

# Unrestricted Document Pack

APOLOGIES Committee Services  
Tel. 01621 875791

Council Chamber 01621 859677

CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

30 August 2017

Dear Councillor

You are summoned to attend the meeting of the;

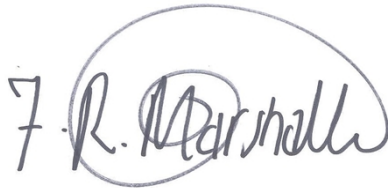
**COUNCIL**

on **THURSDAY 7 SEPTEMBER 2017** at **7.30 pm.**

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

A copy of the agenda is attached.

Yours faithfully

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

Chief Executive

THIS PAGE IS INTENTIONALLY BLANK



## **AGENDA COUNCIL**

**THURSDAY 7 SEPTEMBER 2017**

---

1. **Chairman's notices**

2. **Apologies for absence.**

3. **Minutes - 29 June 2017** (Pages 7 - 14)

To confirm the Minutes of the extraordinary meeting of the Council held on 29 June 2017, (copy enclosed).

4. **Minutes - 13 July 2017** (Pages 15 - 36)

To confirm the Minutes of the Council held on 13 July 2017, (copy enclosed).

5. **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).

6. **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).

7. **Chairman's Announcements**

- (i) Long Service Award
- (ii) Chairman's announcements

8. **Recommendations of Committees for Decision by the Council** (Pages 37 - 50)

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

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

(ii) Minutes of meetings of Committees

To note that since the last meeting of the Council, up until Wednesday 30 August 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:
South Eastern Area Planning Committee	<a href="#">19 June</a>	162 – 172
Overview and Scrutiny Committee (special)	<a href="#">21 June</a>	173 – 182
Audit Committee *	<a href="#">22 June</a>	183 – 196
Central Area Planning Committee	<a href="#">28 June</a>	197 - 207

<b>Minutes published:</b>		Minute Numbers
Community Services Committee	<a href="#">4 July</a>	215 – 227
North Western Area Planning Committee	<a href="#">10 July</a>	228 – 237
South Eastern Area Planning Committee	<a href="#">17 July</a>	257 – 268
Planning and Licensing Committee	<a href="#">20 July</a>	269 – 279
Finance and Corporate Services Committee **	<a href="#">25 July</a>	280 – 293
Central Area Planning Committee	<a href="#">26 July</a>	294 – 301
North Western Area Planning Committee	<a href="#">7 August</a>	302 – 310
South Eastern Area Planning Committee	<a href="#">14 August</a>	311 – 323
Central Area Planning Committee	<a href="#">23 August</a>	324 - 334

**Minutes NOT finalised for publication:**

Community Services Committee	<a href="#">29 August</a>	-
Overview and Scrutiny Committee	<a href="#">30 August</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.

9. **Questions in accordance with Procedure Rule 6 (3) of which notice has been given**

10. **Essex Vision** (Pages 51 - 72)

To receive and note the report of the Chief Executive, (copy enclosed).

11. **Making of the Burnham-on-Crouch Neighbourhood Development Plan** (Pages 73 - 78)

To consider the report of the Chief Executive, (copy enclosed).

12. **Questions to the Leader of the Council in accordance with Procedure Rule 1 (3) (m)**

13. **Business by reason of special circumstances considered by the Chairman to be urgent.**

14. **Exclusion of Public and Press**

To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

15. **Llys Helig Update** (Pages 79 - 90)

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

**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.

This page is intentionally left blank



**MINUTES of  
COUNCIL EXTRAORDINARY  
29 JUNE 2017**

---

**PRESENT**

Chairman	Councillor H M Bass
Vice-Chairman	Councillor N R Pudney
Councillors	Mrs B F Acevedo, J P F Archer, E L Bamford, Miss A M Beale, B S Beale MBE, R G Boyce MBE, Mrs P A Channer, CC, M F L Durham, CC, A S Fluker, Mrs B D Harker, B E Harker, M S Heard, J V Keyes, Miss M R Lewis, R Pratt, CC, S J Savage, Mrs N G F Shaughnessy, A K M St. Joseph, Mrs M E Thompson and Miss S White

**208. CHAIRMAN'S NOTICES**

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

He advised that if required he would adjourn the meeting between each item of business.

The Chairman informed Members that he had agreed for the Leader of the Council to address the Council and this would be after Agenda Item No. 2 - Apologies for Absence.

**209. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R P F Dewick, I E Dobson, Mrs H E Elliott, P G L Elliott, M W Helm, M R Pearlman and Rev. A E J Shrimpton.

**210. STATEMENT FROM THE LEADER OF THE COUNCIL**

The Leader of the Council advised that he had just received an email in relation to the Council's Local Development Plan. The communication was from Planning Inspector Simon Berkley and contained some 336 points. The Leader then read out the final paragraph of the email which read as follows:

‘The Council has requested that I recommend main modifications to make the plan sound and or legally compliant and capable of adoption. I conclude that with recommended main modifications set out in the appendix the Maldon District

Development Plan 2014 – 2029 satisfies the requirements of Section 20 of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.’

The Leader explained that this meant that the Inspector had found the Council’s Plan sound, it was already with the Secretary of State and a response expected very quickly.

The Leader of the Council thanked all Officers and Members for all their work in relation the Local Development Plan. He explained this was a really significant moment for the Council and set it ahead of many other authorities in the Country.

## **211. DISCLOSURE OF INTERESTS**

Councillor S J Savage declared a non-pecuniary interest in Agenda Item 6 - FUL/MAL/17/00396 Land South of Wycke Hill and Limebrook Way Maldon as he was a single person.

Councillor Mrs P A Channer declared a non-pecuniary interest as a Member of Essex County Council advising that there were references to the Essex Design Guide in the report on which the County Council were consulted along with other matters.

Councillors M F L Durham and R Pratt declared non-pecuniary interest in any matter involving Essex County Council as they were Members of the County Council.

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

## **212. FUL/MAL/16/00150 - LAND EAST OF DRAPERS FARM, GOLDHANGER ROAD, HEYBRIDGE**

<b>Application Number</b>	<b>FUL/MAL/16/00150</b>
<b>Location</b>	Land East of Drapers Farm, Goldhanger Road, Heybridge, Essex
<b>Proposal</b>	Relocation and provision of new Heybridge Swifts Football Club facilities including an all-weather pitch, practice pitch and youth team pitch. New access road, car parking, sound attenuation bund, landscaping & ancillary and associated development
<b>Applicant</b>	Bloor Homes Eastern
<b>Agent</b>	Mr Andrew Martin - Andrew Martin Planning
<b>Target Decision Date</b>	Time extended until - 01/07/17 by agreement
<b>Case Officer</b>	Mark Woodger, Principal Planner – Major Applications (Strategic Sites) TEL: 01621 875351
<b>Parish</b>	<b>HEYBRIDGE EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan 2005 Major Application Parish Trigger



It was noted from the Members' Update that additional letters of representation had been received. In addition, the Update advised that since publication a number of supporters / objectors had contacted the Council to advise that they wanted their letters redacted.

At the end of his presentation the Principal Planner – Major Applications (Strategic Sites) advised of an amendment to reason for refusal 5 to add in reference to Policy T2 of the proposed Local Development Plan. This was to be added on the second to last line after Policy S1 and referred to transport modes and the choice of transport.

Following the Officers' presentation an objector, Mr Patrick Forsyth (on behalf of Goldhanger Road Residents Group) and Councillor S Burwood on behalf of Heybridge Parish Council, addressed the Committee.

The Leader of the Council proposed that the Council accept the Officers' recommendation of refusal as set out in the report and amended by the Officer. This proposal was duly seconded.

A number of other Members commented on the application, raising concerns which included the proposed lighting, noise, location and removal of hedgerows and supported the recommendation of refusal. Members thanked the Principal Planner – Major Applications (Strategic Sites) for his excellent report.

The Chairman then put the proposition from the Leader of the Council which upon a vote being taken was agreed.

**RESOLVED** that this application be **REFUSED** for the following reasons:

- 1 The proposed site is within a sensitive rural location outside of the defined settlement boundary of Heybridge, within the open countryside, and the site is located within a Coastal Zone as defined in the Adopted Maldon Replacement Local Plan where restraint policies apply. In terms of the 2006 Maldon Landscape Character Assessment the site falls within 'D2 – Maldon Drained Estuarine Marsh' and this provides the baseline landscape character for this area, this being a drained coastal marsh landscape now isolated from tidal influences, hedgerows, isolated farmsteads and the urban / suburban influence of Maldon on eastern edges of the character area. The character area has no villages within it but is characterised by dispersed historic farmsteads and scattered agricultural buildings within an irregular field pattern. Historic footpaths and tracks link the farmlands to the main highway and the estuary. Overall this character area has a strong sense of tranquillity, particularly in areas away from Maldon / Heybridge (eastern fringe) and the main road (B1026). The provision of a football pitch and associated facilities is not connected with a coastal location and its location; siting and design would adversely affect the open, flat rural landscape of the area, its wildlife and its features. The development by reason of the associated noise, light, traffic movements would be injurious to the existing rural character and the views to the site, which are extensive in this wide flat rural landscape, affecting its intrinsic character and value. This would further be compromised by the removal of existing vegetation increasing the visibility of the development and the reliance on replacement planting would take between 10 and 15 years to establish. It would result in an urbanising form in this otherwise quiet rural area and would not represent sustainable development. The impact of this development on the adjacent Saltcote Hall, users of adjacent footpaths and

- public areas, and the sea wall and estuary would be significant and to the detriment of the area. As such the adverse impacts of the development would not outweigh the benefits and the scheme is considered to be contrary to policies CC11 of the adopted Maldon District Replacement Local Plan, Policy N2 within the Proposed Local development Framework and Paragraphs 17, 109, 110, 112 and 114 of the National Planning Policy Framework.
- 2 The proposal is considered, on balance, to have an adverse impact on protected species and wildlife habitats. It would result in a loss of biodiversity, and impact the current tranquillity of this quiet rural area to its detriment. It is not considered that the impact of the development on harm to ecology without adequate mitigation has been successfully proven and the impact is considered the impact of the development would, therefore, be contrary to Policies CC5 in the Maldon District Replacement Local Plan, Policy N2 within the Proposed Local development Framework and Paragraphs 117, 118 and 119 of the National Planning Policy Framework.
  - 3 The development stands adjacent to a property at the southern edge of the site which currently enjoys a dark, quiet rural aspect. Not only does this property enjoy residential amenity from this setting, its business also benefits from this. In addition the adjacent Chigborough Lakes and Saltcote Hall carry out their own business enterprise which is dependent on peace and quiet. The establishment of a football club with associated noise, traffic and lights late into the evening would have a detrimental impact on not only enjoyed residential amenity but also on the future success of the landowners established business's. The proposals will not only change the character of the exiting land use but have a significant lasting impact on neighbouring land providing an alien landscape feature in an otherwise flat landscape including the introduction of floodlights in an intrinsically dark landscape. As such the development is considered contrary to Policy BE1 in the Maldon District Replacement Local Plan Paragraph 123 of the National Planning Policy Framework in that the impact of the use would adversely affect the tranquillity of adjacent sites, existing business uses and enjoyed amenity.
  - 4 The detailed scale and appearance of the development does not response to the local surroundings nor integrate successfully with the existing character and appearance of the sensitive flat open rural landscape to its considerable and lasting detriment. As such the development is considered contrary to Policies BE1 and BE6 in the Maldon District Replacement Local Plan, Policy D1 within the Proposed Local Development Plan and Paragraphs 58 and 60 of the National Planning Policy Framework.
  - 5 The location of the proposed development and the available access arrangements show that the development is predominantly reliant on the motor vehicle and given the proximity to the edge of Heybridge and the use of the development by children and youths in training facilities it is devoid of safe and attractive connections for pedestrians and cyclists other than by the vehicle highway on Goldhanger Road. There is also no available route for pedestrian and cyclists to access this site from the Scraley Road site and restricted opportunities along Goldhanger Road. As such the development is considered as contrary to Policies BE1 in the Maldon District Replacement Local Plan, Policy S1 and T2 within the Proposed Local Development Plan and Paragraph 61 of the National Planning Policy Framework.

