proposal on the Grade II\* listed building and the designated conservation area have been considered by the Listed Building Consent LBC/MAL/16/01143 which runs concurrently with this current planning application. However, it is not considered that the proposed development would have an impact on either the listed buildings or the Conservation Area.

## **5.6 Private Amenity Space and Landscaping**

- 5.6.1 Letters of representation has been received concerning the loss of privacy to private amenity spaces of dwellings by low flying aircrafts. The flightpath of the aircraft would not be changed by this application and as such the Council considers that, on balance, the proposal would not cause demonstrable harm to such a degree as to warrant refusal when considering the fall-back position of the current lawful use of the site.
- 5.6.2 The two grassed airstrip where aircraft currently land / take-off would be as existing and therefore would not have any impact on the landscaping of the area.

## **5.7 Legal Agreement**

- 5.7.1 As part of the proposal, the Applicant is currently drafting a legal agreement which would comprise of the following:-
- a) Within 2 months of the resolution to grant planning permission in the terms specified in the 2016 Planning Application SMGWA will, in discussion with Maldon District Council and other interested parties set up an Aerodrome Consultative Committee in accordance with current DoT Guidelines on Aerodrome Consultative Committees (ACC).
  - b) SMGWA will, through the mechanism of the ACC adopt a revised Standard Operating Procedure to optimise flight paths and other procedures to minimise aircraft noise disturbance from flight operations at the Aerodrome.
  - c) SMGWA will, through the mechanism of the ACC, adopt a PPR procedure which will more effectively control the flight paths to be used by visiting pilots which will provide for the banning from use of the Aerodrome by pilots who do not comply with the adopted procedure.
  - d) SMGWA will, though the mechanism of the ACC, adopt a similar procedure for homebased and display pilots to comply with Standard Operating Procedures which will provide for the banning of pilots who do not comply with the adopted procedure.
- 5.7.2 The Applicant has confirmed in an email correspondence dated 28 April 2017 that four elements of the above have already been implemented (b, c and d) which relates to operating procedures.

## **5.8 Other Material Considerations**

- 5.8.1 Letters of representation has been received concerning that there may be conflict of interest between relevant parties (the Council, Ex-Members etc.) regarding this site. Each application is required to be dealt with on its own merits and it is not considered that there is a demonstrable and real conflict of interest in this case. It is not uncommon for LPA to have to consider and determine applications where the Council may be an interested party, provide funding for the proposal or even be the applicant.

- 5.8.2 It is understood that the Applicant and Agent had involved the local community by presenting their proposal to parish councils that would be affected by the development proposal.
- 5.8.3 It is noted that concerns have been raised with regards to the number of aircrafts flying in and out of the site and that the Applicant is in breach of planning conditions imposed under planning application 09/00250/FUL. This was brought to the Council's attention during the process of this current application which was never raised previously or prior to the submission of this application and the Planning and Enforcement Team are looking into this matter; this is not a material consideration of any demonstrable weight when determining this application.
- 5.8.4 The Council had a meeting with the Chairman of the Stow Maries Parish Council on 24 May 2017. At the meeting, it was discussed that there was no objections to the museums and the odd flight demonstration. Concerns were raised with regards to the number of flights landing and taking off as in the 2009 planning application, Condition 14 had specifically stated that there shall be no more than 12 aircraft movements (take-offs and landings) and this number has been exceeded. Also, the Parish Council had raised concerns regarding the noise report as the tests carried out were too far from the site and the hiring out of the hangers in order to raise funds for the aerodrome. These issues have been addressed within the report.

## 6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/09/00050** – Change of use of Buildings 3 & 4 to workshop and ancillary office accommodation (B1 use). Approved 27.05.09.
- **FUL/MAL/09/00237** – Emergency services access way. Approved: 22.05.2009
- **FUL/MAL/09/00239** – Renovation of building 15 for visitor centre & museum including re-roofing. Approved: 26.03.2009
- **FUL/MAL/09/00250** – Re-instatement of airfield and erection of aircraft hanger. Approved: 15.06.2009
- **CON/MAL/09/00251** – Demolition of dwelling and grain store in order to erect 2 no. aircraft hangers. Approved: 22.05.2009
- **FUL/MAL/09/00252** – Conversion of former MT building and cart shed to B1 business use and model flying club accommodation. Approved: 29.05.2009
- **FUL/MAL/09/00300** – Proposed Aircraft Hanger. Approved: 12.06.2009
- **FUL/MAL/09/00413** - Construction of 3 ponds and related access-ways. Approved: 10.07.2009
- **FUL/MAL/09/00696** - Renovation of former pilots ready rooms and erection of 2no. wind socks. Approved: 06.10.2009
- **FUL/MAL/09/00699** - New and replacement huts for WW1 Museum. Approved: 06.10.2009
- **FUL/MAL/11/00429** - Erection of temporary aircraft hangar. Approved: 28.09.2011
- **FUL/MAL/14/00574** - Retrospective application for erection of temporary hanger (3 years) for storage and maintenance of historic aircraft. Approved: 08.10.2014

- **LBC/MAL/14/00575** - Retrospective application for erection of temporary hanger (3 years) for storage and maintenance of historic aircraft. Approved: 08.10.2014
- **LBC/MAL/15/00830** - Proposed alterations to reinstate the existing brick pier to the West elevation of the MT shed to match the existing adjacent exactly and to install additional wind bracing to the metal rafters of the MT shed to provide lateral support to the roof and the gable walls. Proposed reinstatement of existing slate cat-slide roof to the South end of the West elevation of the RE workshop. Approved: 09.11.2015
- **LBC/MAL/15/00832** - Proposed works for the careful demolition of the existing non-original timber framed and corrugated iron clad cart lodge to the North of the MT Shed. Approved: 09.11.2015
- **FUL/MAL/16/00306** - Change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop. Approved: 20.06.2016
- **LBC/MAL/16/00307** - Change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop. Approved: 20.06.2016
- **LBC/MAL/16/01143** - Planning Application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome. Pending Consideration
- **LBC/MAL/16/01155** - Proposed works to the existing officers mess building to carefully remove the existing decayed asbestos roof covering and replace with a profiled cement fibre board to match the existing profile: works to the south elevation to infill existing enlarged openings to install new doors, windows and entrance canopy to reinstate the facade to the original appearance. Approved: 20.12.2016.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
North Fambridge Parish Council	No objection to the application	Noted
Purleigh Parish Council	Objects to the application for the following reasons:- <ul style="list-style-type: none"> <li>• Detrimental to the amenities and quality of life</li> <li>• Unacceptable increase / intensification use of the site</li> <li>• Impact on the rural setting</li> <li>• Possible commercial use of the site in the</li> </ul>	Noted in Sections 5.1.3, 5.1.5, 5.2

Name of Parish / Town Council	Comment	Officer Response
	future <ul style="list-style-type: none"> <li>• Threat to public safety</li> <li>• Control over special event flying days would not safeguard surrounding Parishes</li> </ul>	
Stow Maries Parish Council	Object for the following reasons: <ul style="list-style-type: none"> <li>• Increase in the number of flight activity at the airfield</li> <li>• There is no justification for the increase</li> <li>• The increase would be in excess of a commercial airfield</li> <li>• The flight paths and operations in the vicinity of the airfield is misleading</li> <li>• Aircrafts has performed aerobatics and multiple formation low flying manoeuvres which contravenes CAA regulations</li> <li>• Visitors have been arriving via Crows Lane. This lane is unsuitable as it is a single track lane.</li> <li>• Concerns of individual invested interests</li> <li>• The possible conflicts of interest between the Trustees/ECC/MDC in light of the grant funding between these bodies</li> </ul>	Noted in Sections 5.1.3, 5.1.5, 5.1.6, 5.1.7, 5.1.9, 5.8.1
Cold Norton Parish Council	<ul style="list-style-type: none"> <li>• There would be no adverse effect for Cold Norton</li> <li>• The Aerodrome is an asset to the village.</li> </ul>	Noted

## 7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Chelmsford City Council	No objection to this proposal	Noted
ECC Suds Team	<p>The Airfield will continue using the existing runways which are entirely grass, and using existing buildings at the site which are to be restored and preserved in their World War 1 format.</p> <p>The above development does not propose to introduce new impermeable areas. ECC therefore will not be providing any specific comments on the surface water drainage for this application.</p>	Noted
Highways Agency England (East) – Development affecting trunk roads and special roads	No objection	Noted
Historic England	No objection as the extension to the flying hours would not be harmful to the significance to this site	Noted in LBC/MAL/16/01143
Essex County Fire & Rescue Service	The access Fire Service is considered satisfactory	Noted
ECC Highways	No objection subject to conditions	Noted
Civil Aviation Authority	Consulted on 1 November 2016 – No reply at the time of writing this report	Any comments received will be reported on the Members Update
Essex Police	Consulted on 1 November 2016 – No reply at the time of writing this report	Any comments received will be reported on the Members Update
Public Footpath Officer	No objection subject to condition	Noted in Section 8 of the report.
Environment Agency	Consulted on 1 November 2016 – No reply at the time of writing this report	Any comments received will be reported on the Members Update

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Danbury Parish Council	No objection. The application should be a temporary consent so the Council can reassess the impact of the development in the near future	Noted
South Woodham Ferrers Town Council	South Woodham Ferrers Town Council has no objection to this planning application as there is no adverse effect for South Woodham Ferrers and the Aerodrome is an asset to the area.	Noted
Woodham Ferrers And Bicknacre Parish Council	Consulted on 6 December 2016 – No reply at the time of writing this report	Any comments received will be reported on the Members Update
RAF Wattisham	Consulted on 22 December 2016 – No reply at the time of writing this report	Any comments received will be reported on the Members Update
London Southend Airport	Consulted on 22 December 2016 – No reply at the time of writing this report	Any comments received will be reported on the Members Update
Southend Borough Council	Consulted on 27 October 2016 – No reply at the time of writing this report	Any comments received will be reported on the Members Update

### 7.3 Internal Consultees (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Conservation Officer	No objection to the unconditional grant of permission for these applications. The proposals will cause no harm to the significance of the Grade II* listed buildings or to the special character and appearance of the conservation area.	Noted in LBC/MAL/16/01143

### 7.4 Representations received from Interested Parties (*summarised*)

7.4.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- Robert Archer, 26 The Fairways Cold Norton Essex

- A J Chappell, The Limes Church Lane Stow Maries Essex
- Mrs R V Chappell, The Limes Church Lane Stow Maries Essex
- JB & LE Cooper, GW Cooper (Farms) Ltd Wickhams Farm Danbury Essex
- Mr M Cooper, 1 Eves Villas Main Road Bicknacre
- D Fleming, Great Whitmans Farmhouse Hackmans Lane Purleigh
- Neil Gilmore, Pear Tree Cottage Woodham Road Stow Maries Essex
- Mrs G P Green, 1 Ridley Cottages Woodham Road Stow Maries Essex
- Mr Henry Harris, Glebelands Church Lane Stow Maries Essex
- Mr Simon Hollington, Wellinditch Farm Woodham Road Stow Maries Essex
- Jane Fleming, Great Whitmans Farmhouse Hackmans Lane Purleigh
- Ms J Liell, Crouch View Woodham Road Stow Maries Chelmsford
- Local Residents C/O Peter Brady, The Planning Law Praticce Wood End 20 Oaklands Park Bishops Stortford Hertfordshire
- Andrea Lyons, Goodview Howe Green Road Purleigh
- Roy & Sandra Martin, Scarr Cottage Woodham Road Stow Maries Essex
- Duncan McNeill, VMVM Ltd, Blagdon, 32 Peartree Lane, Danbury, Essex
- Mrs S Middleton, The Crib Hackmans Lane Cock Clarks Purleigh
- Mr P O Nolan, 12 Gepp Place Chelmsford Essex
- Jane O'Dell, 54 Hamberts Road South Woodham Ferrers Chelmsford
- Ashley J Parrott, Stapleford Woodham Road Stow Maries
- Michael Partridge, Stow Hall Farm Woodham Road Stow Maries Essex
- Mr Chris Perry, 7 Dolafon Benllech
- Mr Mike Potts, 2 Furze Road Maidenhead
- Gavin Strathern, Spar Hill Farm Chelmsford Road Purleigh Essex
- Mr & Mrs Sutton, Farthingale Farm Hackmans Lane Purleigh Essex
- Denise & Michael Warr, The Warren Hackmans Lane Purleigh Essex
- Phyllis & David Warr, The Crib Bungalow Hackmans Lane Cock Clark
- Dr R Woodcock, Oakleigh Lodge Hackmans Lane Purleigh
- The Planning Law Practice, Wood End, 20 Oaklands Park, Bishops Stortford, Hertfordshire

<b>Objection Comment</b>	<b>Officer Response</b>
The proposal is outside the remit of the original plan for the restoration of this Great War site	Noted. The points raised in the letters of representations have been addressed in the report
The planes being flown are not Great War biplanes but more modern aircraft, where do these fit in to the ethos of a Great War aerodrome?	
The proposed aircraft movements are excessive and the flying times too extensive	
The proposal will push the aerodrome into a much more commercial position, not benefiting the community	
This will lead to an ever escalating increase in flights	

<b>Objection Comment</b>	<b>Officer Response</b>
It will disturb the locals human right to a peaceful existence	Noted. The points raised in the letters of representations have been addressed in the report
Safety concerns due to low flying aircraft over the village, already breaching existing conditions	
Traffic and access concerns on roads leading to Aerodrome	
Increased noise levels, from already disturbing levels	
Security concerns that the larger operation the more likely it will become a target for terrorist activity	
Concerns of individual invested interests	
Concerns with the lack of communication with local residents	
There is no annual cap of the flight movements in the application	
Concerns regarding number of movements per annum	
Southend Airport should have been consulted	
Concerns over nuisance to livestock and horses	
The historic value of the aerodrome comes from its WWI heritage. It was never meant to facilitate commercial numbers of flights and to do so would reduce its historic value significantly	
For any increase in the number of flights to be implemented there has to be a change in the Planning landscape between when the original capped numbers of flights were approved (but restricted), and now	
The possible conflicts of interest between the Trustees/ECC/MDC in light of the grant funding between these bodies	
It needs to be decided how enforcement of flight numbers is to be implemented	
I do not believe enough time has been allowed for Public Consultation of a scheme of this gravity	
Concerns regarding noise and air pollution	
The application is inaccurate, lacks rigor and clarity	
The flights are causing a damaging effect on my house and garden, which must cause loss of value to my property	
There is no attempt in the application to assess the impact of the increased flight movements on the surrounding area	
There is no attempt in the application documents to show why the increase in flying activity is necessary in order to secure the maintenance of the Airfield site	
It will impact adversely on my clients' business expansion plans and on the Council's aspiration to create a 'Wine Tourism Area'	
Concerns regarding options for economic sustainability	

<b>Objection Comment</b>	<b>Officer Response</b>
Could the pathway taken by the planes take a route over water?	Noted. The points raised in the letters of representations have been addressed in the report
Concerns regarding long term management structure of the Aerodrome	
Recent activities have often involved modern aircraft flying in formation and performing aerobatic stunts totally unconnected with the use of the site as a Great War Museum	
The site is adjacent to a bridleway and footpath	
The storage of the club planes and movement of additional planes would be detrimental to the area	
Loss of privacy when planes are flying low	
Impact on local businesses / future local investment at stake as the proposal would disturb, destroy and distract the environment and sense of place essential to the success of a vineyard destination	

7.5 Further letters of **objection** were received from:-

- Jane Flemming, Great Whitmans Farmhouse Hackmans Lane Purleigh dated 2 May 2017
- Mr Antony and Rita Chappell, The Limes Church Lane, Stow Marie, Essex dated 24 April 2017
- The Planning Law Practice, Wood End, 20 Oaklands Park, Bishops Stortford, Hertfordshire dated 11 April 2017, 4 May 2017 and 9 May 2017.