**213. FUL/MAL/16/00154 - LAND ADJACENT HEYBRIDGE SWIFTS FOOTBALL CLUB, SCRALEY ROAD, HEYBRIDGE**

<b>Application Number</b>	<b>FUL/MAL/16/00154</b>
<b>Location</b>	Land Adjacent Heybridge Swifts Football Club Scraley Road Heybridge Essex
<b>Proposal</b>	Development of the existing Heybridge Swifts Football ground for 104 dwellings, public open space, landscaping, highways & ancillary and associated development. Raising of the ground level across the site by up to a maximum of 0.8m.
<b>Applicant</b>	Bloor Homes Eastern & Heybridge Swifts FC
<b>Agent</b>	Mr Andrew Martin - Andrew Martin - Planning
<b>Target Decision Date</b>	01/07/17 as by agreement
<b>Case Officer</b>	Mark Woodger, Principal Planner – Major Applications (Strategic Sites) TEL: 01621 875351
<b>Parish</b>	<b>HEYBRIDGE EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan Major Application Level of Public Participation Local Development Plan site allocation site S2(h)

It was noted from the Members' Update that additional letters of objection had been received.

Following the Officers' presentation Councillor Richard Perry on behalf of Heybridge Parish Council addressed the Council.

The Leader of the Council proposed that the Council accept the Officers' recommendation of refusal as set out in the report. This proposal was duly seconded.

A number of Members commented on the application, highlighting concerns raised in the report and supporting the recommendation of refusal. Members commended the Principal Planner – Major Applications (Strategic Sites) on his report.

In response to a question regarding maintaining the sporting facilities in the District, the Principal Planner – Major Applications (Strategic Sites) provided Members with further information. He explained that if the Football Club were, for example, to buy a site and build a new pitch it was unlikely that Sports England would object.

Councillor Mrs P A Channer questioned whether design could be included within or added as a reason for refusal. In response the Officer suggested that reason for refusal 1 be amended to read "The development, by virtue of its scale, mass, *design* and layout...". This amendment was supported by Members.

The Chairman then put the Leader of the Council's proposition of refusal for the reasons as set out in the report (with the suggested amendment to reason 1). Upon a vote being taken this was agreed.

**RESOLVED** that this application be **REFUSED** for the following reasons:

1. The development, by virtue of its scale, mass, design and layout is considered to provide for a cramped and contrived development out of character with the

surrounding area and to the detriment of this edge of open rural land setting. This is brought about by the number of dwellings as proposed, their height, scale mass and their form. The development is considered contrary to paragraphs 61 and 64 of the National Planning Policy Framework; policies BE1 and BE6 in the Adopted Maldon District Local Plan, and Policy D1, D2, and N3 within the proposed Local Development Plan.

2. The development as proposed forms a hard built edge immediately next to the eastern and southern boundaries of the site, which represent the boundaries to open countryside beyond the site. This is considered to materially affect the character of this area to its considerable detriment contrary to paragraphs 61, 109 and 118 of the National Planning Policy Framework; policies BE1, BE6 and CC6 of the Adopted Maldon District Local Plan policy N2 of the proposed Local Development Plan.
3. The development as permitted makes no provision on site for a designated Local Equipped Area for Play (LEAP) relying on land outside the ownership for provision of the same. As such the layout as proposed would have no areas for play and recreation to the detriment of the health and well-being of residents. This is considered contrary to Policy N3 in the proposed Local development Plan, as well as Paragraph 69 in the National Planning Policy Framework.
4. The development as proposed has failed to show in detailed terms how a housing development on this site can enable the associated relocation of the new football ground and be viable in terms of affordable housing provision and to show how the applied for 30% affordable housing contribution can be achieved. As such the development is considered contrary to paragraph 173 of the National Planning Policy Framework; contrary to Policy H9 in the Adopted Maldon District Local Plan, and Policy H1 of the proposed Local Development Plan.
5. The development as proposed shows no formal connection by way of a legal agreement to link the re-development of this existing sports site to the phasing and delivery of the development it enables, that is to say a replacement football facility and associated facilities. Without it the retention of a sporting facility to house Heybridge Swifts cannot be demonstrated and secured by any legal means. As such the development if approved would result in the avoidable loss of an existing sports facility with its alternative location not being safeguarded. Therefore the development would be contrary to paragraph 74 of the National Planning Policy Framework; Policy REC in the Adopted Maldon District Local Plan, and Policy N3 of the proposed Local Development Plan.

**214. FUL/MAL/17/00396 - LAND SOUTH OF WYCKE HILL AND LIMEBROOK WAY, MALDON**

<b>Application Number</b>	<b>FUL/MAL/17/00396</b>
<b>Location</b>	Land South Of Wycke Hill And Limebrook Way Maldon Essex
<b>Proposal</b>	Variation of condition 27 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)
<b>Applicant</b>	CEG and landowners
<b>Agent</b>	Michael Carpenter - Code Development Planners Ltd
<b>Target Decision Date</b>	3 August 2017
<b>Case Officer</b>	Mark Woodger, Principal Planner – Major Applications (Strategic Sites) TEL: 01621 875351
<b>Parish</b>	<b>MALDON WEST</b>
<b>Reason for Referral to the Committee / Council</b>	Strategic site within the strategic submitted Local Development Plan Member Call In – Councillor M S Heard

It was noted from the Members' Update that an amendment to paragraph 3.1.5 was detailed along with a revision to the proposed condition for approval.

The Principal Planner – Major Applications (Strategic Sites) presented the report and advised that if Members' were mindful to approve the application that in addition to the condition detailed the other previous conditions would be reissued but a change to the Section 106 agreement was not required.

The Leader of the Council proposed that the Officers' recommendation of approval subject to conditions be agreed. This proposal was duly seconded.

Councillor M S Heard advised the Council that he had called in this application as he felt it should be debated by the Council given that it was previously a decision taken by the Council to approve the previous mix of housing. He highlighted his concerns regarding the proposed reduction in one bedroom accommodation.

In response to a number of questions, the Officer outlined that the change to a higher number of two bedroomed houses removed a large amount of dead space required with one bedroom flats e.g. stairwells etc. Members were advised that the proposal was twice the number of one bedroom dwellings that the Strategic Housing Market Assessment identified there was a demand for.

Following further discussion the Chairman put the proposal for approval to the vote. Upon a vote being taken the Officers' recommendation was agreed.

**RESOLVED** that planning permission be **GRANTED** for this Section 73 application and that condition 27, as attached to approved application FUL/MAL/14/01103, be amended to read:

That planning permission be granted for this Section 73 Application and that condition 27, as attached to approved application FUL/MAL/14/01103, be amended to read:

27. CONDITION

The development shall be carried out in accordance with the private market housing mix as stated below:

<b>Beds</b>	<b>Type</b>	<b>Percentage</b>	<b>Number</b>
1	Flats	Minimum (min.) 3.4	24
2	Houses, Bungalows, Flats	Maximum (max.) 26.6	186
3	Houses	No less than 35	245 min.
4+	Houses	No more than 35	245 max.

REASON To ensure that the housing mix deliveries a mix in accordance with Garden Suburb principles as detailed in the endorsed South Maldon Garden Suburb Strategic Masterplan Framework, policy H2 of the Maldon District Submission Local Development Plan and the NPPF and PPG.

In all other respects the conditions as attached to the original approval of planning permission shall remain as agreed and be added to the decision notice.

There being no further items of business the Chairman closed the meeting at 8.45 pm.

H M BASS  
CHAIRMAN



**MINUTES of  
COUNCIL  
13 JULY 2017**

---

**PRESENT**

Chairman                      Councillor H M Bass

Vice-Chairman              Councillor N R Pudney

Councillors                  Mrs B F Acevedo, E L Bamford, B S Beale MBE, A T Cain,  
Mrs P A Channer, CC, R P F Dewick, I E Dobson,  
M F L Durham, CC, P G L Elliott, A S Fluker,  
Mrs B D Harker, B E Harker, M S Heard, M W Helm,  
R Pratt, CC, S J Savage, Mrs N G F Shaughnessy,  
Rev. A E J Shrimpton, D M Sismey, Mrs M E Thompson and  
Miss S White

**238. CHAIRMAN'S NOTICES**

The Chairman referred to the notices published on the agenda.

**239. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J P F Archer, Miss A M Beale, R G Boyce MBE, Mrs H E Elliott, J V Keyes, Miss M R Lewis, M R Pearlman and A K M St. Joseph.

**240. MINUTES - 11 MAY 2017**

**RESOLVED**

- (i) That the Minutes of the Statutory Annual Council meeting on 11 May 2017, be received.

**Minute 11 – Chairman's Announcements**

It was noted that Mr Saleem Chughtai was Interim Deputy Monitoring Officer and not as recorded.

**Minute 14 – Leaders and Composition of Political Groups**

It was noted that the figures detailed in the table of this Minute were incorrect and the number of Conservative Councillors should be 27 and not as recorded.

## **RESOLVED**

- (ii) That subject to the above amendments, the Minutes of the Statutory Annual Council meeting on 11 May 2017, be adopted.

### **241. MINUTES - 18 MAY 2017**

**RESOLVED** that the Minutes of the extraordinary meeting of the Council held on 18 May 2017 be approved and confirmed.

### **242. MINUTES - 29 JUNE 2017**

**RESOLVED** that the Minutes of the extraordinary meeting of the Council held on 29 June 2017 be approved and confirmed.

### **243. DECLARATIONS OF INTEREST**

Councillor S J Savage declared a non-pecuniary interest in Agenda Item 12 – FUL/MAL/16/012452 Mobile Car Wash in Car Park, Blackwater Leisure Centre as he was a user of the facilities at the Leisure Centre. He also declared in relation to Agenda Items 14 FUL/MAL/16/01142 and Item 15 LBC/MAL/16/01143 Stow Maries Aerodrome, Hackmans Lane, Cold Norton that he had attended functions and some open days.

Councillor D M Sismey disclosed a pecuniary interest in Agenda Item 9 Recommendations of Committees for Decision by the Council as an employee of Goldman Sachs.

Councillor Mrs P A Channer declared a non-pecuniary interest as a Member of Essex County Council which applied to most items on the agenda but particularly:

- Agenda Item 12 – FUL/MAL/16/012452 Mobile Car Wash in Car Park, Blackwater Leisure Centre
- Agenda Item 13 – FUL/MAL/17/00067 Millennium Wood, Park Drive, Maldon
- Agenda Items 14 FUL/MAL/16/01142 and 15 LBC/MAL/16/01143 Stow Maries Aerodrome, Hackmans Lane, Cold Norton. In relation to these agenda items Councillor Mrs Channer declared an interest both as a Maldon District Councillor and Essex County Councillor as she was the divisional member for Maldon in which Stow Maries sat. Both Essex County Council (ECC) and Maldon District Council (MDC) had provided loan funding to the Aerodrome and she had attended events there and knew some of the trustees and objectors.
- Agenda Item 17 – Bradwell Power Station
- Agenda Item 18 – Permit for School Parents Parking
- Agenda Item 19 – Appointment of Representative to Outside Bodies – Essex County Council Health, Overview and Scrutiny Committee



Councillor Miss S White declared a non-pecuniary interest in Agenda Items 14 FUL/MAL/16/01142 and Item 15 LBC/MAL/16/01143 Stow Maries Aerodrome, Hackmans Lane, Cold Norton as she was a Member of MDC who had loaned monies to the Aerodrome and she knew a number of the objectors and supporters.