<b>Objection Comment</b>	<b>Officer Response</b>
<ul style="list-style-type: none"> <li>• The noise report is slightly confusing as the document bases its conclusion on the original number of flight movements granted in 2009</li> <li>• In 2009, 360 flight movements per year was allowed and flights were capped at that amount</li> <li>• The noise report is invalid as it is not true or accurate</li> <li>• The noise level was taken some distance away from site and flight path</li> <li>• Aircraft used for the test was not a vintage one which would be noisier</li> <li>• The increase in flights amount to very serious disturbance</li> <li>• The noise report is inaccurate</li> <li>• Confusion over the number of landings / take-offs</li> </ul>	The comments are noted in the report

7.5.1 Letters were received **in support** of the application from the following and the reasons for support are summarised as set out in the table below:

- Dr Bruce Alexander, Cheirson Medical 9 De Havillands Bekesbourne Kent
- Ms Maggie Appleton, Royal Air Force Museum Grahame Park Way London
- Mr Trevor Archer, 125 High Road North Weald Epping Essex

- Mr Ron Armitage, Holly Tree Cottage Waldershare Road Ashley Dover Kent
- Barry Davies, 7 Norfolk Close Maldon Essex
- Mr Roger Barrett, Bradwell Hall Lodge Maldon Road Bradwell-On-Sea Essex
- Mr Jon Bastin, 10 Corn Croft Warfield Bracknell
- Mr Mark Batin, The Vicarage Church Road Bembridge
- Mr Peter Benest, Little Farm Hamstead Marshall Newbury
- Mr David Blaxland, 46 Northville Drive Westcliff on Sea
- Mrs Trudy Bongard, 16 Fennfields Road South Woodham Ferrers
- Mr Russell Bost, Sweet Briar Lake Drive Benfleet
- Dr Ian Brierley, 21 Heron Close Sawbridgeworth
- Mr Andrew Broadfield, 24 Nipsells Chase Mayland Essex
- Mr David Broom, 150 High Street Walkern
- Mr David Brothers, 12 Sutherland Avenue Biggin hill Kent
- Mr Angus Buchanan, Standen Farm, Smarden Road Biddenden Ashford
- Mr David Bull, 112 Fawe Park Road Putney
- Paul Catanach, 1 Perowne Way Puckeridge Herts
- Mr Russell Chambers, 31 Savoy Wood Harlow
- Mr Geoffrey Charge, 10 Chestnut Close Burnham-On-Crouch Essex
- Mr Dale Chisholm, 2 Conifers Benfleet ss72jr
- Mr John Coker, Barnfield Cottage Mapledrakes Road Ewhurst, Cranleigh
- Ms Siobhan Collis, 14 The Westerings Great Baddow Essex
- Mr Vincent Cullane, Hackmans Lane Essex
- Mrs Margaret Dann, 129 Downhall Park Way Rayleigh
- Mr Terry Dann, 129 Downhall Park Way Rayleigh
- Mr David Davies, 1 Eliot Way Maldon Essex
- Mr Terence Davies, 23 Steyning Avenue Southend-on-Sea
- Mr Callum Dodds, 8 Bellrope Meadow Sampford Road Thaxted
- Mr Anthony Eastwood, 87 Bush Road East Peckham Tonbridge
- Mr Bob Ellis, 9 Heritage Park Haverfordwest
- Mr G Everett, 1 Home Fm Cott Sandway Maidstone
- Leia Fee, 76 Hunter Street Neath
- Mrs Lisa Fell, 1 Cowdrie Way Chelmsford
- Dr Niall Ferguson, 17 Crawley Wood Close Camberley
- Mr David Flower, 2 Elm Avenue Heybridge Essex
- Mr Richard Forsythe, 3 The Willows North Warnborough Hook
- Mr Michael Fortescue, 14 Hambrook Street Cheltenham
- John Foster, 95 Cavendish Gardens Westcliff On Sea Essex
- Mr Robert Gardner, Three Greens High Street Stebbing
- Mr John Gilbert, Highland Cottage Inworth Lane Wakes Colne
- Mr Andrew Goldsmith, 11 The Maltings Rayne Braintree

- Mr Peter Gorman, Enniskillen Airport Trory Enniskillen
- Prof Michael Grantham, 133 Westbrook Ave Margate
- Mr Timothy Griffiths, 161 Dovehouse Drive Wellesbourne
- Alan Grimwood, 14 Fennfields Road South Woodham Ferrers Essex
- Mr Lawrence Grundy, Idlewild Warley Road Great Warley Brentwood
- Mr Paul Gunn, Sandles cottage Moreton in marsh
- Mr Gareth Hardwick, 50 Beech Lane Earley Reading
- Mr Adrian Hatton, Rectory Farm Newark Road, Averham Newark
- Mr Nigel Hitchman, 24 Tarvars Way Adderbury
- Mr Dave Hollowell-Geddes, 96 Galleywood Road Great Baddow
- Mr Roy F Hunt, 8 Devonshire Road Southminster Essex
- Mr Barry Hunter, 21 Barnard Meadows Kirton-in-Lindsey Gainsborough
- Mr Peter Huxley, 13, Trumpet House Godfrey Walk Ashford
- John Jacomb, 146 Churchfields North Shoebury Essex
- Mr Daniel Jaffa, 36 copper beech close Ilford Essex
- Mr Clive James, Tucks Cottage Walcott Road Bacton, Norfolk
- Christopher Jesson, 23 Bankfields, Headcorn, Ashford, Kent
- Mr Mark Jones, 21 Ash Walk Stradishall Newmarket
- Mr Nigel Kemp, 15 Panfield Lane Braintree Essex
- Mr David Lambert, 36 Heath Drive Moulsham Lodge Chelmsford
- Mr Phil Laycock, 65 imperial Avenue Westcliff-on-Sea
- Mr David Leggett, 47 St Gilbert's Road Bourne
- Mr Jeremy Liber, Greenways Farmhill Crescent Stroud
- John Luck, 714 London Road Larkfield Aylesford Kent
- Geoffery Marchant, 28 Rettendon Gardens Wickford
- Mr Jonathan Marten-Hale, 1 Park Road Roxton Bedford
- Rev Karl Martin, 210c Ravensbourne Ave Beckenham Kent BR3 5HG
- Mr C.P. Martyr, Rose Cottage Bonfire Lane Horsted Keynes
- Mr Tom McCormack, 1 Vicarage Gardens White Waltham Maidenhead
- Mr Bill Merry, Valedene Bluebell Lane Sharpthorne
- Mr Nick Miller, 14 Homelands Grove Ramsden Heath Billericay
- Mr David Miller, 55 High Street Orwell Royston
- Mr John Milner, Meadow House Baunton Cirencester
- Mr Steve Moore, 31 Connaught Way Billericay
- Mr Colin Moore, 16 King Edwards Road South Woodham Ferrers Chelmsford
- Mr Stephen Morley, 15 Hobbiton Hill South Woodham Ferrers
- Mr Timothy Murray, 3 Marconi Bungalows high Road North Weald Epping
- Mr Nicholas Ellis, 61 Holmesdale Road Burgess Hill
- Mr Michael Negus, 57 Ploughmans Way Rainham
- Mr James Newman, Reeds The Street Benenden

- Mr Andrew Oliver, Middlewick Old Surrey Hall East Grinstead
- Ms Nic Orchard, 150 Gladstone Road Deal
- Mr Philip Perry, 14 Glebe Close Newent
- Mr Philip, 56 Vine Road Tiptree Colchester
- Mr Richard Piper, 16 Lincoln Green Alton
- Mr Rob Perry, 21 Coach mews Kingswinford
- Mr Nigel Read, 48 The Platters Gillingham
- Mr Paul Redman, 37 Fitzwalter Road Dunmow
- Mr Michael Rees, 49 Gloucester Avenue Maldon
- Mr John Rose, The Duckhouse Aylesbury
- Dr John Scott, 15 Wisteria Drive Evesham
- Ms Rosemary Simpson, 53 Lindenthorpe Road Broadstairs
- Mr Gary Smith, 7 The Crescent Kemsley Sittingbourne
- Roger Smith, 11 Memory Close Maldon Essex
- Mrs Jackie Sparrow, 11 Silver St Guilden Morden
- Mr Neil Spooner, Spoopers Frating Road Ardleigh
- Mr Denis Stretton, 8 Johnston Way Maldon Essex
- Mr Chris Tansley, 14 Alma Road Snettisham Kings Lynn
- Mr John Tietjen, 75 Rushleydale Springfield Chelmsford
- Mr Richard Tyler, 13 Sherwin Crescent Farnborough
- Mr Robert Underwood, Waterways 2 Chandlers Quay Maldon Essex
- Mr Robert Walker, South Moor Farm Langdale End Scarborough
- Mr John Walls, 11 South Lodge Mews, Midway Swadlincote
- Ms Joan Walsh, 37 St Nazaire Rd Chelmsford
- Mr Richard Warriner, 21 Strand Meadow Burwash Etchingham
- Mr David Watts, 58 Salisbury Road Tonbridge
- Mr Peter Weber, La Hinguette St Brelade Jersey
- Mr Sam Whatmough, Idlers Dockett Eddy Chertsey
- Mr Richard Woodford, Bramblecroft Moor Hall Lane Danbury
- Mr Sam Worthington-Leese, 134 Brougham Road Worthing
- Dr Andrew Zmyslowski, 38 Meadows Reach Penwortham

<b>Supporting Comment</b>	<b>Officer response</b>
Preserves one of the few remaining historically important RAF aerodromes	Noted.
The aerodrome offers many benefits to the community and educates young people, schools and future generations	
It will bring more visitors and help to further support local businesses	
Should Stow Maries not survive, Retention as an aerodrome would reduce the risk of losing the site to housing development.	

Supporting Comment	Officer response
It gives opportunities for visitors to understand the lives of the people who lived, worked, fought and flew from there during the Great War	Noted.
Active flying, particularly of WW1 aircraft, brings the site to life and is an important part of its role as a site of learning and inspiration	
It's a unique piece of "living history"	
Increasing the number of flights seems logical for the sustainability of the attraction. Thus enhancing safety as will allow for increased test/check flying	
The very modest increase in movements proposed will be barely noticed by the few local residents, but will help to ensure the sustainability of the site	
The aircraft in question are generally slow flying and small with a single piston engine	
The requested number of flight movements would provide much greater flexibility of operations for the SMGWA Trust than exist at present	
The size and physical layout of the grass aerodrome is finite and therefore self-limiting so it could only ever be used by light aircraft and vintage types	
The aerodrome's status as an important wildlife habitat would be undiminished as the resident species are unperturbed by any of the flying activities	
The special atmosphere is enhanced by the flying activity, both visiting aircraft and the small-scale air displays	
Allegations that we fly over residential properties or at altitudes below those permissible are false, the Aerodrome require specific permission from the CAA (Civil Aviation Authority)	
IWM Duxford and the Shuttleworth Collection have demonstrated how a 'fly-in' facility enhances the museum experience for all visitors not just visiting pilots	
In addition to volunteers it generates work	
With no increase in permitted movements I feel that the Aerodrome will slowly stagnate	
There are more unusual aeroplanes wishing to visit the Aerodrome and without the increase this will not be permitted	
The suggestion that the movements will rival Southend are ludicrous	
To correct objectors, driving a car or motorcycle kills far more people than light aircraft	
I live within a couple of miles of the site and we enjoy seeing the light aircraft go over and would like to support the growing popularity of this unique historic site	
Airfields, as relatively undeveloped areas, offer a haven for all sorts of wildlife & Stow Maries harbours many such creatures	

<b>Supporting Comment</b>	<b>Officer response</b>
It would be very rare to use the maximums requested (possible due to weather), but those maximums need to be set or the airfield could, very occasionally, be in breach of them if set lower	Noted.
The aerodrome is enjoyed by the population locally, nationally and internationally	
There is very little pollution from the vintage aircraft compared to modern day vehicles, and noise levels are virtually non-existent	
As the airfield is in open, very sparsely populated countryside well away from any large centers of population, the number of people affected will be very small	
Stow Maries would be a fairly lifeless museum without its flying side, which is after all its true heritage	
Suggestions made to alleviate noise and nuisance concerns	
The surface and length of the grass airstrip at Stow Maries inherently precludes the use of any larger aircraft than the vintage and light aircraft so there is no danger of it "creeping" towards a commercial operation	
There is no negative environmental impact	
This site provides amenity, training opportunities and facilities for private pilots	
Many people gain huge enjoyment from air shows and their contribution can enhance historical knowledge and activities of the museum and aviation	
Some members of the public actually like to see aircraft flying	
Planning authorities are encouraged in NPPF to 'deliver the social, recreational and cultural facilities and services the community needs'	
Stow Maries Great War Aerodrome is the ONLY surviving - in tack - Great War Aerodrome & was built to protect the surrounding country side	
A great deal of time and effort has gone into safeguarding this site	
Increasing the flights has the added benefit to locals as it reduces road traffic in the small winding lanes	
The restoration and on-going maintenance of the site is an expensive and historically crucial activity and visitors are vital for its funding	
Visitors from other parts of the country, and overseas, will be more likely to visit if they have the option to fly in.	
Those who fly are anxious to avoid unnecessary noise disturbance to those around us as we hope these events will be able to continue in the future	
The airfield owner's efforts to preserve this historic site should be welcomed	

Supporting Comment	Officer response
To continue preserving and enhancing the site more capital is required	Noted.
Aircrafts flying ‘in’ and ‘out’ of the site is governed by weather conditions	

7.5.2 Following publication of the original report additional representations of **support** were received from:

- Mr Mike Cain, 111 Poynings Avenue, Southend-On-Sea SS2 4RX
- Dr. Bruce Alexander, MBBCh, DAVMed, MFGP, DOH. Cheiron Medical, 9 de Havillands, Bekesbourne, Kent, CT4 5BW, UK
- Mr Mike Potts, 2 Furze Road, Maidenhead SL6 7RY

Supporting Comment	Officer Response
<ul style="list-style-type: none"> <li>• SMGWA is a rare and valuable asset</li> <li>• The aerodrome must have income to support its activities, the educational aspect of which is not limited to merely the younger generation but serves to remind us all of the debt we owe to the airmen who flew from here a century ago.</li> <li>• The flying activity at any airfield provides not only revenue but added interest for visitors</li> <li>• The number of additional aircraft movements being requested is not excessive and Stow Maries is never going to be a busy training aerodrome,</li> <li>• If that is the fear. It should be borne in mind that the flying at Stow Maries, like anywhere else, would in any case be governed by weather conditions</li> <li>• Preserves one of the few remaining historically important RAF aerodromes</li> <li>• Runs a museum containing vintage aircraft</li> <li>• There is a nature reserve open to visitors</li> <li>• A modest proposal that should be supported</li> <li>• The airfield is a haven for wild life and an excellent tool for proving children with ambition in science and engineering</li> </ul>	Noted.