Councillor R Pratt declared a non-pecuniary interest as a Member of ECC. He sought clarification from the Monitoring Officer regarding the need to declare an interest as Member of MDC in relation to Agenda Items 14 and 15. In response the Monitoring Officer advised the Council that for purpose of loan given by MDC there was no need to declare for purpose of MDC members, but that ECC Members should make appropriate declarations.

Councillor M F L Durham declared a non-pecuniary interest as Member of ECC and advised that he therefore had an interest in any item on the agenda pertaining to that.

Councillor A S Fluker declared that he was a Director and Trustee of the not for profit company Stow Maries Great War Aerodrome and the subsidiary company, Stow Maries Great War Trading and that he would be leaving the chamber during the debate on Agenda Items 14 FUL/MAL/16/01142 and 15 LBC/MAL/16/01143 Stow Maries Aerodrome, Hackmans Lane, Cold Norton. .

#### **244. PUBLIC QUESTIONS**

There were none.

#### **245. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman advised Members of the following events which him and the Vice-Chairman had attended and thanked the Vice-Chairman.

14/05/2017	Marvens Riding Stables, Wickham Bishops - Celebration of 50 years in business
24/05/2017	Visit to New Affordable Scheme for Wickham Bishops
25/05/2017	Meeting with Chinese Embassy Minister Ma Hui
02/06/2017	Carters Steam Fair
03/06/2017	Vol Fest – Joint Maldon District Council (MDC) and Maldon Community Voluntary Service (CVS) initiative
05/06/2017	MDC / CVS celebratory lunch for volunteers
11/06/2017	Mayor of Havering Summer Concert, Gardens of Langton House
12/06/2017	Private viewing of A Level Art Students Artwork, Plume School
16/06/2017	100 Year Birthday Celebration, Down Hall, Bradwell
16/06/2017	Cream Teas on the Lawn in aid of Helen Rollason
18/06/2017	Chelmsford Annual Civic Service
24/06/2017	Armed Forces Day, Stow Maries Aerodrome

25/06/2017	Thanksgiving Service for Provincial Grand Master for Essex Freemasons
26/06/2017	Burnham Art Trail - 9th Essex Summer of Art Launch
26/06/2017	Basildon Annual Civic Service, St Martin of Tours ( <i>Vice-Chairman</i> )
28/06/2017	Maldon and East Essex Scouts Annual General Meeting (AGM) ( <i>Vice-Chairman</i> )
28/06/2017	Coast Special Interest Group dinner
02/07/2017	Class Car Show, Maldon
05/07/2017	Essex Rural Community Council AGM
09/07/2017	Mayor of Rochford - Garden Party ( <i>Vice-Chairman</i> )
09/07/2017	Burnham - Annual Civic Service and Reception
12/07/2017	Introduction meeting with the work experience students at MDC

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

In accordance with his earlier declaration Councillor D M Sismey left the meeting at this point.

The Council considered and agreed the following recommendations:

### **Joint Standards Committee – 1 June 2017**

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

In response to a question regarding Appendix 3 to the report, the Monitoring Officer confirmed that this information had not been considered by the Joint Standards Committee. Appendix 3 had been produced in response to a request from the Committee for the preparation of a process note to replace the current flow charts (detailed in Appendix 1 and 2 to the report).

Councillor A S Fluker proposed that Appendix 2 be amended to delete reference in the two dashed boxes to “or otherwise as soon as practicably possible” and in the same boxes change reference from “28 working days” to 10 working days. This proposal was duly seconded and agreed.

### **RESOLVED**

- (i) that Appendix 2 to the report be amended as set out above;
- (ii) 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 (as amended) to the report be adopted as part of the Council’s constitutional documentation;

- (iii) 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.

### **Planning and Licensing Committee – 13 June 2017**

#### **Minute 135 – Designated List of Wheelchair Accessible Vehicles**

#### **RESOLVED**

- (iv) that the Council produces a list of designated wheelchair accessible vehicles;
- (v) that subject to (iv) 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.

#### **Minute 142 – Council Constitution – Planning Applications for Development of Strategic Interest**

#### **RESOLVED**

- (vi) that the Council agrees that the following wording be inserted at the end of Proviso 5 within the Terms of Reference of the Area Planning Committees:

For the purposes of this proviso 5 “applications for development of strategic interest” shall include all applications establishing or varying the principle of development but shall not include variations to conditions or the approval of reserved matters unless in accordance with a decision of the Council or at the discretion of the Director of Planning and Regulatory Services. In all other respects, the existing provisions of the Scheme of Delegation will apply.

- (vii) that the Council agrees that the following additional provision is included in the Scheme of Delegation to Officers:

In consultation with a legal advisor, the determination of requests for the variation of a Section 106 Planning Obligation provided that the approved principle of development is unaffected and that the variation does not affect the securing of the payment of monies to the Council.

### **Finance and Corporate Services Committee – 14 June 2017**

#### **Minute 154 – Annual Treasury Outturn Report 2016 / 17**

#### **RESOLVED**

- (viii) that Annual Treasury Management Report for 2016 / 17 attached at Appendix 4 to the report, be approved.

Councillor Sismey re-joined the meeting at this point.

## **Audit Committee – 22 June 2017**

### **Minute 195 – Review of Data Quality Policy**

#### **RESOLVED**

- (ix) that the Data Quality Policy attached at Appendix 5 to the report, be adopted.

## **Central Area Planning Committee 31 May 2017 and North Western Area Planning Committee 12 June 2017**

#### **RESOLVED**

- (x) that 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 the Council meeting agenda, be noted.

## **247. STATEMENT OF THE LEADER OF THE COUNCIL**

Councillor M F L Durham, the Leader of the Council, made a Statement (attached at **APPENDIX 1** to these Minutes) setting out the Council's report and programme for the current municipal year. He then commended this to the Council.

The Leader of the Opposition, Councillor B S Beale, thanked the Leader of the Council for an advance copy of his Statement and the opportunity to respond. He then made reference to a number of points outlined in the Leaders' speech including:

- Starter Businesses – This was a key focus point and a major item to enhance and encourage. He referred to a large number of people wanting to start businesses and the need to provide assistance where possible.
- Partnerships – Councillor Beale highlighted the importance of partnerships both to assist the Council, make decisions and carry some of the load of information.
- Health and Wellbeing of Older Persons – He referred to the greater aging population and it was important to support them, as the core of the District.
- The Local Development Plan (LDP) – Councillor Beale commented that the recent news on the progression of the Council's LDP was wonderful and he made particular reference to the work of planning staff. He hoped that the LDP would shortly be signed off by the Secretary of State resulting in a relief of pressure and leaving the Council in a strong position to defend speculative applications.
- Planning Department – Councillor Beale asked that his personal thanks be passed to the Planning Staff for all the hard work they had done. He noted that the department was now up to full strength.
- Bradwell B – He raised concerns regarding this and whether it would happen due to other opportunities at Sizewell etc.

Councillor Beale concluded referring to the health needs of the District and discussions around a new Health Hub. He asked the Council to work together to make certain the Health Hub actually happened along with the new District surgeries proposed.

**RESOLVED** that the Statement made by the Leader of the Council, attached at **APPENDIX 1** to these Minutes, be received.

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

There were none.

**249. FUL/MAL/16/01252 - MOBILE CAR WASH IN CAR PARK, BLACKWATER LEISURE CENTRE, PARK DRIVE, MALDON**

<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 that the Central Area Planning Committee at its meeting on 31 May 2017 had considered this application and agreed to support the Officers' recommendation of refusal.

Having listened to the Planning Officer's presentation, the Leader of the Council referred to the investment made by the Council in its leisure centres and did not feel the proposed addition to the facilities in Maldon was satisfactory and visually acceptable. He proposed that the Officers' recommendation of refusal be agreed. This proposal was duly seconded and agreed.

**RESOLVED** 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.

**250. FUL/MAL/17/00067 - MILLENNIUM WOOD, PARK DRIVE, MALDON**

<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.

It was noted that the Central Area Planning Committee at its meeting on 31 May 2017 had considered this application and agreed to support the Officers' recommendation of refusal.

Having listened to the Planning Officer's presentation, the Leader of the Council supported the recommendation of the Central Area Planning Committee and Officers' and proposed that the application be refused for the reasons as set out in the report. This proposal was duly seconded and agreed.

**RESOLVED** 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.
- 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.

In accordance with his earlier declaration Councillor A S Fluker left the meeting at this point.

**251. FUL/MAL/16/01142 - STOW MARIES AERODROME, HACKMANS LANE, COLD NORTON, ESSEX**

<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 Chairman advised that he proposed to deal with Agenda Items 14 and 15 together as they related to the same site. This was agreed.

It was noted that this application had been referred to the Council for determination by the North Western Area Planning Committee who had considered it at its meeting on 12 June 2017.

The Members' Update, circulated at the meeting, detailed the following information received since publication of the Officers' report:

- Further clarification of the proposed Section 106 legal agreement.
- In light of concerns raised regarding the visibility splay detailed in condition 4 it was suggested that this be changed to a Grampian Condition, in the interest of proper planning.
- Six further letters of objection had been received and the reasons for objection were set out in the Update.
- A consultation response had been received from Natural England (NE) and their comments were summarised in the Update.
- Additional supporting information had been received from the Applicant.
- In light of the recent consultation response from NE an amendment to the recommendation was detailed which included amendments / additions to the Heads of Terms and Conditions.

Members received a very detailed presentation from Officers which included a presentation from the Environmental Health and Licensing Manager regarding noise. Following the Officers' presentation an objector Mr Flemming, Councillor Hollington on behalf of Stow Maries Parish Council and the Agent, Mr Mathews addressed the Council.

Councillor M FL Durham, Leader of the Council, supported the application making reference to the significance of the Aerodrome in the District and proposed that it be approved, contrary to Officers' recommendation. In accordance with Procedure Rule No. 13 (3) he requested a recorded vote. This was duly seconded.

Councillor D M Sismey commended the work of Stow Maries Aerodrome (SMA) and its restoration. He raised a number of concerns with the proposed application and in particular the proposed 22 fold increase in the number of flights permitted and the effect this would have on noise and neighbours. Councillor Sismey opposed the Leaders' recommendation and made an alternative suggestion regarding a gradual increase in intensification.

Councillor Miss S White, a Ward Member, agreed with the comments of Councillor Sismey and advised the Council of the concerns raised by the North Western Area Planning Committee namely noise, nature and pollution. She highlighted further concerns she had with the proposal.

A lengthy debate ensued with Members speaking both in favour and against the proposal.

In response to a number of questions raised Officers provided the following information:

- The Environmental Health and Licensing Manager advised that his understanding was that the 200ft display area was over the airfield, but clarified he had not spoken to the Civil Aviation Authority (CAA) about this.
- The Group Manager - Planning Services explained that proposed condition 17 related to the first anniversary of approval and Members could amend the



condition to require that if not met the application was brought back to the Council, but he raised concern as to what the clarity of such a change would be.

- The 8,000 movements related to total movements and this was not capped in relation to the type of movement.
- If Members wished a temporary consent could be applied but consideration had to be given to the impact of this.

Following a lengthy debate Councillor D M Sismey proposed that the application be refused, contrary to Officers' recommendation. The Chairman advised that he would deal with the proposal from the Leader of the Council first.