7.6 Additional letters were received **commenting** on the application from the following, summarised as set out in the table below:

- Mr Timothy Griffiths 161 Dovehouse Drive Wellesbourne CV35 9NW
- Trevor & Gill Crosby Flambirds Farm Hackmans Lane Purleigh

Comment	Officer Response
<ul style="list-style-type: none"> <li>• The noise is so loud it drowned out our conversation as the planes was so low overhead</li> <li>• Happy to accommodate noise measuring equipment to measure noise of future flying display</li> </ul>	Noted

Comment	Officer Response
<ul style="list-style-type: none"> <li>• The type of aircrafts used on site is an important consideration</li> <li>• Developed properly, it will have a great impact on the local education scene</li> </ul>	

**8. PROPOSED CONDITIONS INCLUDING HEADS OF TERMS OF SECTION 106 AGREEMENT**

**APPROVE** 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 planning obligations and conditions as detailed below.

**Heads of Terms of Section 106 Agreement**

- A. Within 2 months of the resolution to grant planning permission in the terms specified in the 2016 Planning Application SMGWA will, in discussion with Maldon District Council and other interested parties set up an Aerodrome Consultative Committee in accordance with current DoT Guidelines on Aerodrome Consultative Committees (ACC).
- B. SMGWA will, through the mechanism of the ACC adopt a revised Standard Operating Procedure to optimise flight paths and other procedures to minimize aircraft noise disturbance from flight operations at the Aerodrome.
- C. SMGWA will, through the mechanism of the ACC, adopt a PPR procedure which will more effectively control the flight paths to be used by visiting pilots which will provide for the banning from use of the Aerodrome by pilots who do not comply with the adopted procedure.
- D. SMGWA will, though the mechanism of the ACC, adopt a similar procedure for homebased and display pilots to comply with Standard Operating Procedures which will provide for the banning of pilots who do not comply with the adopted procedure.

**PROPOSED CONDITIONS (conditions in blue added to original report on a Members' Update to the Area Planning Committee)**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.  
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The development hereby permitted shall not be implemented until the Aerodrome Consultative Committee has met for the first time.

REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.

- 4 The site access on Hackmans Lane at its centre line shall retain a clear to ground visibility splay with dimensions of 2.4 metres by 180 metres in each direction, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall remain free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy T2 of the Maldon District Replacement Local Plan, policy T2 of Maldon District Local Development and the National Planning Policy Framework

- 5 The public's rights and ease of passage over footpaths no 243\_3 and 243\_5 (Cold Norton) and bridleway no 243\_7 (Cold Norton) shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance policy T2 of the Maldon District Replacement Local Plan, policy T2 of Maldon District Local Development and the National Planning Policy Framework.

- 6 The airstrip is only to be used by fixed wing propeller driven aircraft. Gliders and Helicopters, other than emergency service or military aircraft, shall not be permitted to use the airfield except in emergencies or during "Special Flying Event Days".

REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.

- 7 There shall be no more than 8,000 aircraft movements in any one calendar year.

REASON: To protect the amenities of the occupants of nearby dwellings and the amenity of the countryside for all in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.

- 8 Except in an emergency, no take offs or landings shall be permitted before 08:00 hours on any day or after 20:00 hours or sunset whichever is earlier.

REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.

- 9 In the Winter months of November to April inclusive there shall be no more than 25 landings and 25 take offs per day.

REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.

- 10 In the Summer months of May to October inclusive there shall be no more than 25 landings and 25 take offs per day on weekdays.  
REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 11 Notwithstanding “Special Flying Events”, in the Summer months of May to October inclusive there shall be no more than 50 landings and 50 take offs per day on Saturdays, Sundays and Bank Holidays.  
REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 12 Notwithstanding the limitation imposed through Condition 8, during the Summer months of May to October inclusive there shall be no more than 4 “Special Flying Events”. No “Special Flying Events” may last more than three days. During any “Special Flying Events” there shall be no more than 75 landings and 75 take offs per day or a total of 300 landings and 300 take offs during the entire “Special Flying Events”.  
REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 13 A record of all flying activity and aircraft based at the site shall be maintained by the airfield operator and made available in a suitable format for inspection and copying by the Local Planning Authority at any reasonable time. Such record shall include dates, times, description of activity, aircraft type and details of any public complaint associated with the flight movement.  
REASON: To allow the activity at the site to be monitored, to protect the amenities of the occupants of nearby dwellings and the amenity of the countryside in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 14 Aerobatics will only be permitted on “Special Flying Events” with Civil Aviation Authority (CAA) approval.  
REASON: In the interest of safety to allow the activity at the site to be monitored, to protect the amenities of the occupants of nearby dwellings and the amenity of the countryside in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 15 No flying school flying activities or other commercial training flights shall operate from the site.  
REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.

- 16 No charter or fare paying flights shall operate from the airfield.  
REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 17 On the first anniversary of the approval and every two years thereafter the applicant shall demonstrate to the satisfaction of the Local Planning Authority using actual flight records that the LOAEL of 50dB LAeq 12hr has not been exceeded at any property in the vicinity of the airfield except during any “Special Flying Event”. In the event that an exceedance is identified the applicant shall prepare and implement a noise reduction plan to further control the number and or type of aircraft using the airfield such as the 50dB LAeq 12 hour is not exceeded at any noise sensitive property.  
REASON: To allow the activity at the site to be monitored, to protect the amenities of the occupants of nearby dwellings and the amenity of the countryside in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 18 A site specific Preliminary Ecological Appraisal (PEA) shall be submitted to the Local Planning Authority for agreement. The requirements of the Preliminary Ecological Appraisal shall be undertaken prior to the implantation of the development hereby approved and retained in perpetuity.  
REASON: To ensure that species are protected on site in accordance with policy CC5 of the adopted Maldon District Replacement Local Plan, policy N2 of Maldon District Local Development and the National Planning Policy Framework.

### **INFORMATIVES**

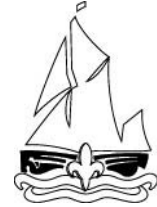
All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the specifications of the Highway Authority; details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:-

SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.

This application relates to the number of aircraft movements and alterations to the vehicular access to the site from Hackmans Lane and does not replace FUL/MAL/09/00250. All other conditions imposed under application FUL/MAL/09/00250 remains in perpetuity.

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**REPORT of  
CHIEF EXECUTIVE**

**to  
COUNCIL  
13 JULY 2017**

<b>Application Number</b>	<b>LBC/MAL/16/01143</b>
<b>Location</b>	Stow Maries Aerodrome Hackmans Lane Cold Norton Essex
<b>Proposal</b>	Planning Application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome including hours of operation, restrictions on the number of take offs and landings, and arrangements for Special Public Event days.
<b>Applicant</b>	Ms Sarah Threlfall - TMA Chartered Surveyors
<b>Agent</b>	The Trustees - Stow Maries Great War Aerodrome Trust
<b>Target Decision Date</b>	24.01.2017
<b>Case Officer</b>	Yee Cheung, TEL: 01621 876220
<b>Parish</b>	<b>COLD NORTON</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

**1. UPDATE AND RECOMMENDATION**

This application is referred to the Council for determination by the North-Western Area Planning Committee at its meeting on 12 June 2017. The content of the Members' Update, circulated at the Area Planning Committee, has been incorporated into this report. The Officer recommendation on this application is as follows:


**GRANT LISTED BUILDING CONSENT** subject to the conditions as detailed in Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

**Stow Maries Aerodrome - Hackmans Lane**  
Cold Norton FUL/MAL/16/01142 & LBC/MAL/16/01143



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	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	NW Committee
	Date:	01/06/2017
www.maldon.gov.uk	MSA Number:	100018588

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

3.1.1 Stow Maries Aerodrome is located off a private track from Hackmans Lane. The aerodrome is understood to be the most complete WWI aerodrome in Europe, and is therefore of outstanding architectural and historic and significance. It is a conservation area and 24 of the surviving buildings are Grade II\* listed.

3.1.2 Listed Building Consent is sought for the operational arrangements for the use of the airfield at Stow Maries Great War Aerodrome including hours of operation, restrictions on the number of take offs and landings, and arrangements for Special Public Event days.

#### **3.2 Conclusion**

3.2.1 On balance, it is considered the above proposal would not cause harm to the significance of the listed aerodrome in accordance with Policies BE1 and BE16 of the adopted local plan; Policy D3 of the Maldon District Local Development Plan; and Government advice as contained within the NPPF. Listed Building Consent should therefore be granted subject to conditions.

### **4. MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

#### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- Chapter 12 of the National Planning Policy Framework 'Conserving and Enhancing the Historic Environment'

#### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- BE1
- BE13
- BE16

#### **4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**

- S1
- D1
- D3

#### **4.4 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 The principle of development will be assessed in the concurrent planning application FUL/MAL/16/01142 submitted alongside this Listed Building Consent application. The only matters to consider here are therefore the impact of the proposed development on the heritage assets, namely the character and appearance of the Conservation Area and the setting of the group of Grade II\* Listed Buildings.

### **5.2 Impact on the Conservation Area and Listed Buildings**

- 5.2.1 In accordance with section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. In the terminology of the National Planning Policy Framework (NPPF), the Council must consider whether the proposal will ‘harm’ the listed building’s ‘significance’.
- 5.2.2 In addition to the above, Policy BE16 of adopted Maldon District Replacement Local Plan states alterations to listed buildings must not “harm the building, its setting and any features that contribute to its special architectural or historic interest”. This policy is also reflected in Policy D3 of the Maldon District Local Development Plan (LDP).
- 5.2.3 The entire site of the aerodrome is designated as a conservation area. It is therefore essential to ensure that any new development, whether of a permanent or temporary nature, protects or enhances the special interest and character of the conservation area. Policy BE13 of the adopted local plan requires that new development is designed appropriately for the conservation area, and does not cause harm to important landscape features, open space or views in to or out of the conservation area. This is again reflected in Policy D3 of the LDP which sets comparable requirements in aiming to protect conservation areas as a form of heritage asset and the NPPF equally seeks to protect heritage assets, recognising the importance of their designation.
- 5.2.4 Planning application and Listed Building Consent propose changes to the operational arrangements for the use of the airfield at Stow Maries. The aerodrome is a site of exceptional importance as the best preserved Royal Flying Corps aerodrome from the First World War in the country. Although some of the women’s hostels, a number of temporary buildings and the hangers themselves have been lost, the majority of the aerodrome’s buildings survive, as does the parade ground and flying field. The site is listed Grade II\* on account of its special architectural and historic interest.
- 5.2.5 The proposal is to extend the flying hours at the airfield. Concerns have been raised regarding the increase in the use of the site by private aircraft, and would be at odds with the aims and ethos of the aerodrome, thus irrevocably alter the ‘unchanged rural setting’. The Listed Building Consent, if approved, would set a dangerous precedent and pave the way for even greater intensification of the use of the site and its commercialisation in the future. Whilst this may be the case, it could also be argued that as an airfield, flying could contribute to the character and experience of the place

and as such it is not considered that an increase in the flying hours proposed would be harmful to the significance of site.

- 5.2.6 Historic England (HE) was consulted and supports the beneficial use of the airfield and the on-going repair of the buildings, as demonstrated by the grant awards HE have made to the aerodrome in recent years. Further, HE have advised that if the extension of the flying hours supports the current use of the site and helps to generate income towards the preservation of the site then the proposal could be said to support the viable use of the site consistent with its conservation. Paragraph 131 of the National Planning Policy Framework encourages local authorities to sustain and enhance the significance of heritage assets and put them to uses consistent with their conservation. This would also comply with policies BE13 and BE16 of the adopted local plan and policy D3 of the LDP which seeks to safeguard and enhance the historic environment.
- 5.2.7 The Conservation Officer has also raised no objection to the proposal and has advised to grant Listed Building Consent. The proposal would not cause harm to the significance of the Grade II\* listed buildings or to the special character and appearance of the conservation area in accordance with policies BE13 and BE16 of the adopted local plan and policy D3 of the LDP.

### 5.3 Other Considerations

- 5.3.1 It is noted that majority of the letters of representation received for this Listed Building Consent, both objecting and supporting the proposal, are related to the principle of development and planning considerations. These planning considerations will be assessed by the concurrent planning application FUL/MAL/16/01142 as the extension of flying hours would raise other planning matters which falls outside HE's and the Conservation Officer's remit.

## 6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/09/00050** – Change of use of Buildings 3 & 4 to workshop and ancillary office accommodation (B1 use). Approved 27.05.09.
- **FUL/MAL/09/00237** – Emergency services access way. Approved: 22.05.2009.
- **FUL/MAL/09/00239** – Renovation of building 15 for visitor centre & museum including re-roofing. Approved: 26.03.2009.
- **FUL/MAL/09/00250** – Re-instatement of airfield and erection of aircraft hangar. Approved: 15.06.2009.
- **CON/MAL/09/00251** – Demolition of dwelling and grain store in order to erect 2 no. aircraft hangers. Approved: 22.05.2009.
- **FUL/MAL/09/00252** – Conversion of former MT building and cart shed to B1 business use and model flying club accommodation. Approved: 29.05.2009.
- **FUL/MAL/09/00300** – Proposed Aircraft Hanger. Approved: 12.06.2009.
- **FUL/MAL/09/00413** - Construction of 3 ponds and related access-ways. Approved: 10.07.2009.

- **FUL/MAL/09/00696** - Renovation of former pilots ready rooms and erection of 2no. wind socks. Approved: 06.10.2009.
- **FUL/MAL/09/00699** - New and replacement huts for WW1 Museum. Approved: 06.10.2009.
- **FUL/MAL/11/00429** - Erection of temporary aircraft hangar. Approved: 28.09.2011.
- **FUL/MAL/14/00574** - Retrospective application for erection of temporary hanger (3 years) for storage and maintenance of historic aircraft. Approved: 08.10.2014.
- **LBC/MAL/14/00575** - Retrospective application for erection of temporary hanger (3 years) for storage and maintenance of historic aircraft. Approved: 08.10.2014.
- **LBC/MAL/15/00830** - Proposed alterations to reinstate the existing brick pier to the West elevation of the MT shed to match the existing adjacent exactly and to install additional wind bracing to the metal rafters of the MT shed to provide lateral support to the roof and the gable walls. Proposed reinstatement of existing slate cat-slide roof to the South end of the West elevation of the RE workshop. Approved: 09.11.2015.
- **LBC/MAL/15/00832** - Proposed works for the careful demolition of the existing non-original timber framed and corrugated iron clad cart lodge to the North of the MT Shed. Approved: 09.11.2015.
- **FUL/MAL/16/00306** - Change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop. Approved: 20.06.2016.
- **LBC/MAL/16/00307** - Change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop. Approved: 20.06.2016.
- **FUL/MAL/16/01142** - Planning Application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome. Pending Consideration.
- **LBC/MAL/16/01155** - Proposed works to the existing officers mess building to carefully remove the existing decayed asbestos roof covering and replace with a profiled cement fibre board to match the existing profile: works to the south elevation to infill existing enlarged openings to install new doors, windows and entrance canopy to reinstate the facade to the original appearance. Approved: 20.12.2016.

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### 7.1 **Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Cold Norton Parish Council	<ul style="list-style-type: none"> <li>• There would be no adverse effect for Cold Norton</li> <li>• The Aerodrome is an asset to the village.</li> </ul>	Noted

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	<ul style="list-style-type: none"> <li>• The Parish Council recognises the significance and historic importance of the aerodrome which is exceptionally rare and of outstanding importance to national heritage, being the largest surviving group of</li> <li>• Royal Flying Corps operational buildings authentic to World War One and probably the most complete surviving evidence of a First World War aerodrome in Western Europe. The site therefore has huge commemorative value as well as an important role to play in education and training.</li> <li>• Members also acknowledge the importance of the aerodrome to the District, in terms of its contribution to the local economy via increased tourism and by contributing to its ‘Sense of Place’.</li> <li>• Members understand the Trustees’ need to increase revenue from the site, but strongly believe that this should not be achieved in ways which are detrimental to the amenities and quality of life of the nearby communities who have supported the restoration of the aerodrome since 2007 and who have freely given their time, skills and money to conserve the site as a memorial, museum and educational facility.</li> <li>• The Parish Council considers that the application in its current form, if approved, will represent an unacceptable intensification of the use of the airfield. Theoretically 21,500 aircraft movements could take place each year and the increase in the use of the site by private aircraft, apart from seeming at odds with the aims and ethos of the aerodrome, would irrevocably alter the ‘unchanged rural setting’ cited in the Listed Building</li> </ul>	Noted

Name of Parish / Town Council	Comment	Officer Response
	<p>Heritage Partnership Agreement when describing the significance of the aerodrome (Point 3.2 Summary of significance).</p> <ul style="list-style-type: none"> <li>• Members believe that rather than increasing aircraft movements so greatly, there are other revenue streams available to the aerodrome which are not so intrusive and will not adversely affect nearby residents and their amenities. Regardless of whether this vast number of aircraft movements will actually take place, the application, if approved, will set a dangerous precedent and pave the way for even greater intensification of the use of the site and its commercialisation in the future. The proposal is therefore contrary to Policies D3 and D1 of the submitted Local Development Plan 2014-2029 (relating to Conservation and Heritage Assets and Design Quality and Built Environment respectively).</li> <li>• The intensification of air movements proposed is also unacceptable and a threat to public safety given that there is no fence between the adjacent public right of way and the runway, contrary to Policy N1 of the submitted Local Development Plan 2014-2029.</li> <li>• Members acknowledge that the District Council will have control over special event flying days which need prior approval from the Planning Authority but feel this does not provide sufficient safeguards for surrounding parishes, given the pressure the planning department and especially its enforcement officers are currently under due to staff shortages and an apparent backlog of cases.</li> </ul>	

Name of Parish / Town Council	Comment	Officer Response
Stow Maries Parish Council	<ul style="list-style-type: none"> <li>• Impact of the residential amenity caused by noise, smell and overlooking</li> <li>• Potential safety issues</li> <li>• Impact on two local access roads (Crows Lane and Hackmans Lane)</li> <li>• Is it legal for MDC to consider the application if loans have been given to the Applicant?</li> <li>• No new planning grounds to approve application but financial reasons</li> <li>• The Applicant is in breach of their flight numbers and events</li> <li>• The flight activities are currently in breach of the CAA rules and regulations</li> <li>• Detrimental to the airfield's historical sense of place</li> <li>• Introducing aircrafts that are not WWI related</li> <li>• Access via Crows Lane has led to traffic congestion, unauthorised parking and blocking of the access</li> </ul>	Noted
North Fambridge Parish Council	The Parish Council has no objections to this application	Noted

**7.2 Statutory Consultees and Other Organisations (summarised)**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Historic England	No objection to the proposal and do not consider the extension of the flying hours to be harmful to the significance of the site. If it does help to support the use of the site by the Trust, we consider this would accord with paragraph 131 of the National Planning Policy Framework. The extension of flying hours will raise other planning considerations which fall outside our remit and we leave these to your authority to assess	Noted

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
RAF Wattisham	No reply at the time of writing this report	Any comments received will be reported on the Members Update

### 7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objection to the unconditional grant of permission for these applications. The proposals will cause no harm to the significance of the Grade II* listed buildings or to the special character and appearance of the conservation area.	Noted

### 7.4 Representations received from Interested Parties (*summarised*)

7.4.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- Ms Liell ‘Crouch View’ Woodham Road Stow Maries
- Dr R Woodcock, Oakleigh Lodge Hackmans Lane Purleigh Essex CM3 6RJ
- Trevor & Gill Crosby, Flambirds Farm Hackmans Lane Purleigh Essex CM3 6RN
- JB & LE Cooper, G W Cooper (Farms) Ltd Wickhams Farm Danbury Essex CM3 4FG
- Gavin Strathern, Spar Hill Farm Chelmsford Road Purleigh Essex CM3 6QP
- D Fleming, Great Whitmans Farmhouse Hackmans Lane Purleigh Essex CM3 6RW
- Jane Fleming, Great Whitmans Farmhouse Hackmans Lane Purleigh Essex CM3 6RW
- Neil Gilmore, Pear Tree Cottage Woodham Road Stow Maries Essex CM3 6SB
- Roy & Sandra Martin, Scarr Cottage Woodham Road Stow Maries Essex CM3 6SB
- Phyllis & David Warr, The Crib Bungalow Hackmans Lane Cock Clarks
- Michael Partridge, Stow Hall Farm, Woodham Road, Stow Maries, Chelmsford, Essex CM3 6SA
- Ashley J Parrott, Stapleford Woodham Road Stow Maries Essex CM3 6SB
- Andrea Lyons, Goodview Howe Green Road Purleigh Essex CM3 6PZ

- Mrs G P Green, 1 Ridley Cottages Woodham Road Stow Maries Essex CM3 6SA
- Mrs S Middleton, The Crib Hackmans Lane Cock Clarks Purleigh CM3 6RJ
- Mr M Sturgeon, 2 Eves Villas Main Road Bicknacre CM3 4HN
- Mr M Cooper, 1 Eves Villas Main Road Bicknacre CM3 4HN
- Jane O'Dell, 54 Hamberts Road South Woodham Ferrers Chelmsford Essex CM3 5TU
- Denise & Michael Warr, The Warren Hackmans Lane Purleigh Essex CM3 6RJ
- Robert Archer, 26 The Fairways Cold Norton Essex CM3 6JJ
- Local Residents C/O Peter Brady, The Planning Law Practice Wood End 20 Oaklands Park Bishops Stortford Hertfordshire

<b>Objection Comment</b>	<b>Officer Response</b>
<ul style="list-style-type: none"> <li>• Substantial increase in flights directly over residential properties</li> <li>• Impact on the families quality of life</li> <li>• Noise disturbance would inhibit the use of the garden</li> <li>• Property is located directly on the flight path</li> <li>• Potentially devalue our property</li> <li>• In excess of 23,000 movements a year and this will become a commercial airport</li> <li>• Helicopters are a major noise nuisance</li> <li>• No attempt to address the increased nuisance from aircraft noise, road traffic, air accidents</li> <li>• The hour of operation proposed is unreasonable</li> <li>• Some of the pilots are in breach of CAA rules and fly very low and close to buildings</li> <li>• Traffic would be sharing the same lane with agricultural machinery at Crows Lane</li> <li>• Impact on wildlife</li> <li>• The airfield is struggling to accommodate visitors within the site</li> <li>• Narrow roads / tracks to the site are of concern</li> <li>• Lack of respect for the character of the area</li> </ul>	<p>Noted</p>

<b>Objection Comment</b>	<b>Officer Response</b>
<ul style="list-style-type: none"> <li>• A list of light aircraft crash submitted (J Fleming)</li> <li>• The noise is distressing to the elderly population with the memories of the war</li> </ul>	

7.4.2 A further letter of **objection** was received from:

- Anthony James Chappell, The Limes, Church Lane, Stow Maries, Essex

<b>Objection Comment</b>	<b>Officer Response</b>
<ul style="list-style-type: none"> <li>• The Parish Council was not made aware of the noise report</li> <li>• Why has this application not been determined within its target date</li> <li>• The airfield should be promoting old planes not new planes</li> <li>• The increase in annual flights would amount to approximately 25, 000</li> <li>• Increase in noise - Why were the noise levels taken over a quarter of a mile away?</li> <li>• Will this become a flying club?</li> <li>• Very serious noise disturbance</li> </ul>	

7.4.3 Letters were received **in support** of the application from the following and the reasons for support are summarised as set out in the table below:

- Mr Trevor Sexton, 593 Prince Avenue Westcliff-on-Sea SS0 0JQ
- Mr Adrian Sunley, 37 St Nazaire Rd Chelmsford CM1 2EG
- Mr Jeremy Liber, Greenways Farmhill Crescent Stroud GL5 4BZ
- Mr Terry Dann, 129 Downhall Park Way Rayleigh SS6 9TP
- Paul Catanach, 1 Perowne Way Puckeridge Herts SG11 1SZ
- Mrs Margaret Dann, 129, Downhall Park Way Rayleigh SS6 9TP
- Mr Nigel Kemp, 15 Panfield Lane Braintree Essex CM7 2TH
- Mr Martin Day, Greenways 8 New Road Womersley Nr Guildford Surrey
- Mr Edward Yorston, 28 Meeson Meadows Maldon Essex CM9 6YS
- Mr Chris Perry, 7 Dolafon Benllech LL74 8UG
- Mr Barry Tempest, 2 Church Walk Kings Cliffe Peterborough PE8 6XD

<b>Supporting Comment</b>	<b>Officer Response</b>
<ul style="list-style-type: none"> <li>• Veteran aircrafts would visit / use the aerodrome</li> <li>• Who would object to a Tiger Moth or an old bi-plane flying around</li> <li>• Bringing investment to the area</li> </ul>	Noted

Supporting Comment	Officer Response
<ul style="list-style-type: none"> <li>• Bringing life and vibrancy to the museum</li> <li>• If the aerodrome is severely restricted it would limit the potential of this living museum</li> <li>• The restoration and on-going maintenance of the site is expensive and visitors are vital for its funding</li> <li>• The aircraft movements requested is not high</li> <li>• A circuit pattern have been drawn up to avoid local habitants wherever practical so the noise impact is kept to a minimum</li> <li>• The site is professionally managed</li> <li>• Educational</li> <li>• The local people must have known the airfield existed before moving into the area</li> <li>• The Flying Display Director makes sure that the display is run in full accordance with the CAA permission and to approved distance and heights.</li> <li>• The additional movements requested would be limited across the course of the year by weather, serviceability etc.</li> <li>• The aircraft using the Aerodrome are replicas of First World War aircraft and modern light aircraft which bear no comparison to modern, noisy, jet aircraft.</li> </ul>	

7.4.4 A further letter of **support** was received from:

- Christopher Jesson, 23,Bankfields, Headcorn, Ashford, Kent

Supporting Comment	Officer Response
<ul style="list-style-type: none"> <li>• Stow Maries Great War Aerodrome is a unique piece of aviation history, being the only surviving ACTIVE OPERATIONAL First World War airfield in the world.</li> <li>• To enhance the atmosphere of the airfield, it is only natural to offer Air Displays demonstrating the genuine</li> </ul>	Noted

<p>First World War aircraft that they now have resident on site.</p> <ul style="list-style-type: none"> <li>• The current limitations to the movement of aircraft make it impossible to achieve a sensible air display, and implore you to increase their daily movements to a more realistic level.</li> <li>• Fully understand the concerns of the people who live near the airfield, and as an Air display pilot, every effort would be made to reduce the noise impact on the local area</li> <li>• The airfield is also home to a great variety of wildlife and the aircraft have had no noticeable effect on the wildlife.</li> <li>• Granting Stow Maries an increase in aircraft movements would enable them to demonstrate the true nature of the site, and what it represents.</li> </ul>	
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7.4.5 A letter **commenting** on the application was received from:

- Trevor & Gill Crosby Flambirds Farm Hackmans Lane Purleigh

<b>Comment</b>	<b>Officer Response</b>
<ul style="list-style-type: none"> <li>• The noise is so loud it drowned out our conversation as the planes was so low overhead</li> <li>• Happy to accommodate noise measuring equipment to measure noise of future flying display</li> <li>• The type of aircrafts used on site is an important consideration</li> <li>• Developed properly, it will have a great impact on the local education scene</li> </ul>	Noted.

**8. PROPOSED CONDITIONS**

**GRANT LISTED BUILDING CONSENT**

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

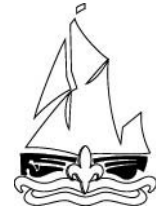
REASON: To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.  
REASON: To ensure that the development is carried out in accordance with the details as approved.

**INFORMATIVE**

This Listed Building Consent LBC/MAL/16/01143 should be read in conjunction with planning application FUL/MAL/16/01142.

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## **REPORT of CHIEF EXECUTIVE**

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**to  
COUNCIL  
13 JULY 2017**

### **REVIEW OF 2016 / 17 PERFORMANCE**

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

- 1.1 A Corporate Plan covering the period 2015 - 19 was approved and adopted by the Council in February 2015 (Minute No. 828 refers) and is the subject of annual updates approved by the Council. The Plan sets the vision and corporate goals that the Council has agreed to focus on over the four year period, along with objectives associated with each of these goals that it wishes to achieve.
- 1.2 The purpose of this report is to supply Members with details of performance against the targets that were set for 2016 / 17 and to ensure that progress was achieved towards the Council's corporate goals and objectives as detailed in the Corporate Plan.
- 1.3 All of the performance information contained within this report is recorded on the Council's Performance Management System (TEN) to which all Members have access.

#### **2. RECOMMENDATION**

Members' views, comments and questions on the information as set out in this report and appendix are sought.

#### **3. SUMMARY OF KEY ISSUES**

##### **3.1 Background**

- 3.1.1 The Corporate Plan is an over-arching document, detailing the Council's priorities and desired outcomes. It provides focus and direction so that all services are clear on how both operational day-to-day tasks and more key, strategic or developmental activities contribute to the Council's goals.
- 3.1.2 The Corporate Leadership Team (CLT) identified activities for 2016 / 17 that would help to achieve the priorities and objectives. These key corporate activities (KCAs) were monitored at a corporate level by CLT with quarterly reports submitted to the Overview and Scrutiny Committee, which scrutinises decisions made by, and the performance of both Committees and Council Officers.

3.1.3 A number of key indicators were also monitored corporately to measure or track the impact of the actions and to provide evidence of achievements.

## 3.2 2016 / 17 Performance

3.2.1 **APPENDIX 1** to this report includes for each Corporate Goal:

- The status of all of the key corporate activities contributing to the goal.
- Comments for those activities assessed as being “at risk” or behind schedule”.
- Performance for the last three years and against 2016 / 17 indicator targets.
- Graphs and comments for those indicators where a target has not been achieved.
- For tracking measures a table with figures for the last three years. Targets are not set for tracking measures as the Council has little control over performance, but establishing these measures assists us in gauging the impact of our actions on the desired outcomes outlined in the Corporate Plan. As there are no targets, it is not appropriate to show these in a graph.

3.2.2 In addition to the information included in **APPENDIX 1**, Members may want to note the following achievements and successes:

### 3.2.3 Corporate:

- A Local Government Association Peer review was undertaken in February 2017.
- A balanced budget has been set for 2017 / 18.
- The Chief Executive took on the chairmanship of Essex Chief Executive’s Association (ECEA), a consultative group comprising all Chief Executives from Greater Essex authorities and representatives from Essex Police, Fire and Probation Services. ECEA meetings are now held at the Maldon District Council offices.

### 3.2.4 Resources Directorate:

#### 3.2.4.1 People, Performance and Policy

- Development and implementation of the new staff Performance Review System.
- The Core element of the HR Information System has been fully implemented on which all key workforce data has been recorded enabling more efficient day-to-day operational working within the HR team. In addition, it provides statistical analysis and reports.