Councillor Durham referred to the significance of this site and how if mindful to refuse the Council must have valid reasons. He commented that many airports were given a maximum number of movements this did not mean that they used them.

During the debate, Councillors D M Sismey, Mrs M E Thompson and Miss S White raised points of clarification in relation to comments they had made.

The Chairman then put to the Council the proposal in the name of Councillor Durham that the application be approved subject to a Section 106 Legal agreement as set out in the report and in accordance to the earlier request for a recorded vote, voting was as follows:

For the recommendation:

Councillors B S Beale, Mrs P A Channer, R P F Dewick, M F L Durham, M W Helm, R Pratt, N Pudney and S J Savage,

Against the recommendation:

Councillor Mrs B F Acevedo, E L Bamford, A T Cain, I E Dobson, P G L Elliott, Mrs B D Harker, B E Harker, M S Heard, Mrs N G F Shaughnessy, Rev. A E J Shrimpton, D M Sismey, Mrs M E Thompson and Miss S White.

Abstention:

Councillor H M Bass.

This motion was declared lost. The Chairman advised that if Members intended to refuse the application reasons for refusal were required.

Councillor B E Harker proposed that the application be refused for the following reason:

The flightpaths around the aerodrome have occupiers of properties and businesses which currently enjoy a quiet rural aspect and amenities. The intensification of air traffic movements with the associated noise would have a detrimental impact on the amenities of the current and future occupiers of these properties and businesses. The applicant's noise screen report is not considered to have accurately assessed the impact of the associated noise upon the amenities of the current and future occupiers of the dwellings. As such the development is considered contrary to policy BE1, paragraph 123 of the NPFF and policies D1 and D2 of the LDP.

The Chairman advised that Members were not qualified to claim that the noise screen report was inaccurate.

The Group Manager - Planning Services informed the Council that reasons for refusal had to demonstrate harm and provided detailed information in respect of this making reference to guidance from the Environmental Health and Licensing Manager on this application and a recent appeal decision. He reiterated the concerns of the Chairman regarding inclusion of the noise report in a reason for refusal. The Officer reminded Members that matters regarding access, flight paths etc. were not a material consideration for the Council and it was necessary to demonstrate harm within any reason for refusal. Having taken into account the comments raised by Members during the debate the Group Manager - Planning Services advised that if they were so minded a reason for refusal relating to how the increase in numbers and intensification of numbers would result in an impact on the amenity could be considered.

Members debated the reason for refusal suggested by Councillor Harker and the advice of the Group Manager - Planning Services.

Councillor Sismey proposed that reference to noise could be included in a reason for refusal and outlined his reasoning behind this. The Environmental Health and Licensing Manager advised that careful consideration would be required if this proposal was agreed.

It was clarified that special event days would be controlled through a condition if the application was approved.

Councillor Sismey seconded the proposal of Councillor Harker subject to him amending his proposal in line with the comments from the Group Manager - Planning Services.

Councillor P G L Elliott raised a point of order that the vote should be recorded.

Following further discussion, the Principal Planner – Major Applications (Strategic Sites) offered clarification on the reason for refusal having taken into account the earlier proposal of Councillor Harker and comments made. He suggested that the reason for refusal could refer to the development by virtue of its intensification of use within a quiet rural area having a detrimental impact on amenity of local residents contrary to Policy BE1 of the Local Plan and Policies D1 and D2 and that the final wording of the reason was to be finalised by Officers. This was agreed.

The Chairman then put the proposal of refusal for the reason detailed by the Principal Planner – Major Applications (Strategic Sites) and in accordance to the earlier request for a recorded vote, voting was as follows:

For the recommendation:

Councillor Mrs B F Acevedo, E L Bamford, A T Cain, I E Dobson, P G L Elliott, Mrs B D Harker, B E Harker, M S Heard, Mrs N G F Shaughnessy, D M Sismey, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillors Mrs P A Channer, M F L Durham, M W Helm, R Pratt, N Pudney and S J Savage.

Abstention:

Councillor H M Bass, B S Beale and R P F Dewick.

**RESOLVED** that this application be **REFUSED** for the following reason:

- 1 The development would take place in a relatively quiet and tranquil rural location. The proposed significant increase in flight movements from that what is approved at this time of 360 movements per annum, to the proposed maximum of 8,000 movement per annum, is considered to result in a detrimental impact on the area and on the existing residential amenity due to a substantial increase in the number of disturbances. The proposal would significantly and unacceptably change the character of the surrounding area and therefore the development is considered to be contrary to Policies D1 and D2 of the Maldon District Local Development Plan and Paragraph 123 of the National Planning Policy Framework in that the impact of the increased flight movements would adversely affect the tranquillity of the rural area.

Councillor Rev. A E J Shrimpton left the meeting during this item of business.

**252. LBC/MAL/16/01143 - STOW MARIES AERODROME, HACKMANS LANE, COLD NORTON, ESSEX**

<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

Please see FUL/MAL/17/01142 above for details of the discussion that took place.

The Chairman advised that although he had agreed to consider both the FUL and Listed Building Consent (LBC) applications together the LBC application could not be refused on the basis of the reason used for the FUL application.

It was clarified that the Listed Building Application was separate in nature to the FUL application.

**RESOLVED** that Listed Building Consent be **GRANTED** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.

Councillor A S Fluker re-joined the meeting at this point.

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

The Council considered the report of the Chief Executive supplying Members with details of the Council's performance against targets set for 2016 / 17 and to ensure that progress was being achieved towards the corporate goals and outcomes detailed in the agreed Corporate Plan 2015 - 2019.

Appendix 1 to the report set out the end of year position for each of the corporate goals. Members' attention was drawn to the achievements and successes set out in the report. The report also provided a summary of complaints and compliments received during 2016 / 17.

**RESOLVED** that the report be noted.

## **254. BRADWELL POWER STATION**

The Council considered the report of the Chief Executive updating Members on discussions with EDF regarding the potential location of a new nuclear power station at Bradwell-on-Sea (Bradwell B).

A draft Planning Performance Agreement (PPA) vision for the Bradwell Nuclear Power Station project was set out in Appendix 1 to the report. Members were advised that the PPA contained seven key aims and would help the Joint Councils develop a clear programme of work set out to achieve mutually desired project outcomes.

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

## **255. PERMIT FOR SCHOOL PARENTS PARKING**

The Council considered the report of the Director of Customers and Community seeking Members' agreement to introduce a new car parking permit for Maldon Court School. The permit would enable parents to pre-pay for the use of a Council car park for picking up and dropping off their children at school.

The report provided background information regarding a recent review of existing 'informal' free use of the Council car parks by parents. It was noted that this matter had been considered by the Community Services and Finance & Corporate Services Committees and details of their decisions were provided.

Members were advised of the 3 Parking Rules Project, developed by South Essex Parking Partnership, to encourage considerate and safe parking around schools by parents at drop off and pick up times. It was noted that due to unique parking issues around Maldon Court School it would not be possible for the School to participate in the project. For this reason a new car parking permit was being suggested.

**RESOLVED**

- (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).

**256. APPOINTMENT OF REPRESENTATIVE TO OUTSIDE BODIES - ESSEX COUNTY COUNCIL HEALTH OVERVIEW AND SCRUTINY COMMITTEE**

**RESOLVED** that Councillor N R Pudney be nominated as the Council's representative to serve as a co-opted non-voting Member on the Essex County Council Health Overview and Scrutiny Committee.

There being no further items of business the Chairman closed the meeting at 10.25 pm.

H M BASS  
CHAIRMAN

This page is intentionally left blank

Mr. Chairman, Elected Members of the Council, Officers, ladies and gentlemen.

It is a privilege and honour that I stand before you this evening as the new Leader of Maldon District Council - a Council that exists to represent the interests of this special District – a special district to live, work and enjoy.

As highlighted in the February Budget Statement, core funding for the Council is being reduced by a further £392,000 for 2017/18. The Rate Support Grant is due to be phased out in 2020 and local government were expecting a scheme based on 100% retention of business rates to fill the gap. However, it is now clear that this is in doubt due to the governments slim majority. Whatever funding mechanism does come out of government will need to be robust, fair and sufficient to allow local government to fund its services.

Maldon remains an ambitious and resilient Council. There is much to do to continue to enhance the quality of life and the life chances for local people. We are looking at ways to boost income generation with increased focus on exploring how the Council can become more commercial. We have already made the first steps to identify new and innovative ways to generate income, but it is fair to say that we have, until now been slow to embrace commerciality in the same way as many other authorities. As members, we will need to be open minded to opportunities that may have a positive contribution to our long term financial position.

Economic growth and prosperity across the Maldon District is rightly high on our agenda. Over the coming year our Economic Development Team, headed by a new manager will be increasing its level of business engagement, particularly in relation to our many small and medium sized businesses. In the past, SME's and rural businesses have been largely overlooked in favour of bigger companies, which in many cases neither wanted nor needed such high-level intervention. 75% of all businesses in the district are SME's or rural and we must direct our efforts squarely to this sector. For Maldon, we are facilitating a Causeway Business Forum which will be run by the businesses themselves so they can play a bigger part in assisting their own growth and prosperity in that location.

Our team will continue delivering business engagement events, plus representing the Council as an executive member of the Burnham-on-Crouch Chamber of Commerce.

Following an in-depth analysis of local and sub-regional skills needs, the Team will be working with the County Council's Employability & Skills Unit, the Essex Employment and Skills Board and the Haven Gateway Partnership to develop and implement a strategy to meet the skills need within the District.

Another key focus over the year will be creating a package to promote the Maldon District as a place of choice to start and grow a business. The Council plans to increase small business unit space, increase employment and improve business survival rates by co-ordinating the delivery of an Enterprise Centre. The Team is currently in the process of finalising a bid to the Magnox Socio Economic Grant Fund to provide a detailed business case to assess viability of such a Centre. The Deputy Leader and I have already had several meetings to explore other business led

initiatives to progress this project.

The Sense of Place is now firmly embedded in our district strategy and its' striking branding is heavily featured in our revamped foyer area. After a slow start for this project, we are meeting with the board to provide them with reaffirmed support for Sense of Place and we will continue promoting the District branding which is now being used by several organisations and companies.

The Council has successfully levered grant monies from national funding sources, including the Coastal Communities Fund to seek out opportunities for economic growth and prosperity. The Dengie Gateway Project will conclude in September, when a chain of coastal hubs will be installed at five key points along our coastline, promoted as "The Saltmarsh Coast". The hubs will provide visitor information, encouraging exploration of the area and will be complemented with new signage and way-marking. Our new Tourism Website, integrated social media, and an Eshop all contribute to promoting the District as a first class tourism destination. I am delighted to report that visitor numbers are 'up' with the latest Volume & Value Survey revealing 140,000 extra day visitors to the Maldon District, compared with the previous year, a growth of 3.9%. A new tourism marketing strategy for the District has also been developed with the aim to support and provide a boost for local business and communities that rely on visitors and the tourism economy.

It is vital that we recognise the tourism opportunities that exist in our district. With our coastal walks, prom park, flourishing vineyards, sailing centres, Hythe Quay, golf courses, sporting facilities, historic buildings, churches and caravan parks, we are truly blessed. We also have the internationally significant Stow Maries Great War Aerodrome that has been recognised by the likes of Simon Calder and Dan Snow as potentially one of the most important heritage sites in Great Britain.

This summer Members will be looking to finalise the Maldon & Heybridge Central Area Master Plan and implement plans for the next 15 years which will shape the local area. Detailed work will look at new facilities on and around the Promenade Park and Hythe Quay. In addition, the Council continues to allocate capital spend to maintain or upgrade existing facilities, including an investment of £275,000 in the Promenade Park.