#### 3.2.4.2 Legal and Democratic Services:

- The service continued their support to the Maldon District Council work experience programme which has been a very popular choice with students. The Service has agreed placements for the summer holidays and previous work experience students have voiced their desire to return again for further time with the teams.

### 3.2.5 Customers and Community Directorate

#### 3.2.5.1 Customers

- The Council Tax collection rate for 2016 / 17 has been maintained at 98.3% and remains only 0.1% below the collection rates achieved in 2012 / 13, before the Local Council Tax Support scheme was implemented. This has been achieved in a year when residents have been impacted by further welfare reforms.
- The automated telephone payment system has been successfully implemented allowing customers to pay by telephone 24/7. Targets for moving existing Council Tax telephone payers to the automated system continue to be exceeded with 94% of all telephone payments since live date being made using the automated facility.
- Self-service PCs and public access Wi-Fi has been installed in the Council Offices Reception. This enables customers to use their own devices as well as allowing the Council to offer a much wider range of services on the self-service computers.
- The Reception area redesign has been completed to incorporate the Sense of Place branding.

#### 3.2.5.2 Community and Living

- The alternate weekly **waste collection service** was introduced in June 2016 since which the Council's recycling performance has improved as follows (compared to during the same period in 2015 / 16):
  - 18% increase in the dry mixed recycling (glass, cans, plastics and paper);
  - 91.2% increase in food waste collection;
  - 25.5% decrease in refuse tonnage collected.
  - The overall recycling performance for 2016 / 17 was 57.7% compared to 47% in the previous year.
  - When compared to recycling performance across Essex based on 2015 / 16 figures, this would place Maldon second behind Rochford (who provide a free weekly garden waste collection).
- As part of the Cleaner Essex Group we participated in the annual campaign 'Love Essex' including a media launch event. The aim of which was to target younger people using social media funded by Essex businesses including KFC (Kentucky Fried Chicken) and McDonalds. Using online banners across multiple websites were used, targeting young adults. In addition, age and location targeted adverts were used on Facebook and Instagram.
- The Team supported the 'Clean for the Queen' litter picking campaign including eight Parish Council litter picks and one with McDonalds' staff.
- During 2016 / 17 the **Community Safety Team** produced an annual Strategic Assessment of crime and fulfilled its statutory duties under the Crime and Disorder Act 1998. The Team also commenced and supported two Domestic Homicide Reviews in accordance statutory requirements and successfully

attracted Police and Crime Commissioner (PCC) Funding to support the reviews.

- In addition the Team has:
  - actively engaged in strategy meetings that support work around exploitation, violent crime, gangs, safeguarding and prevent violent extremism;
  - tackled anti-social behaviour by organising and leading the Maldon and Burnham-on-Crouch Action Groups and introducing a new Anti-Social Behaviour (ASB) Youth Forum to work with schools and education practitioners and bi-monthly meetings with Mental Health practitioners to deal more effectively with complex cases;
  - forged a closer working relationship with Essex Police and partners by attending Community Safety Hub Tasking deals with emerging issues;
  - delivered Crucial Crew to Year 6 pupils on subjects which included fire safety, substance misuse, internet safety, road safety, anti-bullying, stranger danger and first aid and successfully showcased the event to the High Sheriff of Essex;
  - continued the Keep Safe project which supports vulnerable adults in the community;
  - arranged the Stay Safe This Summer and Reality Roadshows to secondary school students focussing on substance misuse, park safety and anti-social behaviour;
  - delivered sessions to students of the Plume School and Heybridge Alternative Provision School on Preventing Violent Extremism and delivered WRAP (Workshop to Raise Awareness of Prevent) to frontline staff;
  - continued to work in partnership with the Casualty Reduction Team at Essex Police and community safety partners to tackle street racing and irresponsible driving which has resulted in warning notices being given perpetrators;
  - delivered the Graffiti Art Project in Burnham-on Crouch by working with local schools and youth people;
  - worked with Maldon Youth Strategy Group to deliver local support on emotional wellbeing for young people and provide sustainable funding for Southminster Door Step Club alongside Essex County Council Youth Service;
  - Continued to work with the districts primary's schools to encourage people to park safely outside the school gates and supported the introduction of the South Essex Parking Partnership (SEPP) Three Parking Rules (3PR) Safety Initiative into Maldon district;
  - successfully bid for PCC Funding to deliver a TRU-CAM initiative which will see community protection officers supporting the wider work of the Safer Essex Roads Partnership.

### 3.2.6 Leisure, Countryside and Tourism

- The Dengie Gateway Project has been taking shape during the last year culminating in the launch of the Saltmarsh Coastal Trail later this year, installing hubs in key points for locals and visitors alike so they can make the most of their coastline.
- As part of the project our new Tourism website ([www.visitmaldondistrict.co.uk](http://www.visitmaldondistrict.co.uk)) launched in July 2016. In May 2017, the site had over 10,000 unique visitors.
- Through the pro-active use of social media (Twitter & Facebook):
  - @Maldon TIC now has 1,113 Twitter followers and
  - 180 people like Visit Maldon District on Facebook.
- The latest Volume and Value Report for 2015 (latest available) shows the following increases:
  - 140,000 extra day visitors in 2015
  - 3.9% increase in the volume of day trips to the Maldon District area
  - Supporting an additional 112 jobs and shows tourism now equates to 15% of local employment
  - Total visitor spend in the Maldon District now equates to over £155M and brings a total value of £189M to the local economy
- Our local Tourist Information Centres continue to provide direct services to visitors and local residents, with figures for 2016 / 17 showing:

<b>Tourist Information Centre</b>	<b>Customer visits</b>	<b>Telephone enquiries</b>	<b>Emails</b>
<b>Burnham-on-Crouch</b> (opened August 2016) September 2016 – March 2017	1,944	47	27
<b>Maldon</b> April 2016 – March 2017	25,995	2,653	662

- The Maldon Parkrun at Promenade Park recently celebrated its 200<sup>th</sup> event; since starting in 2014 this free weekly 5 kilometre, timed run has gone from strength to strength. Weekly turn outs now average at over 250 participants and each week the event is supported by 15 Volunteers. The popularity of junior parkrun is also increasing and recently a new attendance record was achieved of 120 runners aged between 5 and 15.
- Our new Leisure Contract continues to perform well, figures from last year show an increase by users as follows:

<b>Financial Year</b>	<b>Blackwater Leisure Centre</b>	<b>Dengie 100 Leisure Centre</b>
<b>2015 / 16</b>	461,298 customers	58,783 customers
<b>2016 / 17</b>	499,783 customers	73,569 customers
<b>Increase</b>	<b>8%</b>	<b>25%</b>

- 2016 saw strong demand for our Splash Park and the operating season was extended due to good weather and 52,000 young people enjoyed the facility

### 3.2.7 Planning and Regulatory Services Directorate

#### 3.2.7.1 Strategic Planning Policy

- In January 2017, the second Local Development Plan (LDP) Examination Hearings were completed and the Post-Examination Modifications published, the responses to which have been sent to the Inspector. This followed the publication of Main Modifications in September 2016, and a year-long programme of reports and evidence updates in response to the Inspector's queries, including a new travellers' policy.
- A review undertaken as part of the Post Examination Modifications concluded that the Council is maintaining its Housing Land Supply at 6.20 years so in excess of 5 years.
- Consultation of the Maldon and Heybridge Central Area Master Plan was published setting out how this key economic zone can be regenerated to improve its profile as a strategic business location and maintain its intrinsic heritage and tourism value.
- The Burnham-on-Crouch Neighbourhood Plan completed its examination stage in March 2017 and will now be subject to a local referendum. Great Totham and Wickham Bishops were also designated new Neighbourhood Plan areas.
- The Woodham Walter Conservation Area has successfully been designated.
- Planning permission was granted or resolved to grant on all but one of the Garden Suburbs and Strategic Sites allocated in the LDP. For both Garden Suburbs, design codes have been prepared which will control the quality of the development as they progress through the next planning stages.

#### 3.2.7.2 Planning Services

- In 2016 / 17 there was significant improvement in the performance of the Planning Services team in determining planning applications with all targets being exceeded.
- The Corporate Fraud and Enforcement Team received 459 new planning cases during 2016 / 17, closed 371 complaints and had five successful prosecutions.

#### 3.2.7.3 Strategic Housing

- During 2016 / 17 the Strategic Housing Team has managed to secure agreement from developers to provide affordable homes in accordance with policy in nearly all applications with grant or other subsidy, supported by our framework agreement for testing and validating the financial viability of new developments. Although still falling short of the annual requirements for new affordable homes, 2016 / 17 also saw one of the largest numbers of new affordable homes completed in one year.
- In December 2016 the Government awarded the Council a grant of £190,000 to develop a programme of Community Led Housing.

- The Housing Options Team managed to maintain lower than average levels of homelessness when measured as proportion of population compared with most other districts in Essex, third lowest with only 1.16 households per thousand accepted as being statutorily homeless.
- The Team also managed to maintain the lowest proportion of families in temporary accommodation and Bed & Breakfast compared with other Essex authorities.
- Officers led in the development of a bid to Government in partnership with Essex County Council which secured almost £1m over the next two years to provide a Trailblazer scheme to promote the prevention of homelessness and prepare for proposed reforms to the homelessness legislation.
- The Home Improvements Team secured twice as much funding as previous years which has helped to fund a record number of adaptations to the homes of older people and people with disabilities.

#### 3.2.7.4 Economic Development

- Focusing on the Council’s corporate goal of “Creating opportunities for economic growth and prosperity” the Economic Development Team’s successes include:
  - **Sense of Place** – May 2016 saw the formal launch of the Sense of Place branding at the business showcase event. This brand for the District was developed with the aim of raising the profile and positioning of the District to support business growth and enhance the impact of tourism, enabling organisations to promote the District in a consistent and positive manner. New easy to use and accessible business and tourism assets have been created by the Council’s Communications Team to encourage the adoption of the brand by businesses who will be able to access these from a Sense of Place satellite website ([www.weare Maldon District.co.uk](http://www.weare Maldon District.co.uk)) from the end of July 2017.
  - **Maldon District Council Business Awards** – the Team organised and delivered a very successful event, celebrating the successes of businesses across the Maldon District with Crouch Ridge Vineyard winning overall Business of the Year.
  - **Apprenticeship Event** – the Economic Development Team has been working closely with the Plume Community Academy, Ormiston Rivers Academy and Heybridge Alternative Provision together with Directions IAG to create closer school links with industry in the Maldon District culminating in the organisation of a very successful Apprenticeship event in March 2017. The Team has also been working in partnership with the Employment and Skills Board Science, Technology, Engineering and Mathematics (STEM) team and the CEC Enterprise Advisor Network accessed via Essex County Council’s Employability and Skills Unit to encourage their engagement with these programmes.
  - **Dengie Enterprise Support** – this service was rebranded in September 2016 to incorporate Sense of Place. At the same time an

event was arranged, attended by over 50 businesses, to celebrate the success of the service's first year and to encourage more pre-start and early start businesses to benefit from the service. Consequently attendance at its monthly forum alone trebled from the next day.

- **LEADER Funding** - LEADER is part of the Rural Development Programme for England and a total of £138 million is available in England between 2015 and 2020 under the scheme. Applications and funding are delivered through Local Action Groups (LAG) for projects that create jobs, help business to grow, and benefit the rural economy and is available to local businesses, communities, farmers, foresters and land managers. Maldon District Council has applied for and had the most successful LEADER funding applications in the geographical area covered by the Essex Rivers LAG than any other local authority district, including Dan Hull Prepared Foods, Clayhill Vineyard and Sarah's Organics which will lead to further economic growth of these businesses and creation of jobs.
- **Relaunch of the Burnham-on-Crouch Chamber of Commerce** – since September 2016, the Economic Development Team has sat on its Executive Committee Member and has been heavily involved in the organisation of its very successful recent re-launch event which over 60 people attended. The Chamber is now actively recruiting new members.

### 3.3 Complaints / Compliments

3.3.1 A total of 147 complaints and 41 compliments were received by the Council during 2016 / 17:

Directorate	Compliments		Complaints	
	2015 / 16	2016 / 17	2015 / 16	2016 / 17
Resources	1	7	8	4
Customers and Community	24	19	71	111
Planning and Regulatory Services	10	15	48	32
<b>Total</b>	<b>35</b>	<b>41</b>	<b>127</b>	<b>147</b>

3.3.2 All complaints received are investigated and action taken to improve service delivery where learnings are identified. However, there are limitations in the current system for recording and collating complaints and compliments.

3.3.3 A revised corporate feedback system will be implemented during 2017 / 18 as part of the new Customer Strategy. This will enable more robust information to be recorded and analysed to identify improvement areas.

#### 4. CONCLUSION

- 4.1 Good progress has been made on a number of activities and successes achieved which will help the Council meet its overall desired outcomes and corporate goals.
- 4.2 However, there are barriers to progress and inevitably the Council has to react, reprioritise and respond effectively to mandatory and necessary changes as they become apparent which may require a re-allocation of resources and therefore impact our capacity to deliver or achieve other corporate goals.

#### 5. IMPACT ON CORPORATE GOALS

- 5.1 The Council has stated its corporate goals and desired outcomes in the agreed Corporate Plan for 2015/19 and the Corporate Leadership Team set out what actions the services would take to contribute to the achievement of these outcomes.
- 5.2 To ensure that Maldon District Council is progressing towards or achieving the goals and outcomes stated in the Corporate Plan, it is important that performance is monitored and managed against targets and milestones.

#### 6. IMPLICATIONS

- (i) **Impact on Customers** - Performance Management is about agreeing and achieving objectives and priorities, monitoring our performance against agreed targets and timescales, identifying opportunities for improvement, making necessary changes and ultimately delivering quality public services.
- (ii) **Impact on Equalities** - The Council aims to understand the needs of our staff and customers and ensure that our policies and services are designed to meet these needs and are implemented appropriately.

Maldon District Council (MDC) is committed to providing equal opportunity of access to services and working towards developing communities that are free from discrimination.

Effective performance management will assist the Council in determining whether it is achieving this.

- (iii) **Impact on Risk** – Without agreed and clearly stated corporate goals and desired high level outcomes, the Council will be at risk of not effectively focusing its work and, in turn, efficiently directing limited resources.

Those risks which may prevent the Council from achieving the corporate goals stated in the Corporate Plan are identified and reviewed on an annual basis.

These are recorded on the Corporate Risk Register together with any current controls in place and further actions to be taken forward are identified to mitigate the risks as much as possible.

The Corporate Leadership Team and the Audit Committee undertake quarterly reviews of the Corporate Risk Register as assurance that the corporate risks are being managed effectively and seeking to ensure that the corporate goals should be achieved.

- (iv) **Impact on Resources (financial and human)** - If action is needed to bring key activities or indicators back on track to meet the targets set, a reallocation of resources may be required to ensure that objectives and priorities are achieved.
  
- (v) **Impact on the Environment** – None.

Background Papers: None.

Enquiries to:

Fiona Marshall, Chief Executive, (Tel: 01621 875711) or  
Julia Bawden, Performance and Risk Officer, (Tel 01621 876223).

Review of Performance 2016-17



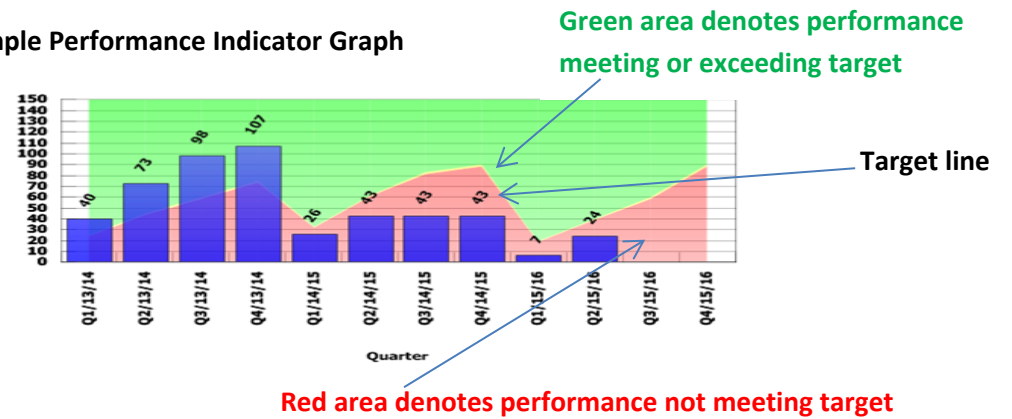
REVIEW OF PERFORMANCE

2016-17

Status Definitions for Key Corporate Activities

At Risk	There are issues which could impact the completion/ achievement of the Key Corporate Activity in the future
Behind Schedule	Target date for completion of the Key Corporate Activity , or milestones upon which activity depends, have not been met
On Track	Work progressing satisfactorily, milestones upon which the activity depends are being met and overall target for completion should be achieved
Completed	Key Corporate Activity completed – no further work required

Example Performance Indicator Graph



## Review of Performance 2016-17

Corporate Goal - Helping communities to be safe, active and healthy

Key Corporate Activities contributing to this goal - 4			
At Risk	Behind Schedule	On Track	Completed
	1	3	

Key Corporate Activities (KCAs)	Target Date	Status	Comments for KCAs "At Risk" or "Behind Schedule"
Implement Community Safety Partnership action plan	Ongoing	On track	
Implement with partners the Local Action Plan that contributes to the local health and wellbeing needs	Ongoing	On track	
Embedding the Safeguarding policy and procedures across all the Council services	Ongoing	On track	
Develop the Strengthening Communities Strategy	March 2017	Behind schedule	Officers continue to work with Members to develop a strategy for the Council through the Member Task and Finish Working Group. Officers have been tasked with undertaking an audit of community groups to identify any shortfall in provision within the district for consideration by the working group when it next meets later in 2017.

Review of Performance 2016-17

Indicators

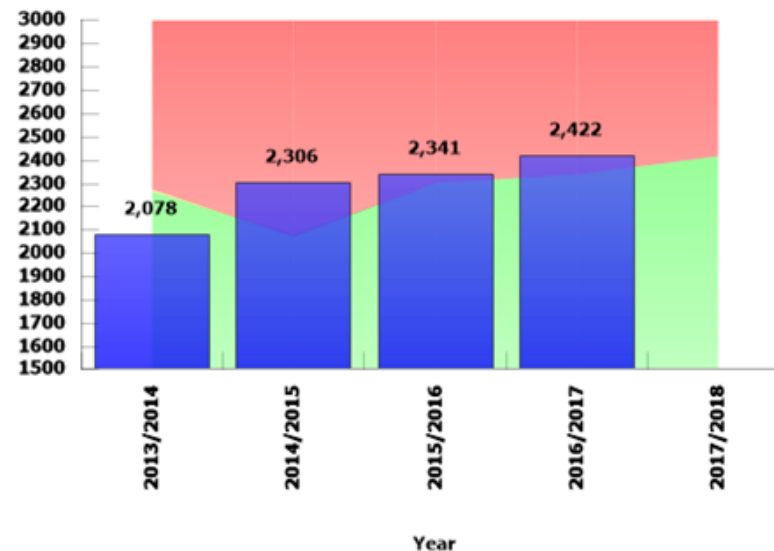
Indicator	14/15	15/16	16/17 Target	16/17	Annual target achieved
Level of reported crime	2,306 Incidents of all crime	2,341 Incidents of all crime	Fewer reported incidents than in previous year	2,422 Incidents of all crime	No
	1,113 Anti-Social Behaviour (ASB) incidents	1,087 ASB incidents		1,000 ASB incidents	Yes
		Sanctioned detection rate 11.7%	No target	Sanctioned detection rate 12.5%	

Comment on performance

Sub groups of the Community Safety Partnership continue to meet on a regular basis and work streams for each individual group are effectively impacting on various areas of community safety. Rural crime remains a concern for local people so there will be a stronger focus on this for 2017/18 with the adoption of the new priority "Tackling rural crime and strengthening communities".

Team members meet with partners on a frequent basis and receive regular information to ensure that the partnership remains responsive to emerging crime trends such as monitoring of the offender cohort, community cohesion issues and children at risk of exploitation.

There was some very proactive work undertaken in the area by CID which resulted in an arrest and effectively halted a burglary/vehicle interference series.



## Review of Performance 2016-17

Tracking Measures

The following are designated as “tracking measures” for which it is inappropriate to set targets as the Council has little control of performance, but establishing these measures will enable us to gauge the impact of our actions on the desired outcomes outlined in the Corporate Plan.

Indicator	14/15	15/16	16/17
<b>Number of households where living conditions were improved through:</b>			
• Intervention of the private sector housing team	44	63	69
• Housing Act interventions			
- Overall	12	21	10
- Relating to excess cold, damp and mould	9	6	4
<b>Overall number of households within the Maldon District that have been assisted as part of the national Green Deal and ECO scheme</b>	<b>690</b> (between Jan 2013 and Mar 2015)	<b>860</b> (between Jan 2013 and Dec 2015)	<b>1,178</b> (Jan 2013 - Dec 16)
<b>Number of assisted installations to improve home energy efficiency through Council promotion</b>	<b>0</b>	<b>20</b>	<b>19</b>

Review of Performance 2016-17

Corporate Goal - Protecting and shaping the District

Key Corporate Activities contributing to this goal – 6			
At Risk	Behind Schedule	On Track	Completed
	4	2	

Key Corporate Activities (KCAs)	Target Date	Status	Comments for KCAs “At Risk” or “Behind Schedule”
<b>Adopt the Local Development Plan for the District</b>	<b>September 2017</b>	<b>Behind schedule</b>	<p>The Examination-in-Public (EIP) Hearing sessions were held in January 2017. The sessions were based on the Inspector's Matters, Issues and Questions (MIQs) published on 16 November 2016. The Inspector worked with the Council during each of the hearing sessions to consider modifications that would assist in making the Plan and individual policies within it, sound.</p> <p>The Post-Examination modifications, after sign off from the Inspector, were published for public consultation on 17 March and ran. The responses to the public consultation have been sent to the Planning Inspector, who will then complete his Report for the Secretary of State with recommendations on whether the Plan is sound. On receipt of the Planning Inspector's report, the Secretary of State will then consider the Planning Inspector's recommendation and in due course, will issue a report to Council on his decision on the Plan.</p>
<b>Work in partnership to deliver/ensure management/maintenance of strategic infrastructure as per LDP</b>	<b>Ongoing</b>	<b>On track</b>	

Review of Performance 2016-17

Key Corporate Activities (KCAs)	Target Date	Status	Comments for KCAs "At Risk" or "Behind Schedule"
<p><b>Work in partnership to develop community consultation groups re management/maintenance of existing open spaces</b></p>	<p><b>December 2016</b></p>	<p><b>Behind schedule</b></p>	<p>Work around community consultation is progressing; however priority has been given to resolving operational difficulties within the service. These are now improving and the team is able to refocus on how to build on existing friends groups where they are established and re-engaging with the community where they do not. A report will be considered by Members in Autumn setting out a proposed approach to formalise how the Council works with friends groups or other recognised groups that have an interest in open spaces and how it can encourage community involvement with the ongoing maintenance and management of sites. This KCA has been rolled forward to 2017/18 and Members will receive regular updates on how this area of work is progressing throughout the year.</p>
<p><b>Adopt the Maldon District Design Guide</b></p>	<p><b>May 2017</b></p>	<p><b>Behind schedule</b></p>	<p>The Maldon District Design Guide was approved by the Planning and Licensing Committee in March 2017 for public consultation which will finish on 30 June; representations will be collated and fed into final revisions to be presented to Council in due course.</p> <p>Once adopted the Guide will be a supplementary planning document and a material consideration in planning decisions.</p>
<p><b>Work with partners to seek funding/bring forward flood relief projects for identified surface flooding risk areas in District</b></p>	<p><b>March 2018</b></p>	<p><b>Behind schedule</b></p>	<p>Progress continues to be made on the major flood relief schemes with the majority on track, some successful funding bids and further funding being sought.</p> <p>The following schemes are considered to be behind schedule:</p> <p><b>The North Heybridge Flood Relief Scheme (Funding application)</b> - Work is continuing with consultants Capita and the Environment Agency to finalise the business case. This</p>

Review of Performance 2016-17

Key Corporate Activities (KCAs)	Target Date	Status	Comments for KCAs "At Risk" or "Behind Schedule"
			<p>work will continue into 2017-18, but with a view to achieving final submission for grant aid in early summer 2017.</p> <p><b>Maldon, Brickhouse Farm</b> - This project is being led by ECC and is progressing through the detailed design stage. It is understood that ECC are in discussion with their asset team regarding displacement of the allotments into another suitable area. Once available the detailed designs will be reported to Members before progressing to the planning application stage.</p>
<p>Work with housing associations and developers to provide affordable and extra care housing</p>	<p>Ongoing</p>	<p>On track</p>	

## Review of Performance 2016-17

## Indicators

Indicator	14/15	15/16	16/17 Target	16/17	Annual target achieved
Total household waste arising per household	842 kgs. per household	838 kgs. per household	820 kgs. per household	818 kgs. per household	Yes
Residual household waste per household	453 kgs. per household	443 kgs. per household	400 kgs. per household	345 kgs. per household	Yes
Percentage of household waste sent for reuse, recycling and composting (including separate green waste)	46.14%	47.3%	52%	57.8%	Yes
Number of missed collections per 100,000 collections	71.58/100,000	67/100,000* 2,337 actual missed Collections* *As at end of December 2015	60/100,000	188/100,000 5,602 actual missed Collections Figures relate to period from 6 <sup>th</sup> June – 31 <sup>st</sup> March	No

Review of Performance 2016-17

Indicator	14/15	15/16	16/17 Target	16/17	Annual target achieved								
<b>Number of missed collections per 100,000 collections</b>													
<p><u>Comment on performance</u>                      The figure of justified missed collections has been on a downward trend during the year and has now stabilised at 12 per day which should be viewed against over 16,300 collections per collection day.</p> <p>Improvements are due to a number of reasons including:</p> <ul style="list-style-type: none"> <li>• Crews are now familiar with their routes;</li> <li>• Routes are mapped in zones to ensure crews work together to support each other;</li> <li>• The new management team are more settled;</li> <li>• The crews are well supervised and regularly monitored and</li> <li>• The in-cab technology aid establishing justified missed collections.</li> </ul>		<table border="1"> <caption>Data for Missed Collections Chart</caption> <thead> <tr> <th>Year</th> <th>Missed Collections per 100,000</th> </tr> </thead> <tbody> <tr> <td>2014/2015</td> <td>71.58</td> </tr> <tr> <td>2015/2016</td> <td>67.00</td> </tr> <tr> <td>2016/2017</td> <td>188.00</td> </tr> </tbody> </table>				Year	Missed Collections per 100,000	2014/2015	71.58	2015/2016	67.00	2016/2017	188.00
Year	Missed Collections per 100,000												
2014/2015	71.58												
2015/2016	67.00												
2016/2017	188.00												
Indicator	14/15	15/16	16/17 Target	16/17	Annual target achieved								
Percentage of major planning appeals allowed	10.3%	9.8% *(for the 2 year minus 9 months period as per DCLG assessment re quality of decisions)	3%	8.33% (for the 2 year minus 9 months period as per DCLG assessment re quality of decisions)	No								
Percentage of all planning appeal decisions allowed	45.95%	33%	33%	44.44%	No								

Review of Performance 2016-17

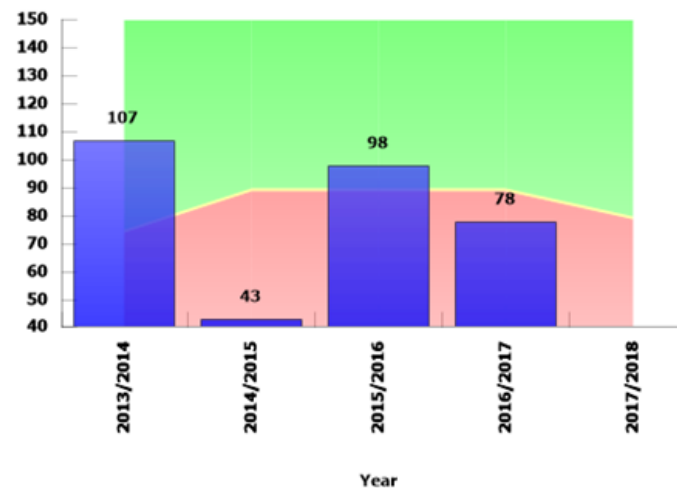
Indicator	14/15	15/16	16/17 Target	16/17	Annual target achieved																		
<b>Percentage of planning appeals allowed</b>																							
<p><a href="#">Comment on performance</a></p> <p>This is continually monitored using a rolling period of 2 years minus 9 months, to indicate performance leading up to the annual assessment of whether the Council is underperforming undertaken by DCLG in January. Local authorities have been advised that the threshold for appeal decisions allowed on major applications will reduce to 10% for the 2018 assessment and a new target for 'minor' and 'other' applications will be introduced also at 10%.</p>																							
<b>Percentage of major planning appeals allowed over the assessment period for the quality of decisions</b>			<b>Percentage of all planning appeals allowed</b>																				
<table border="1"> <caption>Percentage of major planning appeals allowed</caption> <thead> <tr> <th>Year</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>2014/2015</td> <td>10.3%</td> </tr> <tr> <td>2015/2016</td> <td>9.8%</td> </tr> <tr> <td>2016/2017</td> <td>8.3%</td> </tr> <tr> <td>2017/2018</td> <td>-</td> </tr> </tbody> </table>			Year	Percentage	2014/2015	10.3%	2015/2016	9.8%	2016/2017	8.3%	2017/2018	-	<table border="1"> <caption>Percentage of all planning appeals allowed</caption> <thead> <tr> <th>Year</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>2014/2015</td> <td>46.0%</td> </tr> <tr> <td>2015/2016</td> <td>33.0%</td> </tr> <tr> <td>2016/2017</td> <td>44.4%</td> </tr> </tbody> </table>			Year	Percentage	2014/2015	46.0%	2015/2016	33.0%	2016/2017	44.4%
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2015/2016	33.0%																						
2016/2017	44.4%																						

Review of Performance 2016-17

Indicator	14/15	15/16	16/17 Target	16/17	Annual target achieved
Total number of open market homes delivered	69	248	180	Figures available in August following production of the Authority Monitoring Report	
Total number of affordable homes delivered (through legal agreements and other means)	0	45	130		
Total number of long term (i.e. longer than 6 months) empty homes in the District	252 as at 31/03/15 (43 of which have been empty in excess of 5 years)	195 as at 31/03/16 (of which 41 have been empty in excess of 5 years)	N/A	219 as at 31/03/17 (of which 39 have been empty in excess of 5 years)	<b>No</b>
Number of long empty homes returned to use	43	98	90	78	

Comment on performance

Having successfully tackled a backlog of empty homes in recent years, it has always been acknowledged that numbers of empty homes that could be returned to use in the future would reduce. For this reason the target of 90 for 2016/17, which was challenging has been reduced to 80 for 2017/18.