The Council continues to be a driving force within the community helping it deliver its goal of 'strengthening communities to be safe active and healthy'. Through collaborative work with the Community Safety Partnership and Essex Police, the Council will strive to support and protect victims of rural crime, looking for innovative ways where communities can be better equipped to tackle crime. Maldon District Council will this month be one of the very first to operate 'True Cam' to detect and convict motorists who drive anti-socially or speed through our towns & rural areas.

Working with strategic and local delivery partners the Council is targeting help and support to improve the health and well-being of District residents. Priorities include tackling obesity, supporting older residents, particularly those that are frail or isolated, as well as identifying ways we can help our youngest citizens improve their educational attainment, giving them the best outlook for the future. We are actively supporting "Connect Well", a project that ensures that we can connect residents to



health and well-being services that may offer support to them.

The Council recognises that volunteering is a vital part of community life and many people benefit from not only receiving assistance, but also volunteering themselves. To support local communities the Council is developing a strategy to strengthen local communities and support volunteers. The Council will also establish formal management plans, working with local communities regarding the management and maintenance of open spaces where some of the volunteering opportunities will be offered.

Protecting and shaping the District is another key objective for our council which falls largely to our planning department.

Following completion of the second LDP Examination hearings in January and the subsequent publication of the Post-Examination Modifications, the responses were sent away to the Inspector. On June 29th, we received confirmation from Inspector Berkeley that he finds our modified plan sound. All that stands between this and an adopted plan is sign off from Sajid Javid, The Secretary of State. With concerted pressure from ourselves and our MP's, we are fairly confident that this could come in a matter of days rather than weeks. This, coupled with maintaining a 5 Year Housing Land Supply, will place the Council in a strong position to defend the District against further speculative applications for housing development. There is little doubt that this will mark one of the most significant achievements for our council and it will make us one of the comparatively few authorities to have an adopted plan. This has been delivered through the culmination of literally thousands of hours worked by our own officers, external consultants, legal advisors and of course members. This is the perfect opportunity to thank everyone who has played a part in this milestone for Maldon District. However, work cannot stop as the government are insisting on regular plan reviews to take account of changing circumstances.

Following extensive public consultation, it is expected that the Maldon Design Guide and the Maldon and Heybridge Central Area Master Plan, will be adopted as Supplementary Planning Documents, once the Local Plan itself has been adopted. Neighbourhood plans are still progressing in some parishes with Burnham and Langford in the latter stages of completion.

The Garden Suburbs and the Strategic Sites will be further progressed this year. During the last municipal year, 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.

This year we will work in partnership to deliver and ensure management and maintenance of strategic infrastructure, including that needed as a result of the Garden Suburbs and Strategic Sites. Securing the required infrastructure for all developments is crucial to their success as new communities. Through these strategic sites, we will deliver new roads, faster broadband, new health facilities, better education and of course flood alleviation schemes that will protect both new homes, as well as existing businesses and dwellings.

Staffing in the planning department has long been an issue. We have now filled all planning vacancies and this will enable us to maintain performance levels into 2018.

Unfortunately, we have been a little less successful filling the permanent post of Director, but our Human Resources team are working hard to source a new permanent candidate. We are also taking steps to reduce the backlog of enforcement cases across the district.

During this year we will agree a vision for, and develop a Planning Performance Agreement to maximise the benefits arising from the development of a new nuclear power station at Bradwell. The opportunity for a new power station remains a long-term goal for our council. I have seen at first hand the construction site at Hinkley Point and the very significant local community benefit projects that have been derived from this development. We are in the process of meeting our Chinese partners, who will be the majority shareholders of Bradwell B to discuss opportunities. We must be proactive in engaging with the Chinese to ensure that we can secure as many benefits as possible, as soon as possible. Plans are progressing to host a new LGA Special Interest Group meeting to be hosted in Maldon next March. This would further reinforce our national visibility as all authorities with nuclear facilities would be represented. There is even talk about a twinning opportunity with a coastal town in China that has a similar power station.

Turning to the Council's Housing Service, a number of key issues and opportunities arise this year. We are piloting over the summer, with Essex County Council and other partners, the new legislation to prevent homelessness in preparation for changes next year. Our Home Improvements Team is working with Health and Social Care to provide more assistance to people such as the elderly and disabled who need help to live independently in their own home. We are also developing a programme of Community Led Housing to give local people more involvement in meeting the need for affordable housing.

We have been working with the CCG's dedicated Project Manager in the interest of delivering a quality, modern community health facility for our District. The Council is coordinating the Maldon Health Hub Project Board which oversees the project plan to deliver the facilities. An assessment has been made, at high-level, of the space that would be required in the Maldon Health Hub to accommodate the proposed scope of services and projected future activity. This has been undertaken on the basis of two options, with and without beds and a decision will be taken later in the year. Site options are now narrowed to either Wycke Hill or the existing St Peters Hospital site. Securing a health hub facility for Maldon remains a key objective for this authority.

Our new waste service has been in place for over a year. It has achieved a staggering 58% of waste diverted from the black sack into recycling and we are hoping to improve upon this. Household food waste recycling has increased by 98% and the green waste service continues to expand, with nearly 12,000 subscribers now.

Ensuring that the Council is 'fit for purpose' is crucial, so our Workforce Development Strategy has delivered on a number of key projects over the past year. Our Core Values have been updated reflecting responses received from staff and Members. This includes a new Performance Review process, new Attendance Management and supporting advice to improve employee health. These will continue to be

promoted and embedded this year alongside undertaking a skills audit of the workforce, preparing a recruitment and retention strategy, and reviewing the roles and skills that the Council needs to develop for the future.

The authority also had a follow up to the 2014 LGA Peer review. Several members and staff took part in this review and the summary of their findings has been received. I have however expressed grave concerns to the LGA that the final report did not address some key areas of concern, or indeed some that were previously identified. We have been discussing this with senior LGA officials and it is hoped that a further, more comprehensive report will follow. We are however already working on some of their main points and progress is being made in respect of member/officer relations and our external relationships.

The Public Relations and Engagement Team continue to work positively with the local media to raise the profile of the Council and promote the District. Recognising the decline in printed news, they are embracing the importance social media to deliver our message to the community.

The Council's Legal & Democratic Services Team will continue to work hard to support good governance and the effective decision making of the Council, its Committees and officers alike. This will include the continued roll out of 'Mod. Gov.' functionality, as part of the move towards having paperless meetings to deliver significant cost savings. Work on the committee structure review is also ongoing.

The Council's strong customer focus continues. Our Customer Strategy will ensure that we build upon the number of services that can be accessed on-line [24/7](#), whilst continuing to assist our most vulnerable residents who need additional support. Not only will this help to make it easier for customers to do business with us, it will ensure that we can continue to meet our financial challenges by ensuring that we offer the most efficient and cost effective services.

The final phase of turning the Council Offices into a community hub is nearing completion, with many partner organisations now under one roof. The past year has seen the demolition of St Cedds House creating vital additional parking spaces. Fitting-out work is well under way for the Police accommodation and it is anticipated they will re-locate their operational base from the high street to these offices during 0000000000. the summer.

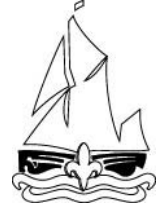
This Council, along with the rest of the UK public sector, faces challenges that cannot be addressed by doing things the way they always have been in the past. This Council is embarking on a Transformation Programme, with officers and members working up a series of workstreams focussed on ensuring that it provides good quality, cost effective services to our customers and securing a sustainable financial position in the longer term.

So in drawing to a close Chairman, Members, ladies and gentlemen, you will have heard this evening that there is much to do in this municipal year – much that will make a real difference to the lives of our local communities, much that will enhance this special place. As Leader I can assure you that I mean business and that I will do

everything within my power to ensure that the Council delivers this programme of work during the year for the good of the Maldon District. In short, we need to deliver, not talk about delivering.

Mr Chairman I commend my statement to Council.

Councillor M F L Durham, CC  
Leader of the Maldon District Council  
13 July 2017



## **REPORT of CHIEF EXECUTIVE**

---

**to  
COUNCIL  
7 SEPTEMBER 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. RECOMMENDATION**

That Members consider the recommendations from the following Committees contained in section 3 of this report:

#### **Section 3: Finance and Corporate Services Committee – 25 July 2017**

- Human Resources Policy and Procedure (section 3.2)

### **3. FINANCE AND CORPORATE SERVICES COMMITTEE – 25 JULY 2017**

- 3.1 **Web link to agenda, reports and Minutes for the above meeting**  
<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=131&MIId=1240>

#### **3.2 HUMAN RESOURCES POLICY AND PROCEDURE**

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

The Committee considered the report of the Director of Resources seeking Members' consideration of proposed changes to the Council's human resources policy 'Probation Policy and Procedure' (attached as Appendix 1 to the report).

The report set out a number of changes that had been made to the Policy. It was noted that agreement to the changes had been reached in consultation with the recognised union, UNISON.

##### **3.2.2 Committee recommendation:**

That the Probation Policy and Procedure, attached at **APPENDIX 1** to this report, be approved.

Background Papers: Previous related reports and Minutes to the above meetings.  
Enquiries to: Fiona Marshall, Chief Executive, (Tel: 01621 875710).

This page is intentionally left blank



MALDON DISTRICT  
COUNCIL

# Probation policy and procedure

July 2017



**Maldon District Council**  
**Probation policy and procedure**

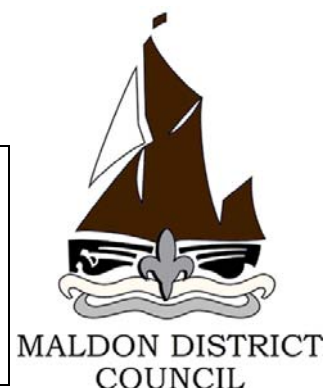
Document Control Sheet

<b>Document title</b>	<b>Probation policy and procedure</b>
<b>Summary of purpose</b>	The purpose of this Policy and procedure is to provide information and guidance for employees of Maldon District Council on the Council's Probation process. To provide a framework to judge the suitability of an employee, to discuss any shortcomings and agree action to help the employee achieve the required standards.
<b>Prepared by</b>	HR
<b>Status</b>	Final Approved by Finance and Corporate Services Committee 25.07.17
<b>Version number</b>	4
<b>Approved by</b>	
<b>Approval date</b>	Revised July 2017
<b>Date of implementation</b>	May 2012. Revised November 2015 and July 2017.
<b>Review frequency</b>	
<b>Next review date</b>	As required by legislative changes
<b>Circulation</b>	All Staff
<b>Published on the Council's website</b>	N/A

**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.

**If you would like this information in large print, Braille or another language, please contact Human Resources.**





## **Contents**

	<b>Page</b>
Section One – Policy and Procedure Overview.....	3
1 Policy Statement.....	3
2 Procedure Overview .....	3
3 Scope of this Policy .....	4
4 Links to other Policies/Procedures .....	5
Section Two – Procedure .....	6
1 Roles and Responsibilities .....	6
2 The Procedure.....	7
Progress Meetings.....	7
Formal Assessment Reviews .....	8
Area of Improvement Identified .....	8
Sickness during probation.....	10
Early Dismissal during Probationary Period (prior to 24 week assessment meeting).....	8
Irregularities discovered during the Probationary Period.....	9
Formal 24 week Review – Final Assessment Review .....	9
Satisfactory Completion of Probation .....	10
Unsatisfactory Completion of Probation .....	10
Extension of Probationary Period .....	10
Ending Employment in the Probationary Period.....	10
Appeals.....	11
Existing Employees.....	11
3 More Information .....	11

## **Section One – Policy and Procedure Overview**

### **1 Policy Statement**

Maldon District Council seeks to promote good employment relationships and practices, and this policy aims to ensure that all new employees, who are new to the employment of the Council, have a probationary period during which they will be introduced to the main duties and responsibilities of their post and the performance standards expected of them.