## Review of Performance 2016-17

**Tracking Measures:** The following are designated as “tracking measures” for which it is inappropriate to set targets as the Council has little control of performance, but establishing these measures will enable us to gauge the impact of our actions on the desired outcomes outlined in the Corporate Plan.

Indicator	14/15	15/16	16/17
<b>Fly tipping</b>			
- No. of incidents	- 222	- 214	- 381
- % removed within standard time	- 100%	- 100%	- 100%
<b>No. of reports received from the public re litter</b>	<b>75</b>	<b>38</b>	<b>26</b>
<b>No. of fixed penalty notices issued relating to litter offences</b>	<b>16</b>	<b>18</b>	<b>30</b>
<b>No of reports received from the public re dog fouling</b>	<b>94</b>	<b>50</b>	<b>74</b>
<b>No. of fixed penalty notices issued relating to dog fouling offences</b>	<b>23</b>	<b>12</b>	<b>10</b>
<b>Average Levels of Nitrous Dioxide across the whole District</b>	<b>33µ/ m<sup>3</sup></b>	<b>33.05µ/ m<sup>3</sup></b>	<b>29.60µ/m<sup>3</sup></b>
<b>I. Total no. of applicants who approached Maldon District Council’s (MDC’s) Housing service</b>	<b>I. 626</b>	<b>I. 462</b>	<b>I. 424</b>
<b>II. Number of applicants who were either prevented from becoming homeless or their situation was resolved through intervention</b>	<b>II. 287</b>	<b>II. 135</b>	<b>II. 93</b>
<b>III. Number of applicants who proceeded to make a formal homelessness application/those accepted as statutory homeless</b>	<b>III. 36</b>	<b>III. 38</b>	<b>III. 25</b>
<b>IV. Number of applicants given advice, but unsuccessful in preventing/relieving the risk of homelessness</b>	<b>IV. 303</b>	<b>IV. 288</b>	<b>IV. 306</b>

## Review of Performance 2016-17

Indicator	14/15	15/16	16/17
Affordable housing needs assessment	New indicator 15/16	The net annual requirement for affordable homes identified in the SHMA (2014) is 130. The most April 16 showed the annual requirement has increased to 218.	As part of the Council's review into its housing requirements and assessment of its Objectively Assessed Need for housing required for the Examination in Public in January 2017, a full review of both the requirement for affordable housing and the overall requirement for housing was undertaken by independent consultants in December 2016. It was found that the need for affordable housing remains as first identified at 130 homes per annum. In view of this, officers have not undertaken any further review for this period but will review once more at the end of the first quarter of 2017/18.

## Review of Performance 2016-17

## Corporate Goal - CREATING OPPORTUNITIES FOR ECONOMIC GROWTH AND PROSPERITY

Key Corporate Activities contributing to this goal - 8			
At Risk	Behind Schedule	On Track	Completed
		8	

Key Corporate Activities (KCAs)	Target Date	Status	Comments for KCAs "At Risk" or "Behind Schedule"
Deliver business engagement activities	Ongoing	On track	
Develop and implement an action plan for the Causeway Area re-generation	March 2018	On track	
Promote the District as a destination of choice by setting out what is on offer in Maldon District for new/existing businesses	Ongoing	On track	
Promote the District as a destination of choice by developing a plan with partners to increase visitor numbers/spend in the District	March 2018	On track	
Analyse current skills deficit in the District	March 2018	On track	
Undertake feasibility study to identify possible solutions to address skills deficit	March 2018	On track	
Promote/support improved Broadband connectivity	Ongoing	On track	
Work with partners to improve transport within District as part of ECC Passenger Transport Strategy	March 2018	On track	

## Review of Performance 2016-17

**Tracking Measures:** The following are designated as “tracking measures” for which it is inappropriate to set targets as the Council has little control of performance, but establishing these measures will enable us to gauge the impact of our actions on the desired outcomes outlined in the Corporate Plan.

Indicator	14/15	15/16	16/17
<b>Within the District total number of employee jobs</b> Source: NOMIS	<b>19,400</b> 2014	<b>19,000</b> 2015	<b>Figure not yet available</b>
<b>Claimant Count</b> Source: NOMIS	<b>430</b> (as at Feb 2015) (Job Seekers Claimants)	<b>370</b> (as at March 2016) (Job Seekers and Universal Credit out of work claimants)	<b>385</b> (as at March 2017) (Job Seekers and Universal Credit out of work claimants)
<b>Number of business enterprises within the District</b> Source: NOMIS	<b>3,090</b> (2014)	<b>3,270</b> (2015)	<b>3,295</b> (2016)
<b>Number of empty NNDR properties within the District</b>	<b>199</b> (as at March 2015)	<b>187</b> (as at March 2016)	<b>168</b> (as at March 2017)
<b>NNDR Collectable Debt</b>	<b>£13.85m</b>	<b>£14.17m</b>	<b>£14.85m</b> £0.57m real terms increase
<b>Number/percentage of 16 – 18 year olds in the District not in employment, education or training</b> Source: ECC	<b>101</b> (as at March 2015) (16 – 19 year olds)	<b>80</b> (as at March 2016) (16 – 19 year olds)	<b>31</b> (as at March 2017) Equivalent to 2.1% of 16 – 18 year olds in the District not in employment, education or training
<b>Number of participants starting in apprenticeship schemes within the District</b> Source: DfE	<b>520</b>	<b>290</b> (August 15 – Jan 16)	<b>240</b> (Figures for August – October 2016 only. Figures for full year not yet published )
<b>Visitor spend in the District</b> Source: TIC	<b>£150m</b> (2014)	<b>£155.5m</b> (2015)	<b>2016 Value of Tourism report available September 2017</b>

Review of Performance 2016-17

Corporate Goal - Delivering good quality, cost effective and valued services

Key Corporate Activities contributing to this goal - 4				
Activity not being taken forward	At Risk	Behind Schedule	On Track	Completed
1		2	1	

Page 174

Key Corporate Activities (KCAs)	Target Date	Status	Comments for KCAs "At Risk" or "Behind Schedule"	
<b>Implement Workforce Development Plan projects for 16/17:</b> <ul style="list-style-type: none"> <li>- Implement Performance Review System</li> <li>- Implement HRIS and self service</li> <li>- Develop recruitment strategy</li> <li>- Review online jobs portal experience</li> <li>- Introduce Total Reward Policy.</li> </ul>	<b>March 2017</b>	<b>Performance Review System</b> Complete	<p>Major projects implemented include the Performance Review process and the Core element of the HR Information System (HRIS). All key workforce data has been recorded on HRIS enabling more efficient day-to-day operational working within the HR team. In addition, it provides statistical analysis and reports.</p> <p>These projects will continue to be a focus to ensure they are embedded within the Council.</p> <p>Work has started on the recruitment strategy and the Total Reward Policy, but these have not been completed within the timescales originally stated in the Workforce Development Strategy due to factors such as changes in legislation and the Apprentice Levy. These activities are therefore being carried over to 17/18 and need to be worked on in parallel with the other factors.</p> <p>The self-service end of HRIS is stalled for technical reasons. We must be confident that the end user experience will be positive before this can be rolled out.</p>	
		<b>HRIS Core</b> Complete		<b>HRIS self service</b> Behind schedule
		<b>Recruitment Strategy</b> Behind schedule		
		<b>Online jobs portal experience</b> Complete		
		<b>Total Reward Policy</b> Behind schedule		

Review of Performance 2016-17

Key Corporate Activities (KCAs)	Target Date	Status	Comments for KCAs “At Risk” or “Behind Schedule”
<b>Implement the ICT Strategy projects for 16/17:</b> - <b>implement the initial Customer Relationship Management (CRM) system</b>	<b>March 2017</b>	<b>Activity not being taken forward</b>	The work to evaluate whether a CRM system is appropriate for MDC has been completed by the IT Manager and presented to the Corporate Leadership Team (CLT).  A review of systems is being undertaken as part of the Transformation programme, following which the ICT Strategy will be reviewed. Any decision to purchase and implement a CRM system will be part of the wider transformation discussions so this project is now closed and the capital resources set aside for this has been rolled into the transformation budget.
<b>Deliver the Medium Term Financial Strategy to achieve a balanced budget</b>	<b>Ongoing</b>	<b>On track</b>	
<b>Implement the Customer Strategy projects for 16/17:</b> - <b>Approval of final Customer Strategy</b> - <b>Implementation of new Automated 24 hour telephone payment service</b> - <b>New Website</b> - <b>Procurement of Customer Portal commenced</b> - <b>New Self Service PCs installed in reception</b> - <b>Public Access Wi-Fi in reception</b> - <b>Reception design, incorporating Sense of Place Branding</b> - <b>Corporate Feedback system approved</b> - <b>Restructure of Customers Team</b>	<b>March 2017</b>	<b>Completed</b>	A number of the 16/17 projects have been completed as follows: <ul style="list-style-type: none"> <li>• Automated Telephone payment system fully embedded.</li> <li>• New website implemented.</li> <li>• Self-service PCs and public access Wi-Fi installed in reception.</li> <li>• Reception redesign completed to incorporate Sense of Place Branding.</li> </ul> However, other projects originally scheduled to be completed in 16/17, which are being carried over to 17/18 (mainly due to decisions outside of the service's control), are as follows: <ul style="list-style-type: none"> <li>• Customer Strategy - Internal Audit conclusions on Customer Strategy awaited before final version being submitted to the Finance and Corporate Services</li> </ul>

Review of Performance 2016-17

Key Corporate Activities (KCAs)	Target Date	Status	Comments for KCAs "At Risk" or "Behind Schedule"
		<b>Behind schedule</b>	<p>Committee for approval and adoption.</p> <ul style="list-style-type: none"> <li>• Project for procurement of Customer Portal paused by CLT and this will now be considered as part of a wider systems review through the Transformation Programme.</li> <li>• The Corporate Feedback system will be reviewed as part of the Customer Strategy.</li> <li>• The business case for the restructure of the Customers Team approved by CLT May 2017.</li> </ul>

## Review of Performance 2016-17

## Indicators

Indicator	14/15	15/16	16/17 Target	16/17	Annual target achieved
% Council Tax collected	98.3%	98.3%	98.3%	98.37%	Yes
% Business Rates collected	97.8%	98.07%	97.8%	98.42%	Yes
Time taken to process Housing Benefit/Council Tax Support new claims	18.4 days	14.5 days	15 days	14.8 days	Yes
Time taken to process Housing Benefit/Council Tax Support change of circumstances	7.8 days	7.64 days	9 days	4.99 days	Yes
Percentage of major planning applications determined within 13 weeks	87.5%	73.13%	75%	92.42%	Yes
Percentage of minor planning applications determined within 8 weeks	64.31%	71.12%	70%	86.71%	Yes
Percentage of other planning applications determined within 8 weeks	74.84%	89.7%	80%	94.6%	Yes
% of major planning applications acknowledged within 10 working days	New indicator 16/17	New indicator 16/17	100%	89.47%	No
% of minor planning applications acknowledged within 5 working days	New indicator 16/17	New indicator 16/17	100%	54.57%	No

## Review of Performance 2016-17

Indicator	14/15	15/16	16/17 Target	16/17	Annual target achieved
% of other planning applications acknowledged within 5 working days	New indicator 16/17	New indicator 16/17	100%	55.75%	No
<a href="#">Comment on performance</a> Work is being undertaken by an external consultant to review a number of aspects of the Planning Service, which includes looking at improving the validation process.					

Review of Performance 2016-17

Indicator	14/15	15/16	16/17 Target	16/17	Annual target achieved
Average number of days lost per (Full Time Equivalent) FTE due to sickness	12.23 days	12.42 days <ul style="list-style-type: none"> <li>• 4.54 days short term absence</li> <li>• 7.88 days long term absence</li> </ul>	7 days per FTE	12.40 days <ul style="list-style-type: none"> <li>• 5.32 days short term absence</li> <li>• 7.08 days long term absence</li> </ul>	No

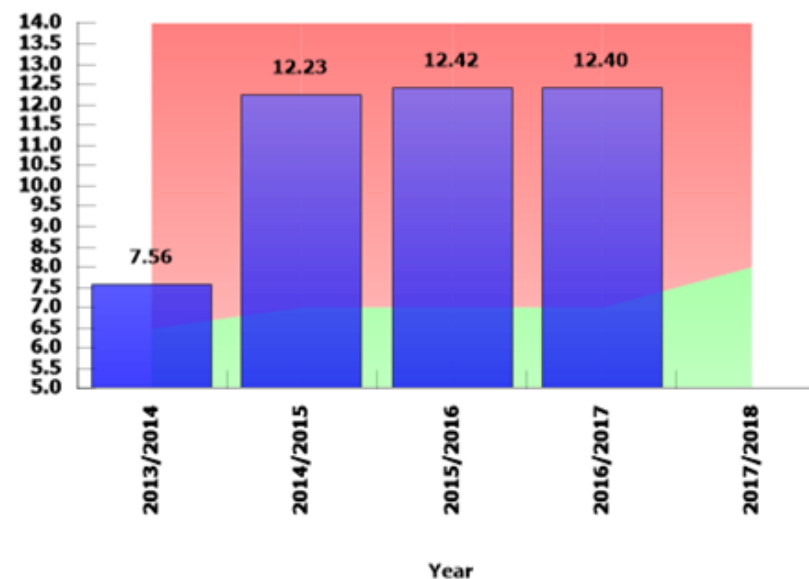
Comment on performance

For the year, the total number of days lost per FTE is 12.4 (5.32 short term and 7.08 long term).

44% of long term absences for were due to stress, depression, anxiety or mental health related conditions (50% mainly work related, 50% mainly home related).

We are continuing to focus on wellbeing and manage stress and mental health issues in the workplace. The Managing Work Related Stress policy was launched at the start of the year and all managers have received training. In addition a Manager's Good Practice Guide to Managing Stress was produced and promoted. In November 2016 the People, Performance and Policy team collaborated with the Mind Body and Soul Group on national Stress Awareness Day where the support and resources available to staff were promoted. A stress and mental health resources area has also been set up on the intranet and is regularly promoted to staff.

The Managing Attendance Policy was approved by the Council in October and all managers have received sickness absence management training. It is hoped that this will facilitate a reduction in average sickness absence levels. In addition, actions are being considered as part of the Overview and Scrutiny Committee's Working Group looking into sickness.



## Review of Performance 2016-17

## Corporate Goal - FOCUSING ON KEY PROJECTS

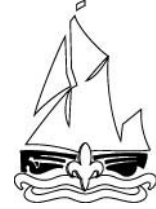
Key Projects contributing to this goal – 9					
Not started	Activity not being taken forward	At Risk	Behind Schedule	On Track	Completed
1	1	0	2	4	1

Key Corporate Activities (KCAs)	Target Date	Status	Comments for KCAs “At Risk” or “Behind Schedule”
Help to deliver new healthcare facilities for Maldon	Ongoing	On track	
Maximise the benefits from the development of a new nuclear power station at Bradwell	Ongoing	Not started	The Council has recently been informed by EDF and CGN that the Department of Business, Energy & Industrial Strategy (BEIS) has confirmed that the nuclear regulators have been asked to begin the Generic Design Assessment (GDA) for the UK HPR1000 nuclear technology. This marks a first step in the process to seek permission to build a nuclear power station at Bradwell in Essex.
Revitalise the Maldon and Heybridge Central Area	Ongoing	On track	
Deliver the Coastal Revival/Dengie Gateway/Coastal Communities Fund Projects	June 2017	On track	
Deliver the Bradwell Legacy Partnership Action Plan	Ongoing	On track	
Mobilise the waste contract	December 2016	Completed	
Implement the agreed devolution agenda (subject to further agreement by the Council)	March 2017	Activity not being taken forward	No further progress has been made in preparation and submission of a Greater Essex devolution bid to Government. This item has now been removed from our KCAs.
Explore options for provision of the future Building Control Service	March 2017	Behind schedule	The Building Control Manager was working with other adjacent local authorities to explore opportunities and to look at how resilience can be built into the service. Unfortunately, sick leave has delayed the process.  Also an external consultant has been brought in to review a number of aspects of the Planning Service; a comprehensive review of the options available to progress the BC service is part of this work.

Review of Performance 2016-17

Key Corporate Activities (KCAs)	Target Date	Status	Comments for KCAs "At Risk" or "Behind Schedule"
Generate income through housing investment	Ongoing	Behind schedule	Detailed questions being drafted across services (Housing, Planning, Finance and Legal) to assist with assessing most appropriate options for exploring in more detail. Opportunity to link with plans for Community Led Housing and the Department for Communities and Local Government (DCLG) guidance that suggests legacy of grant funding could be a sustainable local vehicle for delivery of homes that meet local needs.

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## **REPORT of CHIEF EXECUTIVE**

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**to  
COUNCIL  
13 JULY 2017**

### **BRADWELL POWER STATION**

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

- 1.1 To update Members on discussions with EDF regarding the potential location of a new nuclear power station at Bradwell-on-Sea (Bradwell B), and to propose the formation of a Joint Bradwell Member Board, comprising Members and Officers from Maldon District Council (MDC) and Essex County Council (ECC) to facilitate partnership working on areas of mutual interest.

#### **2. RECOMMENDATION**

That the draft Planning Performance Agreement (PPA) vision for the Bradwell Nuclear Power Station Project set out at **APPENDIX 1** which will form the basis of a Planning Performance Agreement setting out mutually agreed project outcomes, be endorsed.

#### **3. AREA FOR DECISION / ACTION**

- 3.1 A key element in the capacity of the Joint Councils (MDC and ECC) to effectively engage in the Bradwell project is the extent to which they are adequately and proportionately resourced by the scheme developer. The approach of parties signing up to a PPA is now commonplace and is a feature of the UK contemporary nuclear new build programme. A PPA affords Councils the opportunity to provide support to officer duties which facilitate engagement in a project at a scale and complexity that is relatively unusual within the national and regional context. This can include the need to supplement Council resources with wider advice drawn from specialist organisations and to seek support in respect of additional capacity. The overall aim is to ensure no deterioration in wider service capacity as a consequence of addressing the particular challenges of responding to a Nationally Significant Infrastructure Project (NSIP).
- 3.2 Experiences on other contemporary nuclear new build (and also grid transmission) has shown that having a shared vision at the project outset can be highly beneficial in ensuring that the PPA is tailored against the backdrop of mutually preferred outcomes. Early alignment on a PPA vision will be crucial to achieve effective working within the Joint Councils, with wider regulators/stakeholders and the developer.

- 3.3 A draft vision is attached at **APPENDIX 1** to the report for Members' comment and consideration. The PPA vision was initially informed by ARUP Consultant's experience from Hinkley, Wylfa and Moorside as contemporary nuclear programmes along with a broad understanding of underlying constraints and opportunities at a site level. The PPA vision attempts to reflect both the needs of the developer as well as the anticipated overriding principles for the Joint Councils. The draft vision has been updated and endorsed by the Joint Member Bradwell Board.

#### **4. IMPACT ON CORPORATE GOALS**

- 4.1 Delivery of a new nuclear power station at Bradwell is a key project set out in the Council's Corporate Plan for 2017 / 18.

#### **5. IMPLICATIONS**

- (i) **Impact on Customers** – A key role of the Board will be to ensure that the Maldon and the wider community play an active role in the project and that a rigorous public engagement process is undertaken.
- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – None identified.
- (iv) **Impact on Resources (financial)** – The PPA will form the basis of the Joint Council's bid for resource from the developer to provide sufficient resource and expertise to properly fulfil their requirements throughout the various stages of the project.
- (v) **Impact on Resources (human)** – Initial support will be provided within existing resources.
- (vi) **Impact on the Environment** – The Council will, at the appropriate stage have the opportunity to input into the screening and scoping report for the Environmental Impact Assessment to be submitted as part of the Development Consent application.

#### **6. CONCLUSIONS**

- 6.1 A clear PPA vision set out at the outset of the Bradwell New Build project will help the Joint Councils develop a clear programme of work set out to achieve mutually desired project outcomes.

Background Papers: None.

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

## Bradwell B

## Planning Performance Agreement – Proposed 7 Point Vision

DRAFT No. 2: 13 April 2016

This paper sets out a draft Vision for the Planning Performance Agreement which both MDC and ECC and the prospective development team at Bradwell could agree to work within. This draft is based on the Arup report and is put forward for comment from JMBB.

## Introduction

Experiences on other contemporary nuclear new build (and also grid transmission) PPAs indicates that having a shared Vision at the project outset can be highly beneficial in ensuring that the PPA is tailored against the backdrop of mutually preferred outcomes. This draft Vision attempts to reflect both the needs of the developer as well as the anticipated overriding principles for MDC and ECC. It is anticipated that this Vision could serve as a supplementary annex to the PPA and be subject to periodic review and updates to reflect the changes in the project. The primary aims of the developer and Joint Councils are listed below:

- **Facilitating an engaged community approach to develop beneficial outcomes from the construction, operation and decommissioning of the nuclear power station.**

The Joint Councils will wish to ensure that they are appropriately resourced to provide an outreach service to community engagement in the project. This could for example, include structured engagement with community representatives and stakeholders to reflect particular local needs and ensure that these are taken into account in project development strategy.

- **Ensuring the project supports the national transition to secure, low carbon electricity, replacing decommissioning fleet in accordance with Government policy.**
- justification for this aim lies with a need for the developer to be assured that the Joint Councils are supportive of the nuclear power proposals in principle. This is important as it will set out early alignment of the collective objective to deliver the nuclear power station against wider national policy and Government priorities. Aligning to this first element of the Vision should be based on the acceptance by all parties of a commitment to the remainder of the Vision.
- **Making a positive and significant socio-economic impact on local communities through employment, skills, infrastructure (to include worker accommodation) and expenditure within the supply chain.**

This aim is directed at ensuring a positive stance is taken with respect to securing local employment opportunities at all levels. The wider dynamic between manufacturing and export potential has been highlighted in this report. An early resolution and agreement on these matters with the developer will be crucial to ensuring that economic-led work packages are pursued / supported through the PPA.

- **Supporting an effective and resilient transport network with enhancements delivered in line with local, regional and intra-regional priorities.**

Transport is a particularly challenging aspect of delivering new nuclear build at Bradwell. Existing road, rail and marine access and infrastructure provision is limited in terms of capacity to service abnormal loads and larger volumes of workers. Ensuring that the PPA reflects the needs to undertake work within the Joint Councils and explicitly to align to the strategic policy for transport will be imperative.

- **Supporting priorities for regeneration in line with local and regional priorities for infrastructure investment.**

Commitment to a legacy proposition which reconciles project needs with the wider aspirations of the affected community will be an important outcome from discussions with the developer. This will need to establish detailed project needs (including Associated Development) alongside a recognition of Joint Councils ambitions for growth. The PPA should provide sufficient resource for meaningful engagement on infrastructure proposals from the developer.

- **Complying with safety and security obligations and seeking high quality and secure design with impacts minimised and environment enhanced.**

Clearly, affected communities and the Joint Councils will take an intense interest in ensuring that the development of proposals are led from the perspective of high quality and secure design (linked in to wider discussions around positive legacy). More widely and accepting the complexity of constructing, operating and decommissioning a nuclear power station, PPA support to matters related to site safety and project security will be necessary for the Joint Councils.

- **Providing for a full scrutiny of project economic, social and environmental effects with a clear approach to mitigation and enhancement.**

It will be imperative that the Joint Councils are resourced to take account of and respond to proposals which have an influence on economic, social and environmental matters. The PPA approach must empower the Joint Councils through the provision of timely data and also the resources to respond to it, particularly during formal / statutory consultation periods. This should include but not be limited to EIA Scoping, Preliminary Environmental Information, Statement of Community Consultation, Section 42 and Section 47 Planning Act consultation periods, Statement of Common Ground, Local Impact Report and support to negotiating and discharging Planning Requirements and S106 Obligations.



**REPORT of  
DIRECTOR OF CUSTOMERS AND COMMUNITY**

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to  
**COUNCIL**  
**13 JULY 2017**

**PERMIT FOR SCHOOL PARENTS PARKING**

**1. PURPOSE OF THE REPORT**

- 1.1 This report is to propose a new permit for Maldon Court School. The permit will enable parents to pre pay for the use of a Council car park for picking up and dropping off their children at school.

**2. RECOMMENDATIONS**

- (i) that a new parking permit for parents of children attending Maldon Court School be introduced for parking in the Council White Horse Lane car park for a standard term of 38 weeks costing £200 per academic year. The Permit cost will be linked to the one hour parking charge and be subject to any future variation in parking charges;
- (ii) that the Council's Fees and Charges for 2017 / 18 be updated, accordingly;
- (iii) that the new arrangements commence at the start of the Autumn term, 5 September 2017 for a two year trial period and until then the current informal arrangements continue during term time (ending July 2017).

**3. SUMMARY OF KEY ISSUES**

- 3.1 As part of the 2017 / 18 budget setting process it was agreed the existing 'informal' free use of the Council car parks by parents to drop off and pick up school children should be withdrawn (Minute No. 768 refers). This privilege had applied to three schools: St Francis Catholic Primary School, Maldon Court Preparatory School and the Watership Downs Nursery School. As a consequence the car park users were advised to purchase tickets for the period of their stay or purchase a standard £580 permit which enables them to park at any time.
- 3.2 Following the decision the three schools were written to advising that from the commencement of the summer term (18 April 2017) those parents using the Council car parks would have to pay the same minimum £1 rate as other users of the car parks for each stay. There were ten complaints from the Preparatory School and none from the other two schools regarding this decision. Some of the complainants accept that there should be a charge for the use of the car park but think that the £580 tariff is too high. From the responses received, the speedy nature of the morning drop off was felt

important by parents and that they did not have to go to the machine and pay each time, a permit would facilitate this. Some parents indicated they would be prepared to pay for a more appropriately priced permit.

- 3.3 It was proposed to the Community Services Committee meeting on 11 April 2017 that a permit for £200 per academic year be offered to each parent of the schools (detailed in paragraph 3.1 above). The proposal was not approved at the meeting (Minute No. 1182 refers) stating:

*'the Council does not make available parking permits to parents of children attending Maldon schools to use in Council car parks and the Finance and Corporate Services Committee be advised accordingly'.*

- 3.4 This decision resulted in further objections by the staff and parents of Maldon Court School.

- 3.5 The matter was then discussed at the Finance and Corporate Services Committee meeting on 26 April 2017 where it was resolved that:

- (i) the Finance and Corporate Services Committee support, in principle, a parking permit for parents of children attending Maldon schools;
- (ii) the Director of Customers and Community be requested to work up the proposal for a parking permit for parents of children attending Maldon schools in consultation with Members of the Community Services Committee and this be brought forward to the July meeting of the Council for consideration;
- (iii) the current informal arrangements for free use of the Council's car parks by parents to drop off and pick up school children be extended to end July 2017.

- 3.6 Further to the meeting of the Finance and Corporate Services Committee the available parking facilities at the schools and in the surrounding areas have been re assessed by Officers. It is evident that there is no ability to legally park, drop off or pick up at or near to the Maldon Court School, but it is feasible to do this at the other schools previously offered informal drop off and collection parking. This implies that other schools would be able to work with South Essex Parking Partnership to introduce the 3PR (Parking Rules) project as presented to Members of the Community Services Committee at 23 May 2017 meeting.

### 3.7 **3PR Project**

- 3.7.1 This is a project which has been developed by South Essex Parking Partnership, of which Maldon is a partner, to encourage considerate and safe parking around schools by parents at drop off and pick up times. An information pack has been created; this is given to the schools by the 3PR project co-ordinator or is accessible online. It involves the pupils and teachers monitoring parking and provides reward tokens for good parking by parents / carers. The tokens are collected by each class and counted resulting in the winners becoming parking champions.
- 3.7.2 This project is only successful where there are opportunities for parents to park a little further away from the school to avoid congestion and the associated problems.

Maldon Court School is unique in that it does not have this option whereas others schools do.

### 3.8 **Community Services Committee – 4 July 2017**

3.8.1 The Community Services Committee considered a report of the Director of Customers and Community on this matter seeking the Committees comments on the proposal to introduce a new permit scheme.

3.8.2 Following a debate it was agreed that:

- (i) *the contents of Appendix 1 (the report to the Council) be noted and amended prior to being presented to the Council to include explanation of the 3 Parking Rules Project;*
- (ii) *the Council be recommended to introduce a new permit scheme specifically designed to address a parking issue associated with Maldon Court School.*

## 4. **CONCLUSION**

4.1 The proposal for a schools parking permit is only applicable to the Maldon Court School due to the unique parking issues identified. The introduction of a school specific permit would enable parents to park in the Council’s White Horse Lane car park for 30 minutes at the start and finish of a normal school day. The cost of the permit will be at a rate which is reflective of their minimal use and in line with existing charges. The new permit system will be administered directly by the Council to parents to maintain control.

4.2 It is proposed that the permit is trialled for two academic years commencing September 2017 in order to assess its popularity.

4.3 In accordance with the recommendation from the April 2017 Finance and Corporate Services Committee, the Community Services Committee was consulted on this matter (being responsible for the operation of the Councils Car Parks) on 4 July and Members will be updated on views expressed at the meeting of Council.

## 5. **IMPACT ON CORPORATE GOALS**

5.1 This report links to the Corporate Goal of delivering good quality cost effective and valued services

## 6. **IMPLICATIONS**

- (i) **Impact on Customers** – The Council has adopted a ‘fair use’ and ‘user pays’ principle for its car parks recently introducing both evening and weekend charges. Feedback from parents affected seems to indicate a willingness to pay for parking but any charge should reflect the time spent in the car park and be convenient to use.

- (ii) **Impact on Equalities** – No issues identified.
- (iii) **Impact on Risk** – None identified.
- (iv) **Impact on Resources (financial)** – The cost of the permit reflects the use of the parking spaces and a small administrative charge is included within the cost of the permit.
- (v) **Impact on Resources (human)** – Existing staff will administer and enforce the new permit. An administrative charge will be included within the permit to cover any additional costs.
- (vi) **Impact on the Environment** – No issues identified.

Background Papers: None.

Enquiries to: Richard Holmes, Director of Customers and Community, (Tel: 01621 875752).