The purpose of this policy is to ensure that there is a fair and systematic approach in place to ensure expected standards are established and understood, performance is monitored, with areas of improvement addressed, and employees are given appropriate training and support to meet these standards.

The probation procedure should be used as a tool to ensure that employees are given every opportunity to prove their suitability for the post to which they have been appointed.

The Council's standard period of probation is 24 weeks. Extensions to the probationary period may exceptionally be given if this is appropriate.

Employees dismissed during their probation period will be given one month's notice in line with the Terms and Conditions of Employment.

Where an employee exceeds the Council's set Key Performance Indicator target for sickness during their probationary period, a meeting will be held to discuss options which may include extension of probation or dismissal.

This policy is mandatory for all Managers to undertake and follow with all new employees as directed by Human Resources.

### **2 Procedure Overview**

- 2.1 The Council's standard period of probation is six months.
- 2.2 Assessment reviews will take place at 4 weeks, 12 weeks and a final assessment review at 24 weeks. Progress reviews may happen in the intervening time, for new employees
- 2.3 The outcome of the probation period is either:
  - To confirm the appointment of the new employee.
  - To extend the employee's probation period if the circumstances warrant this extension. An extension may be implemented in circumstances where the employee's performance during probation has not been entirely satisfactory but it is thought likely that an extension to the probationary period may lead to an improvement, or where the employee or line manager has been absent from the workplace for an extended period during probation, for example. The extension can only be for a further 3 months, thereafter a decision needs to be made as to whether to dismiss or confirm the appointment.

## Maldon District Council

### Probation policy and procedure

---

- To dismiss the employee if an employee's performance while on probation has been unsatisfactory despite support and it is thought unlikely that further training or support would lead to a satisfactory level of improvement. A decision to dismiss may be taken at any time during the probation period if this is considered appropriate.
- To dismiss the employee because they have behaved inappropriately or have breached their contract of employment through breaching the councils policies and procedures.
- To dismiss the employee due to unacceptable levels of absence due to sickness during the probation period; the Council's Key Performance Indicator target will be considered.

### 3 Scope of this Policy

3.1 This procedure applies to all Council employees, except:

- Officers employed under the JNC for Chief Executives and the JNC for Chief Officers Conditions of Service.
- Existing employees who have six months continuous service with the Council and have already successfully completed a six month probationary period are exempt from the probation policy. Existing employees in this instance will be managed in their new role through the Performance Management Framework using the tool Performance Conversations.
- This policy does not apply to those employees who have been redeployed or moved internally to a new post within the Council unless the employee is new to the Council and is already subject to the Probation policy and procedure.

3.2 All new appointments to the Council will be subject to the successful completion of a 24 week probationary period regardless of any previous local government service.

3.3 Employees engaged on fixed term/temporary contracts of six months or less are not subject to a probation period, although they would be required to serve a probation period if offered a permanent contract. Managers should give serious consideration to requiring employees to serve a probationary period if there is a likelihood that the fixed term/temporary contract will be, or is, extended beyond the initial six month period. Employees engaged on fixed term/temporary contracts for more than six months are required to undertake probation. Following completion of probation they will be given confirmation of their fixed term appointment.

## **4 Links to other Policies/Procedures**

- 4.1 There may be a need to operate another policy while the probation procedure is being followed. These procedures will normally run simultaneously however, consideration may be given to suspending one of the procedures following consultation with Human Resources.
- 4.2 Other procedures to follow may include:
- Induction Policy and Procedure
  - Managing Attendance Policy and Procedure
  - Managing Organisational Change
  - Improving Performance Policy and Procedure
  - Performance Management Framework

## **Section Two – Procedure**

### **1 Roles and Responsibilities**

#### **1.1 Line Managers are expected to:**

- Ensure that the employee is properly informed at the start of his/her employment about the standards expected during probation
- Ensure the Council's Core Values are fully explained and how they relate to our every day work
- Properly monitor a new employee's performance and progress during the probationary period addressing any areas of improvement as early as possible
- Diary all assessment review meetings at the outset of the probation period
- Provide appropriate training, support and guidance to the employee during the probation period
- Follow the probation policy and procedure correctly and undertaking all assessment reviews to the timescales set
- Notify Human Resources of the employee's progress by completing the formal review forms and raising any issues or concerns, seeking relevant advice, guidance and support

#### **1.2 Employees are expected to:-**

- Take responsibility for demonstrating their suitability for the role during the probationary period by undertaking the duties and responsibilities of their role to the agreed standards
- Abide by all of the Council's policies and procedures
- Identify any learning and development needs and discuss with the line manager
- Identify any areas of difficulty/improvement needed and discuss with the line manager
- Attend work unless they are not well enough to do so
- Comply with the reporting sickness absence procedure; Managing Attendance Policy & Procedure
- Inform their line manager if they have a disability should this disability affect their ability to fulfil their role or maintain regular attendance should this not have already been disclosed on the medical questionnaire completed at recruitment stage.
- Advise their line manager if they are taking medication which may impair their ability to undertake their duties

## **Maldon District Council Probation policy and procedure**

---

### **1.3 Human Resources will:**

- Provide advice and guidance in the operation of this policy, attending meetings as appropriate
- Issue appropriate letters to the employee in accordance with the line manager assessment process
- Maintain accurate sickness absence data and provide details of sickness absence and management information to assist managers in undertaking their role
- Provide assistance to Managers in using the Performance Management Framework, Performance Conversations for existing staff that have already completed six months satisfactory probation period.

## **2 The Procedure**

### **Progress Meetings**

- 2.1 The process of probation should include regular progress meetings between the line manager and the employee.
- 2.2 These meetings should be held regularly throughout the probation period and will allow the employee's performance and progress to be monitored.
- 2.3 Progress meetings should be planned and scheduled at the outset of the employee's employment. At each meeting, the manager should aim to:
- highlight areas where the employee is doing well;
  - explain clearly and in precise terms any areas in which the employee is falling below the required levels;
  - explore the possible reasons for any failure to meet the required standards;
  - discuss and agree whether or not any specific training or coaching is required;
  - discuss any other relevant matters such as timekeeping, attendance, general conduct or attitude;
  - invite the employee to comment on issues such as the extent to which he or she has integrated into the team/service and how well he or she is getting on with colleagues; and
  - give the employee an opportunity to ask questions or raise concerns about any aspect of his or her employment.

## Maldon District Council

### Probation policy and procedure

---

#### Formal Assessment Reviews

- 2.4 Whilst these regular progress meetings will be held during the probation period, formal assessment reviews should be held at the following intervals:
- Formal 4 week review
  - Formal 12 week review
  - Formal 24 week review (final assessment review unless extension of probation is needed)
- 2.5 During these formal assessment meetings the line manager should discuss with the employee their performance against the standards expected, identify additional support and learning and development needed and plan for the next review meeting. The probation assessment forms at Appendix 1 should be used to record this discussion and a copy given to the employee.

#### Area of Improvement Identified

- 2.6 If there are areas of improvement identified, the probation performance improvement plan at Appendix 2 should be completed by the line manager, in discussion with the employee, and a copy given to the employee. This should indicate what should be done, by whom, how and in what timescale so that the employee will be aware of what is expected of him or her by the time of the next review. These forms should be discussed at each subsequent review meeting.

#### Sickness during Probationary period

- 2.7 Employees are required to comply with the reporting sickness absence procedure during the probationary period, detailed with Managing Attendance Policy & Procedure. Sickness absence records are maintained by the Human Resources department and will be provided to the line manager.
- 2.8 Employees may be dismissed due to unacceptable levels of absence due to sickness during the probationary period. Where an employee exceeds the Council's set Key Performance Indicator target for sickness during their probationary period, a meeting will be held to discuss options which may include extension of probation or dismissal.
- 2.9 Whilst the Managing Attendance Policy & Procedure does not apply to employees who are in their probationary period, (as the issue of attendance will be addressed within the probation monitoring period), probationers must comply with the notification requirements detailed within it and managers must continue to apply the policy's principles of good attendance management

#### Early Dismissal during Probationary Period (prior to 24 week assessment meeting)

- 2.10 It is the Council's policy to allow the employee to complete the designated period of probation rather than terminating employment before the probation has come to an end. This is to give the employee a full opportunity to come up to the required standards. However, if there is clear evidence, before the 24 week assessment meeting, that suggests the employee is unsuitable for the role, and appropriate support has been provided to the employee to meet the required standard, the line manager should consult Human Resources. One of the options will be early dismissal before the 24 week assessment meeting.

## **Maldon District Council**

### **Probation policy and procedure**

---

- 2.11 A meeting will be arranged with the employee. The line manager will chair this meeting.
- 2.12 The purpose of this meeting is to review the employee's performance and come to a decision about their continuing employment.
- 2.13 The employee has the right to be accompanied by a recognised trade union representative or a work colleague where appropriate. Human Resources will also attend this meeting. Five working days' notice of this meeting should be given to the employee if possible however for serious offences within the first two months the meeting could take place immediately.
- 2.14 Employment may be terminated at any stage during the probationary period, on the employee giving or receiving one months' notice in line with the Terms and Conditions of Employment.

#### **Irregularities discovered during the Probationary Period**

- 2.15 If, during an employee's probation, it is suspected or established that the employee does not have the qualifications, experience or knowledge that he/she claimed to have at the time of recruitment, the matter will be discussed with the employee to establish the facts. If the evidence suggests that the employee misrepresented his/her abilities in any way, a meeting will be held with the line manager. The employee will have the right to be accompanied by a recognised trade union representative or work colleague and Human Resources will also be in attendance. The outcome of this meeting may be that the Council will terminate the employment with immediate effect (giving one week's pay in lieu of notice or their notice period as determined by the line manager. The employee will have the right to appeal against this dismissal in writing.
- 2.16 If the employee is an existing employee who has been transferred or promoted into a different role, the Council's Managing Capability and Under Performance Policy must be followed in full.

#### **Formal 24 Week Review – Final Assessment Review**

- 2.17 At the end of the probationary period, the manager should conduct a "final progress review" of the employee's performance and suitability for the job.
- 2.18 It is extremely important that the final review meeting is held on or before the end of the agreed probationary period. If the meeting does not take place by this date, technically the employee's appointment will be confirmed by default.
- 2.19 The final review will allow both the line manager and the employee to:
  - identify and discuss any areas in which the employee requires further training or development;
  - discuss standards achieved;
  - check how the employee feels about his or her employment in general; and
  - explain how performance will be managed in the future.



## **Maldon District Council Probation policy and procedure**

---

### **Satisfactory Completion of Probation**

- 2.20 If the employee's performance is satisfactory, the line manager should complete the probation 24 week/final assessment review form and the manager and employee should sign the form and return to Human Resources who will issue a letter of confirmation of appointment to the employee.

### **Unsatisfactory Completion of Probation**

- 2.21 If the employee's performance has not been to the standard required, the line manager should discuss the matter with Human Resources in the first instance.

### **Extension of Probationary Period**

- 2.22 It may be appropriate to extend the employee's probation period and this will be at the Council's discretion. This will be limited to one extension and the total period of extended probation will usually be no longer than three months.
- 2.23 An extension may be implemented in circumstances where the employee's performance during probation has not been entirely satisfactory but it is thought likely that an extension to the probationary period may lead to an improvement, or where the employee or line manager, for example, has been absent from the workplace for an extended period during probation.
- 2.24 Before extending an employee's probationary period, the line manager will consult with Human Resources. If an extension to the probationary period is agreed, the Council will confirm the terms of the extension in writing to the employee, including:
- the length of the extension and the date on which the extended period of probation will end;
  - the reason for the extension and, if the reason is unsatisfactory performance, details of how and why performance has fallen short of the required standards;
  - the performance standards or objectives that the employee is required to achieve by the end of the extended period of probation;
  - any support, for example further training, that will be provided during the extended period of probation; and
  - a statement that, if the employee does not meet fully the required standards by the end of the extended period of probation, his/her employment will be terminated.
- 2.25 If the employee has not fully met the required standards by the end of the extended probationary period, his/her employment will be terminated in accordance with the procedure below.

### **Ending Employment in the Probationary Period**

- 2.26 If following the completion of the probation assessment, an employee's performance continues to be unsatisfactory, and either an extension of probation is not appropriate, or an extension of probation has been given and performance standards are still unsatisfactory, it may be necessary to terminate employment.

## **Maldon District Council**

### **Probation policy and procedure**

---

- 2.27 If during the probationary period serious issues are brought to the attention of the line manager it may be appropriate to terminate the employment with immediate effect.
- 2.28 Before a dismissal can take place the line manager needs to get agreement with a Group Manager.
- 2.29 A meeting will be arranged with the employee. The line manager will chair this meeting.
- 2.30 The purpose of this meeting is to review the employee's performance during the probation period and come to a decision about their continuing employment.
- 2.31 The employee has the right to be accompanied by a recognised trade union representative or a work colleague. Human Resources will also attend this meeting. Five working days' notice of this meeting should be given to the employee.
- 2.32 Where the employee is dismissed, the period of notice to be served during the probationary period is one months' notice.

### **Appeals**

- 2.33 The Council's Disciplinary Procedures and Appeal arrangements do not apply during the probationary period.

### **Existing employees**

- 2.34 Employees that have already completed six months satisfactory probation with the Council are exempt from this policy. The Manager will in this instance follow the direction of the Performance Management Framework setting SMART objectives, identifying competencies and holding Performance Conversations with the employee, in line with the new position held by the employee for a period of six months.
- 2.35 Where the employee is failing to meet the objectives set, advice should be sought from Human Resources. Like the probation procedure, the Council would expect that satisfactory completion of a clear Performance Conversation, agreed with the employee at the outset is completed within the six month period and provided to Human Resources as evidence of this. Managers failing to comply with this could result in disciplinary action being taken against them.
- 2.36 Should the employee not meet with the expectations of the position, the Improving Performance Policy and Procedure will be followed.

## **3 More Information**

- 3.1 For more information please contact Human Resources.



## **REPORT of CHIEF EXECUTIVE**

---

**to  
COUNCIL  
7 SEPTEMBER 2017**

### **ESSEX VISION**

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

- 1.1 To update Members on work that has been underway to develop a vision for Essex and to present the vision adopted by Essex Partners in June of this year.

#### **2. RECOMMENDATION**

That Members note the content of the report.

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

- 3.1 Essex Partners recognised that Essex faces many future challenges that will affect us all and that no single organisation can tackle them on its own. Work was commenced in 2016 to develop an Essex Vision with the purpose of giving the different communities, groups and businesses of Essex a way to collaborate in planning their future, recognising the collective power of Essex as a whole.
- 3.2 The content of the vision has come from across Essex: local people of all ages and backgrounds, community groups and schools; and public, voluntary and private sector leaders. Contribution has been through interviews, surveys, engagement sessions, conversations and activities.
- 3.3 The Future of Essex vision (**APPENDIX 1**) sets out seven long-term ambitions for Essex, with a number of priorities for each. These have been developed through the engagement phase, with the key themes narrowed down at the Essex Assembly and workshops around each to develop and refine the ambitions. The seven ambitions are to:
1. unite behind a sense of identity.
  2. enjoy life long into old age.
  3. provide an equal foundation for every child.
  4. strengthen communities through participation.
  5. develop our county sustainably.
  6. connect us to each other and the world.
  7. share prosperity with everyone.

- 3.4 Further work is now underway to improve upon the collaborative system in Essex required to deliver the vision. An initial road map has been prepared to start discussion around this (**APPENDIX 2**).

## **4. CONCLUSION**

- 4.1 The Future of Essex is a high level document, with the purpose of uniting partners around a number of key ambitions and priorities developed through extensive and wide ranging consultation. The vision provides a starting point to channel our collective ability to achieve those ambitions.

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

- 5.1 Many of the ambitions and priorities set out in the Future of Essex document are consistent with the Council's Goals.

## **6. IMPLICATIONS**

- (i) **Impact on Customers** – The ambitions set out in the vision have been derived from feedback and aspirations of a broad cross section of the Essex community.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – None.

Background Papers: None.

Enquiries to: Fiona Marshall, Chief Executive, (Tel: 01621 875711).

# The Future of Essex

---

“It is this clash of East End pub and medieval barn that I love about it. A quintessential Essex road would feature a tumbledown Elizabethan Manor house, a used car lot, a terrace of dignified Edwardian workers homes, a gaudy bungalow, scrubby field with a horse and an ancient over-restored pub with a karaoke speed dating night.

It is this un-precious cheek by jowl existence of crass modernity that I love about Essex, its endless miles of marshy coast and new-town roundabouts, pebble dashed estates and bowered sunken lanes. The quaint market town of Chelmsford that I grew up in has been paved over and Americanised, yet criss-crossing the county you will find surprising antique monuments, chocolate box high streets but always with a pylon in the background to stop it becoming kitsch and lose its Essex soul.”

---

Grayson Perry

# Part 1:

---

# Background & Purpose

# Who started this?

---

The Future of Essex was begun by Essex Partners, a collection of organisations dedicated to improving our county.

Its content has come from every corner of Essex: local people of all ages and backgrounds, community groups and schools; public, voluntary and private sector leaders have all contributed through interviews, surveys, engagement sessions, conversations and activities.

The 'we' in this document includes those contributors, everyone working towards better social outcomes in Essex – and every other person making their life here in Essex.





# What is its purpose?

---

The purpose of The Future of Essex is to give all the many, different communities, groups and businesses of Essex a way to collaborate in planning our future. To unite us. To set out the kind of Essex we want to live in. To transcend short-term agendas and move us towards the big things that matter to all of us. To take our pride in our county, and channel it for the good of everyone.

*“Essex has masses of culture, innovation, and character.”*

## Part 1: Background &amp; Purpose

# Why?

---

Because change is always coming, and we want to make sure it's positive and that it happens on our terms. We want to direct it, and seize the opportunities it presents. And the only way to do that is to work together.

# Part 2:

---

# Ambitions

# Our ambitions

These ambitions set out the fundamental things we want to achieve for Essex in the next 20 years, and the things we'll focus on to make them happen. Together they provide a shared start and end point.

*“Things happen in Essex. We are do-ers.”*

## Unite behind a sense of identity

Essex is many places. A haven for wildlife, self-made millionaires, social housing and everything in between. Complicated, surprising, eccentric – there's no single way to describe who we are.

Our ambition is to find a way to capture our many local characteristics, the things that make Essex unique and special, to inspire pride in ourselves and so bring visitors, investment, opportunities and new people to Essex.

***“Essex is a contradiction.”***

### Our priority...

Busting stereotypes, celebrating achievement, building pride.

## Enjoy life long into old age

Essex is full of people who have enjoyed a long, fruitful life here – the people who built our county. And it has the potential to offer everyone the same excellent quality of life as they live and grow old here.

Our ambition is to ensure more people get the chance to achieve that quality of life: to enjoy independent, healthy, safe lives. By using new technologies to deliver new forms of care, supporting individuals and families in caring for each other, encouraging healthy and active lifestyles and by addressing the many needs of an ageing population that will continue to have a higher average age than the rest of the country.

***“The biggest challenge facing Essex is its increasing population and the increasing age of its citizens.”***

### Our priority...

Reducing the gap in life expectancy, tackling avoidable physical and mental illnesses and promoting independence wherever possible.

## Provide an equal start for every child

Over three quarters of Essex's schools are good or outstanding, and as our county and our communities grow, so will the opportunities for every young person.

Our ambition is to make sure every child has the chance of a great future by eradicating the gap in outcomes for disadvantaged children, giving every child the knowledge, support and security they need to seize every chance at success and happiness.

***“Children and young people are our future and we need to make sure they want to stay in Essex.”***

### Our priority...

Improving school readiness, supporting safe and secure relationships, and making sure every child can go to a great Essex school.

## Strengthen communities through participation

The strength of Essex is its people. We are home to many tight knit communities, with an incredible voluntary sector and community spirit.

Our ambition is to spread that spirit everywhere. To foster the bonds that hold us together, celebrate differences and show the importance of personal participation so that we have safe and cohesive communities. Because communities grow from individual participation and a sense of purpose, not from top down action.

***“Essex is many small, strong communities – not a single community.”***

### Our priority...

Nurturing a safer, better connected society by giving people more ways to control and contribute to their communities.



## Develop our county sustainably

Essex is unique. Historic market towns and radical new towns. The longest coastline in Britain and working ports communities. Ancient, beautiful, modern, challenging.

Our ambition is to use the need for 140,000 new homes over the next 20 years as an opportunity to enhance the County – with infrastructure development, healthier places, safer communities, more school and amenities and greater opportunity. Not preserving nor building over – but rather adding to the beauty, diversity and uniqueness in a considered, sensitive way.

***“Essex is full of hidden gems.”***

### Our priority...

Enhancing the things that make Essex a great place to live – our countryside, our coastline, our heritage – and working with local people and communities, to build homes not houses, places not developments, communities not estates.

## Part 2: Ambitions

## Connect us to each other and the world

Essex has an unbeatable location – close proximity to London, a gateway to Europe and links to the rest of the world.

Our ambition is to amplify the possibilities our location offers, by unshackling us from cars and congestion with efficient, modern and sustainable transport networks and digitally connected homes and businesses.

***“We have become prisoners of the commute.”***

### Our priority...

Tackling congestion on our roads and railways, securing large scale investment in low carbon modes of transport and delivering super-fast broadband to every part of Essex.

## Share prosperity with everyone

Essex is home to some exciting organisations and more entrepreneurs for the size of our economy than anywhere else in the UK. We're known for our confidence, smile and swagger.

Our ambition is to back our can-do attitude with skills and support, unlocking personal potential across Essex – attracting and growing big businesses that will provide the growth, investment, and opportunities we all need to prosper, and for our County to compete in a changing global economy.

***“Essex people are always ready to do business.”***

### Our priority...

Giving more people the chance to achieve the highest qualifications in key growth industries, providing the space for businesses to grow and relocate, and developing a united and relentless focus on attracting and maximising investment in Essex.

# Part 3:

---

# Statement of Intent

**Change is unstoppable. So, we will make it happen on our terms. We will amplify all that is good and unique about Essex and its people – our boldness, our cheek, our loyalty and fierce independence. We will harness this spirit, and make it contagious. Embrace the new and celebrate our differences. We will create a County where every single person has the support, the opportunity, the self belief to fulfil the promise of their potential. And we will do it together.**

**Change is unstoppable. And so are we.**

This page is intentionally left blank

# The Road Map

5 suggestions for the next 3 – 6 months

Communication  
and  
engagement

Identify & build  
on existing work

Begin new work

Build system  
coherence

Widen system  
leadership &  
staff/org'l  
development

Areas for further development

Build data  
capability

Develop  
shared  
outcomes &  
metrics

Governance  
development

Develop role  
of community  
& vol sector

Build  
collaborative  
platforms

Consider the  
role of the PSR  
team

This page is intentionally left blank





## **REPORT of CHIEF EXECUTIVE**

---

**to  
COUNCIL  
7 SEPTEMBER 2017**

### **BURNHAM-ON-CROUCH NEIGHBOURHOOD DEVELOPMENT PLAN**

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

- 1.1 The Burnham-on-Crouch Neighbourhood Development Plan (the Plan) is the first neighbourhood plan in Maldon District to be taken forward to referendum after going through a consultation process and independent examination. The Plan successfully passed its referendum on 20 July 2017. To become part of the Development Plan for the District, the Neighbourhood Development Plan now needs to be ‘made’ by Maldon District Council. Once made, the Plan is given full weight when assessing planning applications that affect land covered by the Plan area.

#### **2. RECOMMENDATION**

That the Council ‘makes’ the Burnham-on-Crouch Neighbourhood Development Plan in accordance with section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.

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

##### **3.1 The Referendum results**

- 3.1.1 The Burnham-on-Crouch Neighbourhood Development Plan Referendum was held on 20 July 2017. The referendum question was:

‘Do you want Maldon District Council to use the Neighbourhood Plan for Burnham-on-Crouch to help it decide planning applications in the neighbourhood area?’

- 3.1.2 87% of the people who voted, voted *for* the Neighbourhood Plan. This is significantly above the 50%+1 vote needed for a plan to succeed at referendum.

**Referendum Results**

YES	1,432
NO	204
Rejected ballots	7
Total votes cast was	1,643

- 3.1.3 The turnout was 26% which is about average for a neighbourhood plan referendum. Referendum turnout can range from 10% (Old Market Quarter, Bristol, 2016) to 59% (Winslow, Aylesbury District Council, 2014).

### **3.2 Making the Neighbourhood Development Plan**

- 3.2.1 A neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum. If the majority of those who vote in a referendum are in favour of the draft neighbourhood plan, then the neighbourhood plan must be made by the local planning authority. That is, it formally becomes part of the Development Plan for the District, and will be used to assess planning applications submitted with the civil parish area of Burnham-on-Crouch.
- 3.2.2 There are narrow circumstances where the local planning authority is not required to make a neighbourhood plan. These are where it considers that the making of the neighbourhood plan would breach, or otherwise be incompatible with, any European Union (EU) or human rights obligations. These grounds do not apply for this Plan.
- 3.2.3 The Regulations require that the Neighbourhood Plan be ‘made’ within eight weeks of the Referendum, starting on the day following the referendum, which for the Burnham-on-Crouch Neighbourhood Development Plan is 15 September 2017. In order to meet the statutory deadline for making the Neighbourhood Plan, as set out in the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 (Reg. 18A), Officers have brought the making of the Neighbourhood Plan to the first Council meeting following the referendum.
- 3.2.4 It is proposed that the Burnham-on-Crouch Neighbourhood Development Plan is ‘made,’ part of the Council’s Development Plan in accordance with section 38(A) of the Planning and Compulsory Purchase Act 2004 and Regulation 19 of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012 (as amended). The Plan being made is the same Plan as the Council agreed to be taken to referendum on 11 May 2017 (Minute No. 12 refers).
- 3.2.5 Once the Plan is made, the Decision Statement and the required documents will be published on the Maldon District Council website, and the Burnham-on-Crouch Town Council and Burnham-on-Crouch Neighbourhood Development Plan websites. Copies will be made available for inspection at the District and Town Council offices. Stakeholders will be notified, in accordance with Regulation 20 of the Neighbourhood Planning Regulations Town and Country Planning (Local Planning) (England) Regulations 2012. The proposed Decision Statement is attached to this report at **APPENDIX 1**.

## **4. CONCLUSION**

- 4.1 The Burnham-on-Crouch Neighbourhood Development Plan (NDP) successfully passed its referendum on 20 July 2017, with an 87% yes vote. It is proposed that the Plan is now ‘made’ by the Council. Once made, the NDP becomes part of the Development Plan for the District, and will be used to assess planning applications submitted with the civil parish area of Burnham-on-Crouch.

## 5. IMPACT ON CORPORATE GOALS

5.1 Neighbourhood planning has the potential to support the following corporate goals which underpin the Council's vision for the District:

- Strengthening communities to be safe, active and healthy;
- Protecting and shaping the District;
- Creating opportunities for economic growth and prosperity

## 6. IMPLICATIONS

- (i) **Impact on Customers** – Neighbourhood Planning gives communities the opportunity to directly plan the future of their area.
- (ii) **Impact on Equalities** – Neighbourhood Planning has the potential to identify and manage local equalities issues and must be prepared taking into account relevant equalities legislation. The Neighbourhood Development Plan has been independently examined for its compliance with relevant legislative requirements including human rights and equality. It passed the assessment. An Equality Impact Assessment (EqIA) was completed on the Plan in March 2017 and is available on the Council's website.
- (iii) **Impact on Risk** – Neighbourhood Plans can reduce risk in the development management process by providing support for the Council in determining planning applications and defending planning appeals.
- (iv) **Impact on Resources (financial)** – Maldon District Council is financially responsible for organising the examination and referendum for Neighbourhood Plans in their area. The Council however, can claim a grant of £20,000 from the Department for Communities and Local Government (DCLG) for each neighbourhood plan once a date is set for a referendum following a successful examination. This claim was made in June 2017 and is due to be paid in September 2017. These payments are made by Central Government to Local Authorities to reflect the additional financial burdens associated with supporting Parish Councils or Neighbourhood Plan Forums to prepare Neighbourhood Plans.
- (v) **Impact on Resources (human)** – Neighbourhood Plans provide opportunities for greater local involvement of residents in the planning of their area. They provide development opportunities for staff to foster partnerships between the Council and those local communities.
- (vi) **Impact on the Environment** – Neighbourhood Plans have the potential to improve the local environment where plans are being produced. The adoption of the Burnham-on-Crouch Neighbourhood Plan will help reduce the impact on the environment from inappropriate development.

Background Papers:

- The referendum version of the Burnham-on-Crouch Neighbourhood Development Plan and the Independent Examiner's report is available at:  
[https://www.maldon.gov.uk/info/20048/planning\\_policy/8112/community\\_led\\_planning\\_and\\_neighbourhood\\_plans/8](https://www.maldon.gov.uk/info/20048/planning_policy/8112/community_led_planning_and_neighbourhood_plans/8)
- Report to the Planning and Licensing Committee (Agenda item no.9, 25 April 2017) on holding the Referendum is available at:  
<https://democracy.maldon.gov.uk/documents/g1069/Public%20reports%20pack%2025th-Apr-2017%2019.30%20Planning%20and%20Licensing%20Committee.pdf?T=10>

Enquiries to: Leonie Alpin, Planning Policy Officer, (Tel: 01621 876278).



MALDON DISTRICT  
COUNCIL

# Burnham-on-Crouch Neighbourhood Development Plan Decision Statement

7 September 2017

## Summary

Following an Independent Examination and Referendum, Maldon District Council is publicising its decision to 'make' Burnham-on-Crouch Neighbourhood Development Plan ("the Plan") part of the Maldon District Local Development Plan, in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The policies in the Plan can now be given full weight when assessing planning applications that affect land covered by the Plan.

1. This decision statement and the Plan can be viewed at:

- **Maldon District Council website** –  
[https://www.maldon.gov.uk/info/20048/planning\\_policy/8112/community\\_led\\_planning\\_and\\_neighbourhood\\_plans/7](https://www.maldon.gov.uk/info/20048/planning_policy/8112/community_led_planning_and_neighbourhood_plans/7)
- **Burnham-on-Crouch Town Council website** –  
<http://www.burnhamoncrouchtowncouncil.gov.uk/>
- **Burnham-on-Crouch Neighbourhood Plan website**  
<https://burnhamneighbourhoodplan.org/>

The documents can also be inspected at:

- **Maldon District Council offices**, Princes Road, Maldon CM9 5DL (Mon-Thurs 8.30am-5pm; Friday 8.30am-4.30pm), Email: [policy@maldon.gov.uk](mailto:policy@maldon.gov.uk)
- **Burnham-on-Crouch Town Council offices**, Chapel Road, Burnham-on-Crouch, CM0 8JA (Monday, Tuesday, Wednesday and Friday 9.30am - 12pm, Thursday 9.30am - 1pm), Email: [office@burnhamtowncouncil.com](mailto:office@burnhamtowncouncil.com)

## Background

### Neighbourhood Area

2. The Burnham-on-Crouch Neighbourhood Area was approved by Maldon District Council on 23 April 2013. The Neighbourhood Area is the same area as the civil parish area for Burnham-on-Crouch.

### Submission

3. Burnham-on-Crouch Town Council submitted the Neighbourhood Development Plan proposal and supporting documentation to Maldon District Council for Examination in October 2016. Maldon District Council held a 6 week consultation period on the document from 3 November to 15 December 2016.

### Independent examination

4. The District Council, with the agreement of Burnham-on-Crouch Town Council, appointed an Independent Examiner, Mr Andrew Ashcroft, to review whether the Plan met the Basic Conditions required by legislation and should proceed to referendum.
5. The Examiner's Report was sent to both the Town Council and District Council on 22 March 2017. The Report concluded that, subject to making the modifications proposed by the Examiner, the Plan met the Basic Conditions set out in legislation and should proceed to a Neighbourhood Planning referendum. The District Council concurred with this view, subject to some minor modifications to correct errors.

## APPENDIX 1

6. The District Council also agreed with the Examiner that the Neighbourhood Area (the civil parish of Burnham-on-Crouch) would be an appropriate area within which to hold the referendum.

### Referendum

7. On 11 May 2017 the District Council made the decision to accept the Examiner's recommendations and that the Burnham-on-Crouch Neighbourhood Development Plan (as modified by the Examiner's Report) should proceed to referendum.
8. The District Council published a decision statement on 15 May 2017 to confirm that the Burnham-on-Crouch Neighbourhood Development Plan, as modified, met the Basic Conditions and other legal requirements.
9. The referendum was held on 20 July 2017. The Referendum asked the question "*Do you want Maldon District Council to use the neighbourhood plan for Burnham-on-Crouch to help it decide planning applications in the neighbourhood area?*"
10. 87% of those who voted were in favour of the Plan.

### Referendum Results

YES	1,432
NO	204
Rejected ballots	7
Total votes cast	1,643

### Decision and reasons

11. Under section 38A (4)(a) of the Planning & Compulsory Purchase Act 2004 (as amended), the District Council is required to make a neighbourhood plan if more than half of those voting have voted in favour of the Plan. Under section 38A(6), a council is not subject to this duty if the making of the Plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).
12. On 7 September 2017 Maldon District Council made the decision, in accordance with section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended), to 'make' the Burnham-on-Crouch Neighbourhood Development Plan as more than half of those voting voted in favour of the Plan. Maldon District Council has assessed that the Plan, including its preparation, does not breach, and would not be otherwise incompatible with, any EU obligation, or any of the Convention Rights (within the meaning of the Human Rights Act 1998).
13. Any person aggrieved by the Burnham-on-Crouch Neighbourhood Development Plan may apply to the High Court for permission to apply for judicial review of the decision to make the Plan. Any such application must be made promptly and no later than 6 weeks after the date on which the Plan was made.

### Neighbourhood Development Plan status

14. Planning applications in the Neighbourhood Area must be considered against the Burnham-on-Crouch Neighbourhood Development Plan, as well as existing planning policy such as the approved Maldon District Local Development Plan (2017) and the National Planning Policy Framework and National Planning Practice Guidance.

### Availability of documents

15. This Decision Statement and the Plan can be viewed on line and inspected at the places listed in paragraph 2 of this statement. This information has also been brought to the attention of people who live, work or carry out business in the neighbourhood area.

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank



By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank