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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

06 September 2017

Dear Councillor

You are summoned to attend the meeting of the;

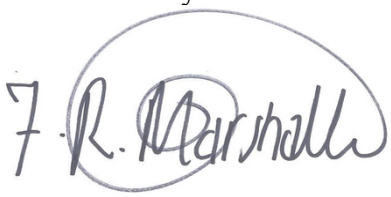
PLANNING AND LICENSING COMMITTEE

on **THURSDAY 14 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



Chief Executive

COMMITTEE MEMBERSHIP	CHAIRMAN	Councillor Mrs P A Channer, CC
	VICE-CHAIRMAN	Councillor A K M St. Joseph
	COUNCILLORS	H M Bass B S Beale MBE R G Boyce MBE M F L Durham, CC A S Fluker M R Pearlman S J Savage Mrs M E Thompson

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AGENDA
PLANNING AND LICENSING COMMITTEE
THURSDAY 14 SEPTEMBER 2017

1. **Chairman's notices (please see overleaf)**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 14)

   To confirm the Minutes of the meeting of the Committee held on 20 July 2017, (copy enclosed).

4. **Disclosure 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).

5. **Public Participation**

   To receive the views of members of the public on items of business to be considered by the Committee (please see below):

   1. A period of ten minutes will be set aside.
   2. An individual may speak for no more than two minutes and will not be allowed to distribute or display papers, plans, photographs or other materials.
   3. Anyone wishing to speak must notify the Committee Clerk between 7.00pm and 7.20pm prior to the start of the meeting.

6. **Economic Development Update** (Pages 15 - 22)

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

7. **Planning Enforcement** (Pages 23 - 102)

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

8. **Section 106 Agreements - Six Monthly Update** (Pages 103 - 120)

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

9. **Brownfield Land Register** (Pages 121 - 134)

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

10. **Maldon District Green Infrastructure Strategy** (Pages 135 - 144)

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

11. **Historic Revival Waterfront Project Outcomes** (Pages 145 - 176)

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

12. **Maldon and Heybridge Central Area Masterplan - Adoption as Supplementary Planning Document** (Pages 177 - 272)

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

13. **Maldon District Design Guide - Report on Public Consultation and proposed amendments** (Pages 273 - 426)

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

14. **London Southend Airport: Consultation Concerning the Introduction of New Approach Procedures** (Pages 427 - 436)

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

15. **Code of Good Practice and Guidance on the Conduct of Planning Matters** (Pages 437 - 462)

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

16. **Approval of the Maldon District Heritage at Risk Register 2017** (Pages 463 - 494)

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

17. **Any other items of business that the Chairman of the Committee decides are urgent**

NOTICES

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

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

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

Closed-Circuit Television (CCTV)
This meeting is being monitored and recorded by CCTV.

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MINUTES of
PLANNING AND LICENSING COMMITTEE
20 JULY 2017

PRESENT

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

269. CHAIRMAN'S NOTICES

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

270. APOLOGIES FOR ABSENCE

There were none.

The Chairman welcomed Councillor M R Pearlman to the meeting at this point, noting that he had been unable to attend the Committees first meeting of this municipal year.

271. MINUTES OF THE LAST MEETING

RESOLVED

(i) that the Minutes of the meeting of the Committee held on 13 June 2017 be received.

Minute 132 – Appointments of Representatives on Liaison Committees / Panels
It was noted that Councillor R G Boyce was listed as a substitute for the Maldon and Blackwater Estuary Coastal Community Team (Management Team) but in fact sat on this body as Chairman of the Community Services Committee. It was however, agreed not to make any change the Membership.

Minute 142 – Code of Good Practice and Guidance on the Conduct of Planning Matters
In response to a questions, the Chairman provided the Committee with an update on the production of the Code of Good Practice / Guidance document and advised that she was awaiting a meeting with the Chief Executive to progress and agree a final version of the document which would be brought before the Committee for consideration.

RESOLVED

(ii) that the Minutes of the meeting of the Committee held on 13 June 2017 be confirmed.

272. DISCLOSURE OF INTEREST

Councillors M F L Durham and Mrs P A Channer declared non-pecuniary interests as a Member of Essex County Council and an interest in any item pertaining to that Authority.

Councillor S J Savage declared a non-pecuniary interest in Agenda Item 7 – Maldon and Heybridge Central Area Masterplan as there was a change to Chelmer Terrance where he lived.

Councillor H M Bass declared a personal interest in Agenda Item 6 – Economic Development Update as a Trustee of Abberton Rural Training.

Councillor A S Fluker advised that in relation to Agenda Item 7 – Maldon and Heybridge Central Area Masterplan that he was a Maldon Harbour Improvement Commissioner.

273. PUBLIC PARTICIPATION

No requests had been received.

274. ECONOMIC DEVELOPMENT UPDATE

The Committee received the report of the Chief Executive providing an update on key issues relating to Economic Development. Appendix 1 to the report provided an update on the activities of various Economic Development workstreams.

The Chairman advised the Committee of recent new staff appointments to the Economic Development Team.

RESOLVED that the contents of the report be noted.

275. MALDON AND HEYBRIDGE CENTRAL AREA MASTERPLAN

The Committee considered the report of the Chief Executive seeking Members' approval of amendments to the draft Maldon and Heybridge Central Area Masterplan following public consultation. Members' agreement was also sought to enable preparation of a final document for endorsement and subsequently adoption as a Supplementary Planning Document.

The approved draft Maldon and Heybridge Central Area Masterplan for public consultation was attached as Appendix 1 to the report. A copy of the questionnaire and

project summary leaflet were attached as Appendix 2 and Appendix 3 detailed all comments recorded.

A public consultation commenced on 22 March until 29 April 2017. Members were advised that the public consultation had highlighted concerns that a certain element of a project in the draft Masterplan could impact negatively on waterside businesses and the character and appearance of the historic waterfront and that certain projects should have a higher priority in the draft Masterplan. Overall the plan had been positively received.

The report set out a number of proposed amendments to the draft Masterplan. Members were informed that if agreed a final copy of the Maldon and Heybridge Central Area Masterplan would be brought to the next meeting of this Committee.

Some Members raised concern regarding the level of response received to the consultation and drawing conclusions from such a small number. It was noted that a single response may have been representative of a local amenity group or business that has a number of members or employees. The Urban Design Officer outlined how the Masterplan had been compiled over the last four years with significant stakeholder engagement to get to this stage. All stakeholders had been advised of the consultation and in response to a further question Members were advised of the publicity undertaken to inform the public of the consultation via the local press, the Council's website and a permanent exhibition in the Council offices for the duration of the consultation period.

In response to a question regarding the response to question 2f – Maritime Heritage Members were advised that this was reflective of similar responses received to question 2b – Waterfront Environment.

A concern was raised regarding the proposed bridge across the River Chelmer. The Urban Design Officer clarified that the Movement and Connectivity Framework in the draft Masterplan was proposing a connection or link to improve public access to the waterside as Policy S5 states. Review of movement and connectivity around the whole Masterplan area had identified a weak link for the Essex Coastal Path at this point. The opportunity had been taken by stakeholders to include a safe and attractive walking and cycling route away from the Fullbridge crossing and Market Hill route to better connect The Causeway Regeneration Area, Maldon Central and the Leisure Quarter for pedestrians and cyclists as stated in Policy S5. The Strategic Planning Policy Manager advised that the Masterplan provided a framework for various projects to come forward and the footpath/cycle connection across the river would be one of these.

Councillor A S Fluker proposed that the bridge be removed from the Maldon and Heybridge Central Area Masterplan. This proposal was duly seconded and upon a vote being taken was agreed. Subject to this the other proposed amendments to the Masterplan were agreed.

The Chairman extended the thanks of the Committee to the Urban Design officer for her hard work and putting the consultation in a form which was easy to understand. Thanks were also given to the Planning Policy Officer present at the meeting.

RESOLVED

(i) that the proposed amendments to the draft Maldon and Heybridge Central Area Masterplan following the public consultation, be agreed;

(ii) that Officers be granted approval to prepare a final Maldon and Heybridge Central Area Masterplan to be considered by this Committee at its meeting on 14 September 2017 prior to recommendation to the Council for approval.

276. COLCHESTER BOROUGH COUNCIL PUBLICATION DRAFT LOCAL PLAN CONSULTATION

The Council considered the report of the Chief Executive seeking Members' approval of the proposed response (Appendix 1 to the report) to the Colchester Borough Council Draft Local Plan.

It was reported that Braintree District, Colchester Borough and Tendring District Councils had jointly prepared their draft Local Plan which had simultaneously been published for consultation. Each Local Plan was split into two parts, namely:

- Section 1 Strategic Plan for North Essex including the Garden Communities;
- Section 2 Policies, maps and site for development housing, employment, regeneration etc.

Members were advised that the Borough specific allocations detailed in the Colchester draft Local Plan aimed to provide 14,720 houses by 2033, identified and protected 39.7 hectares of employment land and identified three Strategic Economic Areas.

Members discussed the report and the following areas of concern were raised:

- Appleford bridge on Braxted Park Road (paragraph 5.10.1 of the report), as a major pinch point on the route from Tiptree to the A12, required improvement
- Improvements to feeder routes to the A12 were vital;
- The expansion of Tiptree needed to clearly identify whether there would be a positive or negative effect on the local road network.

Some concern was made regarding the impact on the local road network if, for example, the expansion of Tiptree took place. Particular reference was made to Appleford Bridge on the Great Braxted Road, and it was suggested that this Council should encourage Colchester Borough Council to use Section 106 monies to make required improvements to this bridge which was on the main route from Tiptree to the A12. Further reference was made to other pinch points around Braxted Park.

There was some confusion regarding road names referred to by Officers in the report and in response the Chairman requested that Councillor H M Bass and the Planning Policy Officer meet to ensure that the Council was referring to the correct roads and bridges in its consultation response.

Following further discussion it was agreed that the subject to clarification regarding the bridges and roadway and an indication being made in the consultation response that Members had concern regarding the negative effect the consultation response be approved.

RESOLVED that subject to the above clarification and addition the Maldon District Council's response (appendix 1 to the report) to the Colchester Borough Council draft Local Plan consultation, be approved.

277. BRAINTREE DISTRICT COUNCIL PUBLICATION DRAFT LOCAL PLAN CONSULTATION

The Council considered the report of the Chief Executive seeking Members' approval of the proposed response (Appendix 1 to the report) to the Braintree Distrct Council Draft Local Plan.

It was reported that Braintree District, Colchester Borough and Tendring District Councils had jointly prepared their draft Local Plan which had simultaneously been published for consultation. Each Local Plan was split into two parts, namely:

- Section 1 Strategic Plan for North Essex including the Garden Communities;
- Section 2 Policies, maps and site for development housing, employment, regeneration etc.

Members were advised that the Borough specific allocations detailed in the Braintree draft Local Plan aimed to allocate at least 14,320 new houses and identified 51.1 hectares of land for new employment sites.

Following presentation of the report a number of concerns were raised by Members and information provided by Officers:

- Access from this District to the A12 was vital; a clear route to the A12 was required. Improvements to junctions and access routes to the A12 were vital along with improvements to the junction at Hatfield Peverel to accommodate residents and visitors of the Maldon District and those from new housing developments.
- In response to questions, the Strategic Planning Policy Manager advised Members of a meeting to be organised with Braintree District Council to discuss through all comments, including those raised today. It was noted that the Council would shortly be consulted on the planning application related to the A12 expansion. The Council had been involved in the consultation process leading up to this, raised concerns where appropriate and met with neighbouring authorities. It was requested that Officers involve the Ward Members from the northern parishes in advance of further discussions.
- Consideration was needed in respect of the impact the proposed new developments would have on the Councils coastline and ensuring that sufficient resources were in place.
- Concerns were raised about potential bottlenecks at Hatfield Peverel station. It was noted that a station was due to be opened at Beauleiu Park (on the outskirts of Chelmsford) but Members commented that it was important for this not to impact on the Hatfield Peverel station. The Officer advised that this had not been included in the response but could be added.
- It was noted that traveller sites were not identified or allocated in the Local Plan as these would come forwards through strategic growth locations and the garden communities.

It was agreed that the consultation response would be amended to include all Members' comments.

RESOLVED that subject to amendment, the Maldon District Council's response (appendix 1 to the report) to the Braintree District Council draft Local Plan consultation, be approved.

278. HATFIELD PEVEREL NEIGHBOURHOOD DEVELOPMENT PLAN REGULATION 16 CONSULTATION

The Committee considered the report of the Chief Executive seeking Members' consideration of the Council's response (set out at Appendix 1 to the report) to the Hatfield Peverel Neighbourhood Development Plan (HPNHDP).

It was noted that following preparation of the HPNHDP a six week period of consultation under Regulation 16 was now taking place. The Plan proposes planning policies and allocations to be used in the determination of planning applications locally. If agreed the Plan would become part of the development plan for the Braintree District.

Members discussed the HPNHDP and a number of comments were raised and information provided by Officers:

- It was noted that the Neighbourhood Development Plan supported the provision of a Maldon Link road and the Planning Policy Officer clarified that there were no specifics in respect of its location and the document just supported the principle. Members agreed that it was vital to identify the location of the link road and that the consultation road should refer to support for a Maldon link road bypassing the villages is essential.
- Members were advised that the policy of green buffers contained a list of appropriate uses within the infrastructure which included recreation, business uses appropriate to the working countryside and transport infrastructure.
- In response to a question, the Strategic Planning Policy Manager clarified that principle discussions on the A12 and link road etc. had been with Braintree District Council. He highlighted the importance to have all parties on the same page so that the Council and approach Highways England and highlight that the link and connections to Maldon was absolutely critical. The Committee felt it was essential to also correspond with Hatfield Peverel Parish Council.

The Committee agreed the response to the HPNHDP subject to the comments above.

RESOLVED that subject to the above comments, Maldon District Council's response to the Hatfield Peverel Neighbourhood Development Plan (Appendix 1 to the report) be approved for submission.

279. MALDON DISTRICT LOCAL DEVELOPMENT PLAN 2014 TO 2029

The Committee received the report of the Chief Executive advising Members that the Council had received the Inspector's report into the Maldon District Local Development Plan (LDP). The report provided a summary of the key components of the Inspector's report and next steps.

The Inspector had found the Maldon LDP to be sound with modifications. Members were informed that the Inspector's report was being considered by the Secretary of State and a decision statement was awaited from him.

It was noted that the Inspector had summarised the Modifications in the Non-Technical Summary to his report and this was attached at Appendix 1 to the report.

RESOLVED that the contents of the report be noted.

There being no further items of business the Chairman closed the meeting at 9.05 pm.

MRS P A CHANNER, CC
CHAIRMAN

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REPORT of
CHIEF EXECUTIVE

to
PLANNING AND LICENSING COMMITTEE
14 SEPTEMBER 2017

ECONOMIC DEVELOPMENT UPDATE

1. PURPOSE OF THE REPORT

1.1 Economic Development works towards strengthening and encouraging development of the local economy. It was agreed that a regular report would be submitted to this Committee to update Members on key issues and provide an opportunity for feedback and input.

2. RECOMMENDATION

That Members note the contents of the report;

3. SUMMARY OF KEY ISSUES

3.1 **APPENDIX 1** to the report provides an update on activity on various economic development workstreams as follows:

- Coastal Community Teams (CCT)
- Bradwell Legacy Partnership (BLP)
- Business Support
- Business Engagement
- Skills
- Sense of Place
- Economic Development and Partnerships Manager

4. IMPACT ON CORPORATE GOALS

4.1 The work of the Economic Development Team in partnership with key stakeholders will help to create opportunities for economic growth and prosperity.

5. IMPLICATIONS

(i) **Impact on Customers** – Engagement with businesses and organisations across the district as well as supporting the District at sub-region level.

(ii) **Impact on Equalities** – None identified.

(iii) **Impact on Risk** – Work of the Economic Development Team helps to mitigate against Corporate Risk 12 – Failure of the Council to influence regional partners to support and encourage economic prosperity and inward investment to the Maldon District and Corporate Risk 13 - Failure to have a co-ordinated approach to supporting new and existing businesses

(iv) **Impact on Resources (financial)** – The Team are being proactive in seeking funding to create opportunities for economic prosperity in our District.

(v) **Impact on Resources (human)** – None identified.

(vi) **Impact on the Environment** – None identified.

Background Papers: None.

Enquiries to: Heidi Turnbull, Economic Development Officer, (Tel: 01621 876215).

Economic Development Team Update
14 September 2017

1. COASTAL COMMUNITY TEAMS (CCT)

1.1 Maldon and Blackwater Estuary CCT

The next meeting of the Maldon and Blackwater CCT is to be arranged for the end of September at which the main focus will be regarding the possibility of producing a tourist guide for the River Blackwater ,similar to that produced by the River Crouch CCT who are now on the distribution of their second issue due to its successful take-up and distribution.

They will also be looking at the potential of a walking/camping route incorporating potentially shepherd huts/yurts or something similar.

1.2 River Crouch CCT

The River Crouch CCT is due to meet next mid-September 2017, the main focus of which will be the Lower Crouch Crossing.

The Crouch CCT Working Group is continuing to develop a detailed grant funding bid for a new, all-weather and wheelchair friendly Lower Crouch River Crossing. The Working Group has met with representatives from Maldon and Rochford district councils and private sector partners, where a number of actions were agreed which would clarify the role and responsibilities of each partner, and identify overall project costs. The Working Group is aiming to assemble all necessary information and planning consents, where applicable, in time for the next call for bids to the Coastal Community Fund, which is now anticipated by government as 'late 2017'. They are also developing a business plan and members of the CCT are having a stand at Quay Day in Burnham Week to promote its work and gather input from those attending with regards to the potential demand and usage for this service.

2. BRADWELL LEGACY PARTNERSHIP (BLP)

Members of the Bradwell Legacy Partnership and the Blackwater & Crouch CCTs met on 29th of June to say farewell to Russell Everard and to meet for the first time Anglene Crowley who has been appointed to take over the secretariat role for the Bradwell Legacy Partnership. This was then followed by their regular meeting on 19th July 2017 which took place at Stone Sailing Club, St Lawrence.

The following were key discussion points at this meeting:

2.1 Stow Maries Aerodrome – Skills Training bid to Magnox Socio-Economic Fund

As a Trustee of Stow Maries Great War Aerodrome, Cllr Adrian Fluker updated the partnership that Stow Maries has been approached by education providers to discuss how they can work together. It was proposed to employ an Education Development Officer to scope the way supply education and skills could be delivered on site.

The Education Development Officer would work 2 – 3 days per week & liaise with partnerships. The proposal is for the post to be part funded for 2 years at a salary of approximately £40,000 pro rata per year.

Haf Morris commented that skills development & apprenticeships are what Magnox are looking for & the proposal seems feasible.

The group took a vote & agreed to support the proposal and the bid.

2.2 Magnox Grant - Enterprise Centre Feasibility Study Bid

Haf Morris met with Fiona Marshall, CEO of Maldon District Council, to discuss the Enterprise Centre funding bid which is currently a draft bid for the feasibility and the development of a business case and delivery plan, circa £70,000. Maldon District Council have also received as a result of a discussion at this meeting a £10,000 contribution from Essex County Council towards the cost of this feasibility study.

A vote was held for the BLP to continue to support the Enterprise Centre bid; all agreed.

3. BUSINESS SUPPORT

3.1 BEST Growth Hub – Economic Development (ED) continues to work closely with the BEST Growth Hub with whom we now have an engagement plan. Following BEST GH's offer to provide a bi-weekly infill service with regards to 1:1 support for the Maldon District alternating between Burnham-on-Crouch and/or Maldon, dependant on a minimum of 2 booked appointments per session, the decision made at the Burnham Town Council Meeting on 20th June was to only authorise the use of Burnham Town Council offices free of charge until funding of the Dengie Enterprise Support was reinstated and then we would be charged retrospectively. As this proposal does not fit with the purpose of the Dengie Enterprise Support bid and neither Best GH or MDC have the funds to hire a venue, we still do not have suitable premises in the Dengie Peninsula to offer local support to businesses. However, this proposal is to be re-considered at the next Burnham-on-Crouch Chamber of Commerce meeting on 5th September 201, at which point we hope that Burnham-on-Crouch Town Council would agree to offer the Town Council Chamber free of charge for this purpose.

3.2 Dengie Enterprise Support

ED is continuing to pay for the retention of the DES website, dealing with any new enquiries and has also paid for the current DES phone line to be diverted to the ED's phone line. We have continued to receive enquiries from new business starting up in the Maldon District via this portal which we have been able to assist. Colbea have agreed to continue to look after any existing clients if they can travel to their Colchester base for the time being at no cost to MDC.

3.3 The Grape & Grain Trail

The Grape and Grain Trail (a joint project between Braintree District Council and Maldon Tourist Information Centre) was launched at the Essex Festival of Food and Drink at Cressing Temple Barn in

July was an immense success. Over the weekend circa 4,500 attendees visited the stand with an overwhelmingly positive response. Some producers have already had visitors who discovered them via the Trail map.

Following on from this they were invited to attend the Chelmsford Bond Street's Food Event, on 11th and 12th August, and Coggeshall Food Festival on 30th September and 1st October. They have also been approached by both the PR companies for these events and are attending the Smoke and Fire Festival on 19th and 20th August at the Promenade Park.

They are looking to update the map, as more producers wish to take part which they hope to have available by the end of summer, and is being produced by Braintree District Council, and Maldon District Council will be creating a website using the already owned www.grapeandgrailtrail.co.uk currently linked to a webpage on the www.visitmaldondistrict.co.uk site. Website statistics will be released for this once the first set become available in September 2017.

Meanwhile Alexis Brown will be distributing the current Trail map to all of the producers within the Maldon District during August. CAMRA have already taken1,000 leaflets to distribute to their pubs within Braintree and Maldon Districts and the surrounding areas and UK Vineyard Association have written an article regarding the Grape and Grain Trail and this will be in the August edition.

4. BUSINESS ENGAGEMENT

4.1 Causeway Business Forum – Economic Development is organising a follow on event from the recent Leader's Supper to instigate and implement the formation of a Causeway Business Forum with the hope that this will also lead to the creation of a Business Improvement District. The Event will take place on October 5th 2017 from 3.30-5pm, at Maldon Town Council and will provide updates on the Heybridge and Maldon Central Area Masterplan, Flooding Alleviation for the Causeway, further information on Business Improvement Districts, Superfast Broadband as well as a discussion as to where the Causeway Businesses would like to go from here.

4.2 Burnham-on-Crouch Chamber of Commerce The Economic Development Team continues to be an Executive member of the Burnham-on-Crouch Chamber of Commerce and following the success of the last 2 business events, another event is being organised at the Royal Corinthian Yacht Club on 13th September 2017 between 7.30 and 9pm with the theme 'Funding for Business'. The Economic Development Team have arranged a speaker from LOCASE and for a number of other organisations to attend and have stands to promote a variety of funded opportunities for businesses across the Maldon District.

4.3 Small Business Saturday - (2nd December 2017) – Following a request made last year, the Economic Development Team has been successful in securing a place on its bus tour to the Maldon District on 15th November between 10am and 2pm. In consultation with local business associations and groups, Maldon District businesses, Burnham-on-Crouch and Maldon Town Council the Economic Development team is looking to identify a common initiative/incentive that all businesses wishing to get involved can participate in before, during and after the event . The idea is to increase the sales of Maldon District business products and services, whatever the sector. The Economic

Development Team is also looking to identify 4 local businesses that could provide mentor services on the bus.

4.4 Maldon Town Council - The Economic Development is working with the current Mayor, Cllr Jeanette Stilts and Julie and Chris Cinglio, local business owners to see what initiatives could be put in place to support the growth and sustainability of Maldon Town Centre retail business.

4.5 Business Newsletter – The Economic Development Team are issuing a newsletter this month to raise awareness of funding opportunities, BEST Growth Hub, business feedback opportunities, particularly in relation to digital connectivity, and the chance to enter Essex Business Excellence Awards.

4.6 Superfast Broadband –

A contract was signed with BT in June 2017 which included further premises within the Maldon District to be superfast broadband enabled during the period 2018-20.

Superfast Broadband at Essex County Council also supplied Maldon District Council with the percentage of current and future coverage proposed in the Maldon District as follows:

Maldon District	
Status	**Premises**
a) Superfast: Superfast Essex Available	40%
b) Superfast: Commercial Operator Available/Planned	35%
c) Superfast: Superfast Essex Planned	16%
d) Superfast: Under Review	4%
e) Superfast: Not Available	6%

The Chief Executive and the Economic Development team met with Connie Kerbst, Programme Manager at Essex County Council on 5 June for an update.

5. SKILLS

5.1 Employment and Skills - Economic Development recently met with Tony Forsdick, Essex County Council Employability and Skills Unit Careers Enterprise Co-Ordinator who provided us with a delivery update and it was decided that we need to organise a meeting for the 3rd week of the new Academic Year with the 3 secondary schools and Directions IAG Ltd to identify the priority sectors/activities before contacting any further businesses to deliver.

5.2 ICON Workshop -

ED attended a workshop organised and delivered by the Haven Gateway on 27th June 2017.

Having discussed the idea of a construction based project with some of its members and received positive encouragement, Haven Gateway have worked up the project proposal further and are aiming to submit an outline proposal to the next ERDF call at the end of July.

They have named the project ICON – Innovation in Construction as it focuses on enabling local SMEs in the local construction industry (SELEP and NALEP) to adopt new techniques, business processes and technologies so that they are able to build, or be part of consortia to develop, housing and infrastructure more efficiently and to high quality standards. ICON will also develop a construction innovation network as an outcome of the project to help bring together the sector with local authorities, housing associations, logistics, technology companies, Universities, FE colleges and other sectors involved in the development of new homes and infrastructure in the longer term.

The workshop was organised to obtain further input and feedback on the proposal to help them shape the bid further. At the workshop further information was given on the work they had already done with regards to the justification and business case. They also wanted to verify a large amount of compelling evidence that shows that the construction industry is critical to economic growth but faces major structural problems which cannot be addressed without innovation – most recently the Farmer Review (Innovate or Die) and the Housing White Paper (Fixing our Broken Housing market) - and to ensure that they had captured the key issues and to add any other evidence which those attending had identified as a need and demand for the project.

Haven Gateway also talked through the project, what it will do, how, and what the outcomes will be, and again sought feedback and input from those present ,including how as a council we could get involved.

5.3 Essex Rural Skills Project (formerly referred to as the Building Better Opportunities bid in former P&L Reports) – The Economic Development team organised the successful launch of the European Social and Big Lottery Funded Essex Rural Skills Training Project (in which we are a working partner with Abberton Rural Training) at Stow Maries Great War Aerodrome on 3rd August 2017. Cllr Henry Bass, Chairman of Maldon District Council, made one of the opening speeches introducing Maldon District Council's role and reasons for being involved and over 40 organisations attended to find out more and how they can refer trainees that could benefit from the programme. Attendees were also given an overview of the programme and Stow Maries Great War Aerodrome where the programme will take place. The programme was positively received with much enthusiasm from the potential referrers.

This project aims to provide intensive and ongoing practical employment support for older people (aged 45 and over) to move into sustainable volunteering, training or employment and will give trainees the opportunity to gain a Level 1 qualification, as well as literacy, numeracy, and employability skills.

5.4 Skills Strategy - The Economic Development Team is currently analysing data and feedback from businesses in the Maldon District in order to identify the exact nature of our skills deficit and to develop and implement a Skills Strategy. The Chief Executive and the Economic Development Team are meeting with Essex County Council's Caroline Betts, Lead Commissioner for Employability & Skills, Education & Lifelong Learning on 17th August to see whether there is any other data that we are missing or have not yet identified that could be useful and sourced either via Caroline or other external sources.

6. SENSE OF PLACE

6.1 The Communications team have created the Sense of Place assets for business which can now be accessed live via the Sense of Place dedicated satellite website linked to the MDC website www.wearemaldondistrict.co.uk . However, the website will not be officially launched until MDC Corporate Leadership Team and members of the Sense of Place Board have given their feedback which we expect to have been completed by 25th August 2017.

6.2 Since the last Planning & Licensing Committee there has been one update meeting with Charlie Fillingham, Chairman of the Sense of Place Board, and Charlie has also agreed to attend the upcoming Causeway Business Forum on 5th October 2017 to provide a Sense of Place update to businesses.

7.ECONOMIC DEVELOPMENT AND PARTNERSHIPS MANAGER

We are pleased to announce and welcome to the Economic Development team David Burrows, the new Economic Development and Partnerships Manager, who started with us on Tuesday 15th August, 2017.

REPORT of
CHIEF EXECUTIVE

to
PLANNING AND LICENSING COMMITTEE
14 SEPTEMBER 2017

PLANNING ENFORCEMENT

1. PURPOSE OF THE REPORT

1.1 To provide an update on the current status of the Planning Enforcement Policy, Practice and Guidance and the Harm Matrix.

2. RECOMMENDATION

That the revised Planning Enforcement Policy, Practice and Guidance be adopted.

3. SUMMARY OF KEY ISSUES

3.1 **Background**

3.1.1 The current Planning Enforcement Policy, Practice and Guidance, including the harm matrix, was approved and adopted on 23 April 2015 (**APPENDIX 1**). A new Corporate Fraud and Enforcement Team was formed in October 2015. This new team was designed to provide a more holistic approach to enforcement matters for Maldon District Council; one of the primary roles that this team provides is dealing with complaints regarding and, breaches of, planning control.

3.1.2 On 31 August 2016 the Director of Planning and Regulatory Services provided a verbal update on planning enforcement to the Overview and Scrutiny Committee. The Director of Planning and Regulatory Services at this time also confirmed that an update to the existing policy would be going before a future meeting of the Planning and Licensing Committee. It was resolved that the Director of Planning and Regulatory Services would provide an update to the Overview and Scrutiny Committee prior to the report going before the Planning and Licensing Committee.

3.1.3 At the Overview and Scrutiny Committee of 11 January 2017 it was resolved that Councillor E L Bamford and the Chairman, at the time, of this Committee (Councillor M S Heard) were to meet with the Group Manager for Planning Services to discuss the revised Planning Enforcement Policy, Practice and Guidance.

3.1.4 A meeting was held on 16 January 2017 to discuss any issues with the existing policy and the proposed amendments. This meeting resulted in a number of further amendments and alterations; a further meeting was held with Councillor Bamford on 10 April 2017. A further revised Planning Enforcement Policy, Practice and

Guidance has been brought forward in response to the comments provided by Councillors Bamford and Heard.

3.1.5 The amended policy went before the Overview and Scrutiny Committee of 21 June 2017. The Committee resolved to recommend to the Planning and Licensing Committee that:

(i) the Planning Enforcement Policy, Practice and Guidance and the Harm Matrix be adopted;

(ii) ensure that the category and harm score was recorded against every new enforcement case and this information be detailed on the Enforcement List considered quarterly by the Area Planning Committees.

3.1.6 The amended policy, including tracked changes so Members can see the proposed amendments, is attached as **APPENDIX 2** to this report.

3.2 **Current Performance and workload**

3.2.1 Enforcement activity for the last six months (01 February 2017 to 31 July 2017):

Number of active enforcement complaints	534
Number of new cases	277
Number of closed complaints	243
Number of Enforcement Notices / other Notices served	7
Number of planning appeals lodged with the Planning Inspectorate against an enforcement notice	1
Number of Planning Contravention Notices	13

3.2.2 Since the inception of the Corporate Fraud and Enforcement Team there has been a demonstrable increase in the resolution of historic cases, the serving of enforcement notices and the number of successful prosecutions in local Magistrates Courts. As the team continue to grow in experience it is envisaged that the number of cases resolved should continue to grow. However, it should be noted that the number of active cases has grown, on average, by five per month over the last 18 months. Furthermore, it would appear that a large percentage of the 'quick fix' historic cases have now been resolved. **APPENDIX 3** attached to the report provides a greater detail about the quantum of work within the Team.

3.3 **Resourcing**

3.3.1 The level of new cases is at an unprecedented level on this volume of work means that the existing staff are unable to make a headway in to the backlog of cases. The increase in workload also has an additional impact on productivity as the case officer is dealing with a greater number of queries from complainants and parishes due to the time taken to resolve the case.

3.3.2 It is considered that there are a number of cases that are progressing to the eventual conclusion of serving an enforcement notice. The work required for the production of an enforcement notice goes much further than would first appear. Whilst the notice, correctly drafted and legally robust appears as the only apparent work there has always been an extensive level of work required to get to this position. This includes a comprehensive review of the case, an assessment of the expediency of taking enforcement action and the production of an enforcement memorandum.

With this in mind, now that the Development Management Team is fully staffed, it is considered reasonable and possible to provide some support to the Corporate Enforcement Team through the preparation of memos for enforcement action. This will have to be regularly reviewed to ensure that it does not have a detrimental impact on the Development Management Team.

3.4 **Planning Enforcement Policy, Practice and Guidance**

3.4.1 After working with this document, it has been recognised that there is a need for some amendments to both the harm matrix and the policy itself to make both of them more user friendly and effective. Furthermore, officers have noted an error with the harm matrix in the wording regarding the age of the breach; less than one month should read less than one year. This has been corrected in the update.

3.4.2 The proposed changes include an amendment to alleged breaches that fall under 'Complaints classified as 'Urgent'. This is to ensure that complaints relating to more complex and harmful alleged breaches are dealt with as a high priority.

3.4.3 Point 5.6 of the original policy refers to 'Planning Advice and Enquiries'. This relates to general planning enquiries and advice. This is not considered to be relevant to this policy and has been removed.

3.4.4 The policy document currently does not make reference to the Proceeds of Crime Act 2002 (POCA). It was agreed at full council on the 15 December 2016 to endorse the application of POCA, including but not limited to the instigation of confiscation proceedings in appropriate cases in which a defendant has benefited from their criminal conduct or lifestyle; this will be to both help cover the costs of enforcement and to ensure an effective disincentive to ongoing offences.

4. CONCLUSION

4.1 The Corporate Fraud and Enforcement Team has bedded in over the past twelve months and the additional resources put into the service as well as the increase in knowledge, experience of the officers and operational improvements to the service over the last twelve months has resulted in a betterment to the planning enforcement service offered by the Council. It is acknowledged that improvements can still be made and these will be forthcoming. An important part of this improvement is the provision and adoption of the revised Planning Enforcement Policy, Practice and Guidance.

5. IMPACT ON CORPORATE GOALS

5.1 Having an effective planning enforcement service is linked to the Corporate Goals of strengthening communities to be safe, active and healthy and aiming to be an organisation that delivers good quality cost effective and valued services in a transparent way.

6. IMPLICATIONS

(i) **Impact on Customers** – The ability to ensure that enforcement process, including enforcement action where appropriate, is taken in a timely, open and transparent way.

(ii) **Impact on Equalities** – None.

(iii) **Impact on Risk** – There are no risks associated with carrying out this review.

(iv) **Impact on Resources (financial)** – Staff resources as required.

(v) **Impact on Resources (Human)** - To continue to be identified through the Planning Services Improvement Plan.

(vi) **Impact on the Environment** – Failure to have an effective enforcement policy or service could result in an increase in unauthorised developments and delays in investigating breaches in planning control could lead to adverse impacts on the environment resulting in long term harm which might be difficult to mitigate.

Background Papers: None.

Enquiries to: Matt Leigh, Group Manager - Planning Services, (Tel: 01621 875740).

PLANNING ENFORCEMENT
POLICY, PRACTICE and GUIDANCE



MALDON DISTRICT COUNCIL

April 2015

Maldon District Council

Planning Policy Enforcement Guidance

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1.0 INTRODUCTION

1.1. The Town and Country Planning Acts give discretion to the Local Planning Authority (LPA) in the exercise of its powers for the control of unauthorised development. This document sets out the context for the operation of the planning enforcement service in Maldon District Council, and the approach that the District Council will take in promoting compliance with planning requirements and dealing with breaches of planning control.

1.2. Paragraph 207 of the National Planning Policy Framework (NPPF) states that

"Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate the alleged cases of unauthorised development and take action where it is appropriate to do so."

1.3. In the light of the above Framework, this policy statement has been prepared to outline the approach that will usually be adopted by the Council in resolving how will deal with unauthorised development and sets out the procedures that will expect to follow. This guide will enable us work in a proportionate way according to the breach or offence committed.

1.4. This policy and guidance is in accordance with the National Planning Policy Framework (NPPF) by establishing a formal planning enforcement policy which provides a clear statement of the decision making framework in dealing with alleged breaches of planning control, explaining the Council's enforcement procedures and practices.

Maldon District Council – Enforcement Objectives

1.5. The District Council is committed to effective enforcement of planning control and when considering what action to take, regard will be paid in each instance to the prevailing circumstances and the particular impact of the unauthorised development in question. The Council views breaches of planning control very seriously and has an enforcement team within the Development Management section of the Planning and Regulatory Services to investigate and take action against unauthorised development. The service works to achieve the following objectives:

1.6. These objectives are:

- To promote compliance with planning requirements
- To remedy the undesirable effects of unauthorised development
- To bring unauthorised activity under control to maintain the credibility and achieve the purpose, of the planning system
- To strike an acceptable balance between protecting the amenity of the citizens of Maldon and other interests of acknowledged importance, and allowing development to take place
- To provide a service that will pursue pro-active initiatives that would improve the environment and built heritage, safeguard the amenities of the area and support the policies of the development plan

Expediency and the Public Interest

1.7. In considering whether to take any enforcement action, the decisive issue for the Council will be whether the breach of planning control causes significant harm and it is in the public interest to do so.

1.8. Severe harm to public amenity will normally arise through those breaches of planning control which involve unauthorised works to a Listed Building, unauthorised works within a Conservation Area and unauthorised development which is contrary to Development Plan Policies. Action is also available to require owners to improve the appearance and condition of land and property in the interests of local amenity.

The Council's Enforcement Objectives

1.9. An owner or occupier of land can, without a specific planning permission certificate of lawful use, be at a disadvantage if they subsequently intend to dispose of their interest in the land and have no evidence of any permission having been granted for development. The Council appreciates that some developments have occurred over time and have gone unnoticed but has to investigate when complaints are reviewed or consider through their own investigations that matters need to be formalised.

1.10. The Council will be responsive to all potential enforcement matters and will work to the following key objectives:

- Respond to complaints about potential unauthorised development
- Ensure that development is carried out in accordance with planning approvals
- Be fair and take action proportionate to the breach or offence, in responsive, helpful and consistent manner

2.0 POLICY POSITION

National Policy

2.1. The Council is mindful that enforcement action is a discretionary power but it is important that Local Authorities develop their own policy on enforcement matters. The Council will take action when it is expedient to do so, and any action will be commensurate with the seriousness of the breach of control.

2.2. It is only an offence to carry out development without planning permission in a few instances. Section 73A of the Town and Country Planning Act 1990 (as amended) specifically provides that planning permission may be granted to regularise development already carried out.

2.3. Government Policy Guidance makes it clear that enforcement action should not be taken simply to remedy the absence of a planning permission where development is otherwise acceptable on its planning merits. However, it is important that the Council responds to complaints and seeks remedy to breaches of planning control.

Other Planning Policy Guidance

2.4. Some breaches are more serious than others, and some require immediate action, for example, to prevent the destruction of an historic fabric or structure, an important tree or below ground archaeology. Apart from the seriousness of the breach, the following matters have to taken into consideration:

- The Adopted Maldon District Replacement Local Plan (2005) remains the current adopted Local Plan.

- The Maldon District Local Development Plan is the emerging Plan for the District and will constitute the new up to date statutory Development Plan for the District once adopted.

- Through the Localism Act 2011, the Government has introduced a new tier of planning at the neighborhood level. Local communities will be able to prepare a neighborhood plan for their area which sets out specific planning policies.

- Although they are not part of our statutory development plan, supplementary planning guidance documents (SPDs) (such as planning frameworks and briefs and conservation area appraisal and management strategies) play an important role in our planning decisions,

- The National Planning Policy Framework (NPPF) was published on 27 March 2012. Amongst other things, the new guidance replaces many existing Planning Policy Statements (PPSs) and Planning Policy Guidance notes (PPGs) and Circulars. The guidance is a material consideration in planning decisions.

- The Planning Practice Guidance was first published on 6th March 2014. It was as a result of a commitment to reform the Planning system to make it simpler, clearer and easier for people to use, allowing local communities to shape where development should go and not go.

- The provisions of the Human Rights Act 1998 when making decisions relating to planning enforcement.

- The principles of the Enforcement Concordat; Good Practice Guide for Small Businesses 1998 are proposed to continue to be applied. These principles include:

- There will be openness in dealing with business and others.

- Enforcers will be helpful, courteous and efficient.

- Complaints procedures will be publicised.

- Enforcement decisions will be taken in a proportionate manner.

- Enforcement officers will strive for high standards of consistency.
- To take into consideration the planning history of the site.
- To seek specialist help from legal, trees and conservation experts.
- To be aware of relevant appeal decisions and case law decisions.
- To note information provided by the owner/occupier or interested parties.

2.5 Government has given Councils the primary responsibility of taking whatever enforcement action may be necessary, in the public interest, in their administrative area. A private individual cannot initiate planning enforcement action, so they often look to the Council to act to remedy concerns that they raise.

3.0 ESTABLISHING A BREACH OF PLANNING CONTROL

3.1 A breach of planning control is defined in the Town and Country Planning Act 1990 as:

"the carrying out of a development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted."

3.2 A breach of planning control is normally a form of development (a building/engineering operation, use or other activity) that is unauthorised, in that it does not have the benefit of planning permission or other consent. It includes development not carried out in accordance with planning permissions and breach of conditions. The fact that something is unauthorised does not amount to an offence.

3.3 This contrasts with other elements of planning law where certain works and activities, that are in fact offences that can be prosecuted against in the courts which mainly include:

- Works to listed buildings
- Works or removal to protected trees
- Unauthorised advertisements

3.4 Underpinning all of this is a large body of case law. There is a range of powers available to Local Planning Authorities to take enforcement action to deal with breaches of planning control and these are contained in the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act, 1991), the Planning (Listed Buildings and Conservation Areas) Act 1990 and related Regulations

4.0 THE COUNCIL'S INITIAL INVESTIGATION

How to report a suspected breach

4.1 Most investigations into breaches of planning control result from complaints received from members of the public or from Ward Councillors. The Council can be contacted by letter, telephone, e-mail or, in person. Written complaints are preferred as this avoids ambiguity and provides the Council with an accurate basis on which to proceed with an investigation.

4.2. Complaints should be addressed to the Group manager, Planning Services (or as stated on the Council's web site) who will then ensure it is dealt with by the appropriate investigating officer(s).

4.3 The Council will need the following information:

- The precise location of the site or property to which the complaint relate.
- The exact nature of concern, i.e. the potential breach of planning control
- An indication of any harm caused by the breach
- When the breach occurred
- Any information on the identity of the person(s)/organisation responsible, if known

Confidentiality

4.4 All investigations are carried out in strictly confidential basis and the investigation team will not reveal the complainants' details. On serious breaches of planning control, which may warrant prosecution, or result in an appeal, the complainant may be invited to give a witness statement. However, such occasions are rare and involvement in those cases is on a voluntary basis.

Anonymous Complaints

4.5. Anonymous complaints will not normally be investigated.

Recording Complaints

4.6. All complaints of potential breaches are entered onto the enforcement records system upon receipt, and a unique reference is created so that progress on each complaint received can be monitored. The name, address and telephone number of the complainant and the details of the complaint are logged. Complaints will

usually by acknowledged by email or letter within 5 working days, giving the name and telephone number of the investigating officer. Complainants are kept informed throughout the investigation process and are welcome to contact the investigation officer at any time for a progress update.

4.7. The initial investigation will usually involve checking the planning and any building regulation history of the particular site to establish any relevant development history and whether any conditions have been attached to any approval granted. Sometimes it is also necessary to check other records held by the Council such as council tax or business rates, environmental health records or outside organisations such as the DVLC at Swansea, in order to get a complete understanding of events.

4.8. A site inspection may prove necessary to establish further facts and evidence. Investigation Officers identify themselves when on site and explain the reasons for the visit. The owner/occupier or people working on the site will be interviewed to obtain factual information and photographs and measurements may also need to be taken. A detailed note is made of the findings in the investigation file, which is used to record all visits and discussions at meetings or on the telephone.

Informing Complainants

4.9. Following an initial acknowledgement the Council will keep all complainants informed of progress at the following key stages of the process including, where relevant:

- The initial assessment, advising what action will be taken
- Any Issue of enforcement notice, or outcome of other action
- If an appeal has been lodged against a formal notice
- Closure of the investigation

Rights of Entry

4.10. Investigation officers have the immediate right of entry onto sites under the provisions of S196A, S196B and 196C of the Town and Country Planning Act 1990, to all non-residential land and buildings. Twenty four hours' notice must be given if access is required to a residential property. If access is denied for any reason, a formal Right of Entry Notice can be served. If entry is subsequently refused, a warrant to effect entry can be applied for from a serving Magistrate.

Obtaining additional information

4.11. In some circumstances, when it has not been possible to establish the facts through normal investigation, or when the co-operation from the owner/occupier is not forthcoming, a formal Planning Contravention Notice (PCN) may be served. This requires the recipient to provide information relating to the breach within 21 days from the date of service of the Notice.

4.12. The complainant may occasionally be asked to assist with the investigation, for example, by keeping a diary of events relating to the breach. This is helpful

where problems occur in the evenings or at weekends or outside normal working hours.
Such help is voluntary, but the evidence may be crucial when assessing whether a breach has occurred and whether further action is considered expedient to remedy the breach.

4.13. If there is no breach of planning control is evident, then an explanation will be given to the complainant and the file will be closed.

4.14. The impact of some developments and activities are more harmful than others. The Council will nevertheless seek to ensure that all reported breaches of planning control are resolved as quickly as possible. The Council however, need to ensure that full and proper consideration is given to the matter and this can often take several weeks, occasionally months, prior to resolving whether a breach of planning control has occurred and determining what further action is merited.

4.15. When there is enough evidence to establish whether a breach has taken place, the investigation officer will advise on the most appropriate course of action or, no further action, in some cases. The investigation officer will contact the complainant to inform them of the outcome.

5.0 PRIORITIES FOR ACTION

5.1. Some complaints will be more urgent than others and these will need to be given a higher priority including:

- Works to listed buildings, below ground archaeology and works to protected trees that cause immediate and irreversible harm, including any advertisement that may be affixed to them or other operational development such as builders storage, temporary buildings or parking areas that may be positioned next to them and likely to cause harm
- Councillor, MP enquiries and formal Parish Council complaints
- Operational development/building works where substantial and ongoing loss of amenity is likely to occur
- Fly posting which appears to be intensive and is likely to cause an amenity or public safety issue
- Breaches of planning control that are likely to be immune from enforcement within six months
- Changes of use affecting residential amenity
- Other development (e. g building works/changes of use and untidy condition of land/buildings)
- Building works affecting the character and appearance of a Conservation Area.

- Other advertisements and satellite dishes attached to protected trees or listed buildings

5.2. On receipt of a complaint, it will be prioritised and a preliminary investigation is undertaken to establish if a breach of planning has or, is likely to have occurred.

5.3. **Complaints classified as 'Immediate' – investigation within 1-2 working days**

- Works to listed buildings
- Works to protected trees
- Demolition of important unlisted buildings in conservation areas
- Significant unauthorised building works
- Breach of conditions where there is likely to be irreversible harm, e.g contaminated land, archaeology and flood defence or drainage works

5.4. **Complaints classified as 'Urgent' - investigation within 15 working days**

- Councillor or MP complaints and formal Parish Council complaints
- Operational/building works/change of use/compliance with conditions/obligations affecting residential amenity where ongoing severe neighbour district being caused
- Operational development within conservation areas
- Where immunity rules are likely to shortly apply if action is not taken

5.5 **Complaints classified as 'Non-Urgent' – investigation within 25 working days**

- Other changes of use
- Other building works/condition of land/compliance with conditions
- Advertisements and satellite dishes (not attached to trees or listed buildings) (conservation areas to be prioritised)

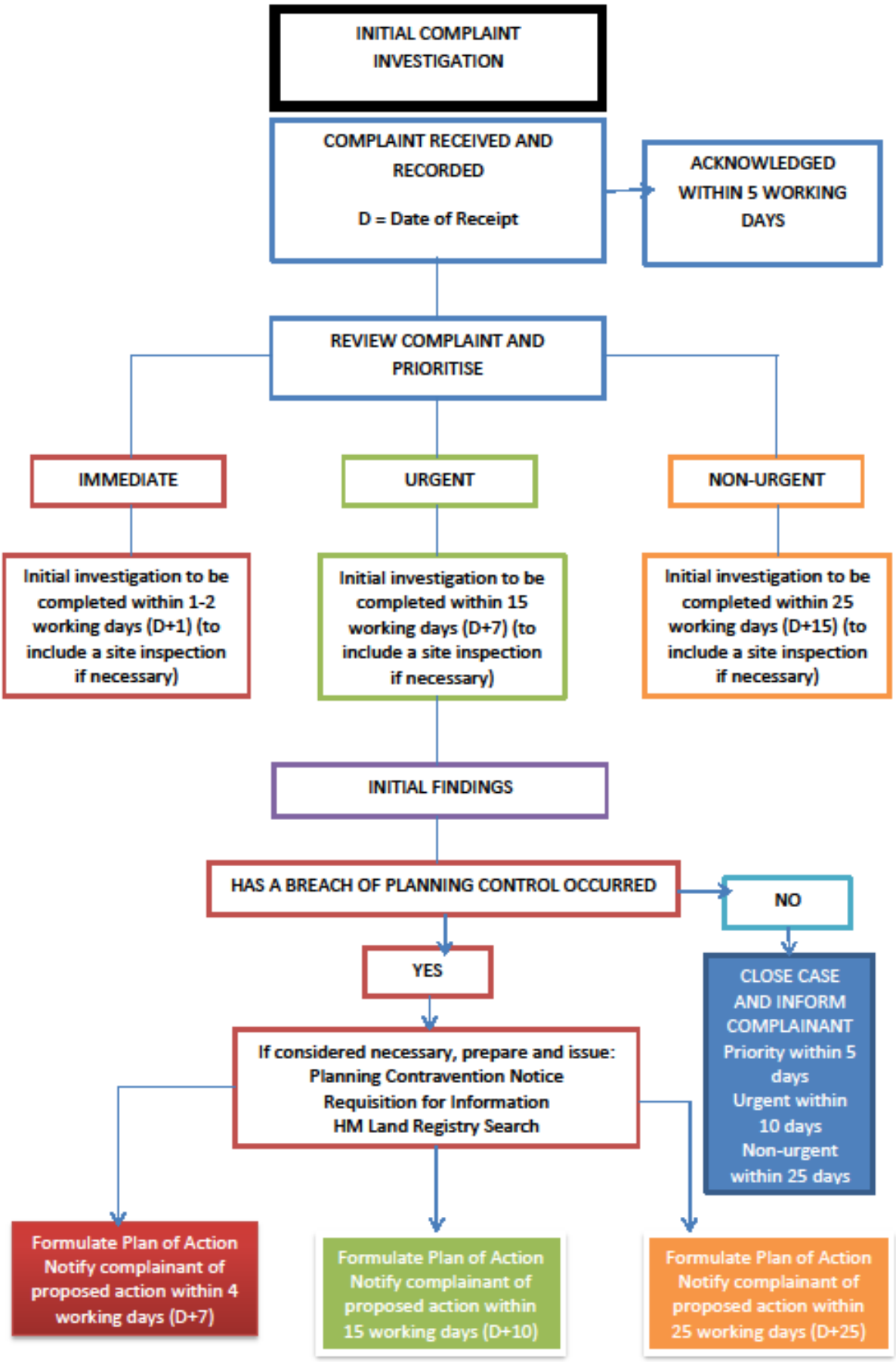
Planning Advice and Enquiries

5.6. For general planning enquiries and advice that do not constitute a complaint into a breach of planning control, the matter will be looked into within 10 working days.

APPENDIX 1

Initial Investigation Flow Chart

5.7. The following flow chart shows the procedure followed when investigating complaints.


INITIAL COMPLAINT INVESTIGATION
COMPLAINT RECEIVED AND RECORDED
D = Date of Receipt
ACKNOWLEDGED WITHIN 5 WORKING DAYS
REVIEW COMPLAINT AND PRIORITISE
IMMEDIATE
URGENT
NON-URGENT
Initial investigation to be completed within 1-2 working days (D+1) (to include a site inspection if necessary)
Initial investigation to be completed within 15 working days (D+7) (to include a site inspection if necessary)
Initial investigation to be completed within 25 working days (D+15) (to include a site inspection if necessary)
INITIAL FINDINGS
HAS A BREACH OF PLANNING CONTROL OCCURRED
NO
YES
CLOSE CASE AND INFORM COMPLAINANT
Priority within 5 days
Urgent within 10 days
Non-urgent within 25 days
If considered necessary, prepare and issue:
Planning Contravention Notice
Requisition for Information
HM Land Registry Search
Formulate Plan of Action
Notify complainant of proposed action within 4 working days (D+7)
Formulate Plan of Action
Notify complainant of proposed action within 15 working days (D+10)
Formulate Plan of Action
Notify complainant of proposed action within 25 working days (D+25)

6.0 ASSESSING THE COMPLAINT

6.1 An important element of the Councils Enforcement Policy is a prioritisation or **Harm Assessment Matrix**. A number of local authorities have adopted an approach which attracts scores depending on the nature and location of an alleged breach of planning control and Maldon Council first adopted this approach in April 2014. Following an initial site visit by an officer, an assessment of the breach is carried out in order to determine what level of officer time will be dedicated to investigating the breach further.

6.2 The matrix sets out a minimum score which needs to be achieved in order to prompt justification for further investigations. A score below the designated minimum would result in no further action by the Planning Enforcement Team in respect of the breach, although a retrospective application would normally be invited in an attempt remedy/regularise the breach and it will be expected that this is sum bitter in a short period of time.

6.3 Scores are based on (i) matters of fact i.e. does it relate to a listed building or whether the site is in a conservation area and , (ii) to matters of judgement i. e. whether the breach would result in irreversible harm or whether the development, if permission was granted, would result in an undesirable precedent.

HARM ASSESSMENT CRITERIA (see APPENDIX 1)

1. IS THE BREACH?

For **operational development** - are the works ongoing, stopped, complete or stable?

For **change of use -** is the use intensifying, is there an increase in activity, is there a change in appearance/ activity. Is residential occupation involved?

2. HIGHWAY SAFETY

YES = New/altered access to a highway, significant increase in use of access, creates on street stopping and or parking

3. OTHER SAFETY ISSUES

YES = Hazardous materials stored, potential fire risk, interference with safety of other uses/users

4. CAUSING STATUTORY NUISANCE

YES = Where dust, vibration, smell, fumes, light creating adverse physical effect upon health, and or where Environmental Health are taking action

5. COMPLAINANT

Self-explanatory

6. AGE OF BREACH

Self-explanatory taking into account the '4 year' or the '10 year' rule.

7. DEGREE OF HARM

Is the harm widespread or localised?

Widespread – more than 10 residential properties directly affected, major policy breach i.e. dwelling in countryside or commercial operation in countryside, can be seen over several tens of metres, pollution is air borne and carried over neighbourhood.

Local – this is where there is harm but only to immediate neighbours affected.

8. IRREVERSIBLE HARM

YES = effectively a planning judgement as to whether retention of operational works or change of use can be permitted without causing permanent damage to the environment or living conditions. Would an application be refused planning permission?

9. FLOOD RISK

Development within its respective Flood Risk Zone [graded 1 (low risk to 3 high risk]

10. BREACH OF PLANNING CONDITION , ANY ARTICLE 4 DIRECTIONS,OR LIMITATIONS IMPOSED BY PERMITTED DEVELOPMENT RIGHTS

This will be a matter of fact and thus either yes or no

11. AFFECT ON THE CHARACTER OR APPEARANCE OF A CONSERVATION AREA

This will be a matter of fact and degree and a matter of either yes or no

12. LISTED BUILDING OR AFFECTING THE SETTING

This will be a matter of fact and degree and a matter of either yes or no

13. SPECIAL AREAS

This relates to whether the breach lies within a specific special project area such a the Maldon central regeneration area and is part of a specific proactive enforcement project

14. SENSITIVE AREAS

This will be a matter of fact and thus either yes or no. These special areas include:

AONB, SSSI, Ramsar Convention Site, Area of Archaeological Importance, Scheduled Ancient Monument

15. UNDESIRABLE PRECEDENT

A matter of judgement i.e. if similar work or a change of use has occurred would this undermine an important planning principle for the area or cumulatively cause harmful change to character of the area?

An Enforcement Harm Assessment Form will normally be completed by an officer who has seen the development. Only complaints which score 5 or above will be further investigated. Those with a lesser score will be informed of the breach/likely breach and invited to remedy/regularise it. In both cases the complainant is to be notified of the Councils Actions.

7.0 WHAT HAPPENS WHEN BREACHES OF PLANNING CONTROL ARE CONFIRMED?

7.1. The majority of breaches of planning control are resolved informally and by negotiation with the owner/occupier. Formal action, only takes place when it is expedient and where other means to resolve the problem have failed **and is a last resort**. The Council will take effective enforcement action when it is essential to protect the amenity of the area, the public or highway safety, and to maintain the integrity of the development control process within the District. The impact of some developments are more harmful than others and therefore action will be in the public interest and commensurate with the breach of planning control.

7.2. Authorised officers will normally decide whether formal notices are justified in accordance with agreed policies and action will be approved with under the powers delegated to The Director of Planning and Regulatory Services or by the relevant committee/ councillor involvement according to the Council's Constitution at the time.

7.3. When it is clear that there is a breach of planning control, the Council will draw this to the attention of the person responsible and advise them of the most appropriate course of action. These may be:

- If the breach is minor with no significant effects – no further action required
- If the development is such that it is in line with relevant local plan policies – the Council will usually invite a 'retrospective' application for planning permission
- If the breach is likely to be immune from enforcement action due to the passage of time – an application for a Certificate of Lawfulness will be invited if permission is unlikely to be granted – the Council will ask for the use to cease, or unauthorised development to be removed. A suitable period of time is allowed, depending on what needs to be done. For example, tenants must be allowed reasonable time to find somewhere else to live
- As a last resort, formal notices can be issued, such as a Breach of Condition Notice or Enforcement Notice, if it is considered expedient having regard to the development plan policies and other material considerations. This is a discretionary decision, which is made on a case by case basis. The Council must be able to justify taking formal action and be sure that the steps specified in the notice and the period for compliance with each step, are reasonable
- In extreme cases, the Council can serve a notice to require any relevant activity to cease (a Stop Notice or Temporary Stop Notice) and there is provision to obtain a planning enforcement injunction to restrain an actual or apprehended breach of planning control

- When a Breach of Condition Notice has been served and has not been complied with, the person who has been served with the notice can be prosecuted in the Magistrates Court

- When an Enforcement Notice takes effect but is not complied with, any owner/occupier or person who has control of, or has an interest in the land, can be prosecuted in the Magistrates Court

- Where appropriate, and if other means have not secured a cessation of the breach being enforced against it, the Council will consider using its default powers to take direct action to remedy the breach of planning control, recovering the cost from the owner or placing a legal charge on the land

- When it is considered expedient not to pursue enforcement action against a breach of planning control, so no further action will be taken

7.4. A robust case supported by evidence needs to be made to ensure any subsequent appeal and prosecution can be supported.

Flow Chart – Breach of Planning Control Confirmed

7.5. Once a breach has been established, further investigation may be required and a time-table to be followed to resolve the breach according to its priority classification.

7.6. The flow chart below shows the procedure and time-table to be followed once a breach has been established.

APPENDIX 1

8.0 SECURING COMPLIANCE WITH AN ENFORCEMENT NOTICE

8.1 An offence occurs when an owner/occupier fails to comply with the requirement of an enforcement notice.

8.2 The Council will take action when the terms of an enforcement notice have not been complied with. Such action may involve:

- Prosecution of the parties concerned in the local courts
- The issue of an injunction through the court system
- Direct, or 'default' action

8.3 The Council will usually seek to bring the matter to a successful conclusion as quickly as possible through the pursuit of action in the courts. If someone is found guilty of failing to comply with the terms of an enforcement notice, a maximum fine of £20,000 may be imposed by the court. If the Notice is still not complied with, a further prosecution may be brought and this is likely to continue until the Notice has been complied with.

8.4 The Council will not necessarily withdraw from taking action in the courts once this has commenced, and this may apply even where the breach of planning control may be rectified before the case is heard.

8.5 In the case of a persistent offence against an unauthorised activity, an injunction may be sought through the County Court or High Court. More severe penalties may be imposed in these circumstances if the offence continues.

8.6 In exceptional circumstances, the Council will consider taking direct or default action to remedy a breach of planning control. This may involve the use of contractors to enter a site and physically remove or put right unauthorised building work. Such circumstances are likely to arise for example when the breach of planning control has not been remedied, despite the imposition of fines by the Courts or for continued breaches of planning control. In such cases, the Council will seek to recover its costs, in the form of a charge on the land for example, or by other means.

8.7 If an enforcement notice is served against a development, which is subject to a planning or listed building appeal which is currently under consideration by the Planning Inspectorate, the outcome of such an appeal may be awaited before taking further action to secure compliance with an enforcement notice. When an appeal has been dismissed, compliance with the requirements of an enforcement notice will then be pursued.

8.8 When the Council believes that an enforcement notice has been complied with, the fact will be confirmed to the owner/occupier of the land and to anyone who has complained about the development or activity. Even though an enforcement

notice has been discharged, the record will remain in the Land Charges Register unless specifically requested to be removed by the owner/occupier.

9 ENFORCEMENT APPEALS

9.1 S174 of the Town and Country Planning Act 1990 (as amended) provides a right of appeal against an enforcement notice. The Planning Portal (web site) provides a link to relevant information.

9.2 An appeal must be made before the notice takes effect (normally 28 days after the date of issue of the notice). An appeal cannot be entertained if it is made after the date the notice takes effect.

9.3 An owner, occupier or any other person, who has an interest in the land, even if a copy of the notice has not been issued on that person, may make an appeal.

Grounds of Appeal

Ground A – that planning permission ought to be granted (or a condition or Limitation be discharged)

9.4. This is the 'deemed application' seeking planning permission and requires payment
of a fee both to the Council and the Planning Inspectorate. The Council will ensure that the reasons for issuing the notice are well founded and in accordance with the development plan (where appropriate). The Council will then be able to argue on the planning merits of the case that planning permission should not be granted, or that permission should only be granted subject to conditions.

Ground B – that as a matter of fact the alleged unauthorised development has not taken place

9.5. The Council will, by investigating the breach of planning control and through collection of appropriate evidence, ensure that the matter alleged in the notice has occurred and has, in fact, taken place.

Ground C – that the development (if it has taken place) does not constitute a breach of planning control

9.6. Enforcement action will only be taken when it appears to the Council that there may have been a breach of planning control. Before taking action, the Council will consider:

- Whether the alleged breach constitute development
- If it does constitute development, does it need planning permission
- Whether planning permission been granted

Ground D – that the time limit for taking enforcement action has passed

9.7. When there is any doubt about when the breach of control first took place, before taking enforcement action, the Council will initiate an investigation to establish when the breach first occurred. This investigation may include the service of a Planning Contravention Notice, a Requisition for Information and an HM Land Registry search. Evidence may also be sought from neighbours, previous owners and any other person with personal knowledge of the history of the site. This will ensure from the evidence available that the development has not achieved immunity from enforcement action due to the passage of time.

9.8. The immunity from taking enforcement action will be four years in respect of unauthorised building works or for the making of a material change of use of any building for use as a dwelling house, or non-compliance with a planning condition which prohibits the use of a building as a dwelling house.

9.9. In all other cases, the period from immunity will be ten years.

Ground E – that copies of the notice were not properly served

9.10. The Council will take all reasonable steps to issue a copy of the enforcement notice on every person with an interest in the land as required by the legislation based on the information obtained by a Requisition for Information, a Planning Contravention Notice or HM Land Registry search or by such other means necessary.

10.11. Notices will be issued by Recorded Delivery mail or by hand.

Ground F – that the steps required by the notice exceed what is necessary to remedy any injury to amenity

9.12. The Council will ensure that the steps required to be taken are both necessary and the minimum required in order to remedy the breach of planning control. The steps will be stated clearly so that there is no doubt about what has to be done.

Ground G – that the period for compliance is too short

9.13. The period for compliance will be a reasonable period having regard to the particular circumstances of the case and the actual or potential harm being caused to the amenity of the area by the unauthorised development.

9.14. When particular personal family hardship will result in order to comply with an enforcement notice, the Council will ensure an adequate period for compliance is granted.

An appeal made under Ground A

9.15. This ground of appeal relates solely to the planning merits of the case. If an appeal is successful under this ground, planning permission can be granted for the development enforced against.

An appeal made under Grounds B, C, D and E

9.16. An appeal made under any or all of Grounds B, C, D and/or E are grounds often referred to as the 'legal grounds' of appeal.

An appeal made under Grounds F and G

9.17. An appeal made under either Grounds F and/or G are not concerned with the planning merits of the case or legal issues but regards to the requirements of the Notice itself.

Appeal Methods

9.18. An appellant may elect an appeal to be heard at a public inquiry, an informal hearing or by way of an exchange of written statements.

9.19. It is the Planning Inspectorate who will make the final decision as to the appropriate method of appeal.

9.20. Unless complex planning issues or legal issues are involved, the Council will normally request enforcement appeals to be dealt with by way of an exchange of written statements.

Award of Costs

9.21. Costs can be awarded against both parties whichever method of appeal is used if either the Council or the appellant is found to have acted unreasonably in accordance with statutory procedures.

9.22. When it appears to the Council that an appeal has been made simply to delay or prolong the requirements of a notice taking effect, or if Ground A has been cited where the development is clearly contrary to planning policy, or some other ground is cited which clearly has no chance of success, the Council will apply for an award of costs against the appellant.

10.0 OTHER PLANNING ENFORCEMENT POWERS

10.1 Some breaches of planning control are the subject of separate legislative codes.

10.2 These include:

- Listed Buildings
- Advertisements
- Trees
- Condition of land or buildings affecting the amenity of an area

Where the legislative requirements are the same, this enforcement policy will form the basis for any action taken by the Council on these matters.

Listed Buildings

10.3 The Council attaches particular importance in ensuring that any alterations to listed buildings are properly authorised. The statutory provisions for the preservation of buildings of special architectural or historic interest are contained in the Planning (Listed Buildings and Conservation Areas) Act 1990. It is an offence under Section 9 of the Act to carry out unauthorised works to a listed building which would affect its character. The owner of a listed building or those who have an interest in the property or who have carried out the works may be prosecuted by the Council irrespective of whether consent is later obtained retrospectively or the unauthorised works later made satisfactory. A person found guilty of an offence may be liable to a fine of up to £20,000 and/or a term of imprisonment of up to two years. There is no time limit upon the City Council to pursue listed building enforcement action.

10.4 A Listed Building Enforcement Notice may also be served requiring remedial works to the building within a certain time scale. There is a right of appeal but failure to comply with the Notice is an offence, where a penalty of up to £20,000 may be imposed.

Advertisements

10.5. The display of advertisements is controlled under the Town and Country Planning (Control of Advertisements) Regulations 1992 (as amended). Advertisements are divided into three main groups:

- Those advertisements that are expressly excluded from local planning authority control
- Those that have 'deemed consent' so that the local planning authority's consent is not required provided the advertisement is displayed under certain rules
- Those advertisements that require the local planning authority's consent

10.6. The rules are complicated and seek to control amongst other things, the height, size and illumination of the advertisement.

10.7. Any person who displays an advertisement, without consent, is acting illegally. It is open to the Council to take a prosecution in the Magistrates Court for an offence under Section 224 of the Town and Country Planning Act 1990 (as amended).

10.8. Unless the offence is particularly flagrant or repeated, the planning authority may not initially consider it necessary to prosecute for an advertisement offence. Instead, they may invite the advertiser to apply for the consent required and if refused, there will be a right of appeal. The continued display of an advert after consent has been refused, and any subsequent appeal dismissed, may well result in prosecution. The maximum fine on conviction is currently £1,000 with an additional daily fine of one-tenth of the maximum penalty of a continuing offence.

10.9. Any display of an advertisement without consent is an offence which is immediately open to prosecution, or in some cases to the removal or obliteration if the Council decide to take such action. If the advertisement identifies the advertiser, the Council must give 48 hours before obliteration or removal takes place, where the regulations apply.

10.10. Some advertisement may be displayed on highway land in which case there are powers that Essex County Council (ECC) has to remove these directly. The Council will seek ECC to remove these where complaints are received but in some cases, such as fly posting joint action may be necessary.

Action available to Councils either as the Local Planning Authority (LPA) and / or the Highway Authority

10.11. The Council could take a number of actions including:-

1. Remove the signs directly (with or without an attempt to attempt to recover the costs)
2. Proceed to prosecute in the magistrates court
3. Where the signs are on highway land or fixtures seek Essex County Council to take direct action using their highways powers.
4. Possible use of an anti- social behaviour order (ASBO)
5. Do nothing (depending on the scale of the matter)

10.12. The only two reasons local authorities can take into account in dealing with advertisements under the Advertisement Regulations are public safety an amenity.

10.13. Failure to comply with these conditions will allow the LPA to immediately serve a removal notice giving a reasonable time for such signs to be removed otherwise the LPA could undertake the work and recover the costs.

10.14. **Removal (as the Local Planning Authority):** Local planning authorities have specific powers to deal with unauthorised advertisements under planning legislation and allows local planning authorities to remove and dispose of any

display structure which, in their opinion, is used for the display of illegal advertisements. This provision does not apply to signs in a building to which the public have no right of access. Where possible, the owners / advertisers should be notified before removal.

10.15. **Prosecution (as the Local Planning Authority):** The local planning authority is empowered to prosecute those who display advertisement signs without consent including the beneficiary of such advertisement signs. The fine for displaying without consent is up to £1,000 (level 3 of the standard scale) and £100 per day as fine if after conviction, the advertisement continues to be displayed. A person shall be deemed to have display an advertisement if is:

(a) The owner of the property or the occupier of the land on which the advertisement is displayed

(a) The advertisement gives publicity to his goods, trade, business or other concerns

10.16. Notices should be served on both the owner / occupiers of land on which the advertisement is displayed as well as the beneficiaries of the advertisement unless:

(a) They have no knowledge of the advertisement displayed

(b) They have not given consent to the advertisement displayed

10.17. The local planning authorities do not need to give notice of removal if the advertisements are displayed on land or properties belonging to the Council.

10.18. **Removal (by the Highway Authority).** The Highway Act 1980 makes provisions for Highway Authorities to remove advertisement signs, painting, etc. affixed to the surface of Highway or any other structure in the Highway. Illegal signs can be removed without giving notice to the perpetrators.

10.19. **Prosecution (by the Highway Authority).** Prosecution under the Highway Act1980 attracts a fine of up to £1000.

10.20. **Anti – social behaviour orders (ASBOs).** This was new measure introduced in 1999. Graffiti and fly-posting are defined as an offence and a Penalty Notice can be served. 14 days' notice is required to be given of impending action. This type of action is considered more appropriate where there is an extensive problem of illegal fly posting.

Trees

10.21. Under Section 198 of the Town and Country Planning Act 1990, the local planning authority has the right to make provision for the preservation of trees in their area by issuing a Tree Preservation Order. Any unauthorised works to such protected trees is an offence under Section 210 of the Act. It is an offence to cut down, uproot or willfully destroy a tree, or willfully damage, top or lop a tree in such a manner as to likely destroy it. The offence is liable on summary conviction to a fine of up to £20,000.

10.22. Trees in Conservation Areas are similarly protected subject to the size of such a tree and under Section 211 and Section 212 of the Act, the same penalties apply.

Land or buildings that adversely affect the amenity of an area

10.23. Under Section 215 of the Town and Country Planning Act 1990, the local planning authority may take steps to require land or buildings to be cleaned up when its condition adversely affects the amenity of an area. The Council may serve a notice on the owner and occupier of the land requiring steps to be taken within a specified period.

10.24. The notice takes effect after 28 days from date of service. There is a right of appeal to the Magistrates Court and then to the Crown Court, during which time the notice is of no effect. If an appeal is unsuccessful, the notice takes effect and it is an offence not to carry out the steps required. If the notice is not complied with, the Council will consider prosecution proceedings or enter the land and carry out the required works. The costs incurred in carrying out the works will be recovered from the owner of the land.

11. ENFORCEMENT POLICY FOR MALDON DISTRICT COUNCIL

11.11. Taking into account updated national policy guidance, local pressures and resources available the following policies will be applied across the district

POLICY ENF1

The Council is committed to a planning enforcement function prioritised in the following order:

<u>Category 1.</u> Immediate – investigation expected within 1-2 working days

- Works to listed buildings
- Works to protected trees
- Demolition of important unlisted buildings in conservation areas
- Significant unauthorised building works
- Breach of conditions where there is likely to be irreversible harm, e.g. contaminated land, archaeology, flood defence and drainage
- Advertisements that may cause immediate harm such as 'A' boards affecting pedestrian safety, advertisements including fly posting which are intensive in scale or are affixed to trees and/or listed buildings

<u>Category 2.</u> Complaints classified as 'Urgent' - investigation within 15 working days

- Councillors, formal Parish Council and MP complaints
- Operational/building works/change of use/compliance with conditions/obligations affecting residential amenity where ongoing severe neighbour district being caused
- Operational development within conservation areas
- Where immunity rules are likely to shortly apply if action is not taken including mobile homes/ caravans

<u>Category 3.</u> Complaints classified as 'Non-Urgent' – investigation within 25 working days

- Other changes of use

- Other building works/condition of land
- Compliance with conditions unless significant harm is likely e.g. flood defence or contaminated land issues
- Advertisements and satellite dishes (not attached to trees or listed buildings) (conservation areas to be prioritised)

POLICY ENF2

Complainants shall receive an email or letter of acknowledgement that the complaint is being investigated normally within 5 working days of receipt. They will receive updates based on the priority category of the investigation informing them what action the council intends to take or to close the case.

POLICY ENF3

Formal enforcement action to remedy a breach of planning control will only take place
when it is considered expedient and in the public interest to do so.

POLICY ENF4

If there is severe harm to public amenity as a result of the failure to comply with planning
conditions or unauthorised development, the Council will consider the use of stop
notices, breach of condition notices, temporary stop notices and injunctions to speed up the effectiveness of the enforcement process.

POLICY ENF5

When investigating alleged breaches of planning control involving small business uses, the Council will take a positive approach towards the continuation of the activity and it being regularised by the grant of planning permission. If, however, there is a sustainable planning objection, the Council will endeavour to assist possible relocation to alternative premises. Provided there is not a severe impact on local amenity, the Council will seek to ensure that reasonable time is given to comply with enforcement action taken against business use activities.

POLICY ENF6

The Council will pursue, whenever possible, legal proceedings and/or the taking of direct action in the event of failure to comply with formal enforcement and related planning notices.

POLICY ENF7

The Council will seek to address certain enforcement matters through other appropriate enforcement agencies such as the County Highway Authority (Essex County Council) , Natural England and The Environment Agency where they have more immediate or effective enforcement powers.

APPENDIX 1

The following is a brief explanation of some of the more technical terms used throughout this policy document

Breach of Condition Notice (BCN)

The power to serve a BCN is contained in Section 187A of the Town and Country Planning Act 1990. A notice can be issued where a condition attached to a planning permission has not been complied with. There is no right of appeal against the serving of a BCN. Failure to comply with a BCN constitutes a criminal offence.

Breach of Planning Control

This is a term used when development has taken place that requires specific planning permission and no such permission has been granted. The term will also apply to failure to comply with a planning condition or limitation; carrying out works to a listed building; the display of illegal advertisements; unauthorised works to protected trees and trees within conservation areas and the condition of land or buildings which affect the amenity of an area.

Certificate of Lawfulness

Under Section 191 of the Town and Country Planning Act, application can be made to a local planning authority for a Certificate of Lawfulness in order to confirm whether an alleged breach of planning control is now lawful for planning purposes and therefore immune from enforcement action because of the time that has elapsed since the breach first took place. For a use to become immune from enforcement action and become lawful for planning purposes the following timescales apply:

- Erection of buildings and other works. 4 years
- Changes of use of a building to a single dwelling house. 4 years
- Changes of use of buildings or land other than a dwelling house. 10 years
- Non compliance with a condition relating to the occupation of a building as a dwelling house 4 years
- Non compliance with a condition other than occupation of a building as a dwelling house 10 years

(There may be exceptions and questions of interpretation that should first be discussed with the Planning Authority)

GLOSSARY OF TERMS

Default Powers (or Direct Action)

Under Section 178 of the Town and Country Planning Act, local planning authorities have the right to enter land or property and carry out works which the owner or occupier has failed to comply with any steps required to be taken in an effective enforcement notice. The costs are recovered from the landowner. The costs can be made as a charge on the land, to be recovered at the time of a future sale of the land or property, if the costs cannot be recovered at the time works are carried out in default.

Development Orders

The Town and Country Planning (General Permitted Development) Order 1995 grants 'deemed consent' for certain forms of development without the need to specifically apply for planning permission.

The Town and Country Planning (Use Classes) Order 1987 groups common uses together in a number of classes and confirms that changes occurring within the same Class would not normally require the submission of a planning application.

Enforcement Notice

The power granted to local planning authorities to issue and serve an enforcement notice is conferred under Section 172 of the Town and Country Planning Act 1990. The Notice must clearly state:

- The alleged breach of planning control
- The steps required to remedy the breach
- The reasons why an enforcement notice has been served
- The time available to comply with the steps

The notice has to be served on anyone having an interest in the land.

There is a right of appeal against the notice provided the appeal is lodged with the Planning Inspectorate before the date the notice takes effect. Once an appeal has been lodged, the enforcement notice no longer has any effect until such time as the appeal has been determined.

Injunctions

When the Council consider it necessary or expedient for a breach of planning control to be restrained because it is causing serious harm to the amenity of an area, application can be made to the county court or high court for an injunction, whether or not they have exercised or are proposing to exercise any other powers of enforcement.

Such cases are rare but could be used for example when it is believed there is good evidence that works are likely to occur to protected tress or listed buildings which will result in irretrievable harm.

An injunction may be issued against a person whose identity is unknown but who is able to be identified by other means.

Local Planning Authority

Maldon District Council is the local planning authority for most matters relating to the control of development within the administrative boundary except for the extraction of minerals and the deposit or waste, which is the responsibility of Essex County Council.

Planning Contravention Notice (PCN)

The power to issue a Planning Contravention Notice (PCN) is conferred by Section 171 of the Town and Country Planning Act 1990. A PCN can be served when the the Council wishes to find out from the owner or occupier of the land when the suspected breach has occurred and additional information relating to the breach to enable a more detailed assessment to be made. A PCN is only served if a suspected breach has occurred and invites the owner or occupier of the land to make representations or submit a planning application.

Serving a PCN cannot rectify a breach if it has occurred. Failure to respond to a PCN within a specified time limit constitutes an offence and the recipient of the notice becomes liable to prosecution proceedings being taken.

Requisition for Information

A Requisition for Information will be served by the Council in order to establish the names and addresses or all persons who have an interest in land. A Notice is served when the Council intends to initiate formal enforcement action.

Standing Orders

Standing Orders made under the Council's Constitution grants certain delegated powers approved by the Council to allow the Director of Planning and Regulatory Services and other officers to serve certain notices and initiate prosecution proceedings which are updated from time to time.

Stop Notices

The power to issue a Stop Notice is conferred under Section 183 of the Town and Country Planning Act 1990. A Stop Notice can be issued to support an enforcement notice and has the general effect of requiring a breach of planning control to cease almost immediately.

The issue of a Stop Notice is usually made when a breach is causing harm to the

amenity of an area. Compensation is payable in some cases if the enforcement notice to which the Stop Notice relates is quashed on appeal on legal grounds

APPENDIX 2

ENFORCEMENT HARM ASSESSMENT FORM

TO BE COMPLETED BY AN OFFICER WHO HAS SEEN THE DEVELOPMENT

- All complaints arising from all retrospective refusals of planning permission will automatically receive a full investigation so it is not necessary to mark the harm score
- Each new complaint will be allocated scores as set out below to assess its harm. The total will provide its harm score in which its priority will be based
- Where there is no breach of planning control found the file will be closed accordingly.

POINTS ALLOCATION		**SCORE**
Is the breach	Worsening (1) Stable (0)	
** Highway safety issue	Yes(2) No (0)	
**Other safety issue	Yes (1) No(0)	
**Causing a Statutory Nuisance	Yes (1) No (0)	
Complainant	Members, immediate neighbour, MP, MDC Officer, Parish Council(1) Anonymous, Malicious (0)	
Age of breach	Within 6 months of immunity (2) Less than 1 month (1) More than 1 year old (0)	
Degree of Harm	Widespread (2) Local (1) None (0)	
Irreversible Harm	Yes (3) No (0)	
Breach of condition or Article 4	Yes 91) No (0)	
** Flood risk	Zone 3 (2) Zone 2 (1) Zone 1 (0)	
**Conservation Area (or adjacent to)	Yes (2) No (0)	
**Listed Building (or affecting character or setting of)	Yes (2) No (0)	
Special exercise (Please provide details)	Yes (1) No (0)	

**Sensitive site (please provide details)	Yes (1) No (0)	
Undesirable precedent (please provide details)	Yes (1) No(0)	
TOTAL POINTS (HARM SCORE).		

Only Complaints which score 5 or above will be further investigated. Those with a lesser score will be informed of the breach/ likely breach and invited to remedy/regularise it. In both cases the complainant is to be notified of our actions.

Note: ** These areas are likely to need specialist input from other agencies/organisations and therefore the time periods referred to in this document may be affected if any responses from the agencies/organisations are delayed.

Contact Details: **Planning Services**
Planning and Regulatory Services
Council Offices
Princes Road
Maldon
Essex CM9 5DL

Web Site ……. **Contact@maldon.gov.uk**

Phone number for Enforcement Officers:……..

Opening Hours
Mondays to Thursdays 08.30am to 17.00 pm
Fridays 08.30am to 16.30pm

APPENDIX 2

PLANNING ENFORCEMENT
POLICY, PRACTICE and GUIDANCE

MALDON DISTRICT
COUNCIL

December 2016

APPENDIX 2

Maldon District Council

Planning Policy Enforcement Guidance

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APPENDIX 2

1.0 INTRODUCTION

1.1. The Town and Country Planning Acts give discretion to the Local Planning Authority (LPA) in the exercise of its powers for the control of unauthorised development. This document sets out the context for the operation of the planning enforcement service in Maldon District Council, and the approach that the District Council will take in promoting compliance with planning requirements and dealing with breaches of planning control.

1.2. Paragraph 207 of the National Planning Policy Framework (NPPF) states that:

"*Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate the alleged cases of unauthorised development and take action where it is appropriate to do so.*"

1.3. In the light of the above Framework, this policy statement has been prepared to outline the approach that will usually be adopted by the Council in resolving how will deal with unauthorised development and sets out the procedures that will expect to follow. This guide will enable us to work in a proportionate way according to the breach or offence committed.

1.4. This policy and guidance is in accordance with the National Planning Policy Framework (NPPF) by establishing a formal planning enforcement policy which provides a clear statement of the decision making framework in dealing with alleged breaches of planning control, explaining the Council's enforcement procedures and practices.

Maldon District Council – Enforcement Objectives

1.5. The District Council is committed to effective enforcement of planning control and when considering what action to take, regard will be paid in each instance to the prevailing circumstances and the particular impact of the unauthorised development in question. The Council views breaches of planning control very seriously and has an enforcement team within the Development Management section of the Planning and Regulatory Services to investigate and take action against unauthorised development. The service seeks to achieve the following objectives:

1.6. These objectives are:

- To promote compliance with planning requirements
- To remedy the undesirable effects of unauthorised development

- To bring unauthorised activity under control to maintain the credibility and achieve the purpose, of the planning system

- To strike an acceptable balance between protecting the amenity of the citizens of Maldon and other interests of acknowledged importance, and allowing development to take place

- To provide a service that will pursue pro-active initiatives that would improve the environment and built heritage, safeguard the amenities of the area and support the policies of the development plan

Expediency and the Public Interest

1.7. In considering whether to take any enforcement action, the determining issue for the Council will be whether the breach of planning control causes significant harm and it is in the public interest to take enforcement action.

1.8. Severe harm to public amenity will normally arise through those breaches of planning control which involve unauthorised works to a Listed Building, unauthorised works within a Conservation Area and unauthorised development which is contrary to Development Plan Policies. Action can also be taken to require owners to improve the appearance and condition of land and property, in the interests of local amenity.

The Council's Enforcement Objectives

1.9. An owner or occupier of land can, without a specific planning permission or certificate of lawful use, be at a disadvantage if they subsequently intend to dispose of their interest in the land in question, and have no evidence of any permission having been granted for development. The Council appreciates that some developments have occurred over time and have gone unnoticed, but it has to investigate when complaints are made, or consider through their own investigations that matters need to be formalised.

1.10. The Council will be responsive to all potential enforcement matters and will pursue the following key objectives:

- Respond to complaints about potential unauthorised development

- Ensure that development is carried out in accordance with planning approvals

- Be fair and take action that is proportionate to the breach or offence, in a responsive, helpful and consistent manner

2.0 POLICY POSITION National Policy

2.1. The Council is mindful that enforcement action is a discretionary power but it is important that Local Authorities develop their own policy on enforcement matters. The Council will take action when it is expedient to do so, and any action will be commensurate with the seriousness of the breach of control.

2.2. It is only an offence to carry out development without planning permission in ~~a few~~ certain instances. Section 73A of the Town and Country Planning Act 1990 (as amended) specifically provides that planning permission may be granted to regularise development already carried out.

2.3. Government Policy Guidance makes it clear that enforcement action should not be taken simply to remedy the absence of a planning permission where development is otherwise acceptable on its planning merits. However, it is important that the Council responds to complaints and seeks to remedy breaches of planning control.

Other Planning Policy Guidance

2.4. Some breaches are more serious than others, and some require immediate action, for example, to prevent the destruction of an historic fabric or structure, an important tree or belowground archaeology. Apart from the seriousness of the breach, the following matters have to be taken into consideration:

- The Adopted Maldon District Replacement Local Plan (2005) remains the current adopted Local Plan.
- The Maldon District Local Development Plan is the emerging Plan for the District and will constitute the new up to date statutory Development Plan for the District once adopted.
- Through the Localism Act 2011, the Government has introduced a new tier of planning at the neighborhood level. Local communities will be able to prepare a Neighborhood Development Plan for their area which sets out specific planning policies.
- Although they are not part of our statutory development plan, supplementary planning guidance documents (SPDs) (such as planning frameworks and briefs and conservation area appraisal and management strategies) play an important role in our planning decisions.
- The National Planning Policy Framework (NPPF) was published on 27 March 2012. Amongst other things, the new guidance replaces many existing Planning Policy Statements (PPSs), Planning Policy Guidance notes (PPGs) and Circulars. The guidance is a material consideration in planning decisions.

- The Planning Practice Guidance was first published on 6th March 2014. It was a result of a commitment to reform the Planning system to make it simpler, clearer and easier for people to use, allowing local communities to shape where development should go and not go.

- The provisions of the Human Rights Act 1998 when making decisions relating to planning enforcement.

- The principles of the Enforcement Concordat; Good Practice Guide for Small Businesses 1998 are proposed to continue to be applied. These principles include:

    - There will be openness in dealing with business and others.
    - Enforcers will be helpful, courteous and efficient.
    - Complaints procedures will be publicised.
    - Enforcement decisions will be taken in a proportionate manner.
    - Enforcement officers will strive for high standards of consistency.
    - To take into consideration the planning history of the site
    - To seek specialist help from legal, trees and conservation experts.
    - To be aware of relevant appeal decisions and case law decisions.
    - To note information provided by the owner/occupier or interested parties.

2.5 Government has given Councils the primary responsibility of taking whatever enforcement action may be necessary, in the public interest, within their administrative area. A private individual cannot initiate planning enforcement action, so they often look to the Council to act to remedy any concerns that they may raise.

3.0 ESTABLISHING A BREACH OF PLANNING CONTROL

3.1 A breach of planning control is defined in the Town and Country Planning Act 1990 as:

"the carrying out of a development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted."

3.2 A breach of planning control is normally a form of development (a building/engineering operation, use or other activity) that is unauthorised, in that it does not have the benefit of planning permission or other required consent. It includes development not carried out in accordance with a planning permission, and any breach of condition. The fact that something is unauthorised does not, in itself, amount to an offence.

3.3 This contrasts with other elements of planning law, where certain works and activities are in fact offences that can be prosecuted in the courts. These include:

- Unauthorised works to listed buildings
- Unauthorised works to or the removal of protected trees
- Unauthorised advertisements

3.4 Underpinning all of this is a large body of case law. There is a range of powers available to Local Planning Authorities to take enforcement action to deal with breaches of planning control and these are contained in the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act, 1991), the Planning (Listed Buildings and Conservation Areas) Act 1990 and related Regulations

APPENDIX 2

4.0 THE COUNCIL'S INITIAL INVESTIGATION

How to report a suspected breach

4.1 Most investigations into breaches of planning control result from complaints received from members of the public or from Ward Councillors. The Council can be contacted by letter, using the on-line form ~~telephone, email~~ or email~~in person~~. It is essential that complainants submit details in writing as this~~Written complaints are preferred as this~~ avoids ambiguity and provides the Council with an accurate basis on which to proceed with an investigation.

4.2 Complaints should be addressed to ~~the Group Manager~~Enforcement, Planning and Regulatory Services Directorate, Maldon District Council, Princes Road, Maldon, Essex, CM9 5DL (or as stated on the Council's web site) who will then ensure it is dealt with by the appropriate investigating officer(s).

4.3 The Council will need the following information before any investigation will take place:

- The precise location of the site or property to which the complaint relate.
- The exact nature of concern, i.e. the potential breach of planning control.
- An indication of any harm caused by the breach.

~~4.3~~4.4 The following information will assist the Council in investigating the alleged breach:

- When the breach occurred.
- Any information on the identity of the person(s)/organisation responsible, if known.

Comment [ML1]: Has been split to make clearer what information is essential.

Confidentiality

~~4.4~~4.5 All investigations are carried out in strictly confidential basis and the investigation team will not reveal the complainants' details. On serious breaches of planning control, which may warrant prosecution, or result in an appeal, the complainant may be invited to give a witness statement. However, such occasions are rare and involvement in those cases is on a voluntary basis.

Anonymous Complaints

~~4.5~~4.6 Anonymous complaints will not normally be investigated.

Recording Complaints

~~4.6~~4.7 All complaints of potential breaches are entered onto the enforcement records system upon receipt, and a unique reference is created so that progress on each complaint received can be monitored. The name, address and telephone number of the complainant and the details of the complaint are logged. ~~Complaints will usually by be acknowledged by email or letter within 5 working days, giving the~~

~~name and telephone number of the investigating officer. Complainants are kept informed throughout the investigation process and are welcome to contact the investigation officer at any time for a progress update.~~

Comment [ML2]: This is explained at 4.9 so deleted so it doesn't repeat itself.

~~4.7~~4.8 The initial investigation will usually involve checking the planning and any building regulation history of the particular site to establish any relevant development history and whether any conditions have been attached to any approval granted. Sometimes it is also necessary to check other records held by the Council such as council tax or business rates, environmental health records or outside organisations ~~such as the DVLC at Swansea,~~ in order to get a complete understanding of events.

~~4.8~~4.9 A site inspection may prove necessary to establish further facts and evidence. Investigation Officers identify themselves when on site and explain the reasons for the visit. The owner/occupier or people working on the site will be interviewed to obtain factual information and photographs and measurements may also need to be taken. A detailed note is made of the findings in the investigation file, which is used to record all visits and discussions at meetings or on the telephone.

Informing Complainants

~~4.9~~4.10 Following an initial acknowledgement the Council will keep all complainants informed of progress at the following key stages of the process including, where relevant:

- The initial assessment, advising what action will be taken
- Any Issue of enforcement notice, or outcome of other action
- If an appeal has been lodged against a formal notice
- Closure of the investigation

Rights of Entry

~~4.10~~4.11 Investigation officers have the immediate right of entry onto sites under the provisions of S196A, S196B and 196C of the Town and Country Planning Act 1990, to all non-residential land and buildings. Twenty four hours' notice must be given if access is required to a residential property. If access is denied for any reason, a formal Right of Entry Notice can be served. If entry is subsequently refused, a warrant to effect entry can be applied for from a serving Magistrate.

Obtaining additional information

~~4.11~~4.12 In some circumstances, when it has not been possible to establish the facts through normal investigation, or when the co-operation from the owner/occupier is not forthcoming, a formal Planning Contravention Notice (PCN) may be served. This requires the recipient to provide information relating to the breach within 21 days from the date of service of the Notice.

~~4.12~~4.13 The complainant may occasionally be asked to assist with the investigation, for example, by keeping a diary of events relating to the breach. This is helpful where problems occur in the evenings or at weekends or outside normal working hours. Such help is voluntary, but the evidence may be crucial when assessing

whether a breach has occurred and whether further action is considered expedient to remedy the breach.

~~4.13~~4.14 If there is no breach of planning control evident, then an explanation will be given to the complainant and the file will be closed.

~~4.14~~4.15 The impact of some developments and activities are more harmful than others. The Council will nevertheless seek to ensure that all reported breaches of planning control are resolved as quickly as possible. The Council however, needs to ensure that full and proper consideration is given to the matter and this can often take several weeks, occasionally months, prior to resolving whether a breach of planning control has occurred and determining what further action is merited.

~~4.15~~4.16 When there is enough evidence to establish whether a breach has taken place, the investigation officer will advise on the most appropriate course of action or, no further action, in some cases. The investigation officer will contact the complainant to inform them of the outcome.

5.0 PRIORITIES FOR ACTION

5.1 Some complaints will be more urgent than others and these will need to be given a higher priority including:

- Works to listed buildings, below ground archaeology and works to protected trees that cause immediate and irreversible harm, including any advertisement that may be affixed to them or other operational development such as builders storage, temporary buildings or parking areas that may be positioned next to them and likely to cause harm
- Councillor, MP enquiries and formal Parish Council complaints ~~where there appears to be a serious breach or an offence~~.
- Operational development/building works where substantial and ongoing loss of amenity is likely to occur
- Fly posting which appears to be intensive and is likely to cause an amenity or public safety issue
- Breaches of planning control that are likely to be immune from enforcement within six months
- Changes of use affecting residential amenity
- Other development (e. g building works/changes of use and untidy condition of land/buildings)
- Building works affecting the character and appearance of a Conservation Area.
- Other advertisements and satellite dishes attached to protected trees or listed buildings

5.2 On receipt of a complaint, it will be prioritised, as discussed below, and a preliminary investigation will be undertaken to establish whether a breach of planning control has, or is likely to, have occurred.

5.3 **Complaints classified as 'Immediate' – investigation within 1-2 working days**

- Works to listed buildings
- Works to protected trees
- Demolition of important unlisted buildings in conservation areas
- Significant unauthorised building works
- Breach of conditions where there is likely to be irreversible harm, e.g. contaminated land, archaeology and flood defence or drainage works

5.4 **Complaints classified as 'Urgent' - investigation within 15 working days**

- Councillor or MP complaints and formal Parish Council complaints ~~where there appears to be a serious breach or an offence~~.
- Operational/building works/change of use/compliance with conditions/ obligations affecting residential amenity where ongoing severe neighbour disturbance is being caused
- Operational development within conservation areas
- Where immunity rules are likely to shortly apply if action is not taken

5.5 **Complaints classified as 'Non-Urgent' – investigation within 25 working days**

- Other changes of use
- Other building works/condition of land/compliance with conditions
- Advertisements and satellite dishes (not attached to trees or listed buildings) (conservation areas to be prioritised)

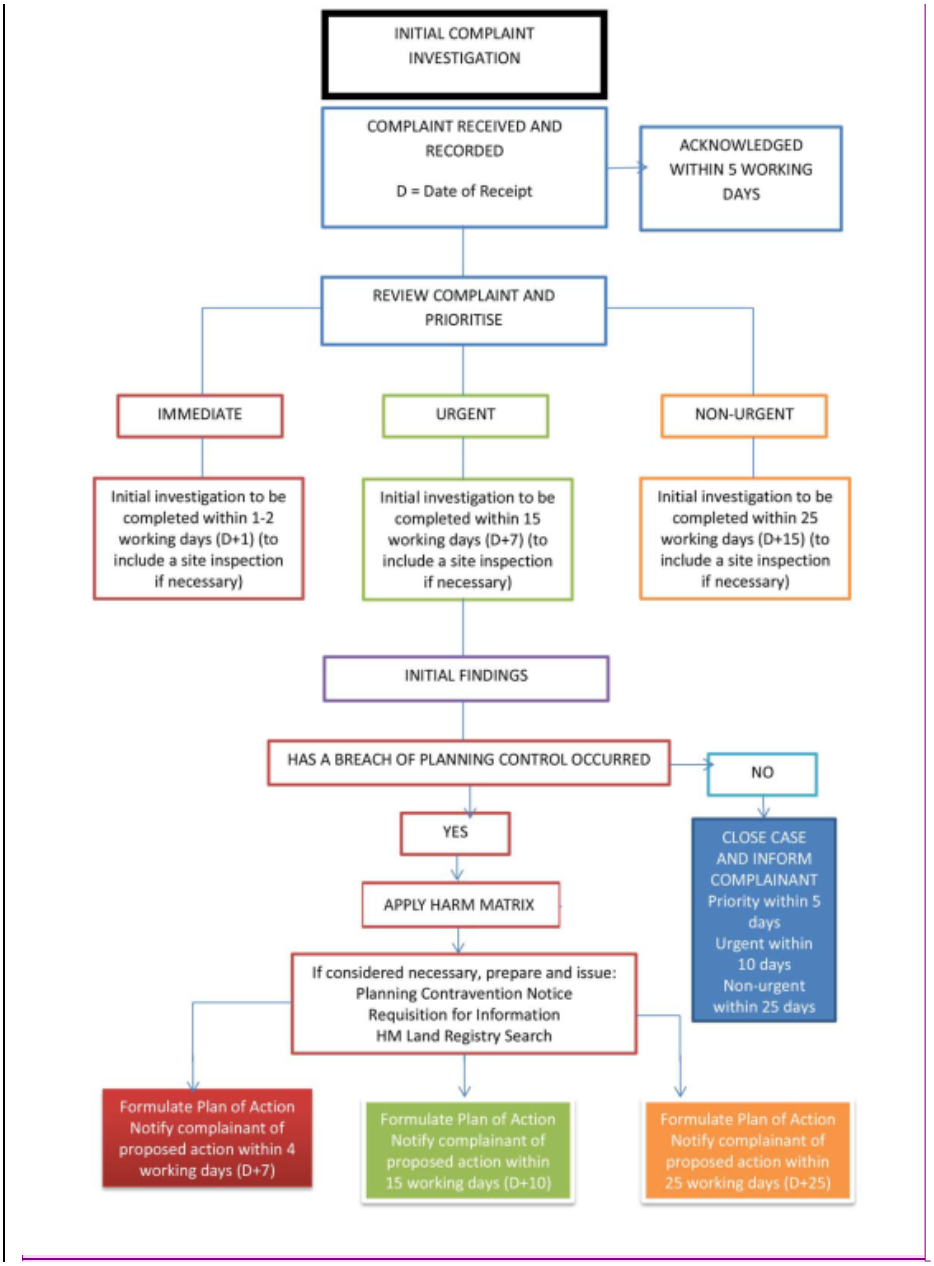
~~**Planning Advice and Enquiries**~~

~~5.6. For general planning enquiries and advice that do not constitute a complaint into a breach of planning control, the matter will be looked into within 10 working days.~~

Initial Investigation Flow Chart

5.6. The following flow chart shows the procedure followed when investigating complaints.

APPENDIX 2



Comment [ML3]: Amended flow chart inserted that includes application of the harm matrix.

APPENDIX 2

6.0 ASSESSING THE COMPLAINT

6.1 An important element of the Council's Enforcement Policy is a prioritisation or **Harm Assessment Matrix**. A number of local authorities have adopted an approach which attracts scores depending on the nature and location of an alleged breach of planning control. and Maldon Council first adopted this approach in April 2014. Following an initial site visit by an officer, an assessment of the breach is carried out in order to determine what level of officer time will be dedicated to investigating the breach further.

6.2 The matrix sets out a minimum score which needs to be achieved in order to prompt justification forjustify further investigations. A score below the designated minimum5 would normally result in no further action by the Planning Enforcement Team in respect of the breach, although aother than an invitation to submit a retrospective application would normally be invited in an attempt remedy/regularise the breach and it will be expected that this is sum bitter in a short period of time.

6.3 As detailed in the next section Sscores are based on (i) matters of fact i.e. does it relate to a listed building or whether if the site is in a conservation area, plus and , (ii) to matters of judgement i.e. whether the breach would result in irreversible harm or whether or if the development, if permission was granted, would the development result in an undesirable precedent.

APPENDIX 2

HARM ASSESSMENT CRITERIA ~~(see APPENDIX 1)~~

1. IS THE BREACH?

For **operational development** - are the works ongoing, stopped, complete or stable?

For **change of use -** is the use intensifying, is there an increase in activity, is there a change in appearance/ activity. Is residential occupation involved?

2. HIGHWAY SAFETY

YES = New/altered access to a highway, significant increase in use of access, creates on street stopping and or parking

3. OTHER SAFETY ISSUES

YES = Hazardous materials stored, potential fire risk, interference with safety of other uses/users

4. CAUSING STATUTORY NUISANCE

YES = Where dust, vibration, smell, fumes, light creating adverse physical effect upon health, and or where Environmental Health are taking action

5. COMPLAINANT

Self-explanatory

6. AGE OF BREACH

Self-explanatory taking into account the '4 year' or the '10 year' rule.

7. DEGREE OF HARM

Is the harm widespread or localised?

Widespread – more than 10 residential properties directly affected, major policy breach i.e. dwelling in countryside or commercial operation in countryside, can be seen over several tens of metres, pollution is air borne and carried over neighbourhood.

Local – this is where there is harm but only to immediate neighbours affected.

8. IRREVERSIBLE HARM

YES = effectively a planning judgement as to whether retention of operational works or change of use can be permitted without causing permanent damage to the environment or living conditions. Would an application be refused planning permission?

9. FLOOD RISK

Development within its respective Flood Risk Zone [graded 1 (low risk to 3 high risk]

10. BREACH OF PLANNING CONDITION , ANY ARTICLE 4 DIRECTIONS,OR LIMITATIONS IMPOSED BY PERMITTED DEVELOPMENT RIGHTS

This will be a matter of fact and thus either yes or no

11. AFFECT ON THE CHARACTER OR APPEARANCE OF A CONSERVATION AREA

This will be a matter of fact and degree and a matter of either yes or no

12. LISTED BUILDING OR AFFECTING THE SETTING

This will be a matter of fact and degree and a matter of either yes or no

13. SPECIAL AREAS

This relates to whether the breach lies within a specific special project area such a the Maldon central regeneration area and is part of a specific proactive enforcement project

14. SENSITIVE AREAS

This will be a matter of fact and thus either yes or no. These special areas include:

AONB, SSSI, Ramsar Convention Site, Area of Archaeological Importance, Scheduled Ancient Monument

15. UNDESIRABLE PRECEDENT

A matter of judgement i.e. if similar work or a change of use has occurred would this undermine an important planning principle for the area or cumulatively cause harmful change to character of the area?

~~**Review against matrix**~~

~~An Enforcement Harm Assessment Form will normally be completed by an officer who has seen the development. Only complaints which score 5 or above will be further investigated. Those with a lesser score will be informed of the breach/likely breach and invited to remedy/regularise it. In both cases the complainant is to be notified of the Council's Actions.~~

7.0 WHAT HAPPENS WHEN BREACHES OF PLANNING CONTROL ARE CONFIRMED?

7.1. The majority of breaches of planning control are resolved informally and by negotiation with the owner/occupier. Formal action, only takes place when it is expedient, and where other means to resolve the problem have failed. **It is a last resort**. The Council will take effective enforcement action when it is essential to protect the amenity of the area, the public or highway safety, and to maintain the integrity of the development management process within the District. The impact of some developments are more harmful than others and therefore action will be in the public interest and commensurate with the breach of planning control.

7.2. Authorised officers will normally decide whether formal notices are justified, in accordance with agreed policies, and action will be approved under the powers delegated to The Director of Planning and Regulatory Services or through the relevant committee/councillor involvement according to the Council's Constitution at the time.

7.3. When it is clear that there is a breach of planning control, the Council will draw this to the attention of the person responsible and advise them of the most appropriate course of action. These may be:

- If the breach is minor with no significant effects – no further action required
- If the development is such that it is in line with relevant local plan policies – the Council will usually invite a 'retrospective' application for planning permission
- If the breach is likely to be immune from enforcement action due to the passage of time – an application for a Certificate of Lawfulness will be invited if permission is unlikely to be granted – the Council will ask for the use to cease, or unauthorised development to be removed. A suitable period of time is allowed, depending on what needs to be done. For example, tenants must be allowed reasonable time to find somewhere else to live
- As a last resort, formal notices can be issued, such as a Breach of Condition Notice or Enforcement Notice, if it is considered expedient having regard to the development plan policies and other material considerations. This is a discretionary decision, which is made on a case by case basis. The Council must be able to justify taking formal action and be sure that the steps specified in the notice and the period for compliance with each step, are reasonable
- In extreme cases, the Council can serve a notice to require any relevant activity to cease (a Stop Notice or Temporary Stop Notice) and there is provision to obtain a planning enforcement injunction to restrain an actual or apprehended breach of planning control

- When a Breach of Condition Notice has been served and has not been complied with, the person who has been served with the notice can be prosecuted in the Magistrates Court

- When an Enforcement Notice takes effect but is not complied with, any owner/occupier or person who has control of, or has an interest in the land, can be prosecuted in the Magistrates Court

- Where appropriate, and if other means have not secured a cessation of the breach being enforced against it, the Council will consider using its default powers to take direct action to remedy the breach of planning control, recovering the cost from the owner or placing a legal charge on the land

- When it is considered expedient not to pursue enforcement action against a breach of planning control, so no further action will be taken

7.4. A robust case supported by evidence needs to be made to ensure any subsequent appeal and prosecution can be supported.

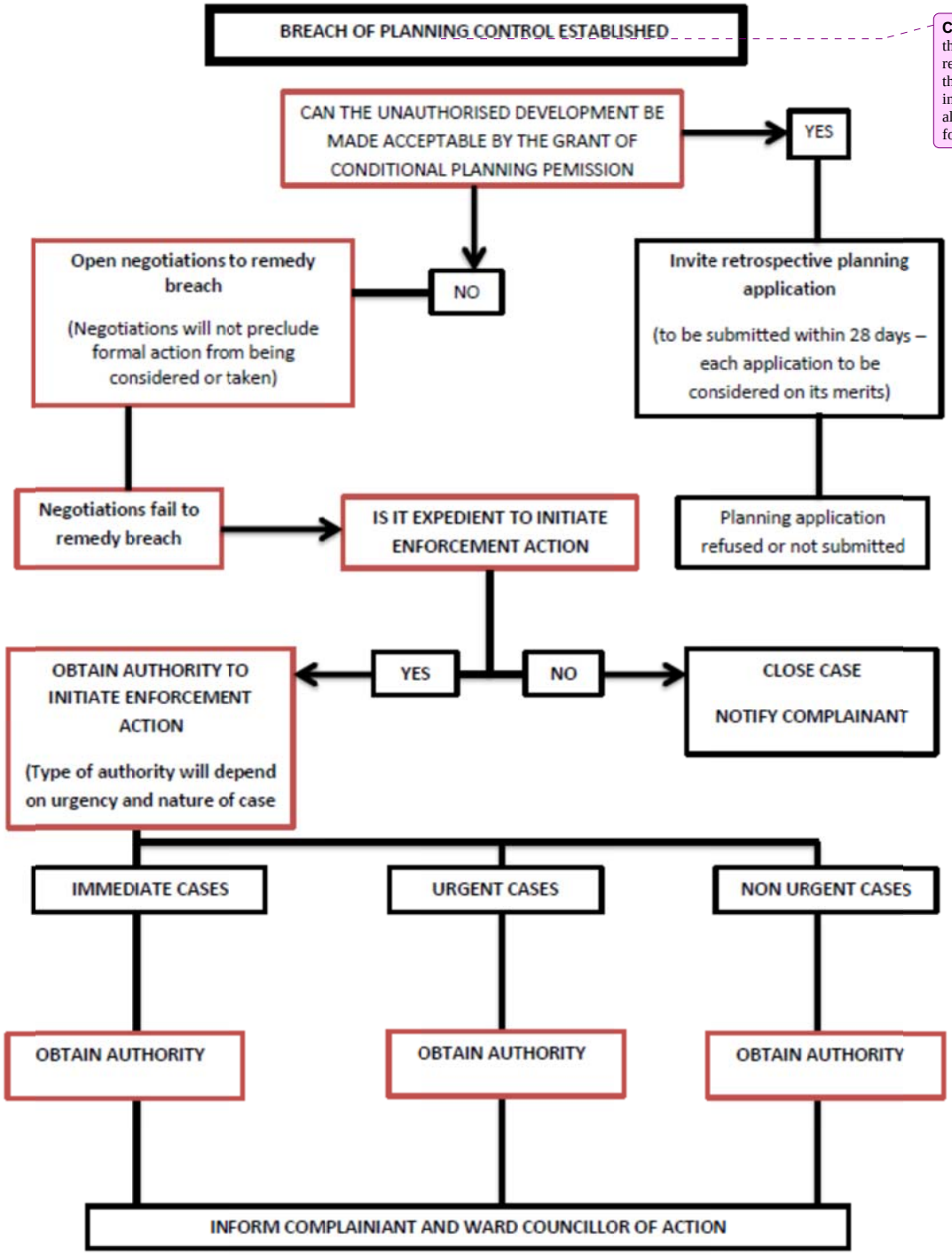
~~Flow Chart –~~ Breach of Planning Control Confirmed

7.5. Once a breach has been established, further investigation may be required and a time-table to be followed to resolve the breach according to its priority classification.

~~7.6. The flow chart below shows the procedure and time-table to be followed once a breach has been established.~~

APPENDIX 2

NFORCEMENT PROCEDURES FLOW CHART



Comment [ML4]: Was an addition to the original policy. However, agreed to be removed aa it is an internal process rather than being something that needs to be included within the formal adopted policy; also limits flexibility that might be required for individual cases.

(Appendix 2 – page 19)

8.0 SECURING COMPLIANCE WITH AN ENFORCEMENT NOTICE

8.1 An offence occurs when an owner/occupier fails to comply wit-h the requirement of an enforcement notice.

8.2 The Council will take action when the terms of an enforcement notice have not been complied with. Such action may involve:

- Prosecution of the parties concerned in the local courts
- The issue of an injunction through the court system
- Direct, or 'default' action

8.3 The Council will usually seek to bring the matter to a successful conclusion as quickly as possible through the pursuit of action in the courts. If someone is found guilty of failing to comply with the terms of an enforcement notice, a maximum fine of £20,000 may be imposed by the court. If the Notice is still not complied with, a further prosecution may be brought and this is likely to continue until the Notice has been complied with.

8.4 The Council will not necessarily withdraw from taking action in the courts once this has commenced, and this may apply even where the breach of planning control may be rectified before the case is heard.

8.5 In the case of a persistent offence against an unauthorised activity, an injunction may be sought through the County Court or High Court. More severe penalties may be imposed in these circumstances if the offence continues.

8.6 In exceptional circumstances, the Council will consider taking direct or default action to remedy a breach of planning control. This may involve the use of contractors to enter a site and physically remove or put right unauthorised building work. Such circumstances are likely to arise for example when the breach of planning control has not been remedied, despite the imposition of fines by the Courts or for continued breaches of planning control. In such cases, the Council will seek to recover its costs, in the form of a charge on the land for example, or by other means.

8.7 If an enforcement notice is served against a development, which is subject to a planning or listed building appeal which is currently under consideration by the Planning Inspectorate, the outcome of such an appeal may be awaited before taking further action to secure compliance with an enforcement notice. When an appeal has been dismissed, compliance with the requirements of an enforcement notice will then be pursued.

8.8 When the Council believes that an enforcement notice has been complied with, the fact will be confirmed to the owner/occupier of the land and to anyone who has complained about the development or activity. ~~Even though an enforcement notice has been discharged, the record will remain in the Land Charges Register unless specifically requested to be removed by the owner/occupier.~~

9.0 ENFORCEMENT APPEALS

9.1 S174 of the Town and Country Planning Act 1990 (as amended) provides a right of appeal against an enforcement notice. The Planning Portal (web site) provides a link to relevant information.

9.2 An appeal must be made before the notice takes effect (normally 28 days after the date of issue of the notice). An appeal cannot be entertained if it is made after the date the notice takes effect.

9.3 An owner, occupier or any other person, who has an interest in the land, even if a copy of the notice has not been issued on that person, may make an appeal.

Grounds of Appeal

Ground A – that planning permission ought to be granted (or a condition or Limitation be discharged)

9.4 This is the 'deemed application' seeking planning permission and requires payment of a fee both to the Council and the Planning Inspectorate. The Council will ensure that the reasons for issuing the notice are well founded and in accordance with the development plan (where appropriate). The Council will then be able to argue on the planning merits of the case that planning permission should not be granted, or that permission should only be granted subject to conditions.

Ground B – that as a matter of fact the alleged unauthorised development has not taken place

9.5 The Council will, by investigating the breach of planning control and through collection of appropriate evidence, ensure that the matter alleged in the notice has occurred and has, in fact, taken place.

Ground C – that the development (if it has taken place) does not constitute a breach of planning control

9.6 Enforcement action will only be taken when it appears to the Council that there may have been a breach of planning control. Before taking action, the Council will consider:

- Whether the alleged breach constitute development
- If it does constitute development, does it need planning permission
- Whether planning permission been granted

Ground D – that the time limit for taking enforcement action has passed

9.7 When there is any doubt about when the breach of control first took place, before taking enforcement action, the Council will initiate an investigation to establish when the breach first occurred. This investigation may include the service of a Planning Contravention Notice, a Requisition for Information and an HM Land Registry search. Evidence may also be sought from neighbours, previous owners and any other person with personal knowledge of the history of the site. This will ensure from the evidence available that the development has not achieved immunity from enforcement action due to the passage of time.

9.8 The immunity from taking enforcement action will be four years in respect of unauthorised building works or for the making of a material change of use of any building for use as a dwelling house, or non-compliance with a planning condition which prohibits the use of a building as a dwelling house.

9.9 In all other cases, the period from immunity will be ten years.

Ground E – that copies of the notice were not properly served

9.10 The Council will take all reasonable steps to issue a copy of the enforcement notice on every person with an interest in the land as required by the legislation based on the information obtained by a Requisition for Information, a Planning Contravention Notice or HM Land Registry search or by such other means necessary.

9.11 Notices will be issued by Recorded Delivery mail or by hand.

Ground F – that the steps required by the notice exceed what is necessary to remedy any injury to amenity

9.12 The Council will ensure that the steps required to be taken are both necessary and the minimum required in order to remedy the breach of planning control. The steps will be stated clearly so that there is no doubt about what has to be done.

Ground G – that the period for compliance is too short

9.13 The period for compliance will be a reasonable period having regard to the particular circumstances of the case and the actual or potential harm being caused to the amenity of the area by the unauthorised development.

9.14 When particular personal family hardship will result in order to comply with an enforcement notice, the Council will ensure an adequate period for compliance is granted.

An appeal made under Ground A

9.15 This ground of appeal relates solely to the planning merits of the case. If an appeal is successful under this ground, planning permission can be granted for the development enforced against.

An appeal made under Grounds B, C, D and E

9.16 An appeal made under any or all of Grounds B, C, D and/or E are grounds often referred to as the 'legal grounds' of appeal.

An appeal made under Grounds F and G

9.17 An appeal made under either Grounds F and/or G are not concerned with the planning merits of the case or legal issues but regards to the requirements of the Notice itself.

Appeal Methods

9.18 An appellant may elect an appeal to be heard at a public inquiry, an informal hearing or by way of an exchange of written statements.

9.19 It is the Planning Inspectorate who will make the final decision as to the appropriate method of appeal.

9.20 Unless complex planning issues or legal issues are involved, the Council will normally request enforcement appeals to be dealt with by way of an exchange of written statements.

Award of Costs

9.21 Costs can be awarded against both parties whichever method of appeal is used if either the Council or the appellant is found to have acted unreasonably in accordance with statutory procedures.

9.22 When it appears to the Council that an appeal has been made simply to delay or prolong the requirements of a notice taking effect, or if Ground A has been cited where the development is clearly contrary to planning policy, or some other ground is cited which clearly has no chance of success, the Council will apply for an award of costs against the appellant.

10.0 OTHER PLANNING ENFORCEMENT POWERS

10.1 Some breaches of planning control are the subject of separate legislative codes.

10.2 These include:

- Listed Buildings
- Advertisements
- Trees
- Condition of land or buildings affecting the amenity of an area

10.3 Where the legislative requirements are the same, this enforcement policy will form the basis for any action taken by the Council on these matters.

Listed Buildings

10.4 The Council attaches particular importance in ensuring that any alterations to listed buildings are properly authorised. The statutory provisions for the preservation of buildings of special architectural or historic interest are contained in the Planning (Listed Buildings and Conservation Areas) Act 1990. It is an offence under Section 9 of the Act to carry out unauthorised works to a listed building which would affect its character. The owner of a listed building or those who have an interest in the property or who have carried out the works may be prosecuted by the Council irrespective of whether consent is later obtained retrospectively or the unauthorised works later made satisfactory. A person found guilty of an offence may be liable to a fine of up to £20,000 and/or a term of imprisonment of up to two years. There is no time limit upon the District Council to pursue listed building enforcement action.

10.5 A Listed Building Enforcement Notice may also be served requiring remedial works to the building within a certain time scale. There is a right of appeal but failure to comply with the Notice is an offence, where a penalty of up to £20,000 may be imposed.

Advertisements

10.6 The display of advertisements is controlled under the Town and Country Planning (Control of Advertisements) Regulations 1992 (as amended) and the Anti-Social Behaviour Act 2003 (part C) Penalty Notices for Graffiti and Fly Posting.

10.7 Advertisements are divided into three main groups:

- Those advertisements that are expressly excluded from local planning authority control
- Those that have 'deemed consent' so that the local planning authority's consent is not required provided the advertisement is displayed under certain rules
- Those advertisements that require the local planning authority's consent

10.8 The rules are complicated and seek to control amongst other things, the height, size and illumination of the advertisement.

10.9 Any person who displays an advertisement, without consent, is acting illegally. It is open to the Council to take a prosecution in the Magistrates Court for an offence under Section 224 of the Town and Country Planning Act 1990 (as amended).

10.10 The Council can issue a Fixed Penalty Notice in relation to the display of an advertisement to any person that there is reason to believe that that person personally affixed or placed the advertisement to, against or upon the land or object on which the advertisement is or was displayed under the Anti- social, Crime and Behaviour Act 2014; this is discussed further below.

Comment [ML5]: Added paragraph to explain fixed penalty notices.

10.11 Unless the offence is particularly flagrant or repeated, the planning authority may not initially consider it necessary to prosecute for an advertisement offence. Instead, they may invite the advertiser to apply for the consent required and if refused, there will be a right of appeal. The continued display of an advert after consent has been refused, and any subsequent appeal dismissed, may well result in prosecution. The maximum fine on conviction is currently £1,000 with an additional daily fine of one-tenth of the maximum penalty of a continuing offence.

10.12 Any display of an advertisement without consent is an offence which is immediately open to prosecution, or in some cases to the removal or obliteration if the Council decide to take such action. If the advertisement identifies the advertiser, the Council must give 48 hours before obliteration or removal takes place, where the regulations apply.

10.13 Some advertisement may be displayed on highway land in which case there are powers that Essex County Council (ECC) has to remove these directly. The Council will seek ECC to remove these where complaints are received but in some cases, such as fly posting joint action may be necessary.

Action available to Councils either as the Local Planning Authority (LPA) and / or the Highway Authority

10.14 The Council could take a number of actions including:-

1. Remove the signs directly (with or without an attempt to attempt to recover the costs)
2. Proceed to prosecute in the magistrates court
3. Where the signs are on highway land or fixtures seek Essex County Council to take direct action using their highways powers.
4. Possible use of ~~an anti- social behaviour order (ASBO)~~a Fixed Penalty Notice under the Anti- social, Crime and Behaviour Act 2014.
5. Do nothing (depending on the scale of the matter)

Comment [ML6]: Changed to take into account FPN

10.15 The only two reasons local authorities can take into account in dealing with advertisements under the Advertisement Regulations are public safety an amenity.

10.16 Failure to comply with these conditions will allow the LPA to immediately serve a removal notice giving a reasonable time for such signs to be removed otherwise the LPA could undertake the work and recover the costs.

10.17 **Removal (as the Local Planning Authority):** Local planning authorities have specific powers to deal with unauthorised advertisements under planning legislation and allows local planning authorities to remove and dispose of any display structure which, in their opinion, is used for the display of illegal advertisements. This provision does not apply to signs in a building to which the public have no right of access. Where possible, the owners / advertisers should be notified before removal.

10.18 **Prosecution (as the Local Planning Authority):** The local planning authority is empowered to prosecute those who display advertisement signs without consent including the beneficiary of such advertisement signs. The fine for displaying without consent is up to £1,000 (level 3 of the standard scale) and £100 per day as fine if after conviction, the advertisement continues to be displayed. A person shall be deemed to have display an advertisement if is:

(a) The owner of the property or the occupier of the land on which the advertisement is displayed

(a) The advertisement gives publicity to his goods, trade, business or other concerns

10.19 Notices should be served on both the owner / occupiers of land on which the advertisement is displayed as well as the beneficiaries of the advertisement unless:

(a) They have no knowledge of the advertisement displayed

(b) They have not given consent to the advertisement displayed

10.20 The local planning authorities do not need to give notice of removal if the advertisements are displayed on land or properties belonging to the Council.

10.21 **Removal (by the Highway Authority).** The Highway Act 1980 makes provisions for Highway Authorities to remove advertisement signs, painting, etc. affixed to the surface of Highway or any other structure in the Highway. Illegal signs can be removed without giving notice to the perpetrators.

10.22 **Prosecution (by the Highway Authority).** Prosecution under the Highway Act1980 attracts a fine of up to £1000.

10.23 **Anti – social behaviour orders (ASBOs).** This was new measure introduced in 1999. Graffiti and fly-posting are defined as an offence and a Penalty Notice can be served. 14 days' notice is required to be given of impending action. This type of action is considered more appropriate where there is an extensive problem of illegal fly posting.

Trees

10.24 Under Section 198 of the Town and Country Planning Act 1990, the local planning authority has the right to make provision for the preservation of trees in their area by issuing a Tree Preservation Order. Any unauthorised works to such protected trees is an offence under Section 210 of the Act. It is an offence to cut down, uproot or wilfully destroy a tree, or wilfully damage, top or lop a tree in such a manner as to likely destroy it. The offence is liable on summary conviction to a fine of up to £20,000.

10.25 Trees in Conservation Areas are similarly protected subject to the size of such a tree and under Section 211 and Section 212 of the Act, the same penalties apply.

Land or buildings that adversely affect the amenity of an area

10.26 Under Section 215 of the Town and Country Planning Act 1990, the local planning authority may take steps to require land or buildings to be cleaned up when its condition adversely affects the amenity of an area. The Council may serve a notice on the owner and occupier of the land requiring steps to be taken within a specified period.

10.27 The notice takes effect after 28 days from date of service. There is a right of appeal to the Magistrates Court and then to the Crown Court, during which time the notice is of no effect. If an appeal is unsuccessful, the notice takes effect and it is an offence not to carry out the steps required. If the notice is not complied with, the Council will consider prosecution proceedings or enter the land and carry out the required works. The costs incurred in carrying out the works will be recovered from the owner of the land.

Proceeds of Crime Act - POCA

10.28 The Proceeds of Crime Act 2002 (POCA) sets out the legislative scheme for the recovery of criminal assets with criminal confiscation being the most commonly used power. Confiscation occurs after a conviction has taken place. The aim of the asset recovery schemes in POCA is to deny criminals the use of their assets, recover the proceeds of crime and to deter criminality.

10.29 During the enforcement process the authority seeks full recovery of costs, where possible. Consideration will be given ~~for the~~to the appropriateness and expediency of the use of POCA powers, including but not limited to the seeking of confiscation orders, in appropriate cases in which a defendant has benefited from criminal conduct or a criminal lifestyle. This will both ~~to~~ help cover the costs of enforcement and ~~to~~ ensure an effective disincentive to ongoing breaches of planning control.

Comment [ML7]: New section

APPENDIX 2

11.0 ENFORCEMENT POLICY FOR MALDON DISTRICT COUNCIL

11.1 Taking into account updated national policy guidance, local pressures and resources available the following policies will be applied across the district:

POLICY ENF1

The Council is committed to a planning enforcement function prioritised in the following order:

Category 1. Immediate – investigation expected within 1-2 working days

- Works to listed buildings
- Works to protected trees
- Demolition of important unlisted buildings in conservation areas
- Significant unauthorised building works
- Breach of conditions where there is likely to be irreversible harm, e.g. contaminated land, archaeology, flood defence and drainage
- Advertisements that may cause immediate harm such as 'A' boards affecting pedestrian safety, advertisements including fly posting which are intensive in scale or are affixed to trees and/or listed buildings

Category 2. Complaints classified as 'Urgent' - investigation within 15 working days

- Councillors, formal Parish Council and MP ~~complaints where there appears to be a serious breach or an offence~~.
- Operational/ building works/ change of use/ compliance with conditions/ obligations affecting residential amenity where ongoing severe neighbour district being caused
- Operational development within conservation areas
- Where immunity rules are likely to shortly apply if action is not taken including mobile homes/ caravans

Category 3. Complaints classified as 'Non-Urgent' – investigation within 25 working days

- Other changes of use

- Other building works/condition of land
- Compliance with conditions unless significant harm is likely e.g. flood defence or contaminated land issues
- Advertisements and satellite dishes (not attached to trees or listed buildings) (conservation areas to be prioritised)

POLICY ENF2

Complainants shall receive an email or letter of acknowledgement that the complaint is being investigated normally within 5 working days of receipt. They will receive updates based on the priority category of the investigation informing them what action the council intends to take or to close the case.

POLICY ENF3

Formal enforcement action to remedy a breach of planning control will only take place when it is considered expedient and in the public interest to do so.

POLICY ENF4

If there is severe harm to public amenity as a result of the failure to comply with planning conditions or unauthorised development, the Council will consider the use of stop notices, breach of condition notices, temporary stop notices and injunctions to speed up the effectiveness of the enforcement process.

POLICY ENF5

When investigating alleged breaches of planning control involving small business uses, the Council will take a positive approach towards the continuation of the activity and it being regularised by the grant of planning permission. If, however, there is a sustainable planning objection, the Council will endeavour to assist possible relocation to alternative premises. Provided there is not a severe impact on local amenity, the Council will seek to ensure that reasonable time is given to comply with enforcement action taken against business use activities.

POLICY ENF6

The Council will pursue, whenever possible, legal proceedings and/or the taking of direct action in the event of failure to comply with formal enforcement and related planning notices. The Council will consider the Proceeds of Crime Act for prosecutions.

POLICY ENF7

The Council will seek to address certain enforcement matters through other appropriate enforcement agencies such as the County Highway Authority (Essex County Council), Natural England and The Environment Agency where they have more immediate or effective enforcement powers.

APPENDIX 1

The following is a brief explanation of some of the more technical terms used throughout this policy document

Breach of Condition Notice (BCN)

The power to serve a BCN is contained in Section 187A of the Town and Country Planning Act 1990. A notice can be issued where a condition attached to a planning permission has not been complied with. There is no right of appeal against the serving of a BCN. Failure to comply with a BCN constitutes a criminal offence.

Breach of Planning Control

This is a term used when development has taken place that requires specific planning permission and no such permission has been granted. The term will also apply to failure to comply with a planning condition or limitation; carrying out works to a listed building; the display of illegal advertisements; unauthorised works to protected trees and trees within conservation areas and the condition of land or buildings which affect the amenity of an area.

Certificate of Lawfulness

Under Section 191 of the Town and Country Planning Act, application can be made to a local planning authority for a Certificate of Lawfulness in order to confirm whether an alleged breach of planning control is now lawful for planning purposes and therefore immune from enforcement action because of the time that has elapsed since the breach first took place. For a use to become immune from enforcement action and become lawful for planning purposes the following timescales apply:

- Erection of buildings and other works. 4 years
- Changes of use of a building to a single dwelling house. 4 years
- Changes of use of buildings or land other than a dwelling house. 10 years
- Non compliance with a condition relating to the occupation of a building as a dwelling house 4 years
- Non compliance with a condition other than occupation of a building as a dwelling house 10 years

(There may be exceptions and questions of interpretation that should first be discussed with the Planning Authority)

APPENDIX 2

GLOSSARY OF TERMS

Default Powers (or Direct Action)

Under Section 178 of the Town and Country Planning Act, local planning authorities have the right to enter land or property and carry out works which the owner or occupier has failed to comply with any steps required to be taken in an effective enforcement notice. The costs are recovered from the landowner. The costs can be made as a charge on the land, to be recovered at the time of a future sale of the land or property, if the costs cannot be recovered at the time works are carried out in default.

Development Orders

The Town and Country Planning (General Permitted Development) Order 1995 grants 'deemed consent' for certain forms of development without the need to specifically apply for planning permission.

The Town and Country Planning (Use Classes) Order 1987 groups common uses together in a number of classes and confirms that changes occurring within the same Class would not normally require the submission of a planning application.

Enforcement Notice

The power granted to local planning authorities to issue and serve an enforcement notice is conferred under Section 172 of the Town and Country Planning Act 1990. The Notice must clearly state:

- The alleged breach of planning control
- The steps required to remedy the breach
- The reasons why an enforcement notice has been served
- The time available to comply with the steps

The notice has to be served on anyone having an interest in the land.

There is a right of appeal against the notice provided the appeal is lodged with the Planning Inspectorate before the date the notice takes effect. Once an appeal has been lodged, the enforcement notice no longer has any effect until such time as the appeal has been determined.

Fixed Penalty Notice

Under the Anti- social, Crime and Behaviour Act 2014 authorised enforcement officers of the District Council can issue a Fixed Penalty Notice for a number of offences. This includes fly-tipping, graffiti and fly posting.

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Injunctions

When the Council consider it necessary or expedient for a breach of planning control to be restrained because it is causing serious harm to the amenity of an area, application can be made to the county court or high court for an injunction, whether or not they have exercised or are proposing to exercise any other powers of enforcement.

Such cases are rare but could be used for example when it is believed there is good evidence that works are likely to occur to protected tress or listed buildings which will result in irretrievable harm.

An injunction may be issued against a person whose identity is unknown but who is able to be identified by other means.

Local Planning Authority

Maldon District Council is the local planning authority for most matters relating to the control of development within the administrative boundary except for the extraction of minerals and the deposit or waste, which is the responsibility of Essex County Council.

Planning Contravention Notice (PCN)

The power to issue a Planning Contravention Notice (PCN) is conferred by Section 171 of the Town and Country Planning Act 1990. A PCN can be served when the Council wishes to find out from the owner or occupier of the land when the suspected breach has occurred and additional information relating to the breach to enable a more detailed assessment to be made. A PCN is only served if a suspected breach has occurred and invites the owner or occupier of the land to make representations or submit a planning application.

Serving a PCN cannot rectify a breach if it has occurred. Failure to respond to a PCN within a specified time limit constitutes an offence and the recipient of the notice becomes liable to prosecution proceedings being taken.

Requisition for Information

A Requisition for Information will be served by the Council in order to establish the names and addresses or all persons who have an interest in land. A Notice is served when the Council intends to initiate formal enforcement action.

Standing Orders

Standing Orders made under the Council's Constitution grants certain delegated powers approved by the Council to allow the Director of Planning and Regulatory Services and other officers to serve certain notices and initiate prosecution proceedings which are updated from time to time.

Stop Notices

The power to issue a Stop Notice is conferred under Section 183 of the Town and Country Planning Act 1990. A Stop Notice can be issued to support an enforcement notice and has the general effect of requiring a breach of planning control to cease almost immediately.

The issue of a Stop Notice is usually made when a breach is causing harm to the amenity of an area. Compensation is payable in some cases if the enforcement notice to which the Stop Notice relates is quashed on appeal on legal grounds.

Proceeds of Crime Act - POCA

The Proceeds of Crime Act 2002 (POCA) sets out the legislative scheme for the recovery of criminal assets with criminal confiscation being the most commonly used power. Confiscation occurs after a conviction has taken place. The aim of the asset recovery scheme in POCA is to deny criminals the use of their assets, recover the proceeds of crime and to deter criminality.

Confiscation orders under POCA are frequently used against fraudsters and drug-dealers to deprive criminals of the financial gain they have received from their criminal conduct. Less frequently used though, is the power to obtain confiscation orders against people who commit crimes under legislation administered by local authorities.

For POCA to apply there must have been a successful prosecution for the offence and the prosecutor must have asked for the confiscation order during the proceedings, or the court otherwise believesd it iwas appropriate to make it. The order will not be made unless the defendant has benefited from the criminal conduct.

The confiscation order must be made in the Crown Court. Before making the order the Court must consider, on the balance of probabilities, whether the defendant has a criminal lifestyle or has benefited from the particular criminal conduct. The term 'criminal lifestyle' comes directly from the legislation. The key tests for deciding if an individual has a criminal lifestyle or has benefited from particular criminal conduct are found in section 75(2) and will frequently mean "an offence committed over a period of at least six months and the defendant has benefited from the conduct which constitutes the offence" (section 75(2)(c)). The confiscation order is in addition to any other penalty (e.g. fine) which may have been imposed by the Court.

APPENDIX 2

ENFORCEMENT HARM ASSESSMENT FORM

~~TO~~ SHOULD BE COMPLETED BY AN OFFICER WHO HAS SEEN THE DEVELOPMENT

- All complaints arising from all retrospective refusals of planning permission will automatically receive a full investigation so it is not necessary to mark the harm score
- All Category 1 complaints under ENF1 will be investigated
- Each new complaint will be allocated scores as set out below to assess its harm. The total will provide its harm score in which its priority will be based
- Where there is no breach of planning control found the file will be closed accordingly.

POINTS ALLOCATION		SCORE
Is the breach	Ongoing Development ~~Worsening~~ (1)	
	Recently Commenced (1)	
	Stable (0)	
** Highway safety issue	Yes (2)	
	No (0)	
**Other safety issue (e.g. contaminated land)	Yes (~~1~~2)	
	No (0)	
**Causing a Statutory Nuisance	Yes (~~1~~2)	
	No (0)	
Complainant where full information has been provided as referred to in section 4	Immediate neighbour (2)	
	Members, ~~immediate neighbour,~~ MP, MDC Officer, Parish Council (1)	
	Other neighbour or member of public (1)	
	Anonymous, Malicious (0)	
Age of breach	Within 6 months of immunity (2)	
	~~Less than 1 month (1)~~ Less than 1 Year (1)	
	More than 1 year old (0)	
Degree of Harm	Widespread (2)	
	Local (1)	
	None (0)	
Irreversible Harm	Yes (3)	
	No (0)	
Breach of condition or Article 4	Yes ~~9~~1(1)	
	No (0)	
** Flood risk	Zone 3 (2)	
	Zone 2 (1)	
	Zone 1 (0)	
**Conservation Area (or adjacent to)	Yes (2)	
	No (0)	
**Listed Building	Yes (~~3~~2)	

(or affecting character or setting of)	No (0)	

Special ~~exercise~~ operations or taks (Please provide details)	Yes (1) No (0)	
**Sensitive site (please provide details)	Yes (1) No (0)	
Undesirable precedent (please provide details)	Yes (1) No (0)	
TOTAL POINTS (HARM SCORE)		

Only Complaints which score 5 or above will be further investigated. Those with a lesser score will be informed of the breach/ likely breach and invited to remedy/regularise it. In both cases the complainant is to be notified of our actions.

Note: ** These areas are likely to need specialist input from other agencies/organisations and therefore the time periods referred to in this document may be affected if any responses from the agencies/organisations are delayed.

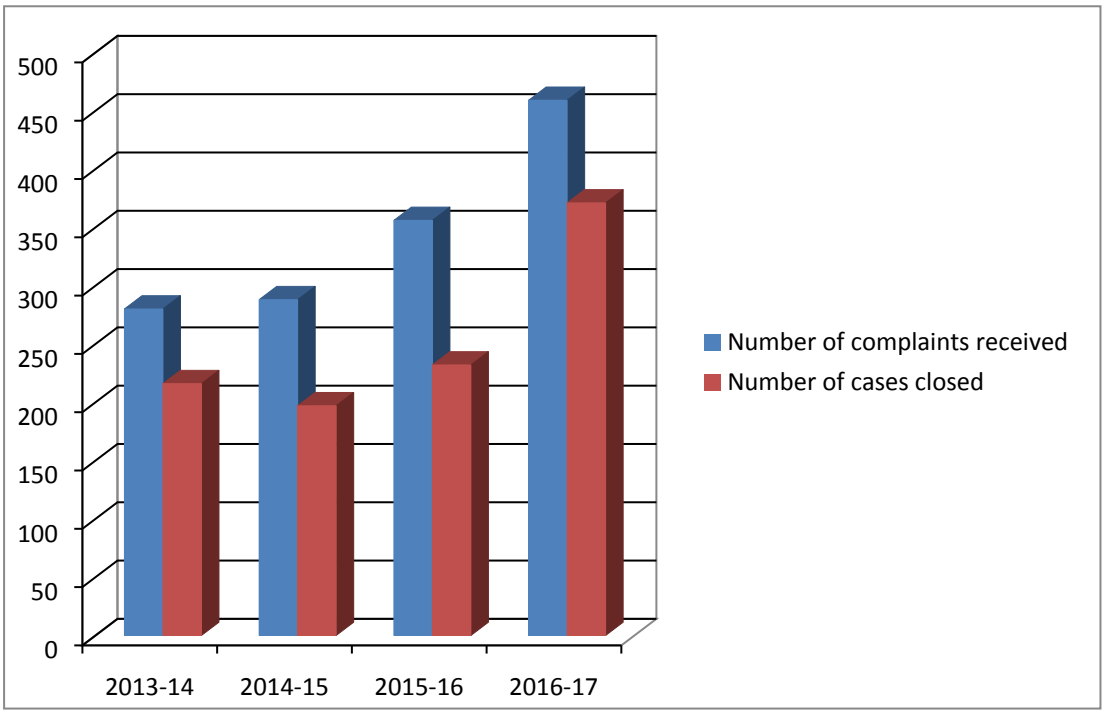
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1.1 Quantum of Work

1.1.1 Historically, the volume of complaints in relation to alleged breaches of planning control has been relatively consistent. However, in the last two years there has been a demonstrable increase in the complaints with a percentage increase of some 27% between the 2013-14 financial year and 2015-16 and 64% between last financial year and 2013-14. So, whilst the number of Enforcement cases closed has also increased (71% increase between 2013-14 and 2016-17), the amount of open cases continues to grow.

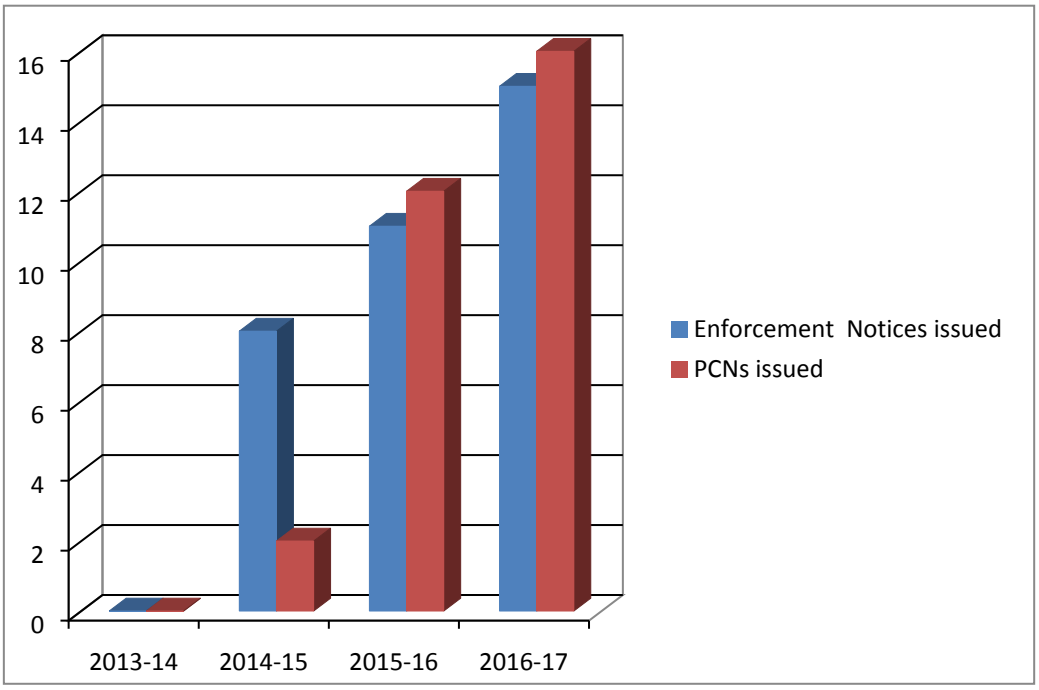
1.1.2 It is also worth noting that there has been an increase of 53% in cases received this financial year, as of the 7 July 2017, compared to the same stage last year.

Enforcement cases received and closed for the last four financial years



1.1.3 There has also been an evidential increase from the Service in relation to servicing of both Enforcement Notices and Planning Contravention Notices over the last four years.

Notices issued for the last four financial years



1.1.4 It must also be noted that around three years ago there was a change in procedure that has resulted in cases remaining open that previously would have been closed. Historically, when an enforcement notice was served or a retrospective planning application was received the enforcement case was closed. This though did not ensure that the breach was ever resolved and there have been examples where cases have not been progressed appropriately at the old procedure. The new procedure ensures that there is a more thorough consideration and investigation of all breaches of planning control; the Council cannot assume that an individual will comply with an enforcement notice or a retrospective planning application will be granted permission.

REPORT of
CHIEF EXECUTIVE

to
PLANNING AND LICENSING COMMITTEE
14 SEPTEMBER 2017

SECTION 106 AGREEMENTS – SIX MONTHLY UPDATE

1. PURPOSE OF THE REPORT

1.1 This report provides an update on Section 106 (S106) agreements. The report principally refers to a report submitted to the Overview and Scrutiny Committee on 30 August 2017 (attached at **APPENDIX A**). A verbal update on the discussion from that Committee will be given at the meeting.

2. RECOMMENDATIONS

Members are asked to give their views and comments on the information in this report.

3. SUMMARY OF KEY ISSUES

3.1 At 19 January 2017 meeting of this Committee, it was agreed that a report is made to the Committee on Section 106 agreements (Minute No. 896 refers).

3.2 Attached in **APPENDIX A** is the report made to Overview and Scrutiny Committee on 30 August 2017. That report aimed to address issues raised by that Committee at its meeting on 21 June 2017.

3.3 Although seeking to address specific issues, the report also provides an update on the current status of Section 106 agreements to the end of July 2017. The Appendix to the Overview and Scrutiny report summarises, from the current S106 monitoring system, the agreements; the provisions contained within them, both financial and non-financial; details of any payments made and outstanding; and the clawback date.

3.4 The clawback date is the date by which the Council or any other parties to the agreement who is a recipient of a financial contribution must spend that contribution in accordance with the agreement or repay any unspent sums back to the developer or landowner.

3.5 The report also highlights the basis for drafting Section 106 agreements and the relationship with the head of terms which are set out in the Reports on the planning applications.

3.6 The report was well received by the Overview and Scrutiny Committee. Issues were raised with regards to the ongoing bus service provided by Tesco, secured by a Section 52 agreement; Community Infrastructure Levy (CIL); and the collaboration between the S106 Monitoring Officer and other services, in particular, Finance.

3.7 An offer has been made to fill the vacant S106 Monitoring Officer post.

4. CONCLUSION

4.1 Section 106 agreements are a successful means through which the Council secures financial contributions, facilities or works to prescribe, compensate or mitigate the impacts of development.

4.2 Officers have put in place a process for negotiation, decision, monitoring and enforcement of the agreements. As a learning authority, the processes are kept under review by officers and reported to this Committee and any improvements identified will be reviewed and implemented.

5. IMPACT ON CORPORATE GOALS

5.1 The use of section 106 agreements to prescribe, compensate and mitigate the impacts of development enables the Council to enhance services to meet new local demands.

6. IMPLICATIONS

(i) **Impact on Customers** –Scrutiny aids improvement to services to the public by the Council and external authorities

(ii) **Impact on Equalities** – Facilities and works secured through Section 106 agreements are subject to specifications that meet known national standards and available to all sectors of the community.

(iii) **Impact on Risk** – Recommendations arising from scrutiny could assist in mitigating corporate risks. The Section 106 process identified in this report aims to be transparent, minimise risk and ensure that developments are viable and deliverable.

(iv) **Impact on Resources (financial and human)** – The negotiations of Section 106 agreements is part of the planning services core budgets. The developer pays for the Council's costs in drafting and completing the agreements.

(i) **Impact on the Environment** – Agreements can seek to compensate and mitigate for the impacts of development on the local environment.

Background Papers: None.

Enquiries to: Ian Butt, Planning Policy Manager, (Tel: 01621 876203).

REPORT of
THE CHIEF EXECUTIVE

to
OVERVIEW AND SCRUTINY COMMITTEE
30 August 2017

SECTION 106 AGREEMENTS

1. PURPOSE OF THE REPORT

1.1 To provide an update on the arrangements for the collection of Section 106 contributions; trigger points and how money is billed; what sums have been received and how they are held; and what the decision making process is for the allocation of funds. This report is an update to the report considered by the Committee on 8 February 2017.

2. RECOMMENDATIONS

Members are asked to give their views and comments on the information in this report.

3. SUMMARY OF KEY ISSUES

3.1 At the Overview and Scrutiny Committee meeting on 21 June 2017, the Committee agreed include in its Work Programme Update confirmation of:

- *'Arrangements for collection of Section 106 [and Section 52] contributions*
  - *Trigger points, billing etc*
  - *Sums received and held*
- *Decision making process for allocation'*

3.2 Section 106 of the Town and Country Planning Act replaced Section 52 of the 1971 Act. They are agreements between the local planning authority and developers and/or landowners which are attached to a planning permission to make a development which without the agreement would not be acceptable in planning terms. They are commonly known as Planning Obligations.

3.3 The Council's monitoring system presently only includes Section 106 agreements. Work is on-going with regards to any outstanding Section 52 obligations and a verbal update will be given at the Committee.

3.4 Planning Obligations must relate directly to the development. They provide three purposes:

- To prescribe the nature of development, which could, for example, include the level, location and type of affordable housing
- To compensate for the loss or damage by a development, such a new open space or natural landscapes
- To mitigate the impact of the development which could include new highway works, school and health contributions or flood mitigation

3.5 In 2010 the Community Infrastructure Levy Regulations came into force and restricted the use of S106 obligations. Paragraph 2 of Regulation 122 introduced three tests for planning obligations:

'A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development. Mitigate a development's impact (for example, through increased public transport provision).'

3.6 Section 106 agreements should not duplicate planning conditions, which regulate the delivery of development. Planning conditions are also included in Committee Reports.

3.7 The Council employs a Section 106 Monitoring Officer. This post has recently been vacated, but an offer has been made to fill the post. The role of the post is to establish and maintain a monitoring system and coordinate the various obligations between the Council, the developer/Landowners and third party recipients of funds, works or facilities.

3.8 As set out in Paragraph 3.1.5 of the 8 February 2017 report to the Committee *'one of the main responsibilities of the monitoring process involves the timely collection of financial contributions ensuring that any payments are subjected to indexation for the stated period. Once payments are received it is important to ensure the money is spent within the agreed timeframe and in line with the terms of the S106 Agreement. This is normally within ten years from receipt, but there can be exceptions to this depending on what has been negotiated.'*

3.9 The Section 106 process starts at the pre-application stage. The developer presents their proposals to the Council and where potential obligations are identified these are discussed with the developer. The developer can elect to include the obligations within the planning application itself, the delivery of which are controlled by conditions.

3.10 The first stage in drafting the S106 is the Heads of Terms. If the Section 106 is to include third parties – such as the health bodies or Essex County Council – they are involved early in the discussion to ensure that the heads of terms reflect their requirements. All parties agree the Heads of Terms before the decision on the application. If no agreement is reached, the application risks being refused.

3.11 The planning application normally includes a list of Heads of Terms, but the details are negotiated up to the planning committee decision and set out in the Officer's report. Therefore, Members are aware of the obligations when considering planning applications.

3.12 The Heads of Term form the basis for finalising the Section 106 agreement. Any variations to the heads of terms during the finalisation period need to be considered against the Council's scheme of delegation and if they affect, for example, the amount of monies the Council receives, then the decision to vary the heads of terms may need to be referred back to Members.

3.13 **Arrangement for the collection of Section 106 contributions**

3.13.1 The Section 106 agreement set out the mechanism for the collection of contributions. In this regard the provision in the agreement typically includes:

- Details of the contribution, including any monies, and what it will be used for.
- Details of who the recipient will be. The recipient could be a party to the Section 106 – for example Essex County Council.
- The trigger for the payment or payments. Payments can be made as a single lump sum or at various stages throughout the development as demand arises.
- What actions the Council and developer take to ensure payments are properly requested and made.
- Time periods for the request and making of payments.
- The time period during which the recipient must complete the works and the mechanism for the repayment of any unspent money to the developer.
- The mechanisms in the event of payments not being made or if payments are disputed.

3.13.2 How these various matters are dealt within the Section 106 do vary between agreements depending on circumstances, although the Council tries to secure a standard approach.

3.13.3 As an example the Head of Terms could read that through a section 106 a developer has agreed to make a payment towards a new community centre on or before the occupation of the 50th dwelling. No further units can be occupied until the payment is received. This is a one off lump sum payment which must be spent within 5 years and any unspent money after that time period returned to the developer unless otherwise agreed.

3.13.4 Often the Section 106 will also provide details of any commuted sum payments towards the maintenance of new works and facilities.

3.13.5 Once signed the details of the Section 106 are incorporated into a monitoring system which identifies when the triggers apply, monitors payment (in conjunction with the Council's Finance Team) and how the money is spent. The S106 officer liaises with the recipients on a regular basis to monitor progress and the expenditure. Should a recipient exceed the financial contribution received through the Section 106 Agreement, they do so at their own risk with no obligation on the Council or the developer.

3.13.6 Appended to this Report is a schedule of the Section 106 Agreements that are included within the existing monitoring system. These date back as far as 1996. The schedule highlights where invoices have been raised and any contributions owed. It briefly details the trigger points and who the recipients for the contributions are. The data is constantly reviewed and works alongside the Council's Uniform and Civica systems to ensure accessible records are kept. Further data is added as soon as it is available.

3.13.7 As soon as a trigger is reached an invoice is raised to the developer. The invoice will specify the amount (which is indexed linked back to the date of the S106 Agreement if applicable), the purpose of the payment and when payment is due. The developer is often contacted separately before the invoice is due so that they are aware that it will be forthcoming. Where officers have regular meetings with developers, the Section 106 Agreement is part of those discussions.

3.13.8 In the event that the developer does not make the payment within the specified time period, the S106 Monitoring Officer will contact the developer to discuss the invoice and request immediate payment. In the event that the payment is not made, the relevant clauses under the Section 106 apply which may result in the developer being in default and enforceable action can be taken. In addition, the Council could also pursue the debt via its normal debt recovery processes.

3.13.9 Notwithstanding the above, payments are normally made within the specified period.

3.14 **Decision making process for allocation**

3.14.1 As outlined above the discussions on planning obligations start at the pre-application stage and the Heads of Terms are only confirmed when the decision on the planning application is made.

3.14.2 It is through the Heads of Terms that the various provisions in the Section 106 are allocated and agreed. This includes:

- The scope of any works
- Who the recipient of facilities, works and financial contributions will be
- The broad terms for the triggers
- Time periods for the completion of the works and pay back of any unspent money

3.14.3 Section 106 Agreements normally contain a Clawback Date where financial contributions are made. These are 5 or 10 years after the payment has been received by the Council (or Essex County Council), although they can sometimes be longer. On some occasions there is no clawback date.

3.14.4 The clawback date establishes the end date by which time the recipient must spend the contribution. If that contribution is not spent in full or part, there are obligations to refund the developer. An application can be made to the developer to extend the time period.

3.14.5 The monitoring system includes details of the Clawback date and contact details of the manager responsible for the contribution – including any third parties. Any contributions held by the Council against specific projects are built into service budgets, albeit ring fenced. Regular contact between the S106 Monitoring Officer and the relevant service manager informs the monitoring process and managers are advised of the risks of not completing spending the contribution on time.

3.14.6 Where Essex County Council is a signatory to a Section 106 Agreement and they receive money directly, whilst expenditure is monitored through the Section 106 Monitoring Officer, it is for the County Council to ensure that the contribution is spent for the specified purposes and within the timeframe set out in the Section 106.

3.15 **Officer Working Group**

3.15.1 It was noted in the report to the Committee on 8 February 2017, that a Corporate Working Group would be set up to complement the work of the S106 Officer and coordinate projects to ensure delivery. This will be undertaken by the Officers Implementation Group, which will be chaired by the Planning Policy Manager in-lieu of the appointment of a new Director of Planning and Regulatory Services.

3.15.2 Section 106 Agreements are a standing item on the Implementation Group meeting agendas. This will cover any agreements in negotiation, any prospective agreements, forthcoming triggers and expenditure of financial contributions.

4. CONCLUSION

4.1 Section 106 Agreements are a successful means through which the Council secures financial contributions, facilities or works to prescribe, compensate or mitigate the impacts of development.

4.2 Officers have put in place a process for negotiation, decision, monitoring and enforcement of the agreements. As a learning authority, the processes are kept under review by officers and reported to this Committee and any improvements identified will be reviewed and implemented.

5. IMPACT ON CORPORATE GOALS

5.1 The work of the Overview and Scrutiny Committee supports the corporate goal of 'delivering good quality, cost effective and valued services.' The use of Section 106 Agreements to prescribe, compensate and mitigate the impacts of development enables the Council to enhance services to meet new local demands.

6. IMPLICATIONS

(i) **Impact on Customers** –Scrutiny aids improvement to services to the public by the Council and external authorities

(ii) **Impact on Equalities** – Facilities and works secured through Section 106 agreements are subject to specifications that meet known national standards and available to all sectors of the community.

(iii) **Impact on Risk** – Recommendations arising from scrutiny could assist in mitigating corporate risks. The Section 106 process identified in this report aims to be transparent, minimise risk and ensure that developments are viable and deliverable.

(iv) **Impact on Resources (financial and human)** – The negotiations of section 106 agreements is part of the planning services core budgets. The developer pays for the Council's costs in drafting and completing the agreements.

(i) **Impact on the Environment** – Agreements can seek to compensate and mitigate for the impacts of development on the local environment.

Background Papers:

None

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Agreements with financial contributions

Site address	Application Ref	Date	Scheme	S106 provisions	Implemented?	Details of obligations (where additional to S106 provisions)	Recipient	Total Income as at 31st July 2017 (not indexed)	Income received (indexed as applicable)	Date Received	Income outstanding (excluding further indexation	Claw back date
Southminster West Business Park, Scotts Hill, Southminster	16/00403/MLA	22.06.2016	Deed of Variation of existing Section 106 Legal Agreement (executed under planning application OUT/MAL/12/00437)	DoV for S106 agreement required only to secure link with original and subsequent applications.	Yes		See 12/00437	See 12/00437	See 12/00437	See 12/00437	See 12/00437	See 12/00437
Land opposite 34 Hall Road, Great Totham	16/00289/OUT	16.02.2017	30 dwellings with landscaping.	UU to provide AH, primary and secondary school transport contribution, travel plan and pack, highways improvement works and open space management.		School transport based on formulae.					£0.00	
Park Drive, Maldon	16/00208/FUL		Variation of conditions 3,4 & 5 of approved application FUL/MAL/14/00581 (Erection of 131 dwellings with access from Park Drive, associated internal access roads, cycle ways/footpaths, garaging, parking, open space and landscaping).	DoV for S106 agreement required only to secure link with original and subsequent applications.	Yes		See 14/00581	See 14/00581	See 14/00581	See 14/00581	See 14/00581	See 14/00581
Land south of Green Lane and north of Maldon Road, Burnham-on-Crouch	16/00093/FUL	05.05.2017	180 dwellings, public open space, landscaping and associated infrastructure including drainage, footway and cycleway.	Monitoring fee of £4630, contributions for healthcare, education (EY&C and primary), highways, allotments and youth facilities and provision of 72 affordable dwellings. Management company for open space.							£0.00	
Land rear of 9 Church Road, Wickham Bishops	15/01342/OUT	04.01.2017	Demolition of existing dwelling and erection of upt o 52 dwellings with associated vehicular access.	UU to provide AH, school transport contribution and open space management and play areas		£204,459 for school transport					£0.00	
Land adj Lime Tree Cottages, Tiptree Road, Great Braxted	15/01018/FUL See 14/01221/FUL for details		Variation of condition 2 on approved planning permission FUL/MAL/14/01221 (Enabling development proposal for the erection of 14 dwellings, new access, village green and associated amenity space) Reason: Minor amendments to house designs, varying the approved drawings.	S106 agreement required only to secure link with original and subsequent applications.	Yes	See 14/01221	See 14/01221	See 14/01221	See 14/01221	See 14/01221	See 14/01221	See 14/01221
Land west of Broad Street Green Road, Heybridge	15/00885/FUL	16.05.2017									£0.00	
Brooks Bros & Land adj The Causeway, Maldon	15/00880/FUL	21.01.2016	Removal of conditions 5, 6 & 7 on approved application FUL/MAL/14/00861 (Hybrid application (part full/part outline) comprising demolition of existing buildings and redevelopment of site to provide foodstore, non food retail units incorporating flexible A1/A3 component, together with hotel; access, servicing, vehicle and cycle parking, hard and soft landscaping and associated works . Full consent is sought for the retail element; outline consent for the hotel) Reason: To cater for the requirements of a new food anchor & attendant revisions to scheme design; also for consistency between conditions.	DoV to S106 agreement required only to secure link with original and subsequent applications.		£3000 travel plan monitoring fee					£0.00	
Park Drive, Maldon	15/00582/FUL		Minor Material Amendment to permission FUL/MAL/14/00581 - Erection of 131 dwellings with access from Park Drive, associated internal access roads, cycle ways/footpaths, garaging, parking, open space and landscaping. Realignment of Plots 37-54 adjacent to the eastern boundary.	S106 agreement required only to secure link with original and subsequent applications.	Yes		See 14/00581	See 14/00581	See 14/00581	See 14/00581	See 14/00581	See 14/00581
Bridgemans Green, Latchingdon	15/00396/OUT	12.10.2015	Erect 52 detached, semi-detached and terraced dwellings and flats, lay out parking, amenity areas, estate roads, footpaths and landscaping	AH (30% which is 16 units), highway works, open space provision and healthcare contribution for Trinity Medical in Mayland.		£16,800 healthcare contribution payable prior to first occupation, and payment for, and completion of, highways works to ECC prior to first occupation.					£0.00	
Southminster West Business Park, Scotts Hill, Southminster	15/00282/FUL	2.9.2015	Variation of conditions 10,11 & 12 on approved planning permission OUT/MAL/12/00437 (Erect detached, semi-detached and terraced dwellings and flats and associated garages, lay out parking, amenity areas, estate roads, footpaths and landscaping) Variation sought: Proposed amended wording	S106 agreement required only to secure link with original and subsequent applications.	Yes		See 12/00437	See 12/00437	See 12/00437	See 12/00437	See 12/00437	See 12/00437
Land East of Malone Cottage, Maypole Road, Wickham Bishops	15/00267/OUT	13.11.2015	Outline planning application with some matters reserved for the residential development of 14 dwellings, garages and associated works.	Affordable housing contribution and provision of 2 x 1 bed flats, 2 x 2 bed houses and 1 x 3 bed house		£39000 contribution for AH payable first occupation of the 8th market dwelling.					£0.00	
Land to East of 53 Burnham Road, Latchingdon	14/01227/OUT	27.04.2015	Outline planning application with all matters reserved for residential development	Affordable housing (30%), early years and childcare contribution of £36,984.60, and secondary school transport of £22,815.		Contributions payable to ECC on commencement of development.					£0.00	

Site address	Application Ref	Date	Scheme	S106 provisions	Implemented?	Details of obligations (where additional to S106 provisions)	Recipient	Total Income as at 31st July 2017 (not indexed)	Income received (indexed as applicable)	Date Received	Income outstanding (excluding further indexation	Claw back date
Land adj Lime Tree Cottages, Tiptree Road, Great Braxted	14/01221/FUL	26.09.2015	Enabling development proposal for the erection of 14 dwellings, new access, village green and associated amenity space	Commencement notice to MDC, AH contribution,school transport contribution, wall works, enabling works to be completed within 2 years of commencement; wall works to be carried out within 3 years of completion of immediate enabling works.	Yes	Pay AH contribution of £52,000 prior to occupation; payment of school transport contribution of £11,739 to ECC prior to commencement.	MDC Housing	£52,000.00	£52,321.00	05.05.2016	£321.00	05.05.2026
							ECC School Transport	£12,000.00	£12,191.95	18.12.2015	£191.95	18.12.2025
Land North of 48 Woodrolfe Road, Tollesbury	14/01202/OUT	15.01.2016	Outline application for up to 24No. village houses.	Early years and childcare, land management plan for amenity land, and AH.		Early years - amount to be confirmed.					£0.00	
Land south of Limebrook Way, Maldon	14/01103/OUT	1.12.2016	Outline permission for 1000 dwellings, primary school and early years facilities, local centre and employment use, and landscaping and sports playing pitches.	Contributions to highways, allotments, LEAPs, a NEAP, sports pitches, changing rooms, youth facilities, education.							£0.00	
Manor Farm, Fambridge Road, Fambridge	14/01018/OUT	11.01.2016	Outline planning application for up to 30 dwellings	Commencement notice to MDC, AH contribution, and primary and secondary school transport contributions.		AH scheme to be submitted prior to commencement. Pay school transport contribution on commencement.					£0.00	
Land west of Fambridge Road, North Fambridge	14/01016/OUT	18.03.2016	Outline application for up to 75 market and affordable dwellings, a village centre of up to 1000 sqm of flexible commercial and community floorspace, a 1.8 ha village green and public open space.	Commencement notice to MDC, 30% AH, primary and secondary school transport contributions, residential travel plan and packs,healthcare contribution, open space/amenity land, and ecological contribution.		School transport to be calculated when payment is due on commencement, £3000 TP monitoring payment to ECC on commencement, £17,900 health care contribution payable on commencement, and £44,025 ecological contribution payable on commencement.					£0.00	
Land North of Holloway Road, Heybridge	14/00990/OUT	27.04.2017	Residential development of up to 100 dwellings with associated public open space and infrastructure.								£0.00	
Brooks Bros & Land adj The Causeway, Maldon	14/00861/FUL	23.04.2015	Hybrid application (part full/part outline) comprising demolition of existing buildings and redevelopment of site to provide foodstore, non food retail units incorporating flexible A1/A3 component, together with hotel; access, servicing, vehicle and cycle parking, hard and soft landscaping and associated works . Full consent is sought for the retail element; outline consent for the hotel.	Travel Plan fee of £3000							£0.00	
Southminster West Business Park, Scotts Hill, Southminster	14/00859/FUL	27.04.2015	Variation of Condition 1 on approved planning permission RES/MAL/13/00849 (Reserved matters for 117 dwellings)	S106 agreement required only to secure link with original and subsequent applications.	Yes	For details see 12/00437/OUT.	See 12/00437/OUT	See 12/00437/OUT	See 12/00437/OUT	See 12/00437/OUT	See 12/00437/OUT	See 12/00437/OUT
Land at Southminster Road, Burnham-on-Crouch	14/00845/OUT	24.03.2016	Up to 80 dwellings, land for the provision of a local shop (Class A1) and ancillary infrastructure, open space and access.	Provision of AH at 30%, contributions for healthcare and a TRO, management of open space and play area.		Healthcare contribution of £26,340 and £5,000 for a TRO.					£0.00	
Southminster West Business Park, Scotts Hill, Southminster	14/00815/MLA		Section 106 Deed of variation to an agreement dated 22 April 1997 in relation to Southminster West Business Park, Scotts Hill, Southminster.	Replacement definition of buffer strip.	Yes						£0.00	
Poultry Houses, Wycke Hill/Land at Spital Road, Maldon	14/00723/OUT	29.06.2015	Outline application for seven dwellings.	AH	Yes	£61,000 to be paid on commencement.	MDC Housing	£61,000.00	£61,496.00	16.02.2016	£496.00	16.02.2021
Theedhams Farm, Southminster	14/00613/OUT	07.07.2016	Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre.	AH (30%), highway works (connection from B1018 Scotts Hill Roundabout), residential travel packs, open space, health contribution (£31,000), medical centre (540 sqm) and education (secondary school transport).	Not yet	Healthcare contribution payable on occupation, and education contribution payable on commencement (no trigger).					£0.00	
Land off Park Drive, Maldon	14/00581/FUL	01.10.2014	Erection of 131 dwellings with access from Park Drive, associated internal access roads, cycle ways/footpaths, garaging, parking, open space and landscaping.	EYFS contribution £168,525; Primary Education contribution £325,000; Healthcare contribution £43,080; Open space contribution £52,000	Yes	Work commenced on site 10/08/15. Education payment of £164,508 to be paid to ECC on commencement.	NHS	£43,080.00	£43,080.00	16.05.2013	£0.00	No repayment clause
							MDC Leisure	£52,000.00	£52,830.00	02.03.2017	£830.00	No repayment clause
							ECC Early Years	£168,525.00	£171,660.00	07.07.2016	£3,135.00	
							ECC Primary	£325,000.00	£173,249.00	07.07.2016	-£151,751.00	
Land South of Marsh Road, Burnham	14/00108/OUT	07.12.2015	Outline planning application for the provision of up to 75 dwellings, provision of public open space, a pavilion building, a new vehicular access from Pippins Road and a temporary haul road access from Marsh Road.	TP monitoring fee of £3000, Residential TP, highways contributions of £12,000and £5,000, healthcare contribution of £24,000, education contributions for early years and primary, and for primary and secondary schools transport, the provision of open space and amenity land on site and 30% AH.	Not yet						£0.00	
Southminster West Business Park, Scotts Hill, Southminster	13/01176/MLA	14.04.2014	Variation to legal agreement to require payment of £44,000 for off site play space and £16,000 for pedestrian linkages.	Both contributions to be paid prior to commencement.	Yes	Payment received of£44000 transferred to Southminster PC.	Southminster PC	£44,000.00	£44,000.00	23.06.2014	£0.00	23.06.2024
							MDC Parks	£16,000.00	£16,000.00	23.06.2014	£0.00	23.06.2024

Site address	Application Ref	Date	Scheme	S106 provisions	Implemented?	Details of obligations (where additional to S106 provisions)	Recipient	Total Income as at 31st July 2017 (not indexed)	Income received (indexed as applicable)	Date Received	Income outstanding (excluding further indexation	Claw back date
Land opposite Beech Green, Tiptree Road, Wickham Bishops	13/01151/FUL	26.03.2015	New accesses onto Witham and Tiptree Roads and the erection of 27 dwellings and associated estate roads, footpaths, garages, car parking spaces, public open space, foul and surface water drainage and landscaping.	Affordable housing provision, education contribution of £42,788 for secondary & £42, 249 for primary	Yes	Contributions payable on commencement. Total payment received of £95,330.95.	ECC - Pirmary education	£42,249.00	£47,363.35	23.03.2016	£5,114.35	23.03.2026
							ECC - Secondary Education	£42,788.00	£47,967.60	23.03.2016	£5,179.60	23.03.2026
Land between South Green and Fairview, Maldon Road, Steeple	13/01070/FUL	11.07.2014	Proposed pair of semi-detached cottages with parking court on vacant land between existing dwellings.	Payment of £3000 to ECC prior to commencement of development, and notification to MDC and ECC 4 weeks prior to commencement.	Not yet	£3000 highways contribution for relocation of 2 'No Entry' signs. Repayment due after 3 years if not used.					£0.00	
Southminster West Business Park, Scotts Hill, Southminster	13/00849/RES	04.04.2014	Reserved matters application for the erection of 117 residential dwellings with associated appearance, landscaping, layout and scale.	Payments of contributions for play space off site and pedestrian linkages.	Yes	£44,000 for off site play space and £16,000 for two pedestrian linkages to Scotts Hill and the the adjacent public open space.					£0.00	
Land at junction Maldon Road and Church Street, Goldhanger	13/00839/FUL	13.07.2014	Change of use of land and proposed development of 14No. 1,2,3,4 & 5 bedroom dwellings and access drive	AH payment of £100,000 and education payment of £38,014 for secondary education and £40,121 towards primary school transport costs.	Yes	Payments due to MDC and ECC within 14 days of commencement. No repayment required by either council.	MDC Housing	£100,000.00	£103,921.56	24.09.2015	£3,921.56	24.09.2025
							ECC Secondary	£38,014.00	£39,504.74	13.07.2016	£1,490.74	13.07.2026
							ECC Primary	£40,121.00	£41,694.37	13.07.2016	£1,573.37	13.07.2026
Land East of Wycke Hill, Maldon	13/00763/OUT	20.10.2014	Outline planning permission for demolition of existing buildings and erection of up to 120 residential dwellings with associated vehicular access.	Affordable housing, contributions for air quality, education, health care, highways (+ maintenance), travel plan	Not yet	50% healthcare payable on commencement, remaining contributions due on first occupation and on occupation of 50% of dwellings.					£0.00	
Orth's Garage, Silsoe And Cranford Fairfield Chase Maldon	13/00257/FUL	12.12.2013	Erection of 29 Later Living Retirement Apartments and communal facilities with associated access car parking and landscaping (Demolition of existing buildings)	Affordable Housing contribution of £100,000	Yes	Commenced. 1st payment of £40618.80 received. All payments received and development complete and occupied. Payments indexed.	MDC Housing	£100,000.00	£40,618.80	11.12.2014	-£59,381.20	22.04.2021
									£41,253.00	22.04.2016	-£18,128.20	22.04.2021
									£20,627.00	22.04.2016	£2,498.80	22.04.2021
Former Cefas Labs Remembrance Avenue Burnham	12/01062/FUL	05.12.2013	Demolition of former Cefas Laboratory and construction of 7no. townhouses and 7no. detached houses. Change of use of land to residential.	Affordable Housing contribution of £84000. Education contribution of £45,637	Yes	Both contributions payable on commencement of development.	MDC Housing	£84,000.00	£86,188.00	05.05.2016	£2,188.00	05.05.2021
							ECC Education	£45,637.00	£53,750.24	01.08.2016	£8,113.24	01.08.2026
Hawthorns Farm, Grove Farm Road, Tolleshunt Major	12/00613/FUL	18.09.2015	Upgrade of poultry unit including demolition of four exisitng poultry sheds, erection of five replacement poultry sheds, office and 3 service buildings with associated equipment.	Highways contribution of £20,000 and provision of photographic survey of existing highway before commencement and after the development has been carried out. Contribution to be used for repair work to the road if damage can be attributed to the works traffic	Not yet	£20,000 to be passed to ECC for highway repairs on receipt of an invoice. To be used within 5 years of receipt.					£0.00	
Land At Junction Of Steeple Road And Mill Road Mayland	12/00452/OUT	19.12.2013	Application for 60 bed single storey nursing home for frail elderly people in the later stages of dementia	Capital Funding for healthcare		Healthcare Contribution £7,200. Preapp for 37 additional units and community shop and doctor's practice received 15/03055/PREAPP.					£0.00	
Southminster West Business Park, Scotts Hill Southminster	12/00437/OUT	11.06.2013	Erect detached, semi-detached and terraced dwellings and flats and associated garages, lay out parking, amenity areas, estate roads, footpaths and landscaping	Affordable Housing. Healthcare provision for £33,600, Highway works and Residential Travel Packs, Local Play Space provision.	Yes	See also 13/01176/MLA and 14/00859/FUL above. All received including indexation payment	NHS	£33,600.00	£24,696.00	28.11.2014	-£8,904.00	28.11.2024
							NHS	£996.00	£996.00	23.09.2015	£0.00	23.09.2025
Morrisons Wycke Hill Maldon	12/00236/FUL	06.06.2012	Extension to existing supermarket with associated works to existing car park (Resubmission following previous refusal Ref: FUL/MAL/11/01041)	To Pay to County Council £3000 Travel Plan Monitoring Fee £25,000 County Council Highway Works	Yes	Highways payment received by ECC.	ECC				£0.00	
15 Beckingham Business Park Beckingham Street Tolleshunt Major	10/00110/FUL	13.07.2010	Demolition of existing industrial unit and construction of replacement units.	£16,560 towards a weight limit restriction of 7.5T on Bakers Lane & Mill Lane and parking restrictions on Beckingham Street.		To be paid to ECC Prior to Commencement	ECC				£0.00	
Unit H6 And N1/2 Beckingham Business Park Beckingham Street Tolleshunt Major	09/00572/FUL	14.07.2010	Erection of detached building for general office and industrial uses within Class B1	£9,750. Monetary contribution to highway measures and transporation measures in vicinity of unit H6 and N1/2	Yes	Paid to ECC. £670.62 used for HGV signs in Bakers Lane.	ECC				£0.00	

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Tesco Stores Ltd, Fullbridge Maldon	09/00457/FUL	18.12.2009	Proposed extension to class A1 retail store	Travel Plan and Bus Service Public Parking Facilities £77,500 Rights of Way Upgrade £55,250 Roundabout Contribution £25,000 Road Signage £3000 Travel Plan Monitoring	Yes	To be paid to ECC Subject to Commencement Copies of Travel Plan Monitoring Report to be sent to both ECC & MDC	ECC				£0.00	
Sadds Wharf Land At Station Road Maldon	08/00149/OUT	01.10.2009	Mixed use development comprising 93 residential units (mix of 1,2 and 3 bedroom apartments and houses), Office accommodation (1480 m² Class B1 Business units) and Leisure accommodation (680 m² Classes A3, A4, A5 and D1 restaurants, Public House, bars, take aways and non-residential institutions i.e. health centre, creche, day nurseries, museum, libraries, place of worship or non-residential education)	Flood Awareness Measures Travel Plan £3000 Travel Plan Monitoring £100,000 Transport Contribution	Yes	Schedule 2 - Flood Awareness Measures to be submitted to CC & MDC prior to commencement. Payment of transport contribution and TP monitoring fee received by ECC.	ECC	£100,000.00	£113,236.66	08.07.2015	£13,236.66	08.07.2025
Tesco Stores Ltd Fullbridge Maldon	07/01134/FUL	18.02.2009	Extension to existing retail store together with associated car parking, highways and landscaping works.	£55,250 Roundabout Contribution £77,500 Upgrade of Public Right ot Way to sea wall £35,000 Signage Contribution £3000 Travel Plan Monitoring Car Park Spaces for 4hr period Bus service for 5 years	Yes	Financial Obligations to ECC Copy of Staff Travel Plan to MDC within 3 months of carrying out Travel Plan and each year for 5 years Bus Review to MDC	ECC				£0.00	
Land Off Teal Avenue Mayland	07/00638/FUL	06.04.2009	Erection of 34 no. 2, 3 and 4 bedroom houses with associated parking and access.	i) Affordable housing to be used as such ii) Not to allow occupation of more than 10 open market houses until 5 Affordable units are ready for occupation iii) No to allow last 9 of open market houses until remaining affordable ready iv) Neg price of no more than £93k for affordable v) Affordable units to Code 3 Build vi) Roadways to adoptable standards as soon as last Open Market house completed vii) Prior to occupation of 12th Open Market dwelling, sum of £85,375 to be paid to Parish Council for sports and community centre, play equipment and public art in reasonable location to be	Yes	£85,375 to MDC for provision of a sports and community centre play area equipment and public art within parish of Mayland prior to occupation of 12th Open Market property. Received and passed on to PC.	Mayland PC	£85,375.00	£85,375.00	19.06.2012	£0.00	19.6.2017
Heybridge Hall Chalet Site, Hall Road, Heybridge	06/00482/FUL	21.12.2006	Redevelopment of The Chalet Site for 124 dwellings. Public open space, landscaping, new highways and associated ancillary development.	S106 - relating to affordable house and occupation, footpath works, habitat management plan Unilateral Undertaking - relating to £15,000 to improve public transport £5,000 for tactile pavings on crossings £1,500 for cycle and motorcycle stands £25,000 for Hall Bridge Restoration - all payble to ECC.	Yes	To be paid to ECC on date of Undertaking. All money received and spent by ECC.	ECC				£0.00	
St Lawrence Caravan Site Main Road St Lawrence	04/01290/FUL		Reserved matters application for the erection of 23 residential dwellings with associated landscaping and car parking.	£5000. Wade Works Contribution Means such works as the Council (After consultation with EA and AW) consider desirable to the Wade in vicinity of Surface Water Outfall. Prior to first occupation of any property at site. If at 5th anniversary of first occupation full amount not utilized remainder to be paid back	Yes	Paid in full. Work carried out and completed in 2012.	ECC				£0.00	
J Purdy And Son Builders Yard The Square Heybridge	02/01033/FUL		Erection of 17 dwellings with associated car parking	Education and playspace contributions and 5 AH units.	Yes	£32,842.78 paid to ECC and used for the expansion of All Saints primary school. £10,000 paid to MDC and used as required in Heybridge.	ECC MDC				£0.00	
Garage, 150 Station Road Burnham-On-Crouch	02/00922/FUL	21.07.2013	Demolition of existing petrol filling station and associated buildings and redevelopment to provide convenience store and carparking	Pedestrian crossing on Station Road and highway works.	Yes	£30,000 paid to ECC and used for the provision of a pedestrian crossing in the vicinity of the site.	ECC				£0.00	
84 - 88 Cross Road Maldon	02/00599/FUL		Erect 4 houses and 12 flats, form new drive access onto Cross Road and lay out parking and amenity areas								£0.00	
Dovercourt Motors Site Junction Of Fambridge Road/ Spital Road Maldon	01/01153/FUL		Demolition of existing commercial garage. Erection of 7 no. two storey houses, 7 no. two/three storey flats, ground floor retail/office unit (A2/B1) and parking area and form new vehicular access	Highway improvement works at junction of Fambridge Road and Spital Road. Agreement beteen ECC and developer.	Yes	£5000 payable in connection with the highway woks. Assume this was paid as highway works were carried out.	ECC				£0.00	

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Land Adj The Old Iron Works Fullbridge Maldon	01/00520/FUL		Erection of 3 storey (B1) building and formation of external car parking.	Orders deposit. Agreement between ECC and the Developer.	Yes	(i) £1200 orders deposit for making of a TRO to impose one way operation from Maldon bypass roundabout on the spur road into the site. (ii) Highway improvement works comprising narrowing, realigning and kerbing works into the site from the Maldon Bypass roundabout to prevent egress from the site onto the roundabout. (iii) Planting adjacent to the carriageway and maintenance of same.					£0.00	
Elms Farm, Land South Of Holloway Road Heybridge	92/00703/OUT & FUL		Development of land for residential and open space use together with extension of Maldon by-pass site access and site contouring associated with development	Highway works, public open space, land for AH.		£13, 440 Paid	ECC				£0.00	
Agreements with no financial contributions												
84,84A,86 & 86A Cross Road and 1-12 Braeburn Drive, Maldon	16/00631/MLA	06.09.2016	Application for a modification to the existing Section 106 legal agreement executed under planning application FUL/MAL/02/00599	Provision of AH - amendment to clause 10 (b) re provisions of agreement not being binding on the mortgagee/chargee.	Yes	Deed of variation						
1-3 Fairman Close & 12-36 Woodside, Southminster	16/00630/MLA	14.09.2016	Application for a modification to the existing Section 106 legal agreement executed under planning application OUT/MAL/96/00655	Provision of AH - amendment to clause 6 re provisions of agreement not being binding on mortgagee/chargee.	Yes	Deed of variation						
Wickham Barn, Station Road, Wickham Bishops	16/00218/FUL		Erection of part single, part two storey outbuilding in the grounds of Wickham Barn for use as artists studio / workshop and short-term living accommodation for visiting artists	S106 agreement re use of 'Art Barn' in conjunction with the main dwelling.		Not to dispose of the Art Barn separately from the main dwelling and not to permit occupation other than in conjunction with the main dwelling.						
Land between Pennyloaf House and Lawns Farm, Great Totham	16/00226/FUL	25.05.2016	Variation to condition 2	N/A - Deed of Variation required only to link the new application to the original in respect of the requirements of the S106 agreement.		DoV prepared to link new application to original S106.						
Land East of Vicarage Court, Southminster	16/00105/OUT	15.05.2017	Up to 13 dwellings and open space and new access	S106 providing AH and open space		Provision of 4 houses (2 bed) if 13 houses built, or 30%. Provision of open space and amenity areas and appropriate management of these.						
Land North West of Stitches Farm, Lower Chase, Althorne	16/00055/FUL	21.11.2016	Re-siting of agricultural workers dwelling	Not to implement planning permission 14/01008/FUL if this application is implemented.		UU to stop both planning permissions being implemented.						
The Old Engine Shed, Station Road, Maldon	15/01261/OUT	07.02.2017	Development for 10 B1 office units and 20 two bed apartments	Provide 8 AH units		8 AH units to be agreed prior to commencement.						
Land south of 94 South Street, Tillingham	15/00603/FUL	12.11.2015	Removal of condition 18 (ecological survey) on approved planning permission FUL/MAL/13/00945 (Erection of 27 dwellings (including 9 Housing Association units) with associated garages, parking areas, gardens, access and amenity areas)	N/A - Deed of Variation required only to link the new application to the original in respect of the requirements of the S106 agreement.	Yes	DoV prepared to link new application to original S106.						
Sheepcotes Farm, Sheepcotes Lane, Southminster	15/00033/FUL	08.06.2016	Change the use of holiday home to annexe.	UU required to ensure annex is used as ancillary to the main dwelling		Not to dispose of the annex separately from the main dwelling, and not to permit the annex to be occupied other than ancillary to the main dwelling.						
Quercus Place, 5 Top Road, Tolleshunt Knights	14/01042/FUL	29.10.2015	Proposed two bed detached dwelling and detached cartlodge	Workshop not to be used other than in conjunction with the new dwelling.	Yes	DoV prepared to link new application to original S106.						
Pennyloaf House/Lawns Farm, Plains Road, Great Totham	14/00887/FUL	05.11.2015	Demolition of existing barn and erection of a new single dwelling, including new access onto Plains Road and change of use of land to residential (class C3) (amendment to and repositioning of dwelling approved under reference 13/00072/FUL onto adjacent paddock)	Not to implement previous planning permission ref 13/00072/FUL and granted on 15/04/13 and not to object should the Council make a revocation order.								
White House, Ferry Road, Burnham-on-Crouch	14/00717/FUL	20.05.2015	Change of use of existing redundant stables and byre building to residential use for retained staff/housekeeper for the White House property with associated alterations to roof, cladding and fenestration of existing building	Annexe to remain ancillary to main dwelling								
Wickham Place Farm Station Road Wickham Bishops	14/00156/FUL	15.12.2014	Demolish 20th century outbuildings on listed wall and 20th century detached iron barn and five bay garage. Improve existing drive and erect detached cartlodge/garage, refurbish, alter and extend coach house in connection with its use as new dwelling, and use of cottage as ancillary residential annexe (amended proposal)	Annexe to remain ancillary to main dwelling	Yes							
Badgers Leap, Park Lane, Tolleshunt Knights	14/00140/CU (re 03/00993/FUL)		Use of cartlodge in breach of condition 2 of planning permission granted on 10/11/03 for 2 storey detached cartlodge and store.	UU re use and sale of property in conjunction with main house.	Yes	Not to dispose of or use the annexe as an independent unit, and to give MDC one month's notice of disposing of any part of the site.						

Site address	Application Ref	Date	Scheme	S106 provisions	Implemented?	Details of obligations (where additional to S106 provisions)	Recipient	Total Income as at 31st July 2017 (not indexed)	Income received (indexed as applicable)	Date Received	Income outstanding (excluding further indexation	Claw back date
The Gatehouse, Toad Hall, Loamy Hill Road, Tolleshunt D'Arcy	13/01005/FUL	19.03.2014	Proposal to demolish the existing dwelling in compliance with Condition 9 of planning permission FUL/MAL/11/00665 and to construct a gatehouse in its place.	Dwelling to be used only by an employee of Toad Hall	No	Not to dispose of the gatehouse separately from Toad Hall, and the Gatehouse only to be occupied by a person solely or mainly employed on th Land or a dependant of such person residing with him or her or a widow or widower of such a person.						
Land south of 94 South Street Tillingham	13/00945/FUL	31.01.2014	Erection of 27 dwellings (including 9 Housing Association units) with associated garages, parking areas, gardens, access and amenity areas.	Affordable housing provison	Yes	Plan of AH land to be submitted and approved prior to commencement. Provision of 2 wheelchair accessible units. Notify MDC of commencement and of date of first occupation, and provide notice of occupation every 6 months						
Jepcracks Shire Stables Church Road Great Totham	13/00418/FUL		Conversion of Jepcrack's shire stables to holiday let accommodation	Holiday Accommodation to be retained with main dwelling and not used as residentail	Yes	Work completed and stables converted to holiday accommodation as per website for Jepcracks Farm.						
Land adjacent Horseshoes, Kelvedon Road, Tolleshunt D'Arcy	13/00323/FUL		Use of site for 2 gypsy pitches with hardstanding, utility/dayrooms and retention of stabling ancillary to this use.	Only to use the stabling and adjacent field in connection with the use of the site for gypsy caravans.	Yes							
Garlands Farm Tollesbury Road Tollesbury	12/00991/FUL		Special needs dwelling unit with additional farm worker facilities	Agricultural Tie	Yes							
Farthingale Farm Hackmans Lane Cold Norton	12/00804/FUL		Change of use from nanny annexe and redundant nursery school to domestic uses ancillary to the use of Farthingale Farm including minor amendments to external elevations	Annexe Accommodation to remain ancillary to main dwelling	No							
Wharncliffe Langford Road Wickham Bishops	12/00791/HOUSE		Proposed 5 bay cartlodge with ancillary accommodation	Annexe Accommodation to remain ancillary to main dwelling	No							
Club House St Giles Crescent Maldon	12/00687/FUL		2no. wheelchair-accessible single storey two bed semi-detached dwellings	Social Housing	Yes							
Rudley Oaks Chelmsford Road Purleigh	12/00525/FUL revised by 13/00733/FUL		Two detached 3 bedroomed chalet style dwellings with garages and change of use of land to residential	Cease use of commercial bldgs on site and revert to agricultural use when new dwelling at DPC.	No							
Jepcracks Barns Church Road Great Totham	12/00464/FUL		Change of use of existing storage unit to one bedroom holiday let	Land to remain as a single unit, B & B accommodation only. No main residence - SEE 09/00742/FUL. Ancillary holiday accommodation.	Yes							
Wickham Place Farm Station Road Wickham Bishops	12/00417/FUL		Various works and use of cottage as ancillary residential annexe (amended proposal)	Annexe to remain ancillary to main dwelling	No							
Hill Place Station Road Wickham Bishops	12/00068/FUL		Change of use of existing outbuilding/games room to ancillary residential annex	Annexe to remain ancillary to main dwelling	No							
Herbage Park Herbage Park Road Woodham Walter Essex CM9 6RJ	11/00953/FUL		Proposed addition of 26 new timber holiday lodges plus associated infrastructure within the existing Herbage Park Holiday Park	Eastern side of site to be kept free from development and retained for nature conservation and biodiversity purposes	No							
Guisnes Lodge Back Road Tollesbury Essex CM9 8TW	11/00816/HOUSE		Conversion of an existing garage to form an annexe with a first floor dormer and reposition the entrance door to form a communal hall	Annexe to remain ancillary to main dwelling	Yes							
Land Adjacent 47 Station Road Tollesbury Essex	11/00739/FUL		Erection of 10 dwellings for 100% affordable housing including parking and associated landscaping	100% 10 (Ten) Affordable Housing Units	Yes	DoV dated Jan 2014 to add clause re exchange and restricting this to fulfilment of criteria in clause 1.5 of the Third Schedule.						
The Norton 54 Latchingdon Road Cold Norton Essex CM3 6JB	11/00630/FUL		Erection of 5no. two bedroom residential dwellings and single storey rear extension to existing public house, as well as new access.	U/U - Tenancy Agreement	Yes	Leasehold to be granted to Community Pub Project and requirements of tenancy agreement set out.						
Wickham Place Farm Station Road Wickham Bishops	11/00563/FUL & 11/00564/LBC		Demolish 20th Century outbuildings on Listed Wall and 20th Century detached iron barn and five bay garage. Improve existing drive and erect detached cartlodge/garage. Refurbish, alter and extend coach house in connection with its use as principal dwelling, and use of cottage as ancillary residential annexe	Annexe Accommodation to remain ancillary to main dwelling	No							
2 - 16 Maldon Road, Goldhanger	10/00951/FUL	22.03.2011	Demolition of 8 existing houses. Construction of 17, two and three bedroom houses with parking and landscaping.	Affordable Housing No Commencement until scheme for Affordable Housing Received	No							
2 Hawthorne Cottages, Rushes Lane, Asheldham	10/00886/FUL		Detached annexe	Annexe to remain ancillary to main dwelling. Land to be sold as single unit only.	No							
Oxley Farm Bungalow, D'Arcy Road, Tolleshunt Knights	10/00727/FUL		Single storey annexe	Annexe to remain ancillary to main dwelling	No							
The Chase, Mangapp Chase Burnham-On-Crouch	10/00665/ FUL		The construction of a granny annexe for the use of the occupier's elderly relative	Annexe to remain ancillary to main dwelling	Yes							

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The Barn, Rockleys Farm Church Road, Tolleshunt Major	10/00601/FUL		Use of barn for holiday accommodation	Annexe to remain ancillary to main dwelling. Land to be sold as single unit only.	No							
Creeksea Place Farm Ferry Road Burnham-On-Crouch	10/00558/FUL		Change of use and alterations to existing barn to provide 4 self contained holiday apartments	Barn as holiday accommodation only. Register. No person more than 28 days. No main residence	No							
1 Silsons Cottages, Fambridge Road, Mundon	10/00097/HOUSE		Demolition of existing workshop and erection of garage with games room above	Annexe to remain ancillary to main dwelling. Land to be sold as single unit only.	No							
Land Adjacent Crofton, Cold Norton Road Purleigh	09/01068/FUL		Erection of a dwelling for an agricultural stockman and a specialist cattle isolation building	Agricultural Tie	No							
Jepcracks Barns, Church Road Great Totham	09/00742/FUL		Change of use of redundant agricultural building to two holiday let units	Land to remain as a single unit, B & B accommodation only. No main residence	No							
Stow Maries Aerodrome Hackmans Lane, Purleigh	09/00698/FUL		Renovation of former generator house to provide living accommodation for site security manager	Dwelling for Manager only. Not to be separated in ownership	No							
Longwick Farm, Joyces Chase Goldhanger	09/00642/FUL		Change of use of bedroom 4 and second living/dining area to bed and breakfast use. Construct a cart lodge with bedroom and ensuite over. Bedroom and ensuite to be used as bed and breakfast use.	Land to remain as a single unit, Development solely for holiday accommodation.	No							
Althorne Hall Farm Fambridge Road, Althorne	09/00504/FUL		Conversion of unused barn to group holiday accommodation and alter elevations	Only for holiday accommodation. No one person to occupy for more than 28 days in 2 calendar months	No							
Creeksea Place Farm Ferry Road, Burnham-On-Crouch	09/00341/FUL		Change of use and alterations to existing barn to provide 3 self contained holiday letting units	Only for holiday accommodation. No one person to occupy for more than 28 days in 2 calendar months	No							
Rear of The Cottage, Chelmsford Road, Purleigh	09/00172/FUL		Demolition of existing dwelling and construction of 4 bed chalet style dwelling	Demoilition of exisitng dwelling.	Yes	The existing dwelling is to be demolished within 3 months of first occupation of the new dwelling and all materials removed from site.						
Bundocks, Batts Road Steeple	09/00147/FUL		Two storey side extension	Ancillary to land and also not as separate dwelling	No							
Langford Waterworks, Hatfield Road Langford	08/01099/MLA		Modification to Section 106 Legal Agreement (executed under planning application O/MAL/199/93 and Conservation Area application CA/MAL/200/93)	Original S106: Applicant to carry out highway works at their expense Limit new buildings in size and scale Limit buildings to B1 use Retain & Maintain Ancient Monument Create new permission right of way LB Beeling Falls Mill to be transferred to CC for 99yr lease	No							
28 Steeple Road Mayland	08/00874/FUL		Additional residential accommodation for relative, games room and replacement garage.	Annexe to remain ancillary to main dwelling. Land to be sold as single unit only.	No							
Ulting Hall, Ulting Hall Road Ulting	08/00783/FUL		Change of use of existing stable building to provide additional residential accommodation ancillary to adjacent house (2 bedrooms). Fit out existing barn to provide party/games room, with changes to north elevation	Site to remain as whole. Use ancillary to dwellinghouse, barn to remain as party/games room ancillary to house	No							
Maldon Delicatessen Wenlock Way Maldon	08/00053/FUL		Extending opening hours of A3 unit to include Sunday opening (variation to condition 7 imposed upon planning permission FUL/MAL/03/00706)	Retain restriction of use Units 1 & 2, but lift restriction on sale of alcohol	No							
Gorwell Hall Barn, Tollesbury Road Tollesbury	08/00429/FUL		Repair, alteration and conversion of existing timber frame barn and existing outbuildings to create bed and breakfast accommodation business	Occupation of barn no more than 28 days in any 6 months. One room available for occupation by employee to carry out necessary duties in relation to accommodation								
Drapers Farm, Drapers Chase Heybridge	08/00231/FUL		Proposed two storey and single storey side extension	Will not sell, lease or dispose of freehold or leashold of land except as a whole								
Barnhall Cottage, Barnhall Road Tolleshunt Knights	07/01310/FUL		Proposed retention of existing cartlodge, construction of one 2 bedroom holiday let accommodation and new cartlodge to rear.	Land to be retained as a single unit, holiday accommodation only, no one person for more than 28 days in 12 month period.								
Heathgate Farm Maldon Road Tolleshunt Major	07/01016/FUL		Change of use from barn to residential annex with associated physical alterations to building for occupation in conjunction with the main house	Land to be retained as a single unit, Notice to Council of transfer of title deed Annexe accommodation only for family member								
Southminster West Business Park Scotts Hill Southminster	07/00851/FUL		Install roadway and construct 11 No. industrial units	Vary Clause 3.3 of agreement dated 22/04/97 Original agreement to continue in full force and effect	No							
Site Of Charter House 82 - 108 Wantz Road Maldon	07/00816/FUL		Demolition of sheltered accommodation complex and erection of twenty two flats	No occupation until freehold transferred to Registered Social Landlord Development to accord with Eco Homes Standard Title transferred to RSL on basis that price does not make RSL use pubic subsidy								

Site address	Application Ref	Date	Scheme	S106 provisions	Implemented?	Details of obligations (where additional to S106 provisions)	Recipient	Total Income as at 31st July 2017 (not indexed)	Income received (indexed as applicable)	Date Received	Income outstanding (excluding further indexation	Claw back date
Field View, Tolleshunt D'Arcy Road Tolleshunt Major	07/00706/FUL		Replacement building to provide self contained holiday accommodation in common with details described on existing planning permission FUL/MAL/07/00074	No person for more than 28 days in a Three month period. For holiday use only.								
Field View, Tolleshunt D'Arcy Road Tolleshunt Major	07/00074/FUL		Replacement building to provide self contained holiday accommodation in common with details described on existing planning permission FUL/MAL/07/00074	No person for more than 28 days in a Three month period. For holiday use only.	No							
Old Hall Farm, Old Hall Lane Tollesbury	06/01384/FUL		Redevelopment of redundant cowshed to holiday lets (Resubmission of FUL/MAL/06/01227)	Land to be retained as a single unit, holiday accommodation only, units can be let individualy but no one person for more than 28 days in 3 month period compounded over all units. Units to be managed by occupant of main dwelling	No							
Primrose Hill Farm Loamy Hill Road Tolleshunt Major	06/00950/FUL		Conversion of existing outbuildings and extension to form annexe	Ancillary to main dwelling and not as separate dwelling	No							
Site Of Charter House 82 - 108 Wantz Road Wantz Road Maldon	06/00548/FUL		Demolition of sheltered accommodation complex and erection of 22 flats	No occupation until freehold transferred to Registered Social Landlord Development to accord with Eco Homes Standard Title transferred to RSL on basis that price does not make RSL use pubic subsidy	No							
Land Adjacent To Cedars Hazeleigh Hall Lane Woodham Mortimer	06/00051/FUL		Change of use from 6 light industrial units to 3 holiday units	Development solely as holiday homes and not residential. No one person to occupy for more than 28 days in 4 month period	No							
Flag Cottage Witham Road Little Braxted	05/01282/FUL		Erection of new dwelling	Retention of Services across land their upkeep	No							
Beacon Hill House Mountains Road Great Totham	05/00823/FUL		Erection of New Annexe and Cart Lodge.	Owners undertake NOT to carry out development granted in permission FUL/MAL/01/00529 New accommodation to remain ancillary and incidental to use of main dwelling and not separately	No							
127-131 High Street, Maldon	04/00941/FUL	14.03.2007	56 residential units comprising 17 x 1bed apartments, 14 x 2bed apartments, 10 x 3bed apartments, 5 x 2bed houses and 10 x 3 bed houses and 4 retail units, and change of use of exisitng retail unit to 2 units	Not to offer any open market housing for sale until contract entered into with Colne Housing or other RSL to provide 13 AH units and not less than 6 units have been completed and handed over to the RSL.	Yes							
The Old Hall, Hall Road Asheldham	04/00863/FUL		Erection of 1 bedroomed annexe building to The Old Hall in place of existing derelict and redundant animal shelter.	Occupation of annexe by persons employed at or in connection The Old Hall only and incidental to the use of The Old Hall. Land not to be soled leased of disposed of except as a whole								
Land Adjacent Margern Kitchener Road North Fambridge	04/00739/OUT		Erect terrace of three cottages to provide affordable housing and form access onto Kitchener Road	14 Days Notice - Prior to Commencement Dwellings to be occupied as affordable rentable dwellings in perpetuity and for no other purpose Only let to persons in housing need No occupation or residential dwellings until all others ler or transferred to RSL								
Limburn House, Wycke Hill Maldon	04/00676/FUL		Holiday Accommodation									
36 Spital Road Maldon	04/00626/FUL		Redevelopment of the existing site for the erection of 54 sheltered apartments plus house managers accommodation with associated car parking and landscaping.									
Land Adjoining Langford Place Langford Road Heybridge	04/00579/FUL		Construction of a low bund and flow control structure, together with excavation to create a flood storage area.									
Land Adjacent Brook Hall Steeple Road Latchingdon	04/00128/FUL		Erection of new dwelling house subject to an agricultural occupancy restriction	Not more than 2.06 Ha to be sold separately Not to sell house separately	No							
Drinkwater Farm, Maldon Road, Bradwell-on-Sea	03/01306/FUL		Six livework units (class B1)									
Florenceville Grange Avenue Mayland	03/00988/		Demolition of Maggot factory and surrender of associated uses in conjunction with the erection of one detached dwelling	Page 2 of S106 on Comino missing!								
Elms Farm Land South Of Holloway Road Heybridge	03/00825/FUL		Flood alleviation scheme for the regency court area together with the provision of a footpath/cycle way link to the public open space.	Owners to maintain and manage Regency Court Flood Alleviation Scheme								

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77 High Street, Maldon	03/00706/FUL	03.08.2004	Mixed use development of 2 no. A3 (cafe) use and 5 no. A1/A2 (retail/office) use units, and 11 flats, 2 storey rear extension and change of use of first floor to 1 no. flat. New shopfront, demolition of side extension and ancillary land and soft landscaping - amended proposal to change of use of the retail units	Restriction of use of Units 1 & 2 Wenlock Way.	Yes	Restriction of use to a coffee shop, tea room or service of light snacks and light meals. DoV dated 09/05/08 lifts restriction re serving alcoholic drinks.						
Barn Farm, Lower Burnham Road, Cold Norton (now known as Bluebell Barn)	03/00193/FUL		Change of use from redundant agricultural use to a mixed use comprising carpentry workshop and associated residential use									
Former Dovercourt Motors Site (West Side), Spital Road Maldon	02/01348/FUL		Non-compliance with condition 12 of planning permission reference FUL/MAL/02/00185 which relates to the residential development of the site.									
Land East Of The Street Little Totham	02/00932/FUL		Change of use of agricultural land to public open space, including landscaping buffer, lay out 10 space car park, village green and access drives erect 8 houses and garages and form new vehicular accesses onto The Street	Use of an area of land as POS and car parking for the POS	Yes	On implementation, use land defined as POS and car parking for POS. Prior to either the occupation of 5th dwelling or within 12 months of implementation, whichever is earlier, plough, harrow and roll and seed with grass the POS (other than car parking area), and plant a landscape buffer, and transfer to MDC for £1 or to another public body						
St Lawrence Hall, St Lawrence Hill St Lawrence	02/00739/OUT		Outline application for the erection of 3 bedroom agricultural workers dwelling (siting and means of access)									
Land Rear Of 77 High Street Maldon	02/00615/FUL		Mixed use development of 7 retail units and 11 flats, 2 storey rear extension and change of use of first floor to one flat. New shopfront, demolition of side extension and ancillary hard and soft landscaping									
Land At Junction Of Witham Road Church Road Wickham Bishops	01/01138/OUT		Demolish existing village hall, erect replacement village hall and erect 13 dwellings on land at Snows Corner	Replacement village hall and replacement land for use as a sports field and POS.	Yes	New village hall provided as part of the development, and new sports field and POS provided on Great Totham Road.						
Land Between Kelvedon Road, Handley's Lane And Great Totham Road Wickham Bishops	01/01137/FLO		Proposed change of use of agricultural land to sports field/public open space and outline application for the laying out of associated car parking and tennis courts and erection of a pavilion and five houses	Timing of occupation of new houses.	Yes	No more than 2 of the new dwellings to be occupied until recreational land has been made available for public use as a soprts field.						
Moorah, Plains Road Little Totham	01/00754/FUL		Proposed erection of a dwelling	Ownership of site	Yes	Site not be owned or occupied other than in conjunction with the stud farm which occupies the rest of the land.						
Beacon Hill House, Beacon Hill Wickham Bishops	01/00529/FUL (S106) 05/09/05 (UU)	01.05.2002	Proposed conversion of a garage into a ground floor gymnasium with first floor flat and new indoor swimming pool	Use of annexe.	Yes	Not to dispose of or use the annexe as an independent unit.						
Iltney Farm New Hall Lane Mundon	01/00281/FUL		Proposed erection of a turkey breeding unit and mobile home for manager	Not to sell or dispose of the freehold or leasehold of the land except as a whole.								
Glebe Farm, Mope Lane Wickham Bishops	01/00269/FUL	07.05.2005	Proposed erection of a single dwelling house. (Amended proposal)	Revocation of previous permissions and reinstatement of pond.	Yes	Previous permissions revoked, no caravans other than one touring caravan (unconnected to services) stationed within curtilage of the dwelling, and reinstatement of original pond by 07/05/05						
High Steppers, Batts Road Steeple	01/00146/FUL	15.05.2002	Proposed surrender of all commercial uses and demolition of all commercial buildings in conjunction with the erection of a detached dwelling west of High Steppers	Cease commercial uses, remove existing buildings and use of stable block.		To cease and abandon all commercial uses and remove all existing buildings within 12 months of commencement, not to use stable block as residential accommodation or for any use other than a purpose incidental to the enjoyment of the dwelling						
Thatched Cottage, The Street Steeple	01/00099/FUL		Proposed new thatched roof to existing bathroom extension, re-thatch roof of existing cottage and proposed detached garage with access driveway and new crossover - Listed Building									
Oak Nursery, Hackmans Lane Purleigh	01/00044/FUL		Proposed detached dwelling and garage.	Not to implement previous permission 00/00336/OUT.								
Land Adjacent Little Croft Maldon Road Great Braxted	00/00637/FUL		Proposed erection of a retirement bungalow in conjunction with the surrender of all commercial uses on the premises									
2 D'Arcy Road Tiptree	00/00045/OUT	07.11.2002	Proposed residential development	Relates to use of the land		Cease exisitng uses, not build or subdivide any building on the land in order to create more than 2 dwellings, and construction of footway on road frontage.						
Land Adj. Sunnyside The Street Steeple	99/00892/FUL	18.04.2002	Proposed erection of detached house and garage	Highway works		Provision of visibility splay to west of access to the site to be permanently retained.						
Land Off Victoria Road Cold Norton	96/00501/FUL	29.01.1997	Residential development comprising 25 detached houses and three elderly person bungalows 3	Highway works	Yes and completed	Construction of new junction between Victoria Road and Latchingdon Road.						

Site address	Application Ref	Date	Scheme	S106 provisions	Implemented?	Details of obligations (where additional to S106 provisions)	Recipient	Total Income as at 31st July 2017 (not indexed)	Income received (indexed as applicable)	Date Received	Income outstanding (excluding further indexation	Claw back date
Site Of 22 Marsh Road Tillingham	96/00008/FUL	09.12.1996	Erection of 4no. two bedroom and 4no. three bedroom dwellings	Highway works	Yes and completed	Widening of Marsh Road and provision of footway along site frontage and extend to connect with footway to east of Mill Road.						

REPORT of
CHIEF EXECUTIVE

to
PLANNING AND LICENSING COMMITTEE
14 SEPTEMBER 2017

BROWNFIELD LAND REGISTER

1. PURPOSE OF THE REPORT

1.1 This report provides an update on preparing and publishing a Brownfield Land Register (as previously reported to Planning and Licensing Committee on the 25 April 2017, Minute No. 1228 refers), following the issue of detailed guidance by the Department for Communities and Local Government on the 28 July 2017.

2. RECOMMENDATIONS

(i) That the Committee notes the Brownfield Land Register guidance outlined in this report; and

(ii) That draft Part 1 of the Brownfield Land Register is taken before this Committee on 16 November 2017.

3. SUMMARY OF KEY ISSUES

3.1 The Government wants to ensure that 90% of suitable brownfield sites have planning permission for housing by 2020: The **Town and Country Planning (Brownfield Land) Regulations 2017** require each Local Planning Authority to publish a Brownfield Land Register by the 31 December 2017. The Register will list the brownfield sites in the District considered suitable for housing development.

3.2 The National Planning Practice Guidance (see extract in **APPENDIX 1**) states that:

'Brownfield land registers will provide up-to-date and consistent information on sites that local authorities consider to be appropriate for residential development having regard to the criteria set out in regulation 4 of the ***Town and Country Planning (Brownfield Land) Regulations 2017.*** *Local planning authorities will be able to trigger a grant of permission in principle for residential development for sites in their registers where they follow the required procedures. Registers will be in two parts, Part 1 will comprise all brownfield sites appropriate for residential development and Part 2 those sites granted permission in principle. Registers should be published locally as open data and will provide transparent information about suitable and available sites.'*

3.3 Preparation of the Brownfield Land Register will involve a two stage process (see diagram in **APPENDIX 2**):

Part 1: Identifying potential brownfield sites

Then, following a suitability, availability and achievability assessment, and consultation:

Part 2: Identifying sites for permission in principle

3.4 **Part 1: Identifying potential brownfield sites**

3.4.1 Potential sites must meet the definition of previously developed land, as defined in Annex 2 of the National Planning Policy Framework (NPPF), 2012. This includes land where there are, or have been, buildings or other development (with some exceptions, such as agricultural buildings). The Regulations also require that all sites should be capable of supporting five of more dwellings or be of 0.25ha or more.

3.4.2 Although there are many brownfield sites in the District, it is considered that the most effective and robust approach in the timescale available is to identify sites from the following existing published data sources:

- Sites with an extant planning permission for residential development (taken from the Council's five Year Housing Land Supply report, 2016);
- Allocations for housing or housing-led mixed-use developments in the approved Maldon Local Development Plan (LDP), 2017; and
- The Strategic Housing Land Availability Assessment (SHLAA), 2014

3.4.3 As these published sources are up-to-date and comprehensive and have recently been subject to independent scrutiny, in terms of policy compliance, it is considered that there is no need to undertake a call for sites at this time. It is expected that a call for sites may be undertaken as part of a future review of the SHLAA: this would inform the annual update of the register.

3.4.4 Work has already begun: Approximately 300 potential brownfield sites have been identified; approximately half have planning permission and/or are housing allocations. These sites are by definition suitable, available and achievable as they have been subject to detailed testing through the plan-making and development management processes.

3.4.5 The remaining 150 sites identified through the SHLAA do not have planning permission. These sites fulfil the definition of brownfield land in the SHLAA but need to be tested against the definition of previously developed land in the NPPF. This work is underway: It is expected that this assessment will reduce the number of sites to be considered.

3.4.6 The next step is to determine whether the appropriately defined SHLAA sites are **suitable**: to go forward the sites should be free from constraints that cannot be mitigated and be compliant with the LDP and national policy. For example, use of the LDP settlement boundaries and the settlement hierarchy (to ensure that a site is consistent with the settlement's role and function) will help determine whether a site

is sustainable and suitable for residential development. This may see a number of SHLAA sites discounted.

3.4.7 Sites must also **be available** for residential development: the owner(s) must have expressed an intention to sell or develop the land. Finally, the sites must **be achievable** as residential development: The Regulations state that development must be expected to take place within 15 years. This may reduce the number of SHLAA sites further.

3.4.8 Of the remaining SHLAA sites, only those which are policy compliant and are suitable, available and achievable will be added to **Part 1** of the Register with the allocations and those brownfield sites that have planning permission. Only those that do not have planning permission will be considered for **Part 2** of the Register.

3.5 **Part 2: Identifying sites for 'permission in principle'**

3.5.1 Before a site is entered onto Part 2 of the Register, the Regulations require that the Council undertake a 42 day consultation with, amongst others, statutory consultees, Parish Councils, neighbourhood forums and interested residents. If an assessment of the consultation responses shows that concerns can be mitigated the site would be entered onto Part 2 of the register. All other sites would be discounted and removed from Part 1 of the Register (because the site is no longer considered suitable, available and achievable).

3.5.2 Once a site is entered onto Part 2 'permission in principle' will be granted, lasting for five years. Permission in principle is *'an alternative way of obtaining planning permission which separates the consideration of matters of principle* [such as land use, location and the amount of development] *for proposed development from the technical detail of the development* [such as the design of the development and materials to be used]. *The permission in principle consent route has 2 stages: the first stage establishes whether a site is suitable in-principle for residential development (i.e. development in which the residential use occupies the majority of the floorspace), and the second ('technical details consent') stage is where the detailed development proposals are assessed'.* Technical details consent would then be required before development can proceed. A planning fee can only be charged for the technical details consent.

3.5.3 All brownfield land registers must use an open data standard set out by Government to enable the comparison of data nationally. The register should also be made available to view on the Council's website and at the Council's offices. After publication, the register should be reviewed annually. A site can be removed from the register if it no longer meets the criteria identified in section 3.4 above.

3.5.4 As national guidance has only just been issued, the timescale for publication of the register is short (by the 31 December 2017). The Government have clarified that publishing Part 1 would meet the legislative requirements, with Part 2 to follow (if necessary), following consultation, in 2018. Work is being currently being undertaken on the suitability, availability and achievability of the SHLAA sites, therefore the draft Part 1 register will be brought to this Committee for information on the 16 November 2017.

3.5.5 The process is expected to be **resource intensive,** including the data standardisation which is very prescriptive. However, the Council has received a New Burdens grant payment from the Government to fulfil the legislative requirements: this is £14,645 for 2016 / 17. Further grant payments will be received for the next three financial years, the next payment is expected in the second half of this financial year. Future payments will be based on a review of how the current funding has been spent.

4. CONCLUSION

4.1 This report provides detailed guidance to Members on the process and approach for the Brownfield Land Register and the timescale within which the register should be delivered.

5. IMPACT ON CORPORATE GOALS

5.1 The preparation and publication of a Brownfield Land Register support corporate goals which underpin the Council's vision for the District, in particular meeting the housing needs of the District and delivering sustainable development in line with the Local Development Plan.

6. IMPLICATIONS

(i) **Impact on Customers** – Housing is a key requirement of customers within the District. As a local housing authority the Council has a duty to provide housing for residents. The Brownfield Land Register should help to increase the number of planning permissions for new homes consented within the constraints of the Local Development Plan.

(ii) **Impact on Equalities** – The Brownfield Land Register will help to provide sustainable communities which help to provide for the future housing needs of the local community. New regulations and policy documents prepared by the government are subject to equality analysis.

(iii) **Impact on Risk** – A Brownfield Land Register is required in accordance with the Town and Country Planning (Brownfield Land) Regulations 2017 in order to help increase the number of planning permissions for new homes, make good use of previously developed land and ensure the Council has a five year supply of deliverable land for housing. The Brownfield Land Register can reduce risk in the development management process by granting permission in principle for housing on suitable brownfield sites.

(iv) **Impact on Resources (financial)** – The preparation of the Brownfield Land Register will have financial resource implications for the Council. However, the Government has issued an initial New Burdens grant payment of £14,645 (for 2016/17) to fulfil the legislative requirements, with further payments (unknown at this stage) to be issued for the next three financial years. This will be needed to support actions required to ensure that the timescales prescribed by the Regulations are met without impacting on existing Council resources.

(v) **Impact on Resources (human)** – The preparation and delivery of a Brownfield Land Register will have additional human resource implications to ensure that the timescales and requirements prescribed by the Regulations identified in this report are met.

(vi) **Impact on the Environment** – Publication of the Brownfield Land Register will enable the Council to promote sustainable development and regeneration of brownfield sites in accordance with local priorities for the District.

Background Papers:
National Planning Practice Guidance, Brownfield Land Registers, July 2017
National Planning Practice Guidance, Permission in principle, July 2017
Department for Communities and Local Government, Brownfield Land Registers Data Standard: Preparing and Publishing a Register, July 2017
House of Commons Town and Country Planning (Brownfield Land) Regulations 2017

Enquiries to: Karen Johnson, Principal Planning Policy Officer (Tel: 01621 876283).

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Extract from National Planning Practice Guidance, the Department for Communities and Local Government (DCLG), July 2017

Brownfield land registers

What is the purpose of brownfield land registers?
Brownfield land registers will provide up-to-date and consistent information on sites that local authorities consider to be appropriate for residential development having regard to the criteria set out in regulation 4 of the Town and Country Planning (Brownfield Land Register) Regulations 2017. Local planning authorities will be able to trigger a grant of permission in principle for residential development for sites in their registers where they follow the required procedures. Registers will be in two parts, Part 1 will comprise all brownfield sites appropriate for residential development and Part 2 those sites granted permission in principle. Registers should be published locally as open data and will provide transparent information about suitable and available sites.

What are local planning authorities required to do?
Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017 requires local planning authorities in England to prepare, maintain and publish registers of previously developed (brownfield) land by 31 December 2017. Brownfield sites that meet the relevant criteria must be entered in Part 1 of brownfield land registers. Sites entered in Part 2 of the brownfield land registers are granted permission in principle. Regulation 17 requires local planning authorities to review their registers at least once a year.

What is previously developed (brownfield) land?
Previously developed land has the same meaning as land of that description in Annex 2 of the National Planning Policy Framework. Previously developed land is referred to as brownfield land.

Which authorities are required to keep a register of brownfield land suitable for housing?
Those local planning authorities specified in section 37 of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") are required to have a brownfield land register covering their area. These are district councils; London borough councils; metropolitan district councils; county councils in relation to any area in England for which there is no district council; the Broads Authority; a National Park authority and a Mayoral Development Corporation where it is the local planning authority for the purposes of Part 2 of the 2004 Act.

What is Part 1 of a brownfield land register?
Part 1 of a brownfield land register will comprise all brownfield sites that a local planning authority has assessed as appropriate for residential development, having carried out any procedures such as consultation which they consider appropriate. This will include sites with extant full planning permission, outline planning permission and permission in principle as well as sites without planning permission.

What is Part 2 of a brownfield land register?
Part 2 of a brownfield land register is a subset of Part 1. Part 2 will comprise only those sites in Part 1 that the local planning authority has decided that the land would be suitable for a grant of permission in principle for residential development.

What is the process for granting permission in principle for a site in Part 1 of a brownfield land register?
Prior to entering a site in Part 2 local planning authorities must undertake the necessary requirements for publicity, notification and consultation. Article 4 of the Town and Country Planning (Permission in Principle) Order 2017 grants permission in principle for the development of land that is entered in Part 2 of a brownfield land register. Permission in principle will be granted for the provision of a number of dwellings falling within the range specified in the relevant entry in Part 2 (paragraph 2 of Schedule 2 to the Town and Country Planning (Brownfield Land Register) Regulations 2017) and for any non-residential development described in the entry. New sites can be entered in Part 2 at any time providing the procedures for reviewing sites on the register have been followed.

Can full or outline planning permission be granted for a site once it has been entered on Part 1 or Part 2 of a brownfield land register?
Outline or full planning permission can be granted for sites in Part 1 or Part 2 of a brownfield land register.

What do local planning authorities need to take into account when deciding which sites to enter in registers?
In addition to the criteria set out in regulation 4, section 14A of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to have regard to:
(a) the development plan;
(b) national policies and advice;
(c) any guidance issued by the Secretary of State.

This includes development plan documents, the London Plan and Spatial Development Strategies any relevant neighbourhood plans, the National Planning Policy Framework, Planning Practice Guidance, any other guidance published by the Secretary of State, any other relevant statutory requirements and guidance.

Can registers include sites that already have planning permission?
Brownfield land registers must include all sites which meet the relevant criteria regardless of their planning status. This includes sites that have extant planning permission for development that has not been implemented.

How should local planning authorities deal with any greenfield land within the curtilage of a brownfield site?
Greenfield land is not appropriate for inclusion in a brownfield land register. Where a potential site includes greenfield land within the curtilage, local planning authorities should consider whether the site falls within the definition of previously developed (brownfield) land in the National Planning Policy Framework. Where it is unclear whether the whole site is previously developed land, only the brownfield part of the site should be included in Part 1 of the register and considered for permission in principle.

Should brownfield land registers include windfall sites?
Local planning authorities are required to review the sites in registers at least once a year. Windfall sites should be considered for inclusion as part of that annual review process.

Do windfall sites in brownfield land registers count towards the 5-year land supply?
Where a windfall site is deliverable it would count towards the 5-year land supply. The information to be included in brownfield land registers is intended to complement the requirements set out in the National Planning Policy Framework for the 5-year land supply. Having an up-to-date register will assist local planning authorities in updating their Strategic Housing Land Availability Assessments and 5-year land supply.

Should sites that straddle local planning authority boundaries be included in brownfield land registers?
Brownfield sites that straddle local authority boundaries can be included in brownfield land registers provided that they have been assessed against the relevant criteria. Such sites may be granted permission in principle provided that the required procedures have been undertaken. Local planning authorities may decide to work together to assess the amount of development that would be appropriate on each part of a site which straddles local authority boundaries. Each local planning authority will enter on their register just the area of land which is within their own boundary; although they may also wish to flag that it forms part of a larger site.

Should local planning authorities carry out a call for sites to identify new potential brownfield sites for their registers?
Local planning authorities are already advised to carry out a call for potential sites as part of their Strategic Housing Land Availability Assessment and to update their assessments annually. Authorities should consider how they can integrate these well-established processes to identify sites that may be suitable for inclusion in brownfield land registers.

Can developers and landowners submit sites to local planning authorities to consider for inclusion in brownfield land registers?
Local authorities already have established processes for identifying sites as part of their Strategic Housing Land Availability Assessment and advertise any opportunities, such as a call for sites, to promote sites for consideration. Local authorities should consider whether any additional procedures would help identify sites which could potentially be included in their register. Landowners and developers should submit sites in accordance with the procedures promoted by their local planning authority.

How should a local planning authority assess whether a site is suitable, available and achievable?
Regulation 4 of the Town and Country Planning (Brownfield Land Register) Regulations 2017 sets out the criteria against which sites should be assessed. In making their assessment authorities should have regard to the requirements set out in 'What do local authorities need to take into account when deciding which sites to enter in registers?' They should have regard to the policies set out in the National Planning Policy Framework. Local planning authorities should utilise work undertaken as part of the Strategic Housing Land Availability Assessment process to identify potential sites. Where sites meet the relevant criteria they must be included in Part 1 of the brownfield land registers.

Can sites below the minimum site size or capacity threshold be included in brownfield land registers?
Regulation 5(3) of the Town and Country Planning (Brownfield Land Register) Regulations 2017 allows local planning authorities to enter sites below the minimum site size or capacity threshold of 0.25 hectares, or capable of supporting at least 5 dwellings in brownfield land

registers, where the site meets the criteria referred to in paragraphs (1)(b) to (d) of regulation 4 of the Town and Country Planning (Brownfield Land Register) Regulations 2017.

How should a local planning authority assess whether a site has an adverse impact on the built, natural and historic environment or local amenity?
In assessing potential brownfield sites, local planning authorities must take into account the National Planning Policy Framework. The Framework has strong policies for protecting the built, natural and historic environment. It also requires authorities to ensure that a residential use is appropriate for the location and that a site can be made suitable for its new use. Local planning authorities must also have regard to relevant policies in their development plan documents. Local planning authorities should draw on of all relevant available information sources in making assessments on the suitability of potential sites.

Are there sites that cannot be included in Part 1 of brownfield land registers?
Local planning authorities must only include sites that have been assessed against the relevant criteria and are considered to be appropriate to enter in Part 1 of the brownfield land registers.

Are there sites that cannot be included in Part 2 of brownfield land registers?
Local planning authorities must not enter sites in Part 2 of a register (triggering a grant of permission in principle) for certain types of land.

Is Strategic Environmental Assessment required for the preparation of brownfield land registers?
The preparation of brownfield land registers may require Strategic Environmental Assessment if a register is considered to be a plan or programme which sets the framework for future development consent for development which is likely to have a significant effect on the environment. Where this is the case, the proposed register may fall within the scope of the Environmental Assessment of Plans and Programmes Regulations 2004. Local planning authorities are strongly encouraged to consider the environmental implications of registers at an early stage, and to consider whether the Environmental Assessment of Plans and Programmes Regulations 2004 are likely to apply. Where a local planning authority considers that the Environmental Assessment of Plans and Programmes Regulations apply, the Strategic Environmental Assessment is likely to be limited in scope, and it may be appropriate to use assessments undertaken during the preparation of relevant development plan documents.

A further environmental assessment may only be needed when registers are reviewed if it is considered that the addition of new sites would lead to significant effects on the environment, taking into account cumulative effects. These decisions will be for local authorities to make, taking into account the particular circumstances.

What consultation, publicity and notification procedures should the local planning authority undertake before a site can be placed on the register?
Local planning authorities are not required to undertake consultation in relation to sites they propose to include only in Part 1 of registers. Regulation 5(6) of the Town and Country Planning (Brownfield Land Register) Regulations 2017 allows authorities to consult if they wish to do so and they must take into account any representations received.

Where authorities intend to trigger a grant of permission in principle for a site in Part 1 they must carry out the consultation, notification and publicity procedures set out in regulations 6-13 of the Town and Country Planning (Brownfield Land Register) Regulations 2017.

Updating and reviewing entries on registers

How often should local planning authorities review the sites on registers?
Local planning authorities are required to review their registers at least once a year. Reviews will ensure that sites which no longer meet the criteria for inclusion are removed and new sites are assessed and entered if it is appropriate to do so.

How often should local planning authorities update the entries on the register?
Regulation 17 of the Town and Country Planning (Brownfield Land Register) Regulations 2017 requires local planning authorities to update the information relating to existing entries in their registers at least once a year. While this is the minimum legal requirement, local planning authorities may wish to consider whether it would be more transparent to update their registers more frequently to keep the register up to date, for example, to reflect changes of planning status.

Can there be more than one permission in principle for a site in Part 1 of a brownfield land register?
Local authorities may grant more than one permission in principle for a site provided that they follow the relevant procedures. Where there is more than one grant of permission in principle for the site, the local planning authority should decide an application for technical details consent in accordance with the grant of permission in principle that has been specified by the applicant on the technical details consent application form.

Can local planning authorities amend an entry in Part 2 of their brownfield land registers?
If this should occur local planning authorities are not permitted to amend an entry in Part 2 of their register relating to the matters that have been decided under a grant of permission in principle, i.e. the amount of residential development or the scale or use of non-residential development. If a local planning authority considers that an entry in Part 2 should be amended it must completely remove the entry from Part 2 and amend the relevant information in Part 1 of the register. The authority must then comply with the requirements in the Town and Country Planning (Brownfield Land Register) Regulations 2017 for the grant of a new permission in principle and putting the site on Part 2 of the register.

Does a grant of permission in principle remain extant if an entry is removed from Part 2 of the register?
If a site is removed from Part 2 of a brownfield land register, the permission in principle or an associated technical details consent remains extant, and the associated entry on the planning register remains in place, unless the consents expire or are revoked under section 97 of the Town and Country Planning Act 1990.

In what circumstances should local planning authorities remove sites from brownfield land registers?
Local planning authorities should remove a site from Part 1, and if applicable from Part 2, of a register when that site no longer meets the criteria set out in regulation 4 of the Town and Country Planning (Brownfield Land Register) Regulations 2017.

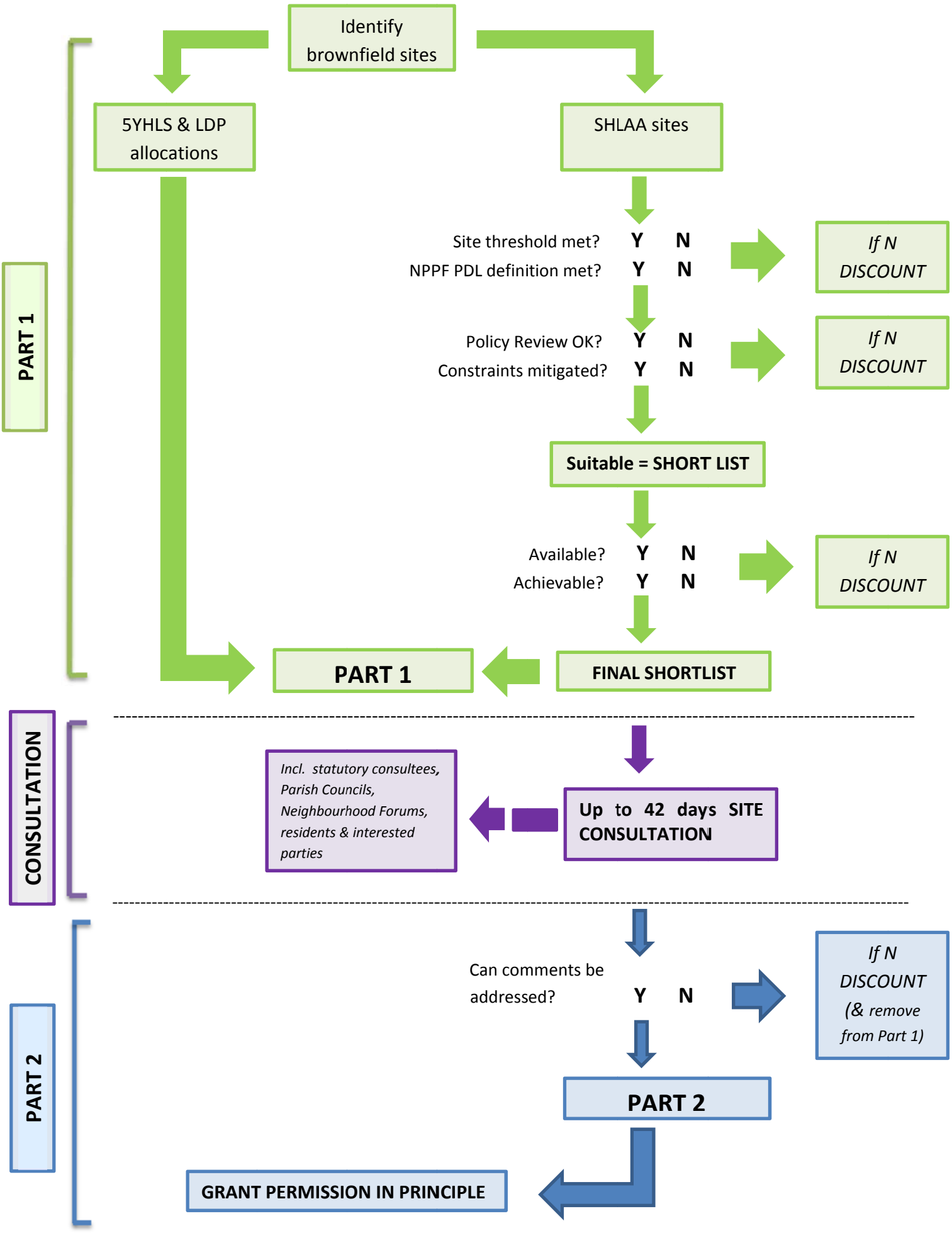
Are there any consultation, publicity and notification procedures that local planning authorities should undertake before removing a site from a brownfield land register?
There is no requirement for local planning authorities to carry out consultation, publicity or notification before they remove a site from a brownfield land register but they are free to carry out these procedures if they wish and they must take into account any representation received in accordance with regulation 17(7) of the Town and Country Planning (Brownfield Land Register) Regulations 2017.

What information should be included in brownfield land registers?
The information to be included in Part 1 and Part 2 of brownfield land registers is set out in Schedule 2 of the Town and Country Planning (Brownfield Land Register) Regulations 2017.

Provision of information to the Secretary of State

What information should be provided to the Secretary of State under regulation 18?
Under regulation 18(2) of the Town and Country Planning (Brownfield Land Register) Regulations 2017 local planning authorities may be required to provide the information in their brownfield land registers in a particular format to the Secretary of State. The format will be that of the set out in the brownfield land register data standard published by the Department for Communities and Local Government. Local planning authorities are encouraged to make their registers available in this format when they are published locally so that they can easily meet the requirements of any request for information issued by the Secretary of State.

APPENDIX 2: Brownfield Land Register process



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REPORT of
CHIEF EXECUTIVE

to
PLANNING AND LICENSING COMMITTEE
14 SEPTEMBER 2017

MALDON DISTRICT GREEN INFRASTRUCTURE STRATEGY

1. PURPOSE OF THE REPORT

1.1 On 16 February 2016 the Local Development Scheme was presented to the Council. This included the need for a Green Infrastructure Strategy to guide the development of policy and delivery of Green Infrastructure across the District.

1.2 A significant amount of development is expected to take place in Maldon District over the next 15 years. In order to ensure it remains a thriving and vibrant destination, the district needs to retain and enhance its green infrastructure. The economic benefits of green infrastructure can include raised land and property values, enhanced inward investment, job creation e.g. in land management or tourism, risk management through climate change adaptation or mitigation, health and well-being gains, and benefits from improved recreation, landscape character and biodiversity.

1.3 The Local Development Plan (LDP) provides the planning strategy for future growth over the next 15 years and sets out the key principles for strategic growth, including Green Infrastructure. The key overarching policy for Green Infrastructure is Policy N1 Green Infrastructure Network requirements, supported by Policy N2 Natural Environment and Biodiversity and N3 Open Space Sport and Leisure.

1.4 The purpose of this report is to present to Committee the project brief for the Maldon District Green Infrastructure Strategy.

2. RECOMMENDATION

That Members comment on and note the Maldon District Green Infrastructure Strategy project brief included as **APPENDIX 1**.

3. SUMMARY OF KEY ISSUES

3.1 This report is for Members' information only.

3.2 Green infrastructure is the network of green spaces and water assets, including formal parks, amenity greenspace, nature reserves, green links, lakes and waterways that provide a range of multi-functional benefits to both the community and the natural environment.

3.3 The Green Infrastructure Study in 2011 identified the existing evidence base in the district, including the areas of deficit and standards. Five years on from that study, in a changed planning context, it is proposed to appoint a suitably qualified and experienced consultant to provide an update on the existing network and standards, alongside the development of a vision statement, concept plan, principles and policy to promote the idea of green infrastructure in Maldon to developers, funding partners and the community and to develop a Green Infrastructure Action Plan.

3.4 The purpose of the Green Infrastructure Strategy is to:

- Promote a long-term Vision for the sustainable development and management of green infrastructure across the district
- Provide a Concept Plan that demonstrates how distinct elements of the green infrastructure network work together at a district level.
- Create a set of principles and policies to underpin the creation and enhancement of the network.
- Identify key partners, funding streams and priorities for the delivery of key projects
- Prepare an Action Plan for the delivery of key projects and interventions
- Deliver effective stakeholder and public consultation

3.5 The project brief for the Maldon District Green Infrastructure Strategy is provided in **APPENDIX 1**. The project brief is required to be published on the Contract Finder website for a month, before the project is awarded to the successful tender.

4. CONCLUSION

4.1 The need for a district-wide Green Infrastructure Strategy was identified in the Local Development Scheme in February 2016. The appended brief will form the remit for consultants to prepare that strategy.

5. IMPACT ON CORPORATE GOALS

5.1 The planning and delivery of enhanced green infrastructure supports the Council's vision for the District and in particular protecting and shaping the District, helping communities to be safe, active and healthy, and creating opportunities for economic growth and prosperity.

6. IMPLICATIONS

(i) **Impact on Customers** – The long term impact on customers will be enhanced provision of green infrastructure, including in areas of growth and existing deficit identified in the 2011 baseline study. Public consultation will take place as part of the strategy development.

(ii) **Impact on Equalities** – The Strategy will identify enhanced green infrastructure provision and projects across the district accessible to all communities. Public consultation will take place as part of the strategy development.

(iii) **Impact on Risk** – The Strategy will feed into future policy development, masterplans and site briefs. It is not considered it would have any adverse effects on operational, organisational or partnership risks.

(iv) **Impact on Resources (financial)** – Provides part of the evidence base for the LDP and falls within the reserves for the LDP. The Action Plan will identify funding opportunities to deliver enhanced green infrastructure.

(v) **Impact on Resources (human)** – None identified.

(vi) **Impact on the Environment** – The development of a Green Infrastructure Strategy will identify opportunities for the Council to lead or partner in key areas of environmental improvement including use of natural resources, land and water, landscape and biodiversity enhancement and adaptation or mitigation for the effect of climate change.

Background Papers: Maldon District Council Green Infrastructure Study (2011)

Enquiries to:
Catherine Bailey, Countryside and Coast Officer (Major Applications), (Tel: 01621 875836).

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SCOPE OF THE BRIEF FOR THE GREEN INFRASTRUCTURE STRTAEGY FOR MALDON DISTRICT COUNCIL

1.0 INTRODUCTION

1.1 Maldon District Council developed the existing Green Infrastructure Study in 2011 as part of the evidence base for the Local Development Plan (LDP). The study surveyed the green infrastructure assets in Maldon, focussing on accessible greenspace, alongside the indoor and outdoor sports facilities in their role as community facilities. It identifies the need for green infrastructure in the district, a range of green infrastructure standards and key areas of existing deficiency as well as recommendations that could be used in both development management and to inform the Council's wider strategic objectives in areas such as health, environment and regeneration. The study was strongly informed by the approach developed in Planning Policy Guidance 17: Planning for Open space, Sport and Recreation, now superseded by the National Planning Policy Framework and Planning Practice Guidance.

1.2 Five years on from that initial study the planning context has changed and there is a need to review the proposed network to update the evidence base of the LDP, alongside the development of a vision statement and concept plan to promote the idea of green infrastructure in Maldon to developers, potential funding partners and the community. A set of principles will be identified to underpin the vision and concept, inform a set of proposed policies, as well as realizing the key recommendation from the 2011 study to develop a Green Infrastructure Action Plan.

2.0 MALDON CONTEXT

2.1 Maldon is predominantly a rural district that covers an area of 36,000 hectares. It has over 70 miles of coastline. The natural landscape is dominated by the estuaries of the Rivers Blackwater and Crouch, with their extensive alluvial plains. There are significant areas of semi-natural habitat that make an important contribution to the area's diverse landscape character and ecology. The presence and distribution of these habitats is strongly influenced by geology and landform and include woodland, grassland, estuary, salt marsh and mudflat and freshwater and open water habitats. Many of the areas are of international, national and local importance and have been designated as Ramsar Sites, Sites of Special Scientific Interest (SSSI), Special Protection Areas (SPA), Special Areas of Conservation (SAC) and National Nature Reserves (NNR). These assets comprise a significant part of the sub-region's "green infrastructure" base.

2.2 The District also has a strong built heritage that defines the character and distinctiveness of the District's towns, villages and hamlets and is reflective of its historic settlement patterns, land use, industry, and social and economic history. This heritage includes buildings of architectural or historic interest, Scheduled Monuments, one Registered Park and Garden, the Battle of Maldon Registered Battlefield, many Conservation Areas, including the Chelmer and Blackwater Navigation and the nationally important World War One Aerodrome at Stow Maries Great War Aerodrome. All of these form important elements of, or destinations within, the Green Infrastructure network

2.3 Within Maldon there are also a range of accessible greenspaces that provide a variety of experiences for both residents and visitors alike. These vary between more formal parks such as Promenade Park in the centre of Maldon town and Riverside Park in Burnham on Crouch, and the semi-natural Elms Farm Park, which is also of district level significance. Elsewhere provision is in the form of amenity greens, formal sports pitches, accessible semi natural greenspace, allotments and cemeteries. Maldon also has a well-developed network of Public Rights of Way,

including along much of its coastline, although with a fragmented bridleway system, that along with cycle paths, the canal and railway corridors provides the potential for a dynamic framework of green links.

3.0 THE VISION FOR GREEN INFRASTRUCTURE

3.1 The National Planning Policy Framework recognises the importance of green infrastructure in relation to climate change adaptation and mitigation, as well as its benefits in terms of quality of life[1]. It defines green infrastructure as '… a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities'.[2]

3.2 Natural England's 2009 guidance explains that green infrastructure networks should be capable of delivering ecosystem services to the communities they serve whilst maintaining local character and distinctiveness. It confirms that green infrastructure helps deliver:

- A healthy natural environment
- Enhanced access and understanding of the natural environment
- Sustainable use of the natural environment
- Future-proofing for climate change

3.3 Green infrastructure typologies include parks and gardens, amenity greenspace such as village greens and greenspace on housing estates, natural and semi-natural greenspace, green corridors, allotments and cemeteries. The Landscape Institute's 2013 Position Statement on green infrastructure[3] confirms that green infrastructure assets that relate to local character and heritage can enhance sense of place and foster community spirit. Both the natural and historic environment have shaped Maldon's principal assets, attracting tourists and providing recreational opportunities for both residents and visitors alike.

3.4 The existing Maldon Green Infrastructure Study was prepared in 2011 as one of a suite of evidence-base documents to inform the proposed Local Development Framework. The opportunity was taken to incorporate a sports facilities assessment at the same time and to fulfil the needs of Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation (PPG17) in relation to identifying local green space standards. However PPG17 was cancelled by publication of the National Planning Policy Framework (NPPF) in 2012. The Localism Act in 2011 also resulted in the abolition of Regional Strategies which had provided the main policy context for development of green infrastructure networks at a local level.

3.5 Nowadays it is the NPPF that identifies that local authorities are required to plan positively for both biodiversity and green infrastructure, and that local plans should take account of long term climate change impacts. Planning for green infrastructure is still seen as forming an intrinsic part of shaping new development.

3.6 The National Planning Policy Framework (NPPF) defines green infrastructure as, 'A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities'. The NPPF specifically makes reference to the role of green infrastructure in new development to meet the challenge of climate change, flooding and coastal change all of which are highly pertinent to Maldon as a coastal district.

[1] National Planning Policy Framework (2012); Communities and Local Government
[2] National Planning Policy Framework (2012); Communities and Local Government
[3] The Landscape Institute (2013): Green Infrastructure – an integrated approach to land use

4.0 PROPOSED MALDON GREEN INFRASTRUCTURE STRATEGY

4.1 The proposed Green Infrastructure Strategy is intended as a two-stage document:
a) Providing an update of the existing green infrastructure baseline, including reviewing the existing GIS datasets, the policy context and criteria for evaluation Natural and Semi-natural Greenspace, as well as
b) Developing a vision, concept plan, principles and policy for the network and an action plan for delivery.

4.2 A key part of the process at both stages will be engagement with key stakeholders such as land use and transport planners, landowners and developers, community leaders and those in the public, private and third sectors who will develop and manage the green infrastructure and potentially provide funding for it.

5.0 SCOPE OF THE WORK

5.1 STAGE 1: EVIDENCE REVIEW
Review of Assets: The review should examine the existing green infrastructure assets identified in the Green Infrastructure Study, 2011 that lie within Maldon District Council boundaries and collate any new elements created or lost since 2011, including demonstrating awareness of green infrastructure features beyond the district's boundaries that contribute to the functionality of the green infrastructure network. Likewise, the review should have regard to identified future growth and the impact that this may have on current green infrastructure within the district or its future provision.

5.2 It is not intended that a site by site PPG 17 type greenspace assessment should take place, nor that indoor sports provision should be included in the review, except to note where these facilities provide a valuable destination or hub on the green infrastructure network e.g. for parking, toilets, cafes and further leisure opportunities. However, the update should include a review of the existing policy and guidance context including future –proofing of the strategy against emerging national policy going forward particularly in relation to public health, ecosystem services and natural capital accounting.

5.3 The database of existing green infrastructure GIS layers (list appended to this brief) should be reviewed and updated. The database includes sites below 0.2 hectares where groups of smaller sites form strategically-important green corridors or opportunities together. New or previously unrecognised assets should be added to the database, and further deficiencies of different sizes and types of green infrastructure identified with recommendations as to how these might be remedied. Any issues of data quality should be reflected in caveats to the study.

5.4 Development of a set of robust criteria for appraising Natural and Semi-Natural greenspace sites should be undertaken to inform future policy, and the existing database of natural and semi-natural greenspace sites appraised against these criteria.

5.5 STAGE 2: VISION, CONCEPT, PRINCIPLES, POLICY AND ACTION PLAN: The analysis of the interplay of the different elements of green infrastructure should include the identification of existing multi-functional corridors, key green infrastructure features, gaps and sensitivities, strategic opportunities and specific projects for improving the functionality of the network for both the current and future population. Opportunities and projects could include both spatial

opportunities for existing or proposed enhancement zones, sites and corridors, as well as health, educational or promotional opportunities that could enhance the resident or visitor experience.

5.6 The analysis should lead to identification of a Vision for the green infrastructure network over the lifespan of the approved Maldon District Local Development Plan, along with a Concept Plan that expresses that vision and the opportunities in a spatial way. These should be underpinned by a set of Principles for the protection, enhancement or creation of the green infrastructure network, particularly in relation to new opportunities delivered through the development management system. The Principles should be used to inform a set of proposed Policies that could be adopted at a future date and inform decision-making.

5.7 Identified opportunities and projects should be developed into a prioritised and phased Action Plan, including recommendations on key delivery mechanisms and partners, potential sources of funding and order of cost, timescales and priorities.

5.8 In undertaking this work, the implications of other relevant existing and emerging national, sub-regional and local strategies and plans should be taken into account. Projects of particular importance include:

- The England Coast Path - a new National Trail: the government's initiative to create a right of access around the open coast;
- The Wildlife Trust's Living Landscape Project – which aims to restore nature on a landscape scale.
- Wallasea Island Wild Coast project: RSPB's landmark project on the River Crouch that aims to recreate around 670 acres of coastal wetland landscapes using spoil from the Crossrail Project, more than 9 miles of access routes and new visitor facilities.
- Maldon Central Area Masterplan and Action Plan which promotes a coordinated approach to development and regeneration of the Central Area of Maldon and guides future development and area improvements.
- Maldon Sense of Place project: aims to promote the district as a destination of choice through the standard usage of an agreed graphic language for promotional material including tourism web site, leaflets and signage.
- Consultants will also be required to demonstrate that lessons from neighbouring green infrastructure strategies have been taken into account, where appropriate, in undertaking this study.

5.9 CONSULTATION: A list of key stakeholders including relevant council officers, land use and transport planners; landowners and developers; community leaders and those in the public, private and third sectors who will help develop and manage the green infrastructure will be provided to ensure both up to date data and development of a robust vision, concept and action plan. Allowance has been made for one stakeholder workshop at the vision and concept stage.

6 SUBMISSION, ASSESSMENT, BUDGET AND REPORTING

6.1 Submissions will be invited from consultants who are able to demonstrate relevant expertise in green infrastructure strategy development. They will be asked to submit appropriate evidence of their understanding of the brief, their experience, references and CVs, a work programme, and how they will deliver against the budget. The submissions will be judged against set criteria – a balance of cost versus quality. The identified guide budget is £35,000.

6.2 It is intended to go to tender in October and appoint by the end of November 2017. A draft report and action plan is anticipated in April 2018 with a final report by September 2018. It is

intended that the Green Infrastructure Strategy will be adopted as a Supplementary Planning Document by Maldon District Council.

Catherine Bailey
Countryside and Coast (Major Applications) Officer
August 10th 2017

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REPORT of
DIRECTOR CUSTOMERS AND COMMUNITY

to
PLANNING AND LICENSING COMMITTEE
14 SEPTEMBER 2017

HISTORIC REVIVAL WATERFRONT PROJECT OUTCOMES

1. PURPOSE OF THE REPORT

1.1 To update this Committee on progress made towards the completion of the Coastal Revival Funded, Historic Waterfront Revival Project.

2. RECOMMENDATIONS

(i) that the findings of the consultants employed to undertake the Historic Waterfront Revival Project be noted;

(ii) that Members comments on the report be collated; and

(iii) that Council's Corporate Projects Task and Finish Working Group be requested to manage the next stages of the project as outlined in **APPENDICES 1** and **2** and paragraph 3.4.5 below.

3. THE MALDON HISTORIC WATERFRONT

3.1 Introduction

3.1.1 Members may be aware that the Council was successful in obtaining £50,000 of grant funding to undertake the Historic Water front Revival Project. The project brief and details of the funding were considered by this Committee on the 12 September 2016 (Minute No. 528 refers). This Committee's remit covers economic development and tourism and as a result has received reports on the Waterfront Revival in the first instance. A similar report will be considered by the Community Services Committee in October.

3.1.2 A grant of £50,000 was awarded to allow the Council to kick start the regeneration of Maldon Hythe and Historic Waterfront while sustaining traditional maritime knowledge, activities and skills and enhancing the historic quarter to provide a contemporary offer.

3.1.3 To deliver this aim, a feasibility study was commissioned and work undertaken with local businesses, community groups, charities and residents of the waterfront area, working together to find the best way forward and produce a coherent plan of action. The study was completed by Colliers International who pulled together a multi-skilled

team to provide options that were both sensitive to the historic setting and considered to be financially sustainable (assuming suitable funding is obtained).

3.1.4 The feasibility study ran alongside the emerging Maldon and Heybridge Central Area Masterplan (the Masterplan) and provided the Council with an early opportunity to explore, in greater detail, several projects highlighted within the master plan.

3.1.5 The Council is a key stakeholder in the Historic Waterfront area; land holdings include the Hythe Quay itself, Cooks Boatyard (under lease), Promenade Park and various buildings which could be re purposed or replaced in a wider development.

3.2 **Links to Maldon and Heybridge Central Area Masterplan**

3.2.1 At the meeting of this committee on the 17 January 2016 Members resolved that the Masterplan be agreed (Minute No. 779 refers). The character, vitality and cultural importance of the Maldon and Heybridge Central Area are critical to the prosperity of the Maldon District and to the quality of life of the people who live there and the experience it offers to visitors. The Maldon and Heybridge Central Area incorporates Maldon Central, the Causeway Regeneration Area and the Leisure Quarter and forms the District's focus for employment, retail, community and tourism facilities.

3.2.2 A significant amount of development is expected to take place in Maldon District over the next 15 years and the Maldon and Heybridge Central Area will be required to meet the needs of a growing population. It will be a thriving and vibrant destination that has strong connections with surrounding areas and is supported by its heritage assets, waterways and green spaces. It will need to support an increase in the number of employed people and a more diversified thriving economy in order to deliver a successful future and its role as a tourism and leisure destination needs to be strengthened.

3.2.3 The Local Development Plan (LDP) provides the planning strategy for future growth over the next 15 years and sets out the key principles for development and regeneration in the Central Area within Policy S5. In order to promote the objectives set out in Policy S5, the Council will shortly be asked to consider the Strategic Master Plan Framework and Action Plan to guide future development and area improvements within the Maldon and Heybridge Central Area.

3.2.4 The Historic Waterfront Project is linked to the Masterplan however, many of the aims included within the Historic Water Front Study have been long term ambitions of the Council.

3.3 **Aims of the Coastal Revival Fund Historic Waterfront Feasibility Study**

3.3.1 The purpose of the Feasibility Study was to:

- define the opportunity that Maldon's Historic Waterfront offers;
- co-ordinate key partners and stakeholders within the Historic Waterfront Area to work collaboratively to realise the opportunity identified;
- analyse the strengths and weaknesses of taking key objectives, opportunity and funding bids forward to revive Maldon's Historic Waterfront;

- sustain the environmental quality whilst enhancing and encouraging investment to improve the visitor offer, increased leisure provision, access and connectivity to and from the Historic Waterfront and its resilience to flood risk;
- align the Feasibility Study outcomes with the vision and objectives within the draft Maldon and Heybridge Central Area Masterplan and Action Plan.

3.3.2 As mentioned above, the feasibility study aligns with the Policy S5 requirements and the key projects which are required to reinforce the existing land uses to create jobs and ensure a skilled employment base, and take the opportunities presented by the waterfront for regeneration, diversification and cultural attractions for leisure and recreation whilst being resilient to flood risk.

3.4 **Project outputs**

3.4.1 The purpose of the study is to assess options for enhancement of the Hythe Quay and Promenade Park area of Maldon. The brief is specifically to assess the viability of five different projects for potential improvement

a) Use of Hythe Quay area for commercial activities such as specialist markets

b) A "destination hub" in Promenade Park that could include a visitor centre, heritage centre and restaurant(s)

c) Improvement of facilities for visiting yachts / craft at Hythe Quay

d) Enhancement of St Mary's Church to form a community hub

e) Improvements to Maldon District Museum

3.4.2 The report also considers other options.

3.4.3 The Executive Summary of the Historic Waterfront Project report is provided in **APPENDIX 1**. Several copies of the full document have been placed in the Members room.

3.4.4 **APPENDIX 2** sets out the required project outputs and a summary of the consultants findings and how the Council may wish to take forward each output to delivery.

3.4.5 The Consultants recommendations are set out in the following list; The main project should be an application to the Heritage Lottery Fund Parks for the People fund for work that involves:

- restoring the qualities of the historic Edwardian park.
- creating a park café with new toilets for the public and changing rooms for the splash park to replace the current toilet block. We (the consultants) think that it would probably be optimal for it to incorporate a flexible space that can incorporate community events of different type and functions such as weddings. It would probably be a popular facility and offer a good return on investment.
- improving the appearance of the kiosks (if not replaced) and creating a more attractive outdoor seating area in their vicinity.

- extending and modernising Maldon District Museum, and employing a curator – manager. Maldon District Council (MDC) should help the museum to take a wider role in conserving and telling the whole Maldon story, including the maritime heritage.
- replacing the public realm at Hythe Quay with surfacing that is more attractive and in keeping with the heritage, and reduces the impact of parking, while not compromising the operation of the businesses there.
- adapting the Bailiff's workshop and classroom occupied by the Gig Club to provide flexible ground floor space that can be used for activities of different sort.
- providing a better interpretation and wayfinding system, including panels that tell the story of the Battle of Maldon and Maldon Salt. This would ideally extend to the town centre and along the river.

3.5 **Governance**

3.5.1 The Historic Waterfront Revival Project has a number of distinct sub projects which cut across the remit of the Council's programme Committees. To help ensure a joined up approach, it is proposed that the Council's Corporate Project Working Group is utilised to manage the development of these sub projects and potential funding bids.

3.5.2 Reports will be required to the relevant programme Committee as and when required in order to satisfy the Councils existing Governance arrangements. The terms of reference of the Corporate Projects Working Group have already been established.

3.5.3 Planning and Licensing committee considered this project initially because of its links to the Central Area Masterplan, Economic Development and Tourism. However members of Community Services will no doubt be interested on the project as it focuses on areas such as the Promenade Park which that Committee manages.

4. CONCLUSION

4.1 The Council wishes to promote a coordinated approach to development across the district and in particular in relation to the regeneration of the Historic Waterfront area which builds upon work undertaken in connection with the LDP and the Central Area Masterplan.

4.2 The study has identified key projects and development opportunities that if progressed would support the local economy and extend the tourism offer of the area. Crucially it has also identified where development might not be desirable or would have an adverse impact on the use of commercial activities, for example a permanent market on Hythe Quay.

4.3 The study outlines a number of activities that could be taken forward including a large bid to the Heritage Lottery Fund, Parks for People fund to sensitively improve the historic character of the Promenade Park. It is proposed that, due to the cross cutting nature of the projects outlined above, that the Council's Corporate Project Task and Finish Working Group is requested to manage the process with reports to the appropriate programme Committees as and when decisions are required.

5. IMPACT ON CORPORATE GOALS

5.1 Planning supports corporate goals which underpin the Council's vision for the District and in particular protecting and shaping the District and balancing the future needs of the community and meeting the housing needs of the District.

6. IMPLICATIONS

(i) **Impact on Customers** – The character, vitality, and cultural importance of the Maldon Historic Waterfront Area are critical to the prosperity of Maldon District and to the quality of life of both residents and visitors.

(ii) **Impact on Equalities** – Not applicable.

(iii) **Impact on Risk** – Failure to appropriately plan for the future in the area could result in uncoordinated development which fails to provide for the best interests of the community and as landowner the Council itself. Funding for this project is time limited and it is necessary to commence the procurement phase of the project immediately after this report has been considered by Members. Any delay to the process could risk the deliverability of the feasibility study. It has not been possible to commence this work earlier than this date due to the need to ensure the emerging recommendations from the Masterplan could be linked into the study.

(iv) **Impact on Resources (financial and human)** – The production of the Historic Waterfront Feasibility Study required financial resources to employ consultants to undertake the work required on the project brief. External funding was used to undertake the study. It is likely that significant staff resource and external funding will be required to develop the next stages of the overall project, the details of which will need to be reported to members at a later stage.

(v) **Impact on the Environment** – Appropriately planning for the future within the Maldon Historic Waterfront Area will result in improvements to the local environment, and will support sustainable development appropriate for the area.

Background Papers: None.

Enquiries to: Ben Brown, Group Manager – Leisure, Countryside and Tourism, (Tel: 01621 875752).

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Options for Regeneration of Maldon Historic Waterfront

EXECUTIVE SUMMARY REPORT

MARCH 2017

PREPARED FOR MALDON DISTRICT COUNCIL

Accelerating success.

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1 INTRODUCTION

The purpose of the study is to assess options for enhancement of the Hythe Quay and Promenade Park area of Maldon. The brief is specifically to assess the viability of 5 different projects for potential improvement:

- Use of Hythe Quay area for commercial activities such as specialist markets.
- A “destination hub” in Promenade Park that could include a visitor centre, heritage centre and restaurant(s).
- Improvement of facilities for visiting yachts / craft at Hythe Quay.
- Enhancement of St Mary’s Church to form a community hub.
- Improvements to Maldon District Museum.

The report also considers other options, however.

The work has been done by a consortium of professionals led by the Destination Consulting team of Colliers International. Destination Consulting specialises in providing consultancy services to places that attract visitors.

The other members of the consortium are:

- Thomas Ford Architects.
- The Morton Partnership – civil and structural engineers.
- WMC Retail Partners – consultants specialising in markets.
- Michael Copeman – historic buildings specialist.

The research for the study included an online survey of stakeholders. 75 responses were received. A separate report reproduces them in full. We also facilitated three stakeholder forums on 17 February which had large attendance. A note of points made has also been produced.

There is a detailed report with the full analysis and conclusions.

Figure 1 to Figure 7 summarise the context of the study and the current situation.

Figure 1: Study Area

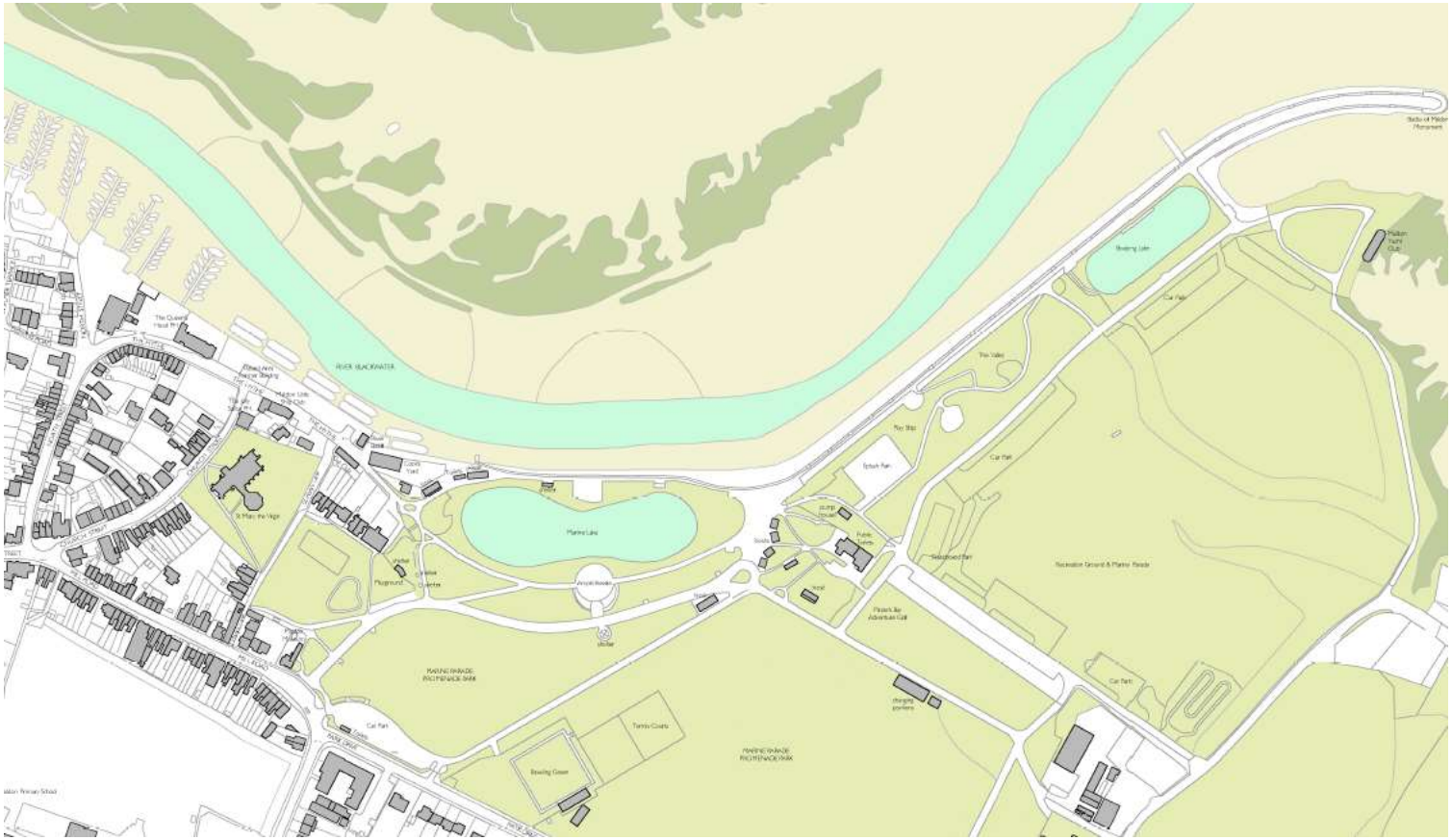
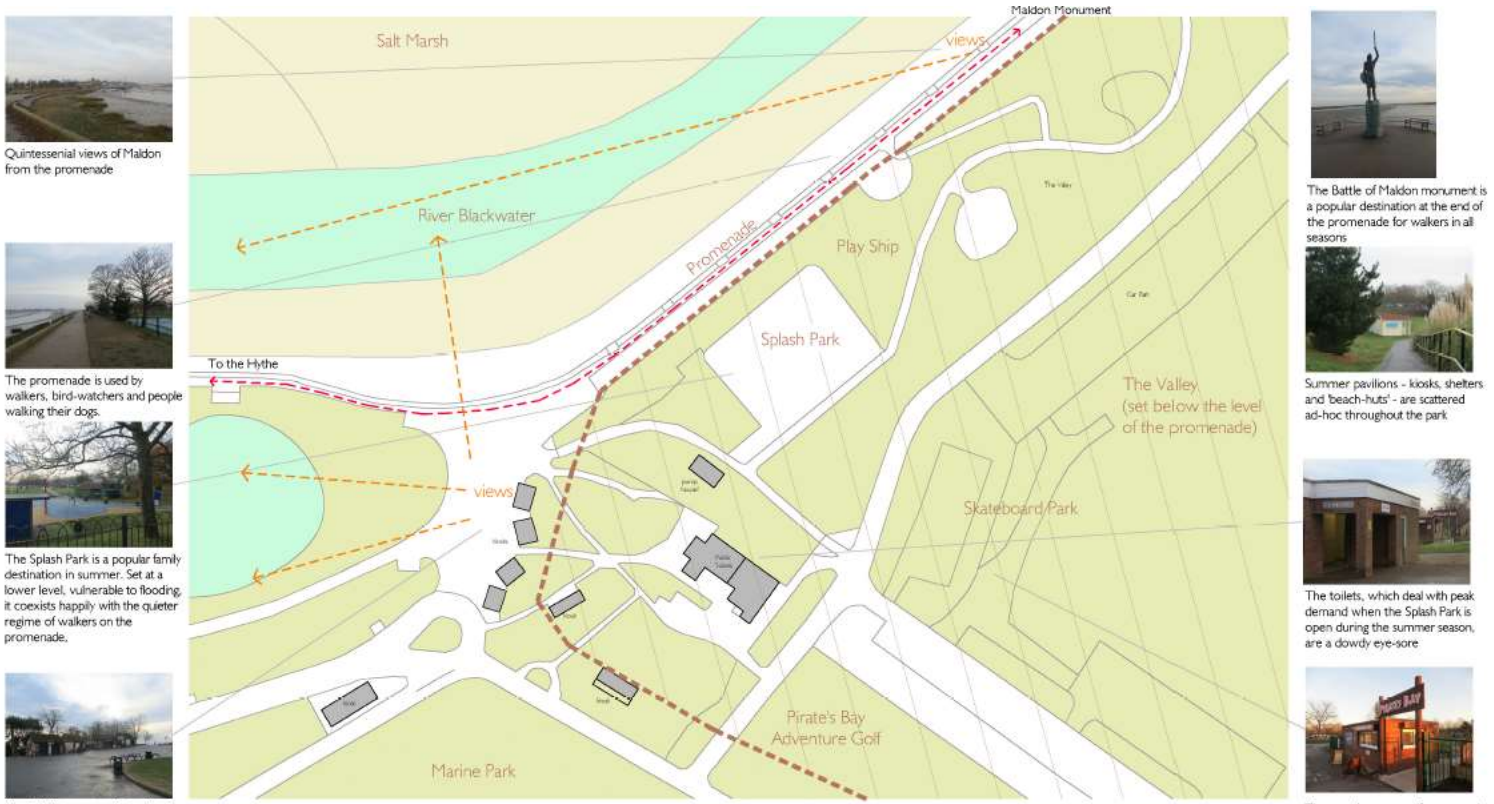

RIVER BLACKWATER
Marine Lake
Recreation Ground & Marine Parade
MARINE PARADE PROMENADE PARK
Tennis Courts
Bowling Green
Car Park
Playground
Public Toilets
Fitness Area
Pine Walk
Pine Valley
Rowing Lake
Fishers Bay Adventure Golf
Splashpool Park
Fitness Park
Cricket Ground
Shelter
Hut
Changing Pavilions
Footbridge
Cycle Track
Footpath
Slipway
Pier Slip
Public Toilets
Maldon Yacht Club
Statue of Maldon Monument
The Queens Head Pub
Maldon Rowing Club
Maldon Sailing Club
St Mary the Virgin
Maldon Primary School
Cycle Track
Footpath
Car Park
Tennis Courts
Bowling Green
Playground
Public Toilets
Fitness Park
Splashpool Park
Recreation Ground & Marine Parade
Fishers Bay Adventure Golf
Rowing Lake
Pine Valley
Pier Slip
Maldon Yacht Club
Statue of Maldon Monument
Cycle Track
Footpath
Slipway
Footbridge
Shelter
Hut
Changing Pavilions
Cricket Ground

Figure 2: Assessment of current situation at Family Fun Area of Promenade Park



Quintessenial views of Maldon from the promenade

The promenade is used by walkers, bird-watchers and people walking their dogs.

The Splash Park is a popular family destination in summer. Set at a lower level, vulnerable to flooding, it coexists happily with the quieter regime of walkers on the promenade.

Kiosks built to serve the bathing pond now have an anomalous relationship with the park. Open in summer, they have a desultory appearance off-season

The Battle of Maldon monument is a popular destination at the end of the promenade for walkers in all seasons

Summer pavilions - kiosks, shelters and 'beach-huts' - are scattered ad-hoc throughout the park

The toilets, which deal with peak demand when the Splash Park is open during the summer season, are a dowdy eye-sore

The popular crazy golf course and play area

Figure 3: Assessment of current situation at Historic section of Promenade Park



Figure 4: Current situation with toilets and kiosks in Promenade Park



Figure 5: Assessment of current situation at Hythe Quay

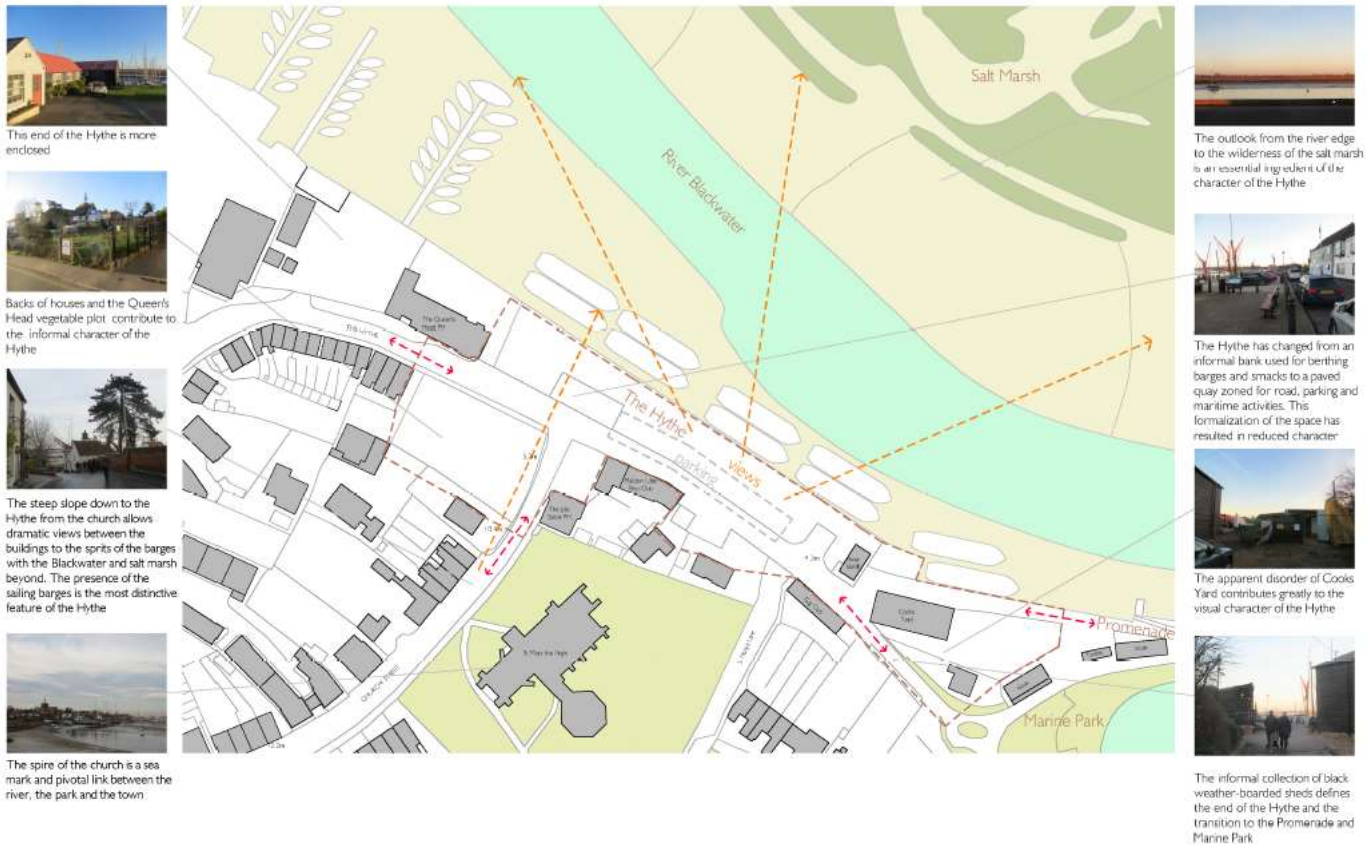


Figure 6: Key pedestrian routes

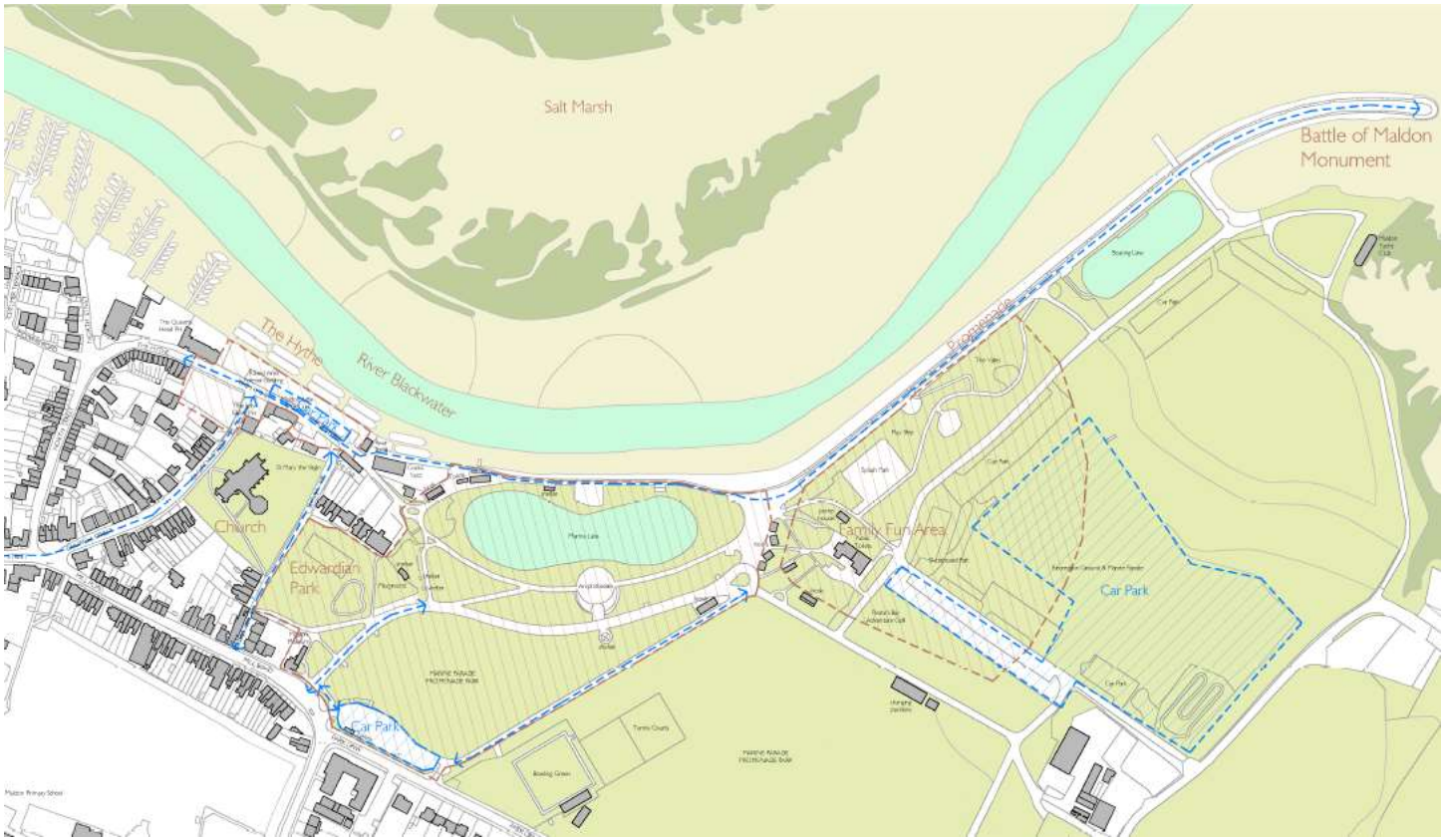
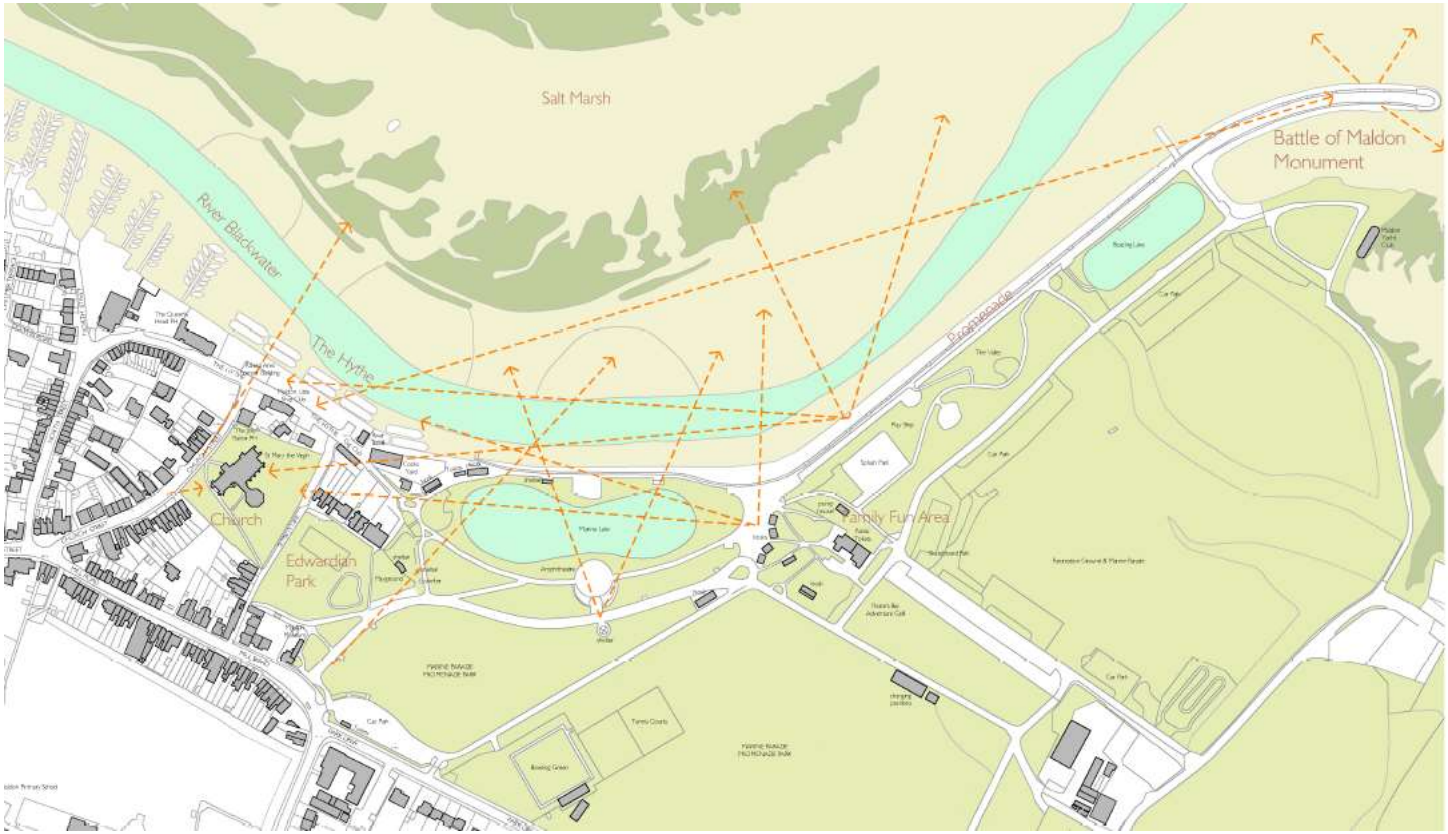


Figure 7: Key Views



2 EXECUTIVE SUMMARY

The study concludes the following in relation to the specific projects that we were asked to analyse:

- Hythe Quay is not appropriate for commercial activities such as specialist markets if they require any form of permanent or semi-permanent structures because they would compromise the operation of the maritime-related businesses there, would be out of keeping with the heritage townscape, and be affected by the regular flooding of the quay. A pop-up market with stalls that are put up and taken down on the same day could, in our opinion, be a success, albeit there is little support for the idea amongst stakeholders. Our view is that there is a case for undertaking a trial.
- Our advice is that a "destination hub" that includes a visitor centre or heritage centre of size would be difficult to fund, would probably require a substantial revenue subsidy and would not be an attraction that would entice a large number of people to the area. An extension to the museum, alongside a wayfinding and interpretation system, is likely to be a better and more sustainable long term approach to telling the story of the area and encouraging visitors to move between the waterfront and the town centre.
- We advise against endeavouring to establish an exhibition-orientated maritime heritage centre at Hythe Quay for the same reason of lack of sustainability and also because it would have to take space from Cook's Yard which would be better used for workshops.
- The large tidal range at Hythe Quay, giving a limited window of access to yachts, and reluctance of owners of modern yachts to rest them in mud, means that Hythe Quay / Promenade Park is unlikely to be a significant destination for visiting craft and that there would not be a return on investment in substantially improving facilities for them. The Maldon Harbour Improvement Commissioners have submitted plans for moderate improvement to the current pontoon which seem to be a pragmatic way forward.
- A project to repair St Mary's Church and make it more flexible so that it can be used more easily for events like musical and theatrical performances, and exhibitions, would be a useful addition to the range of facilities in the area.

Our recommendation is that the main project should be an application to the Heritage Lottery Fund Parks for the People fund for work that involves:

- Restoring the qualities of the historic Edwardian park.
- Creating a park café with new toilets for the public and changing rooms for the splash park to replace the current toilet block. Figure 11 and Figure 12 show variations of this, one with existing kiosks replaced and the other with them refurbished. We think that it would probably be optimal for it to incorporate a

flexible space that can incorporate community events of different type and functions such as weddings. It would probably be a popular facility and offer a good return on investment.

- Improving the appearance of the kiosks (if not replaced) and creating a more attractive outdoor seating area in their vicinity.
- Extending and modernising Maldon District Museum, and employing a curator – manager. MDC should help the museum to take a wider role in conserving and telling the whole Maldon story, including the maritime heritage. Figure 13 shows what this could be like.
- Replacing the public realm at Hythe Quay with surfacing that is more attractive and in keeping with the heritage, and reduces the impact of parking, while not compromising the operation of the businesses there.
- Adapting the Bailiff's workshop and classroom occupied by the Gig Club to provide flexible ground floor space that can be used for activities of different sort. Figure 14 shows how this could be done.
- Providing a better interpretation and wayfinding system, including panels that tell the story of the Battle of Maldon and Maldon Salt. This would ideally extend to the town centre and along the river.

The project should probably not include lighting on the promenade because of the adverse impact it would have on the heritage environment and I creating light pollution that could have an adverse impact on navigation.

MDC should support the endeavours of Topsail Charters to open a tea room on a barge at Cook's Yard and to create workshops in the yard that are occupied either by craftspeople that do work related to the maintenance and restoration of historic craft, and / or artisan craftspeople that make and sell items on site, assuming that Topsail continue to operate Cooks as an active yard involved in maintaining and restoring barges and other historic craft. Figure 14 shows what this could be like. Topsail are not requesting public funding.

Figure 10 summarises the proposed project. The stakeholder consultation indicated that a project of this nature would have a high level of stakeholder support. Figure 8 and Figure 9 have indicative capital cost and funding package.

Figure 8: Indicative Cost

	Capital Cost
Hythe Quay Public Realm Renewal	£700,000
Wayfinding and Interpretation System	£120,000
St Mary's Church Events Centre	£300,000
Historic Park Renewal	£1,250,000
Park Café, toilets and changing	£1,500,000
Revitalised Museum	£1,000,000
Project Planning & Applications	£130,000
Total:	£5,000,000

Figure 9: Indicative Funding

Heritage Lottery Fund	£4,300,000
Private Sector	£200,000
Other Charitable Foundations	£250,000
MDC	£250,000
	£5,000,000

We recommend that MDC considers options for the management of Promenade Park and Hythe Quay, with the objective of ensuring that it is treated as a business unit with a clear manager and appropriate branding and marketing for the major visitor destination that it is.

MDC should support other initiatives to maintain the vitality of the boatyards in Maldon and providing training in traditional skills. This could be the subject of a Coastal Communities Fund application that benefited all yards.

Figure 10: Proposed projects for regeneration of Maldon Historic Waterfront

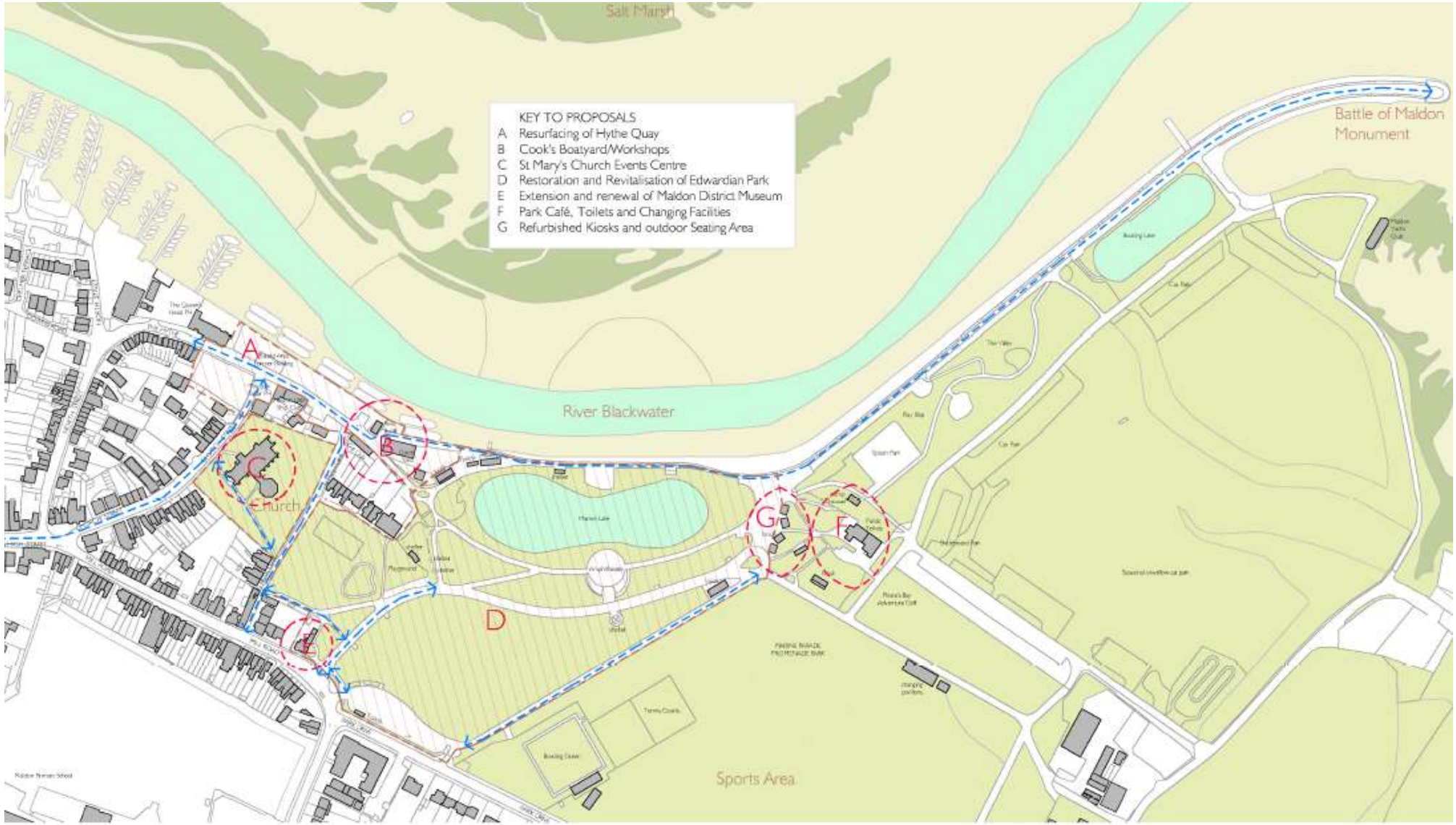


Figure 11: New park café and toilets, with new kiosks to replace existing



Figure 12: New park café, with existing kiosks retained and refurbished

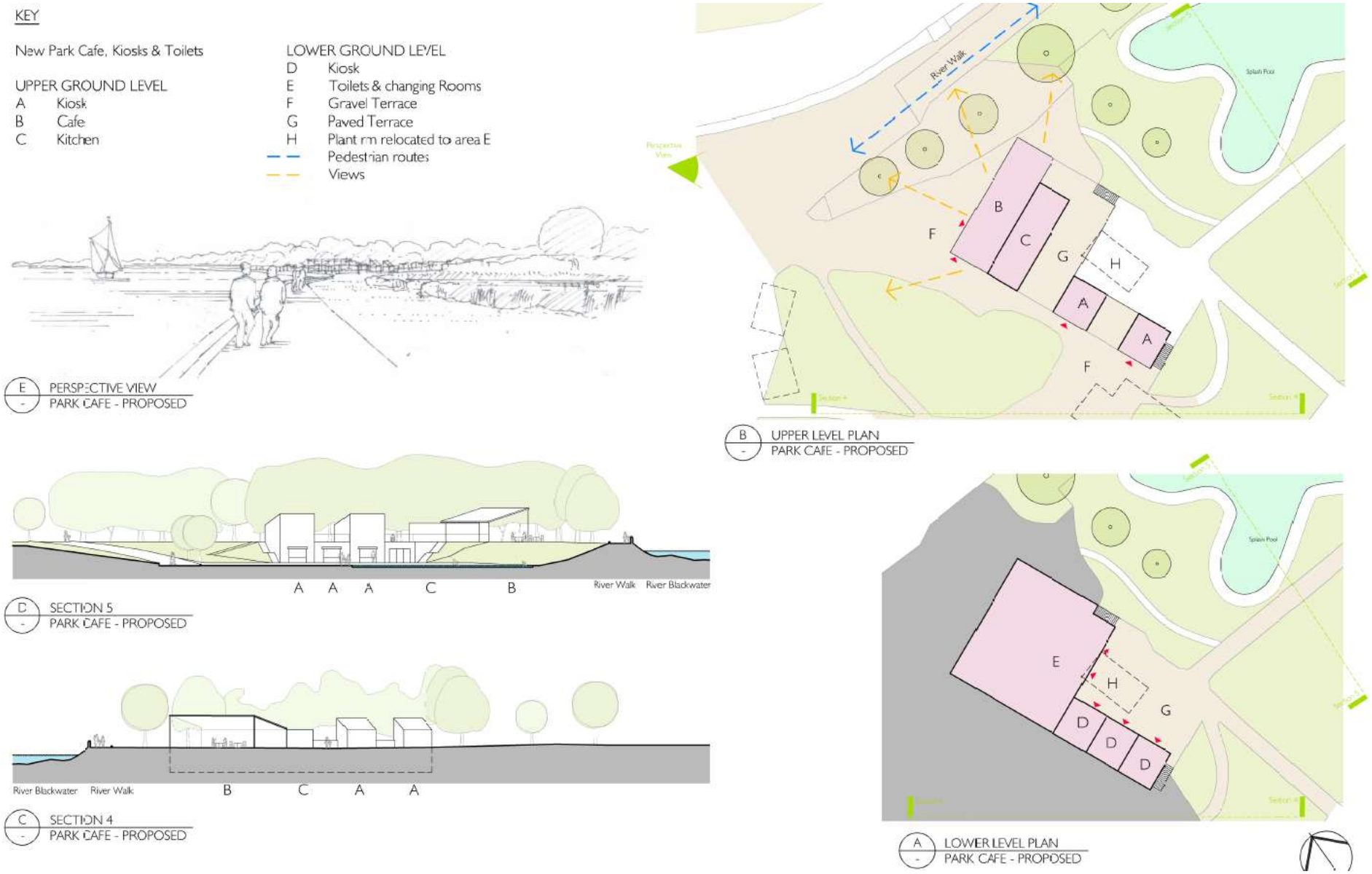


Figure 13: Improvements to Museum



C - PROPOSED PERSPECTIVE VIEW
MALDON MUSEUM



D - EXISTING VIEW
MALDON MUSEUM

A Existing Museum
(former Gatekeeper's odge)

B Edwardian Park Gate

C Edwardian promenade & landscape re-instated

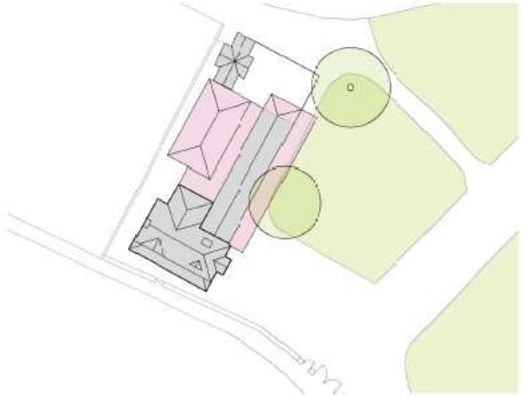
D Existing Museum & out-buildings adapted

E New entrance & cafe

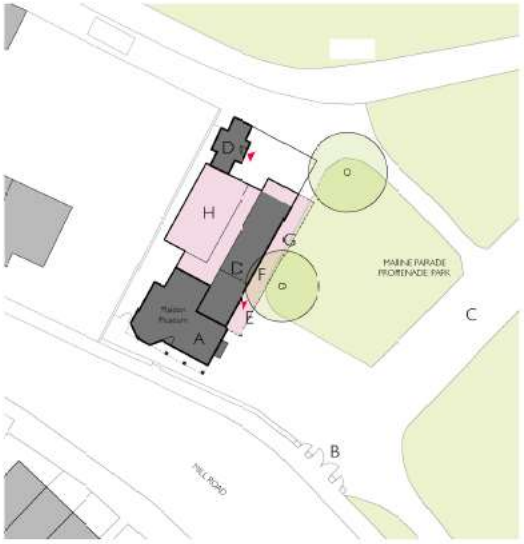
F New display window

G New entrance canopy

H New accommodation
(the remodeled Museum will include renovated & new displays, additional education/communications room, accessible toilet and storage)

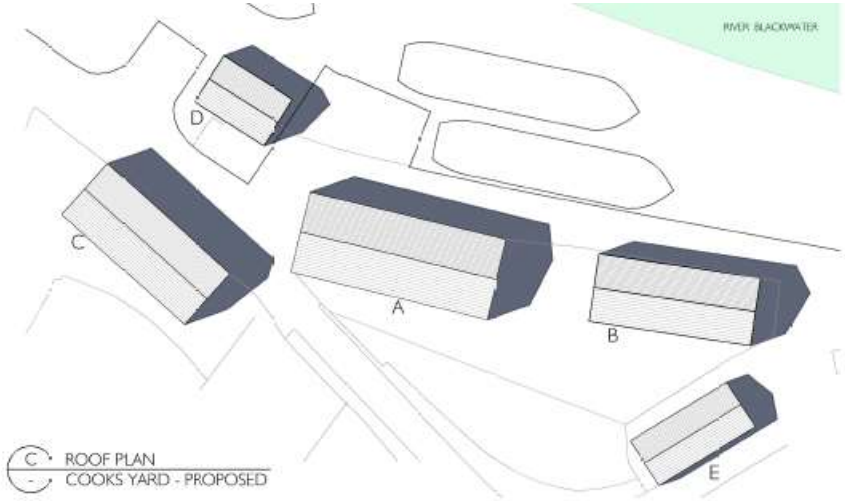


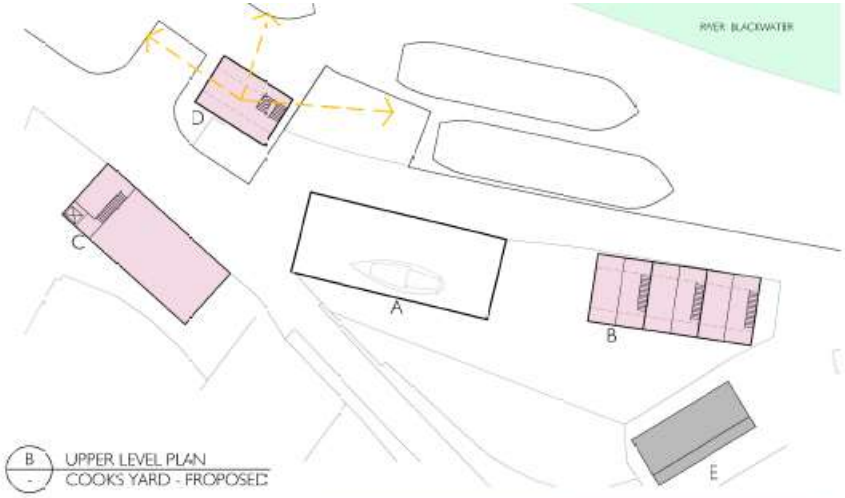
B - ROOF PLAN
MALDON MUSEUM



A - GROUND FLOOR PLAN
MALDON MUSEUM

Figure 14: Workshops at Cooks Yard





KEY

All new building will be clad in black finish board with corrugated metal roofing to complement traditional 'Hythe Sheds'.

A Cooks Yard - Existing shipwright: barge & Smack repair

B New Workshops - Two levels with flexible unit sizes

C New Community Hall/Gig Club
Lower level - Toilets & showers for visiting craft, open under-croft for parking, occasional craft market & demonstrations; and community events.
Upper level - Community Hall / Gig Clubhouse with toilet facilities

D River Bailiff's Office
Lower level - Paddin & other storage
Upper level - River Bailiff's office

E Existing kiosk

Pedestrian routes

Views

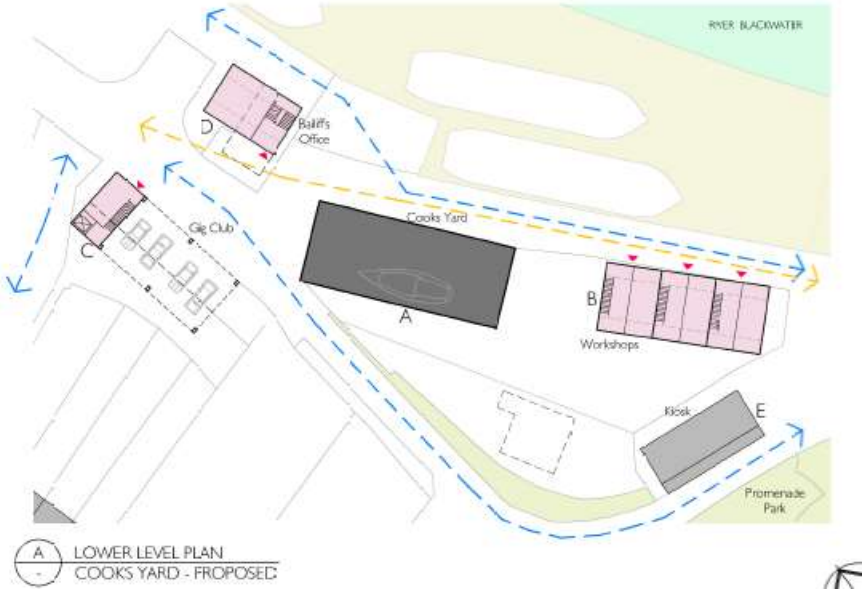


Figure 15:Ideas for revamping Bailiff's Workshop and Gig Club Building



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Title	Description / Outputs	
Hythe Quay Improvement Initiative	It has been identified that the Hythe Quay area could be used for commercial activities such as specialist markets. We expect this concept to be developed and tested with Quay users and other stakeholders to understand practical issues this may raise and the viability of the scheme. Identify potential delivery options and solutions to barriers that would need to be resolved.	Hythe Quay is not appropriate for commercial activities such as specialist markets if they require any form of permanent or semi-permanent structures because they would compromise the operation of the maritime-related businesses there, would be out of keeping with the heritage townscape, and be affected by the regular flooding of the quay. A pop-up market with stalls that are put up and taken down on the same day could, in our opinion, be a success, albeit there is little support for the idea amongst stakeholders. Our view is that there is a case for undertaking a trial.
Destination Hub – combined visitor centre and specialist restaurant	There have been suggestions of a combined visitor's centre which also replaces key infrastructure within the Promenade Park or close to Hythe Quay. Specialist restaurants and a potential marine heritage centre have all been suggested as potential usages for a new facility. It is believed that there are two separate offerings and that there is a need for both. We expect the successful bidder to understand stakeholders' needs and ambitions, and develop a clear business case on what can be achieved either in 1 or 2 locations. Within the business case we expect information to be provided on likely delivery models to improve the chances of seeking funding. The final project document should also include :- • Information on likely uses for the any buildings • Indicative costs related to any buildings • Outline design concepts Potential commercial income	Our advice is that a "destination hub" that includes a visitor centre or heritage centre of size would be difficult to fund, would probably require a substantial revenue subsidy and would not be an attraction that would entice a large number of people to the area. An extension to the museum, alongside a wayfinding and interpretation system, is likely to be a better and more sustainable long term approach to telling the story of the area and encouraging visitors to move between the waterfront and the town centre. We advise against endeavouring to establish an exhibition-orientated maritime heritage centre at Hythe Quay for the same reason of lack of sustainability and also because it would have to take space from Cook's Yard which would be better used for workshops

Title	Description / Outputs	
Visitor Moorings / Pontoon improvements	Explore the potential to improve facilities for visiting yachts / day boats to the Hythe Quay. What facilities would be required, what are the estimated costs of such facilities?	The large tidal range at Hythe Quay, giving a limited window of access to yachts, and reluctance of owners of modern yachts to rest them in mud, means that Hythe Quay / Promenade Park is unlikely to be a significant destination for visiting craft and that there would not be a return on investment in substantially improving facilities for them. The Maldon Harbour Improvement Commissioners have submitted plans for moderate improvement to the current pontoon which seem to be a pragmatic way forward.
St Mary's Church Community Hub	St Mary's Church wish to create a sustainable use for their community facility and wish to explore options to make sensitive improvements to a historic site. We expect the successful bidder to understand stakeholders needs and ambitions, and develop a clear business case on what can be achieved	A project to repair St Mary's Church and make it more flexible so that it can be used more easily for events like musical and theatrical performances, and exhibitions, would be a useful addition to the range of facilities in the area.
Maldon Museum Improvement to accommodation	The Maldon museum is a Council owned facility that is operated by the Maldon Museum. Consider future options for delivery of this service either stand alone or as part of a heritage or visitor centre.	Extending and modernising Maldon District Museum, and employing a curator – manager. Maldon District Council (MDC) should help the museum to take a wider role in conserving and telling the whole Maldon story, including the maritime heritage

Table 1 (Description & Outputs)

REPORT of
CHIEF EXECUTIVE

to
PLANNING AND LICENSING COMMITTEE
14 SEPTEMBER 2017

MALDON AND HEYBRIDGE CENTRAL AREA MASTERPLAN - ADOPTION AS SUPPLEMENTARY PLANNING DOCUMENT

1. PURPOSE OF THE REPORT

1.1 To present the final version of the Maldon and Heybridge Central Area Masterplan (the Masterplan) to the Committee as per recommendation (ii) of the report to Committee dated 20 July 2017 (Minute No. 275 refers).

2. RECOMMENDATIONS

(i) that the changes to the Maldon and Heybridge Central Area Masterplan as set out in this report including removal of the bridge across the River Chelmer, be agreed;

To the Council:

(ii) that the Maldon and Heybridge Central Area Masterplan (**APPENDIX 1**) be adopted.

3. SUMMARY OF KEY ISSUES

3.1 The Committee approved the amendments to the Masterplan following the public consultation as set out in the report to the Committee dated 20 July 2017. The Committee made a further amendment to the Masterplan to remove the bridge across the River Chelmer (Minute No. 275 refers).

3.2 Our consultants have prepared a final copy of the Masterplan (**APPENDIX 1**) that incorporates all of the approved amendments following the public consultation and that of the Committee to remove 'the bridge' across the River Chelmer from the Masterplan. All text references and graphics referencing the bridge across the River Chelmer have been removed.

3.3 The development and regeneration strategy for the Masterplan area states at Policy S5(5), Local Development Plan (LDP) to: '*Increase public access next to, and enhance the setting of the riverside to create a vibrant environment that incorporates a range of uses;* and at Policy S5(6) to '*Maintain and encourage the wider use of walking and cycling across the area through an improved public realm and improved linkages and connectivity between the town centre, the Causeway, the Hythe and the*

Leisure Quarter and other key attractions.' A key project of Policy S5, LDP is: '*Where possible ensure public access along the river is delivered and improved*.' Whilst a bridged connection across the River Chelmer has been removed from the Masterplan, the desired walking and cycling connections along the South and North Quays at Fullbridge and along Heybridge Creek remain part of the Movement and Connectivity Framework and overarching Masterplan Framework on pages 18 and 16 of the Masterplan (**APPENDIX 1**).

3.4 To deliver the Connectivity and Movement Framework including the strategic walking and cycling routes required under Policy S5, Project 7 has been renamed '*Heybridge Creek Connection'* and refocuses on the Policy S5 requirements for improved public access at the waterside and the delivery of improved pedestrian and cycle connections along Heybridge Creek to connect with the Hall Road Bridge across the Chelmer and Blackwater Navigation in Heybridge and the riverside route along the South Quay (Project 5 The Maldon Riverside Path) and North Quay (Project 6 North Quay Regeneration) at Fullbridge, Maldon.

3.5 The revised Project 7 Heybridge Creek Connection (**APPENDIX 2**) has retained the existing format and added revised text as highlighted yellow that refocuses the project to deliver strategic pedestrian and cycle connections through the entire Masterplan area via public access to riverside and estuarine routes, the existing network of the bridge at Fullbridge and existing footpaths at Chandlers Quay and on Station Road.

4. CONCLUSION

4.1 Policy S5 LDP requires development and regeneration to take place in the Maldon and Heybridge Central area having regard to a masterplan endorsed by the Council. As a Supplementary Planning Document to supplement Policy S5 LDP, the Maldon and Heybridge Central Area Masterplan will be an effective tool to deliver key projects and interventions in support of economic growth and a regeneration strategy to guide the development management process as a material planning consideration in development management decisions.

4.2 By masterplanning the focal area in the District for retail, commercial, industrial, community and tourism activities, the Masterplan area has a sustainable future with a masterplan framework to deliver economic growth and create environments that are attractive, ambitious, dynamic and resilient.

5. IMPACT ON CORPORATE GOALS

5.1 The Maldon and Heybridge Central Area Masterplan supports corporate goals which underpin the Council's vision for the District and in particular protecting and shaping the District and creating opportunities for economic growth and prosperity.

6. IMPLICATIONS

(i) **Impact on Customers** – The character, vitality and cultural importance of the Maldon and Heybridge Central Area are critical to the economic prosperity of

the District and to the quality of life of customers: residents, businesses and visitors.

(ii) **Impact on Equalities** – Not applicable.

(iii) **Impact on Risk** – Failure to appropriately masterplan the Maldon and Heybridge Central Area may result in uncoordinated development contrary to the best interests of the Council and its customers.

(iv) **Impact on Resources (financial)** – The costs related to production of the Masterplan are in accordance with the project brief approved by the Committee.

(v) **Impact on Resources (human)** – Project management of the Maldon and Heybridge Central Area Masterplan is in-house by the Urban Design Officer.

(vi) **Impact on the Environment** – Masterplanning the Maldon and Heybridge Central Area will result in improvements to the local environment and support sustainable development that is appropriate for the area.

Background Papers:
Local Development Plan, Policy S5
Report to the Planning and Licensing Committee dated 20 July 2017

Enquiries to: Jackie Longman, Urban Design Officer, (Tel: 01621 875731).

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MALDON

MALDON AND HEYBRIDGE

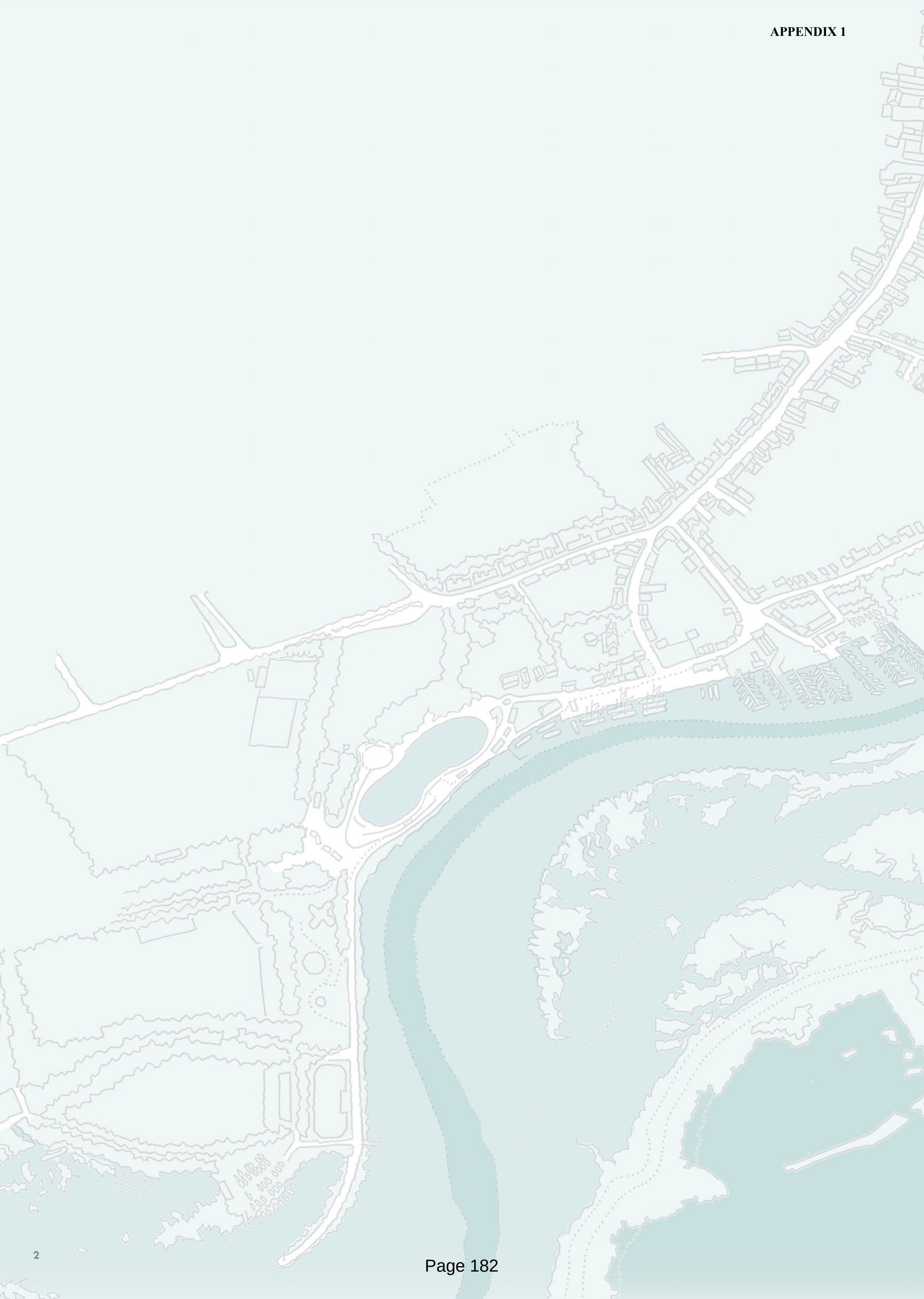
CENTRAL AREA MASTERPLAN

Masterplan report

August 2017

Allies and Morrison
Urban Practitioners





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N

HEYBRIDGE

CAUSEWAY REGENERATION AREA

THE CAUSEWAY

SADD'S WHARF

HIGH STREET

MALDON CENTRAL AREA

THE HYTHE

LEISURE QUARTER

PROMENADE PARK

NORTHEY ISLAND

1 INTRODUCTION AND CONTEXT

1.1 INTRODUCTION TO AND PURPOSE OF THE MASTERPLAN

Introduction to the Maldon and Heybridge Central Area masterplan

The character, vitality and cultural importance of the Maldon and Heybridge Central Area are critical to the prosperity of Maldon District and to the quality of life of the people who live there and the experience it offers to visitors. The Maldon and Heybridge Central Area incorporates the attractive Maldon town centre, the Causeway Regeneration Area and the Leisure Quarter and forms the district's focus for employment, retail, community and tourism facilities.

A significant amount of development is expected to take place in Maldon district over the next 15 years. Two strategic garden suburb housing developments are coming forward – one to the south of Maldon and one immediately north of Heybridge. New residents of both areas will join the thousands of existing residents who rely heavily on Maldon and Heybridge Central Area to meet their retail and service needs.

The planned strategic housing growth underpins the importance of local job creation for the economic fortunes of the area. The Causeway is the district's most important focus for employment uses and Maldon town centre is the principal commercial centre in the district and serves a wide catchment.

Maldon and Heybridge will be a thriving and vibrant destination that has strong connections with surrounding areas and is supported by its heritage assets, waterways and green spaces. It will need to support an increase in the number of employed people and a more diversified thriving economy in order to deliver a successful future with its role as a tourism and leisure destination strengthened in relation to the natural beauty and ecology of the Blackwater estuary.

Purpose of the Maldon and Heybridge Central Area masterplan

The purpose of the Strategic Masterplan Framework is to:

- Promote investments within the Maldon and Heybridge Central Area to ensure it continues to be a key focus of the local and sub-regional retail, employment and visitor economies;
- Set out a spatial framework for the development and regeneration of the Central Area;
- Develop recommendations on the location, mix, scale and design of new development and the treatment of the public realm and landscape setting which reflects the distinctive character and heritage of the Maldon and Heybridge Central Area;
- Identify opportunities for the delivery of key projects identified in Policy S5;
- Advise on an appropriate approach to transport and car parking management;
- Provide an Action Plan for the delivery of key projects and interventions.

Under Policy S5, the key diagram illustrates the three discrete areas which together comprise the Maldon and Heybridge Central Area. The 2014 Intermediate Study was organised around these three character areas which broadly align with concentrations of particular uses and activities. The areas have been a very useful tool for structuring conversations with stakeholders and landowners during the testing and review of the emerging planning policy framework for the Central Area. The three areas are also directly referred to in Policy S5.

The projects put forward in this Strategic Masterplan Framework broadly align with these three Policy S5 character areas. However, during the drafting of this masterplan, it has become clear that some projects and opportunities for improvement are town-wide and may straddle one or more of these three areas.

Maldon's riverside setting is its greatest asset and underpins Maldon's historical evolution. The opportunity to improve public access to the river alongside improvements to the environmental quality and range of activities along the river corridor are primary considerations for the masterplan.

All three of the Policy S5 sub areas benefit from a direct relationship with the River Chelmer. All three areas make an important contribution to Maldon's riverside environments. This masterplan presents a wide range of exciting potential projects across the Maldon and Heybridge Central Area. Projects from all three of the Policy S5 sub areas will therefore play an important role in delivering improved access to, and environmental quality of, Maldon's riverside environment. Improving the riverside environment is a key objective of the masterplan. The matrix of projects presented in Section 4 therefore highlights those specific projects across all three sub areas which contribute to this key objective.

Opposite: Aerial view of Maldon and Heybridge and key project areas



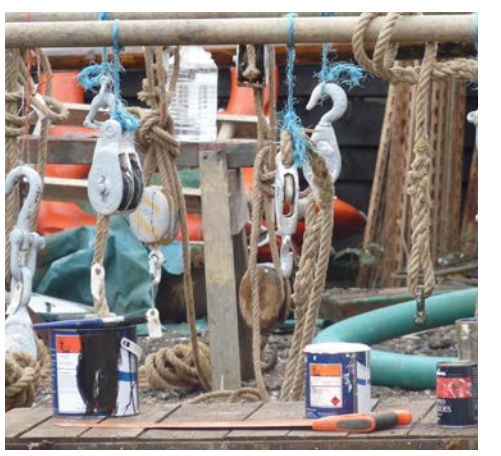

JP
TO LET
HSBC


12AMBARD


THE
JOLLY SAILOR
B&B
ACCOMMODATION
JOLLY SAILOR

THE SWAN HOTEL


THE BLUE BOAR HOTEL






Front Road




MALDON

THAIrom




1.2 STRATEGIC CONTEXT

The Local Development Plan

The masterplan has been prepared in support of the Local Development Plan (LDP). The LDP outlines a District-wide vision, the delivery of which will in part be reliant on the implementation of the Central Area Masterplan. The LDP also outlines a series of fourteen strategic objectives. Many of these will be relevant to the projects identified in this masterplan including objectives regarding the need to encourage diversification of employment and creation of job opportunities; the need to support sustainable tourism; and the need to protect and enhance the distinctive natural, built and historic environment. The final objective concerns the need to ensure the delivery of regeneration and enhancement of the Central Area. This specific objective is addressed in Policy S5.

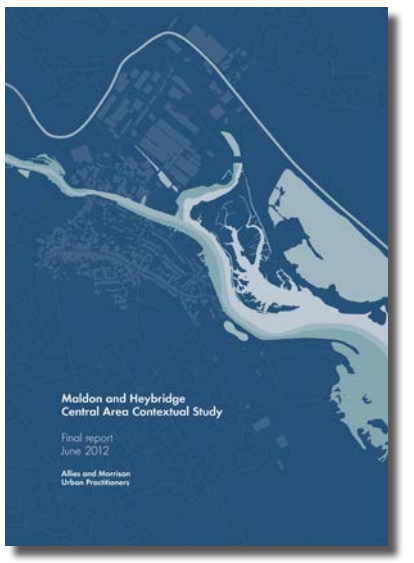
Policy S5

The intention is for this Strategic Masterplan Framework to be adopted as a Supplementary Planning Document. The Local Development Plan provides the planning strategy for future growth over the next 15 years and sets out the key principles for development and regeneration in the Central Area. Policy S5 states that:

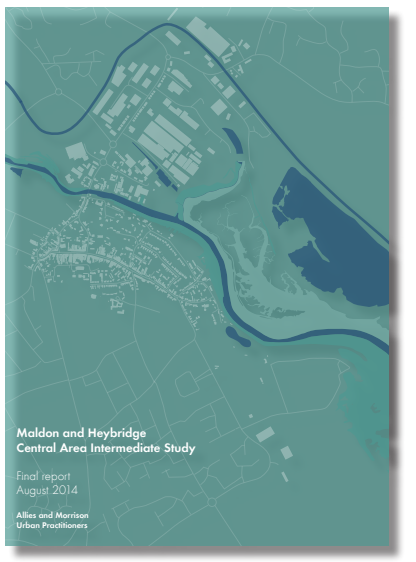
The Central Area incorporates Maldon Central, the Causeway Regeneration Area and the Leisure Quarter. The Central Area will continue to act as the focal point within the District for retail, commercial, industrial, community and tourism activities. It will be a thriving and vibrant destination that has strong connections with surrounding areas and is supported by its heritage assets, waterways and green spaces. The development and regeneration strategy for the Central Area comprises the following:

1. *Development and regeneration will take place in accordance with a masterplan endorsed by the Council;*
2. *Maldon Town Centre will be promoted as a market town that serves a wider rural catchment area. Proposals for retail, office, housing, community, leisure uses and other town centre uses will be supported where they contribute to regeneration and diversification of the centre. The provision of a high quality market will be encouraged and supported;*
3. *Renewal of the Causeway Regeneration Area to improve the supply of high quality Use Class B floorspace (commercial and industrial), and increase employment. This will include the provision of: modern workspaces suitable for small and medium sized enterprises; start-up units; support for existing businesses that are seeking to expand and mixed-use developments which enable significant numbers of jobs to be created;*
4. *Retain the role of the Central Area as a tourist, arts and cultural centre, offering a range of accommodation and visitor attractions and facilities;*
5. *Increase public access next to, and enhance the setting of the riverside to create a vibrant environment that incorporates a range of uses;*
6. *Maintain and encourage the wider use of walking and cycling across the area through an improved public realm and improved linkages and connectivity between the town centre, the Causeway, the Hythe, and the Leisure Quarter and other key attractions;*
7. *Preserve and enhance the quality of the historic character including the built environment, archaeology and historic skyline within the context of its riverside, estuarine and rural location;*
8. *Actively manage traffic and visitors to the town and surrounding area through enhanced public transport provision and the use of effective car park management;*
9. *Protect the sensitive environmental relationship between the Central Area and the adjacent environmentally designated areas including the River Blackwater and Chelmer and Blackwater Navigation;* and
10. *Minimise all forms of flood risk and ensure that flood infrastructure are effectively managed.*

1.3 RELEVANT STUDIES



Maldon and Heybridge Central Area Contextual Study, 2012



Maldon and Heybridge Central Area Intermediate Study, 2014

A significant amount of work has already been undertaken to help explore and articulate the economic, social and environmental priorities for Maldon and Heybridge Central Area. These studies have informed directly the evolution of Policy S5 and other relevant policies in the Local Development Plan. The most directly relevant of these studies and reports are as follows:

The Maldon and Heybridge Central Area Contextual Study

(Allies and Morrison, June 2012)
This Study provides an urban analysis of the area and outlines opportunities for improvement.

The Maldon and Heybridge Central Area Intermediate Study

(Allies and Morrison, August 2014)
This Study follows on from the Contextual Study. It further analyses the Maldon and Heybridge Central Area, sets out possible area strategies for The Causeway Regeneration Area, Maldon Central and the Leisure Quarter and recommendations for key opportunity sites. It also incorporates details of the vision workshop and test and review session undertaken with key stakeholders.

Economic Prosperity Strategy

Maldon District Council's Economic Prosperity Strategy, 2013-2029 sets out the Council's approach to supporting local economic development. Delivery of this Strategy will be through a series of sequential, three year Economic Prosperity Implementation Plans. The Strategy aligns with the Maldon District Local Development Plan and the Essex Growth Strategy, and supports the Renewed Maldon District Sustainable Community Strategy.

The overarching ambition of the District-wide strategy is to "Maintain a vibrant and competitive economy, balancing the needs of industry and prosperity whilst sustaining a high quality of life, increasing incomes and promoting the Maldon District as a great place to live, play, work and do business".

The strategy identifies a number of employment sectors which are considered to have the greatest potential for growth in the District. These sectors include the following:

- High-tech manufacturing, low carbon engineering and design
- Professional Services
- ICT
- Administrative & Business Services
- Education and training services
- Leisure, food services and short-stay accommodation services
- Residential Care & Health Care

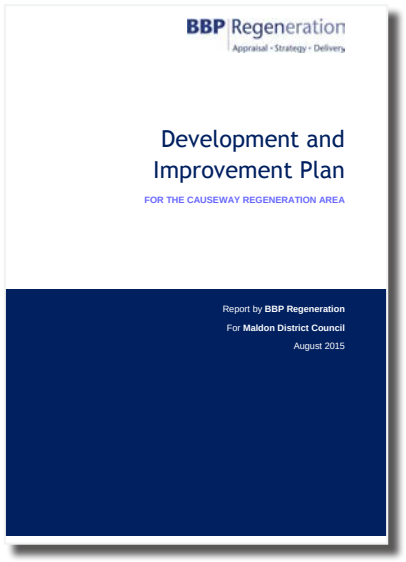
The strategy finds that the availability of suitable high quality land and premises has been a barrier to business growth and expansion.

The Strategy puts forward a number of strategic interventions as follows:

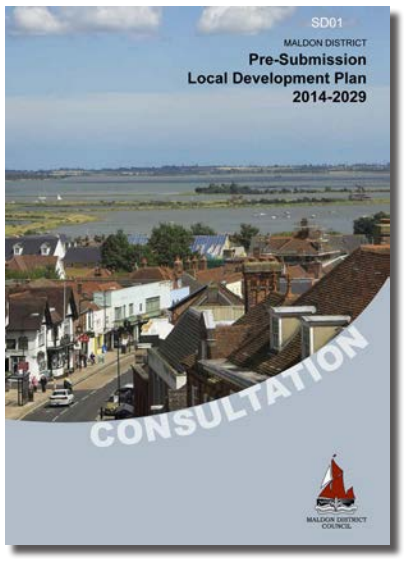
1. Increase the Supply of High Quality, Flexible Premises
2. Support Diversification and Enterprise
3. Improve Skills and Training Provision
4. Improve Connectivity

Actions were identified under each strategic intervention, a number of which are directly relevant to this masterplan. The first action under the first strategic intervention, Action 1.1, proposes a regeneration programme for The Causeway. One of the outcomes of this action was the commissioning of an Area Development and Improvement Plan for The Causeway (see below). Other actions of direct relevance to the masterplan include:

- Action 2.8 - Enhance the visitor offer under Action 2.8; and
- Action 2.2 - New Business Pathway including efforts by the Council to secure a supported incubation / enterprise centre for high potential start-ups.



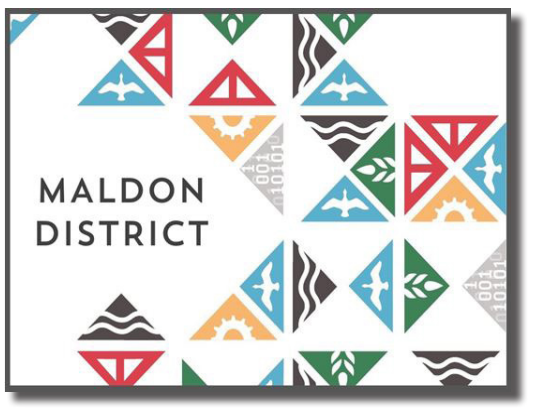
Causeway Development and Improvement Plan



Local Development Plan



Maldon District Economic Prosperity Strategy



Sense of Place

The Causeway Regeneration Area Development and Improvement Plan

(BBP Regeneration, August 2015)

This report focuses on the issues that are holding the Causeway Regeneration Area back and devises practical and deliverable solutions to help the area fulfil its economic development potential. The Development and Improvement Plan takes account of the Maldon District Economic Prosperity Strategy that articulates a high-level vision for the development of the local economy over the next 15 years and corresponds with the priorities of the Essex Growth Strategy and Integrated County Strategy.

The Causeway is the district's principal employment area. This is therefore an important report in setting the agenda for future investment in The Causeway area. The report outlines a programme of improvements for The Causeway area as follows:

- Business friendly initiatives and activities – including promoting networking events, discretionary business rates relief, and investigating the potential for a Business Improvement District;
- Environmental improvements – underpinned by a strategic public realm and landscaping strategy to improve the image and attractiveness of the area in association with major sites coming forward for redevelopment;
- Enterprise centre and business support provisions – with a number of options ranging from professional support through to the establishment of a new purpose built enterprise centre;
- Development Briefs for key development sites – which would consider in more detail the viability of redeveloping specific sites; and
- Flooding risk review – to investigate strategic solutions to reduce the flood risk to local businesses in The Causeway area.

Establishing the Need for an Enterprise Centre in Maldon

(Regeneris Consulting, May 2016)

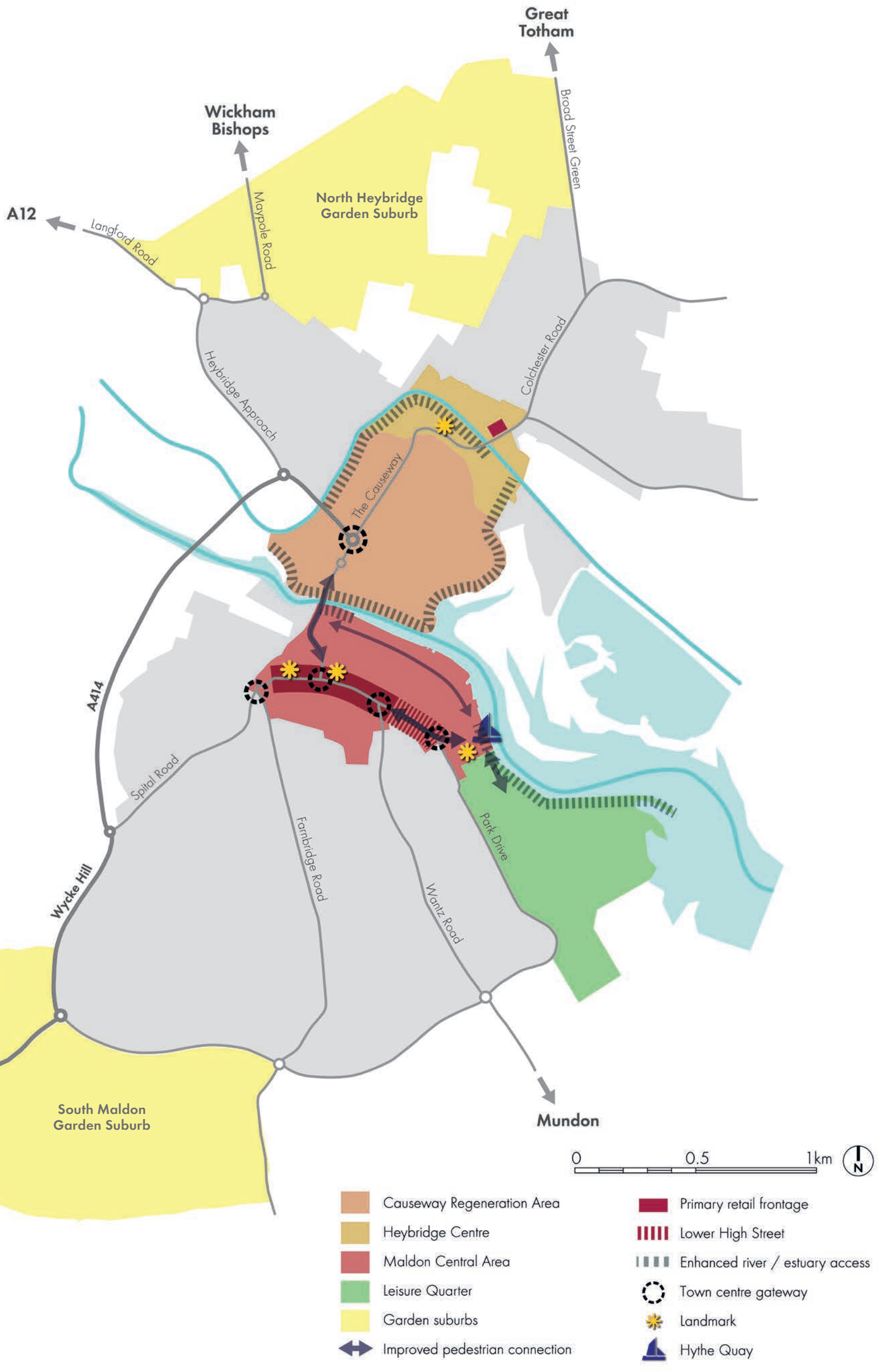
Bradwell Legacy Partnership (BLP) in partnership with Maldon District Council commissioned Regeneris Consulting to assess the demand for and feasibility of an enterprise centre in the district. This study follows the earlier BBP report. The BLP have an action plan to stimulate economic growth and entrepreneurial activity in the Dengie although a district-wide perspective was taken in this feasibility study.

The report indicates that there is evidence of demand for small business space in Maldon District but warns that, in the current economic climate, the provision of such space by the private sector alone would not be viable. The provision of new enterprise space for new and small businesses by the council and relevant partners within an existing building was suggested as the most effective and appropriate option. Such an approach would enable the option to provide a dedicated new build facility to continue to be reviewed. The Causeway would be an appropriate location for any such provision of space.

Sense of Place

The Maldon District 'Sense of Place' is a vision which articulates the place and its attractiveness, and defines who the place is for, how it is special, where it has come from and where it is going in the future.

The Sense of Place Toolkit seeks to celebrate Maldon as a special and unique place and includes themes, photography, graphic languages and colour palette, all inspired and drawn from the District. The Sense of Place assets enable businesses and stakeholders to show they support and are part of the local area. The assets can be used across a range of different media and public realm materials giving visitors and residents a sense of visual identity and influence their feeling about what it is like to be in Maldon District.



Policy S5 Central Area
Key Diagram

1.4 PURPOSE OF THE STUDY

The purpose of the Strategic Masterplan Framework is to:

- Set out a spatial framework for the development and regeneration of the Central Area;
- Develop recommendations on the location, mix, scale and design of new development and the treatment of the public realm and landscape setting which reflects the distinctive character and heritage of the Maldon and Heybridge Central Area;
- Identify opportunities for the delivery of key projects identified in Policy S5;
- Advise on an appropriate approach to transport and car parking management;
- Prepare an Action Plan for the delivery of key projects and interventions

Under Policy S5, the key diagram illustrates the three discrete areas which together comprise the Maldon and Heybridge Central Area. The 2014 Intermediate Study was organised around these three character areas which broadly align with concentrations of particular uses and activities. The areas have been a very useful tool for structuring conversations with stakeholders and landowners during the testing and review of the emerging planning policy framework for the Central Area. The three areas are also directly referred to in Policy S5.

The projects put forward in this Strategic Masterplan Framework broadly align with these three Policy S5 character areas. However, they do not align exactly. Key changes and adaptations to the three established areas – none of which in any way conflict with the provisions or spirit of Policy S5 – are as follows:

The Riverfront

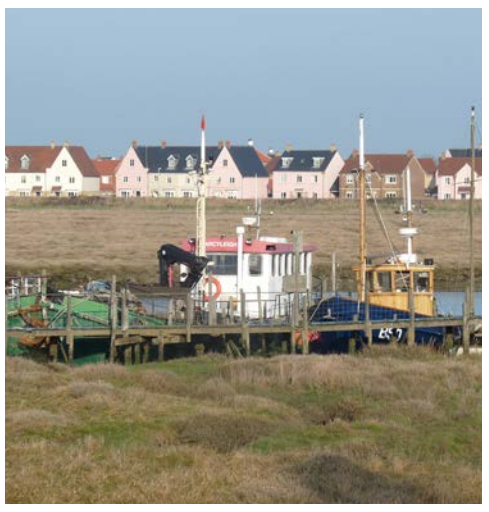
This area, which incorporate elements of all three character areas, highlights the central importance of the river corridor in joining the different environments of Maldon together. Identification of the Riverfront is considered particularly significant because it contains parts of all three of the identified policy character areas.

Heybridge

This area was previously incorporated within The Causeway area. Heybridge is however a distinctive place in its own right with its own set of issues and opportunities which are distinct from The Causeway area. Heybridge is identified as a district centre in the Local Development Plan.

In addition to the three established character areas identified under Policy S5, these two new additional character areas of the Maldon and Heybridge Central Area are used to structure the projects outlined in Section 4 of this report.






GREENS FLOUR
FREE MOT
SERVICE
£99


Fullbridge Mill




HYDROGEN






TO LET








HIGH STREET






BLACKWATER

2 VISION AND OBJECTIVES

2.1 REFINING THE VISION

The core vision for the Maldon and Heybridge Central Area was expressed in Policy S5 as follows:

The Central Area will continue to act as the focal point within the District for retail, commercial, industrial, community and tourism activities. It will be a thriving and vibrant destination that has strong connections with surrounding areas and is supported by its heritage assets, waterways and green spaces.

This vision and the issues and opportunities pertinent to the Maldon and Heybridge Central Area have been the subject of extensive engagement with local stakeholders. A series of workshops and events over the course of the last five years have helped to draw out local priorities and refine the vision.

The stakeholder input has emphasised the appetite for improvements. Key areas of discussion, and those consistently prioritised by stakeholders, include:

- Connectivity and the need to make movement between the different parts of the town much easier, especially for visitors - this led stakeholders to prioritise signage and public realm interventions;
- The importance of the river and the opportunities to reactivate waterside sites and the connections alongside the water is prioritised;
- Stimulation and support of the local business economy, with many stakeholders emphasising the importance of water-related industries and manufacture; and
- Enhancing the provision for visitors, particularly in terms of increasing dwell time through promotion of attractions and development of a greater spectrum of accommodation types.

These messages have fed into the development of this masterplan framework. They have been used to refine the headline objectives which support the vision as well as to inform the projects for delivery and the action plan.

2.2 OBJECTIVES

The objectives for the Central Area emerge directly from the vision and Policy S5 and have been refined by stakeholder input. These are the central objectives of this strategic masterplan framework and the projects identified within it:

CA1

Support the market town focus of Maldon and encourage a diverse town centre economy.

CA2

Promote The Causeway area as a focus for a spectrum of employment and commercial activities – with some mixed-use development opportunities.

CA3

Promote the Maldon Central Area as a focus for culture and visitor attractions with a range of accommodation to support the visitor economy.

CA4

Reinvigorate the riverfront by opening up key sites and improving public access to the river across all parts of the central area and improving linkages between key features of the town.

CA5

Consider traffic and car parking management measures to support the success of the Central Area.

CA6

Take a heritage-led and environmentally sensitive approach to change which respects the area's special ecological qualities and places the landscape setting of the town as an integral part of its attraction.



Maldon and Heybridge Central Area zones

3 MASTERPLAN FRAMEWORK

3.1 INTRODUCTION AND CONTEXT

This section presents a masterplan framework for the Maldon and Heybridge Central Area. The masterplan framework has emerged in light of the relevant policy framework and guidance and recommendations contained in recent relevant studies and reports.

Previous stages of community and stakeholder engagement, including the workshop session convened in June 2016 to directly inform the masterplan framework, has also had a direct bearing on shaping the area-wide guidance and emergence of key project ideas and concepts.

Key assets and opportunities

There are a number of key issues and constraints highlighted by stakeholders which the masterplan framework must address. These include:

- Distance and topography – Promenade Park, Hythe Quay, Chandlers Quay and Fullbridge all supplement and support the core retailing area of the historic town centre. Each is within walking distance of each other, but the topography of the town elongates the perceived distance between them and the core town centre. The delivery of improved connections between the town centre and these other key locations in the town would help strengthen both the centre and these destinations.
- Maldon's riverfront walk – whilst some sections exist, the establishment of a clear, generous and dedicated pedestrian and cycle route along the river corridor is one of the most significant and important improvement opportunities across the masterplan framework area.
- Improving Lower High Street – the Lower High Street has seen some recent improvements but the quality of architecture and shopfronts generally falls as one moves away from the historic core of the town centre. The Lower High Street should therefore remain a focus for enhancement.
- Traffic on the High Street – the High Street accommodates a significant number of vehicular movements with traffic often congested at the western end. Traffic management measures have the potential to deliver significant improvements in this regard, giving greater priority to pedestrians whilst keeping the road open for traffic.
- Pedestrian and vehicular conflict – the main junctions along the High Street are subject to conflict between vehicles and pedestrians. Again, traffic management measures could deliver improvements.
- Improved gateways to the centre – some key entry points into the town are dominated by vehicles and poor quality building frontages. The western end of The Causeway is a key location in this regard.
- Heybridge investment – the local centre of Heybridge suffers from significant traffic movements, with commercial activities fragmented along the B1022. The redevelopment of potential key opportunity sites offers the opportunity to address this issue in part.
- Flooding – issues in The Causeway area will undermine efforts to attract new investment in this key employment location.

The area-wide masterplan framework

The Maldon and Heybridge Central Area has an important role as the core employment, retail and leisure destination for the town. The area already functions well, benefitting from an attractive historic centre and waterside environment and is a tourist destination. But continual improvement and investment is essential in the face of ever stiffening competition from other towns, employment locations and visitor attractions.

The masterplan framework for Maldon and Heybridge uses the area's special features and assets as the basis for future improvements. Under LDP Policy S5, the Maldon and Heybridge Central Area is divided into three areas; Maldon Central Area; Causeway Regeneration Area; and the Leisure Quarter area. As outlined in Section 1 of this masterplan framework, the area's principal environmental asset – its river frontage – is formed by stretches of river frontage within each of these three sub-areas.

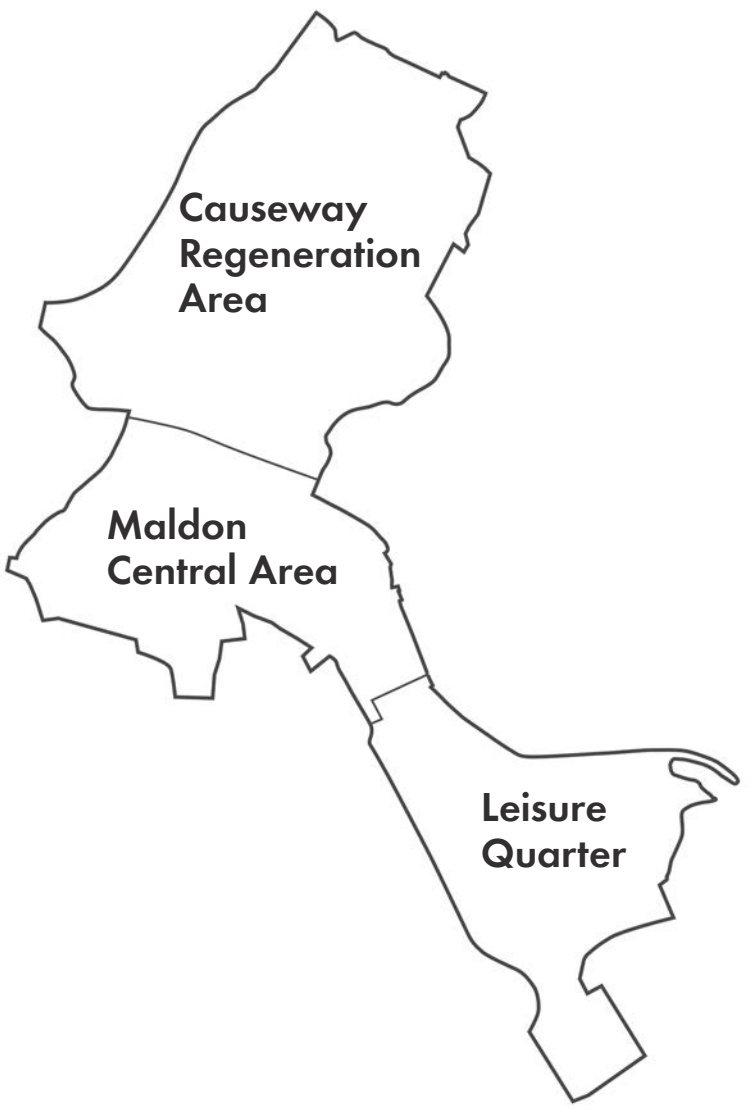
The river corridor connects the three areas together. In the context of the likely need to attract external funding to support delivery of improvements and investments across the Central Area, projects which make a positive contribution to the improvement of the river corridor are specifically identified.

- Area boundaries
- Ramsar / Special Area of Conservation
- Green corridor
- Sites of Local Ecological Importance
- Key public open spaces
- Waterfront character
- Proposed England Coast Path
- Cycle route 1
- Existing cycle route
- Proposed cycle route
- Principal pedestrian pathways
- Proposed bus route
- Proposed bus stop
- Public car parks
- Proposed car park
- Maldon riverfront
- Riverside opportunities
- Core high street
- Lower high street
- Heybridge centre
- Significant buildings
- Opportunity sites
- Destination Hub area of search

Above: Overarching masterplan framework

The following pages outline the town-wide framework and key constituent themes within it, as follows:

- Maldon and Heybridge Central Area Masterplan Framework – the overarching area-wide masterplan framework;
- Movement and connections framework – focused on suggested improvements to parking management and park and ride connections;
- Green infrastructure framework – reflecting key relevant recommendations in the Council's Green Infrastructure Study; and
- Development framework – which promotes key potential redevelopment opportunities across the masterplan framework area.



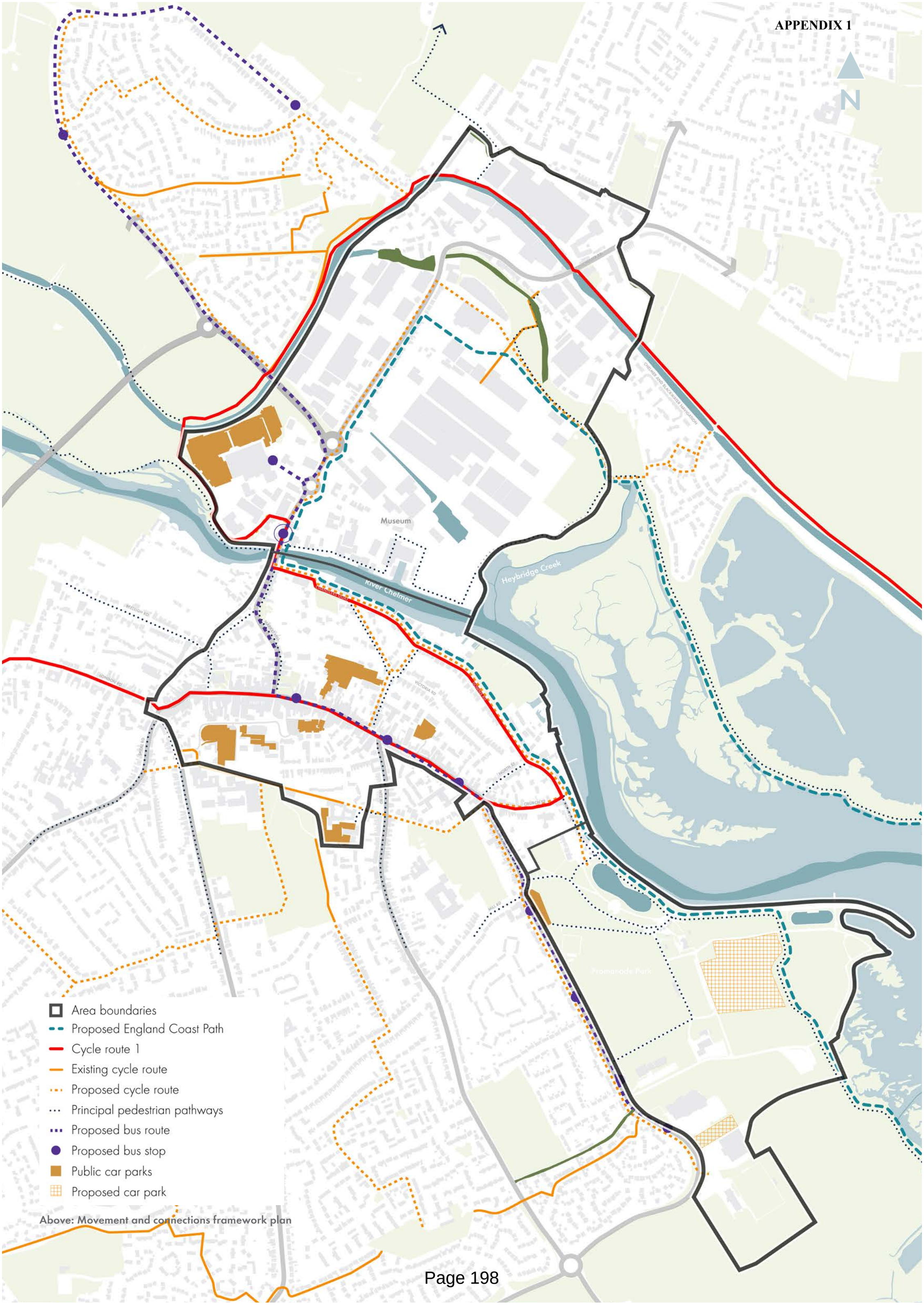
3.2 MALDON AND HEYBRIDGE CENTRAL AREA MASTERPLAN FRAMEWORK

The overarching Maldon and Heybridge masterplan framework reflects a number of key strategic priorities and opportunities for improvements to and investments in the central area.

Key elements of the masterplan framework form the basis of, and provide the context for, individual project opportunities outlined in Section 4 below. Strategic proposals and priorities straddle the three geographic sub-areas defined under LDP Policy S5.

Key elements in the overarching masterplan framework are as follows:

- Environmental and traffic management improvements to the core historic High Street area;
- Strengthening the cluster of food and drink uses, shopfront and environmental improvements to lower High Street;
- Riverside improvements including key improvement projects in Promenade Park, Hythe Quay, Chandlers Quay, North Shore and the North Quay at Fullbridge;
- Improving the network of pedestrian and cycle connections across the central area;
- Co-ordinated series of improvements to Promenade Park including the preparation of a Park management plan;
- Improvements to parking provision and park and ride services in the town;
- Promotion of and improvements within The Causeway area as the District's principal employment location; and
- Investment in Heybridge centre associated with the redevelopment of key sites.



Above: Movement and connections framework plan

3.3 MOVEMENT AND CONNECTIONS

The movement aspects of the framework aim to explore ways to manage the impact of vehicles, and to retain and enhance the coherence and quality of the historic town. The framework seeks to highlight, examine and illustrate a range of small and larger scale measures, capable of implementation over time as resources permit, that would together influence traffic speeds and change driver expectations, manage parking, enhance walkability, improve safety, minimise noise and maintain the distinctive qualities and coherence that underpins the attractive character of the town.

Traditional traffic engineering measures, such as signage, road markings and speed limits, have only had limited effect in addressing the impact of growing traffic in places like Maldon. Despite its reasonably compact layout and small scale, the town continues to generate high volumes of car trips. This may be partly due to its tourism / day-trippers draw, but also a function of land use dispersal and lack of connectivity of the pedestrian environment which is clearly limiting the town's potential, as a walkable place. Additionally, the proximity of industrial estates contributes to the higher volumes of HGV's in the Causeway area of the town.

Conventional traffic engineering responses are unlikely to address the fragile balance between traffic and the historic context. A more locally responsive strategy closely aligned with the existing and new built environment, drawing on the distinctive characteristics of the Maldon community, is therefore a logical step for the Council and stakeholders.

Traffic management observations

Maldon is an historic linear market town and working quayside located on the River Chelmer east of Chelmsford. The High Street, framed by a fine mixture of buildings provides the natural focus for the town centre. The High Street is of limited street width, but lined with some attractive architecture. The town has a solid, but fragile, local economy dependent to a large degree on tourism, industrial estates and 'out commuting' and retail leakage to Chelmsford and other larger Essex settlements.

Over time, increases in traffic volumes, of speeds, and in the size and weight of goods vehicles have badly eroded the intrinsic qualities of the High Street and other parts of the town. Traffic speeds and the impact of traffic are particularly problematic on the Causeway, which links Maldon with Heybridge. As a result, the pedestrian environment leading to the town centre is surprisingly poor.

A further observation is the dispersed nature of the town, particularly the proximity of the Quay area. This in conjunction with poor pedestrian environments reduces the willingness of residents and visitors to walk or cycle to local destinations or their ability to cross the road safely.

Walking and cycling connections

Despite the topography, walking and cycling are important transport modes in the town and will be more so in the future. A series of strategic walking and cycling routes need to be better accommodated and linked up including the England Coastal Path and the Chelmer and Blackwater Navigation tow path. In addition, a series of improvements should be made to the local walking and cycling network to much improve the connections between different parts of the town and thereby the attraction of these modes of travel for short trips.

Natural England are currently working with Maldon District Council as part of the England Coast Path initiative. The objective is to improve access to the coast and ultimately open up continuous routes along the coastline. Two sections of the wider project are relevant to the Central Area masterplan:

- Burnham-on-Crouch to Maldon; and
- Maldon to Salcott.

The opportunities along both stretches are currently being explored by Natural England. The coastal path needs to be facilitated through the masterplan area and a continuous route achieved. Signage to and links into the coastal section need to be supported.

N

P7
P1
P2
P3
P4
P6
P8A
P8
P5

Car parks
Tesco free bus route
Bus stop (existing)
Bus stop (proposed)

Above: Movement and connections framework - parking plan

Maldon Council's Green Infrastructure Study sets out a number of proposed enhancements and new links to support the green infrastructure network through the town.

A number of new cycle route connections are proposed. Of particular relevance to the Central Area masterplan are the following routes:

- Promenade Park to Fullbridge along the Coastal Path;
- Park Drive connection from Maldon Town Football Club to the bottom of the High Street;
- Wantz Road to Church Street connection providing an east-west link to Hythe Quay;
- Holloway Road to Heybridge Basin along the Canal;
- The Causeway;
- Blackwater Rail trail; and
- Western connection along the Canal out to Beeleigh Falls and Elm Farm Park.

Parking strategy

The town centre is currently served by several surface car parks. Butt Lane and White Horse Lane are the largest and contain 177 and 181 spaces. Two further smaller car parks (Friary Fields and High Street East) contain a further 126 spaces. At weekends, a further 92 spaces are available within the Council offices, taking the overall parking stock to over 500 spaces.

Site observations indicate that these car parks are at or near capacity during peak times. Given limited space near the town centre and difficulties in providing larger structured car parks in the historic townscape, it is suggested that better use of Promenade Park Car Park is considered. This large facility, about a 10 minute walk from the central area, provides a viable all day (long term) parking offer. The following two interventions should be explored as part of the town-wide movement strategy:

1. Park and stride

The existing parking provision within Promenade Park could be utilised to facilitate parking for town centre users. Improved gateway street signage and branding as a 'park and stride' facility should be employed along with an improved walking environment to the High Street via Hythe Quay. The existing parking in Promenade Park should be formalised and open all seasons in order to provide greater capacity to support demand in the town as a whole.

	CAR PARK	NO. OF SPACES	MANAGED BY
P1	Butt lane	171	Maldon District Council
P2	White Horse Ln	181	Maldon District Council
P3	Friary Fields	59	Maldon District Council
P4	High Street East	67	Maldon District Council
P5	Proposed Blackwater Park & Ride	c.200	Maldon District Council (proposed)
P6	Council offices (Weekends only)	82	Maldon District Council
P7	Tesco Park & Ride	unknown	Tesco
P8	Promenade Park (proposed rationalisation and formalisation)	unknown	Maldon District Council
P8A	Coach Park to Promenade Park	unknown	Maldon District Council

Above: Future configuration car parks information

2. Park and ride

In addition, a new Park and Ride facility to the south of the Blackwater Leisure Centre could be established. The free (288) bus already provides the connection between the leisure centre and the High Street, and indeed between Tesco and the High Street. Creating a new Park and Ride facility at this end of the route would make better use of an existing bus service. A cycle and footway between the new car park and Promenade Park would also need to be provided.

Reviewing the charging structure to better manage town centre parking demand, may also be necessary.

Gateways to the town centre

The existing town centre car parks, and any new Park and Ride facility, should work as more effective gateways to the town centre. Orientation information to help users understand how they access the High Street, as well as other assets in the town such as the waterside environments should be provided.

N

Museum

River Chelmer

Heybridge Creek

Promenade Park

- Area boundaries
- Ramsar / Special Area of Conservation
- Green corridor
- Sites of Local Ecological Importance
- Key public open spaces
- Waterfront character
- Proposed England Coast Path

Above: Green infrastructure framework plan

3.4 GREEN INFRASTRUCTURE

The strategic landscape context of Maldon is important to understanding the green infrastructure opportunities. The movement and connections section has highlighted the opportunities around longer distance route connections. Opening up and enhancing the quality of the two sections of the England Coastal Path is a priority through the masterplan area and is addressed directly as a series of projects in the following chapter. In addition, the series of routes identified for enhancement in Maldon Council's Green Infrastructure Study will provide a much more cohesive network of routes for walking and cycling.

The waterways and waterside environments are fundamental parts of Maldon's green infrastructure and form the focus for proposed improvements.

Estuary environment - the river and estuarine habitat of Maldon is of international importance and is designated as such. The integrity of this environment as both a striking natural landscape and wildlife habitat must be maintained in the long term. Balancing and managing visual and physical access to this environment alongside its ecological function must be achieved.

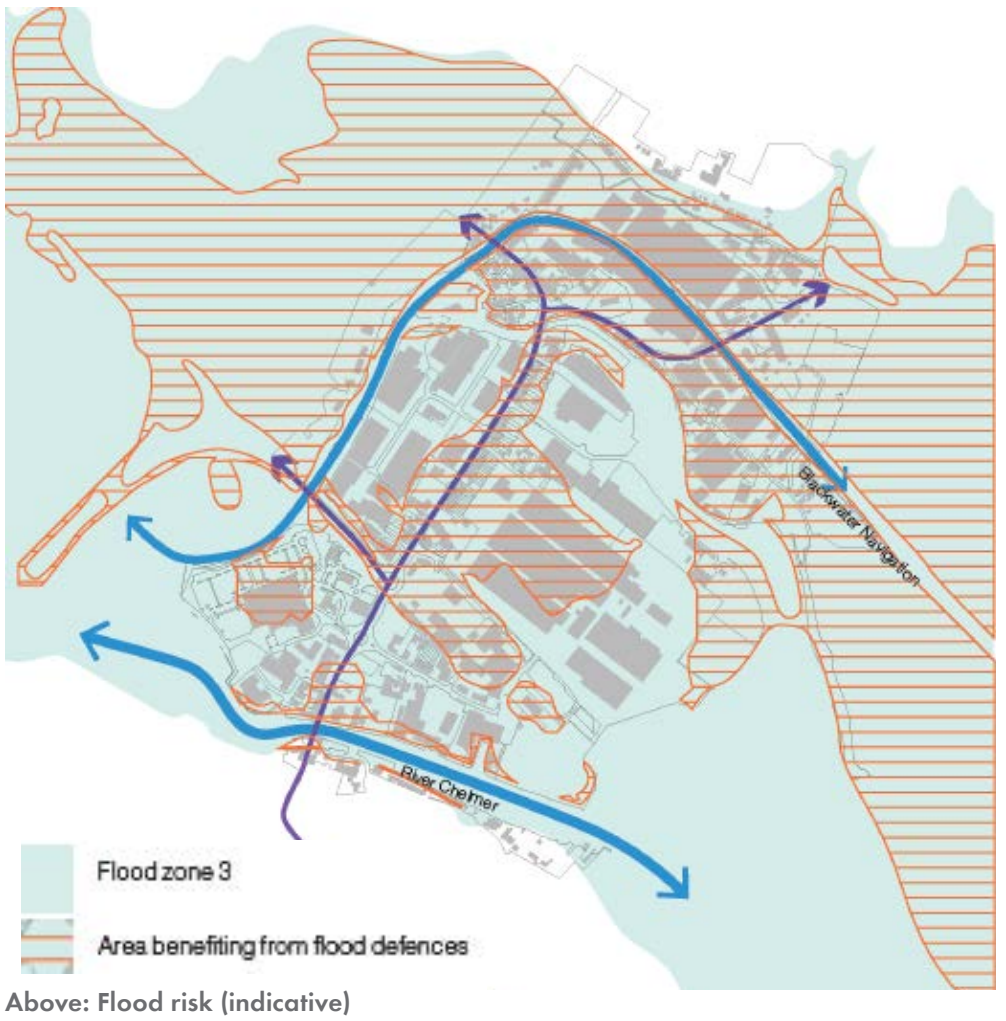
Riverside route - establishing a high quality and continuous riverside route is a local priority and a national objective. The quality of this route must have a keen eye on its role in supporting the wider green infrastructure network, as well as its obvious importance for walking and cycling. Opportunities to enhance both green and hard spaces along the route are identified in the projects in the following chapter and include Downs Road Open Space and Chandlers Quay.

Promenade Park - the park has multiple roles, all of which are important for the town. It forms a green lung creating a break from the urban, built fabric of the town. It is also a major resource for both informal and formal recreation, whilst also contributing significantly to flood risk management and biodiversity. Meanwhile it is a sub-regional visitor attraction and tourist destination. Regenerating the green infrastructure and beauty of the park is a priority to ensure the park continues to deliver on all its roles. A Management Plan for Promenade Park is to be prepared to address and manage the multiple demands on the park and secure a sustainable future for this key asset.

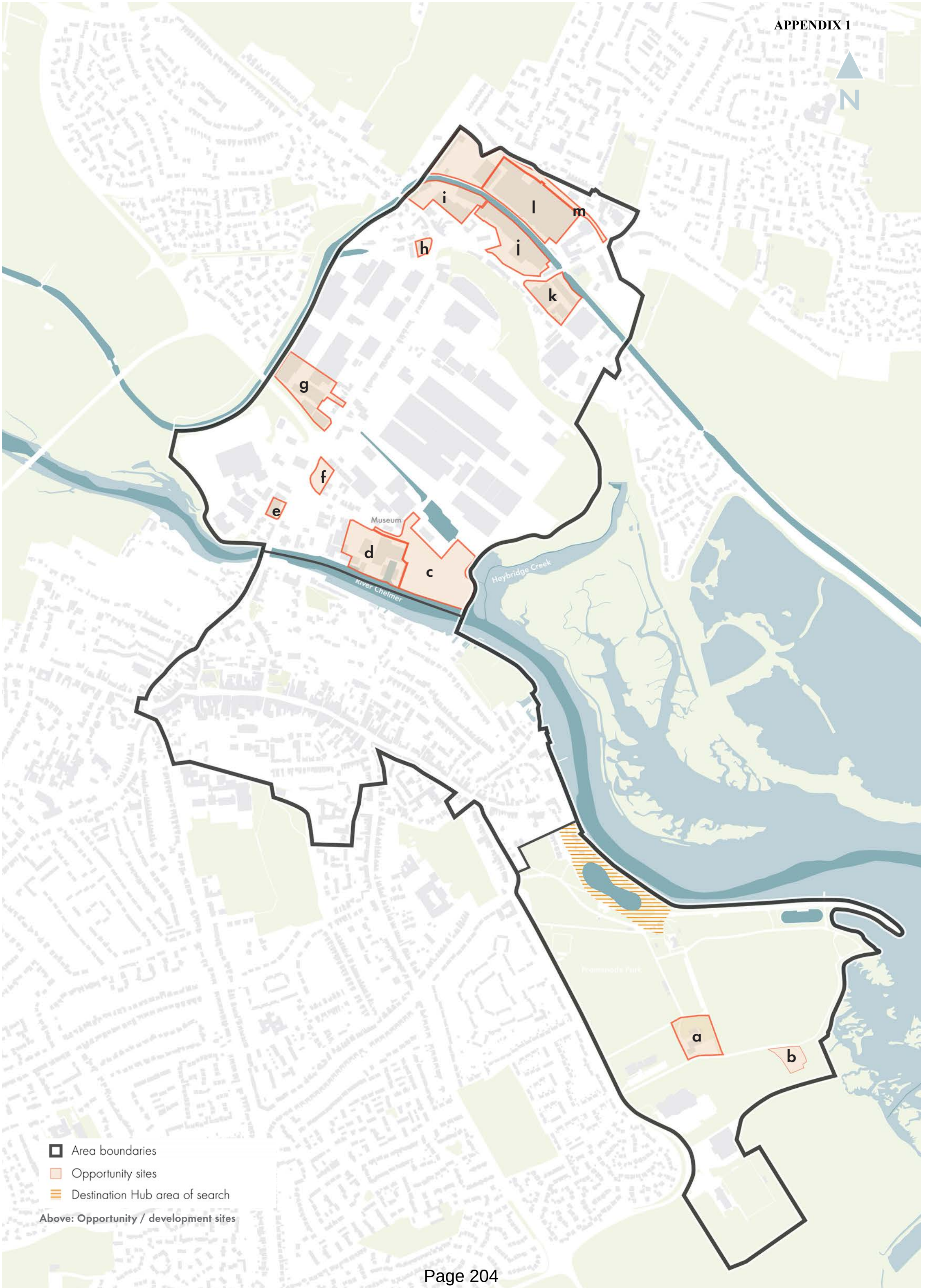
Chelmer and Blackwater Navigation - the canal should be further supported as a key green infrastructure link with enhancements to access and activities along its length.

Flood risk

Parts of Promenade Park, the Fullbridge and Causeway areas are currently vulnerable to flooding. Much of the area is in Flood Zone 3 and risks include flooding from tidal, fluvial and surface water. Current defences against tidal and main river flooding are shown in the Environment Agency's plan below. The surface water risks were identified and evaluated as part of the Maldon and Heybridge Surface Water Action Plan with its Critical Drainage Area 3 falling wholly within the Central Area as shown in the plan below. Ensuring this risk is managed and future flood risk is mitigated with planned and built in resilience and resistance will be important for the Central Area. Future land uses on sites in zones of flood risk need to be considered carefully and arranged to ensure any new development minimises future risk to property, people and infrastructure. Opportunities will include measures to enhance the role of green infrastructure in managing flood and the provision of less flood sensitive employment or other non-residential uses, particularly at ground level.



Above: Flood risk (indicative)



Above: Opportunity / development sites

3.5 DEVELOPMENT FRAMEWORK

Building on the evidence provided during the preparation of the Intermediate Study, a number of development opportunity sites have been identified. Whilst development opportunities will come forward across the entire Maldon and Heybridge Central area, the area with the greatest capacity for new development is The Causeway employment area.

The Maldon District Economic Prosperity Strategy, the BBP Development and Improvement Plan for The Causeway Regeneration Area and most recently the Regeneris Enterprise Study feasibility study highlight the need for regeneration of and investment in The Causeway as a key priority for the Council.

The development of key opportunity sites is a key component of the masterplan framework. A number of sites are identified for potential development and included within the detailed action plan in the following section, as follows:

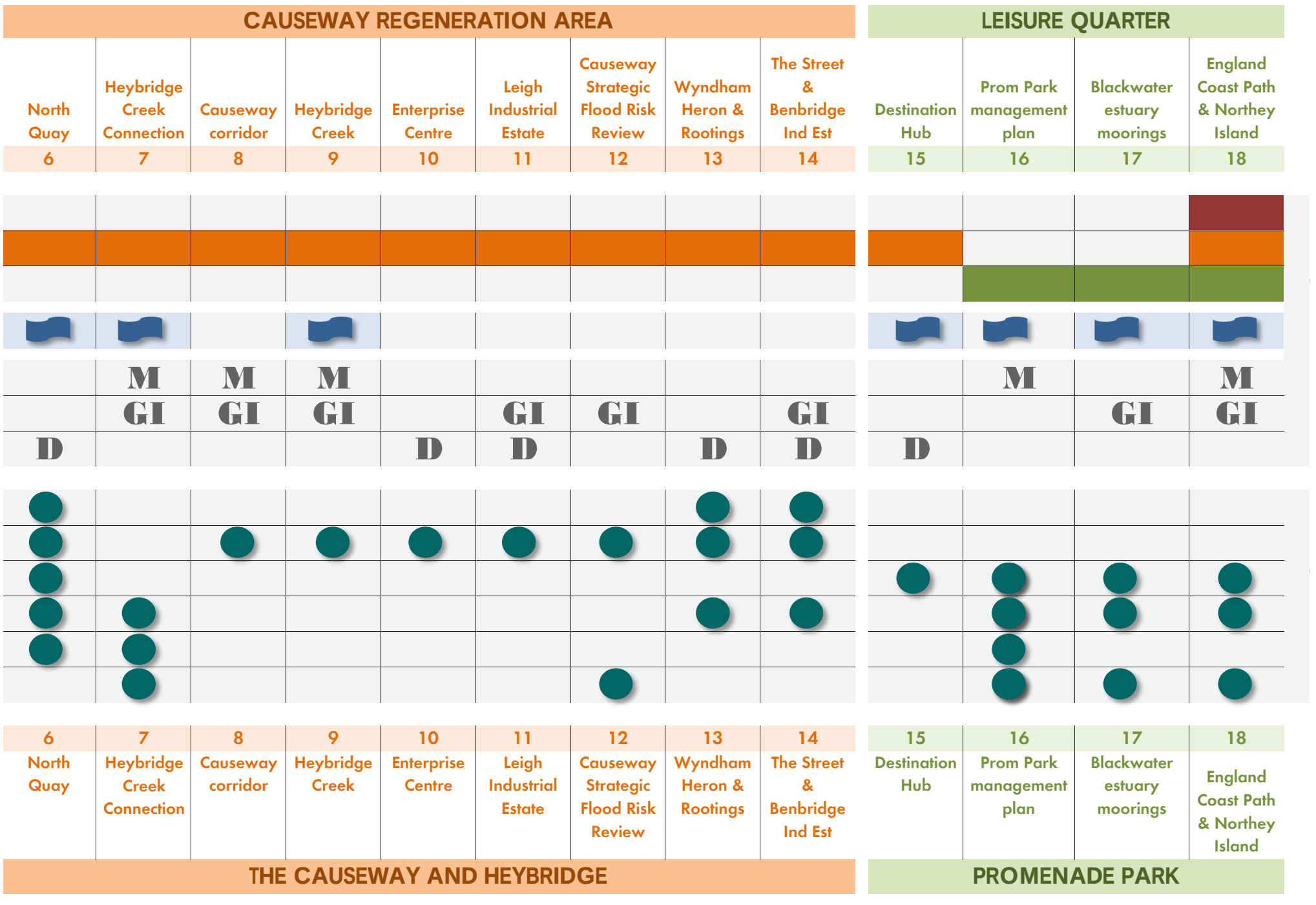
Opportunity development site	Action Plan project reference
a. Promenade Park Civic depot site	18
b. Promenade Park civic amenity site	18
c. Sadd's Wharf	7
d. North Quay	6
e. Fullbridge industrial units	10
f. Fullbridge/Station Road corner site (north)	10
g. Leigh Industrial Estate	11
h. The Causeway/The Square corner site	8
i. Benbridge Industrial Estate	14
j. The Street Industrial Estate	14
k. The Street/Hall Road corner site	14
l. Wyndeham Heron Ltd premises	13
m. Roothings	13

3.6 MASTERPLAN PROJECTS

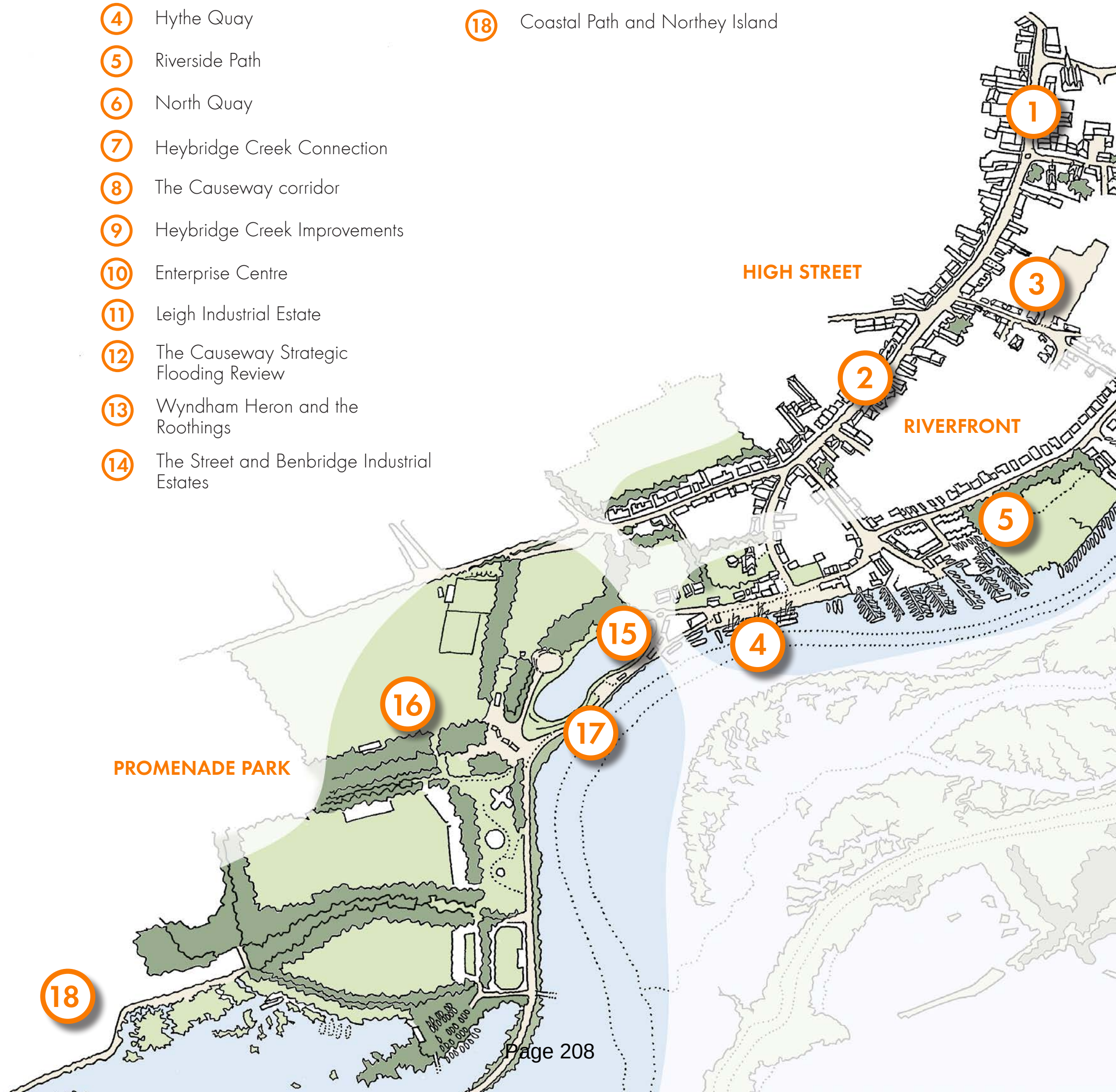
The projects identified relate to the wide range of cross-cutting objectives which span the three sub-areas defined under Policy S5.

The table below provides a comprehensive overview of all the identified projects, and highlights their respective relevance to the three Policy S5 sub areas, the different strands of the overarching masterplan framework and its 6 key objectives. The table also highlights the projects which have the potential to contribute positively to the riverside environment.

		MALDON CENTRAL AREA				
		Upper High Street	Lower High Street	Butt Lane car park	Hythe Quay	Riverside Path
		1	2	3	4	5
Masterplan Framework	Maldon Central Area (High Street)					
	Causeway Regeneration Area (incl. Heybridge)					
	Leisure Quarter (Promenade Park)					
	Riverfront	⚑			⚑	⚑
	Movement and connections	M	M	M		M
	Green infrastructure					GI
	Development	D	D		D	
Objectives	CA1 - Town centre economy	●	●	●	●	
	CA2 - Causeway employment area					
	CA3 - Culture and visitor economy	●	●	●	●	
	CA4 - Access to the river / water			●	●	●
	CA5 - Traffic management and parking	●		●		
	CA6 - Environmental sustainability					●
		1	2	3	4	5
		Upper High Street	Lower High Street	Butt Lane car park	Hythe Quay	Riverside Path
		HIGH STREET				


CAUSEWAY REGENERATION AREA
LEISURE QUARTER
North Quay
Heybridge Creek Connection
Causeway corridor
Heybridge Creek
Enterprise Centre
Leigh Industrial Estate
Causeway Strategic Flood Risk Review
Wyndham Heron & Rootings
The Street & Benbridge Ind Est
Destination Hub
Prom Park management plan
Blackwater estuary moorings
England Coast Path & Northey Island
6
7
8
9
10
11
12
13
14
15
16
17
18
M
GI
D
THE CAUSEWAY AND HEYBRIDGE
PROMENADE PARK

1. Upper High Street
2. Lower High Street
3. Butt Lane car park
4. Hythe Quay
5. Riverside Path
6. North Quay
7. Heybridge Creek Connection
8. The Causeway corridor
9. Heybridge Creek Improvements
10. Enterprise Centre
11. Leigh Industrial Estate
12. The Causeway Strategic Flooding Review
13. Wyndham Heron and the Roothings
14. The Street and Benbridge Industrial Estates
15. Destination hub
16. Promenade Park - Management Plan
17. Moorings in the Blackwater Estuary
18. Coastal Path and Northey Island



4 KEY PROJECTS

A series of masterplan projects are presented in this section of the Maldon and Heybridge Central Area Strategic Masterplan Framework. The context for each project is presented followed by a description of the project. Each project is also assessed against the overriding Framework objectives.

HIGH STREET
4.1 UPPER HIGH STREET
PROJECT 1

Context

The core commercial centre of Maldon is contained within the length of High Street between Market Hill and Silver Street. Within this vibrant, rich and varied townscape which lies at the heart of the Maldon conservation area, the vast majority of the buildings along the street frontage are listed. This part of the High Street in Maldon is the economic engine room of the town centre – where values are highest, footfall strongest and the area which exerts the strongest forces of attraction for visitors to the centre.

The townscape should be preserved and enhanced along this historic street. Opportunities for new development are scarce and where proposals do come forward, opportunities to improve the contribution to the character of the area should be taken. The replacement of buildings which currently detract from the character of the conservation area would be welcomed by the Council.

High streets need ongoing investment and renewal. They face increasing levels of competition from other centres, out of centre retail locations and e-retailing. Experiments were undertaken last year to explore the viability of relocating Maldon's market to the High Street. This initiative relied on the temporary closure of this core section of High Street, with local traffic rerouted. The experiment was not considered a success, with many established retailers concerned about the negative impact on high street trade. The ongoing viability and success of markets in Maldon is an important part of the retail strategy for the town.

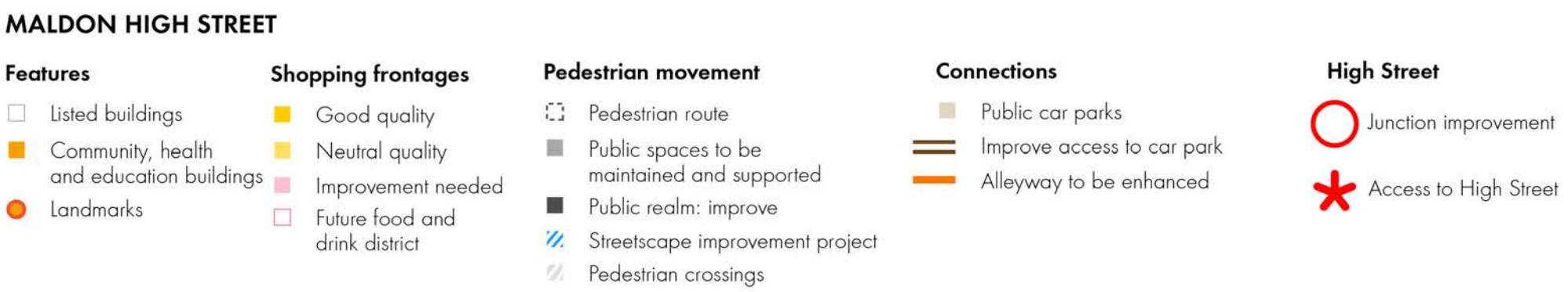
Project name:
1. Upper High Street environmental and highway improvements

CA1 CA2 CA3 CA4 CA5 CA6

Improvements to both the public realm environment and the way the highway operates are required for this section of High Street.

Environmental improvements to this priority section of High Street should be agreed, programmed and delivered through a co-ordinated, heritage-led townscape initiative to give greater priority to pedestrians whilst not significantly revising the town centre traffic management regime. Opportunities include:

- Improvements to the carriageway and pavement surfacing to give a more unified sense of shared space will give pedestrians more priority.
- A programme of feature lighting along this historic stretch of commercial frontage will help to support the evening economy.
- A rigorous programme to remove street clutter including guardrails, extraneous street posts, etc.
- Improvements and refurbishments of existing buildings will be encouraged by the Council.



Right: High Street improvements - Core and Lower High Street



Western Gateway Public Realm
London Road
Spital Road
High Street

Surface treatments to highlight gateway

Upper High Street
Improve surface treatment, lighting and remove street clutter

Upper High Street
High Street (West)

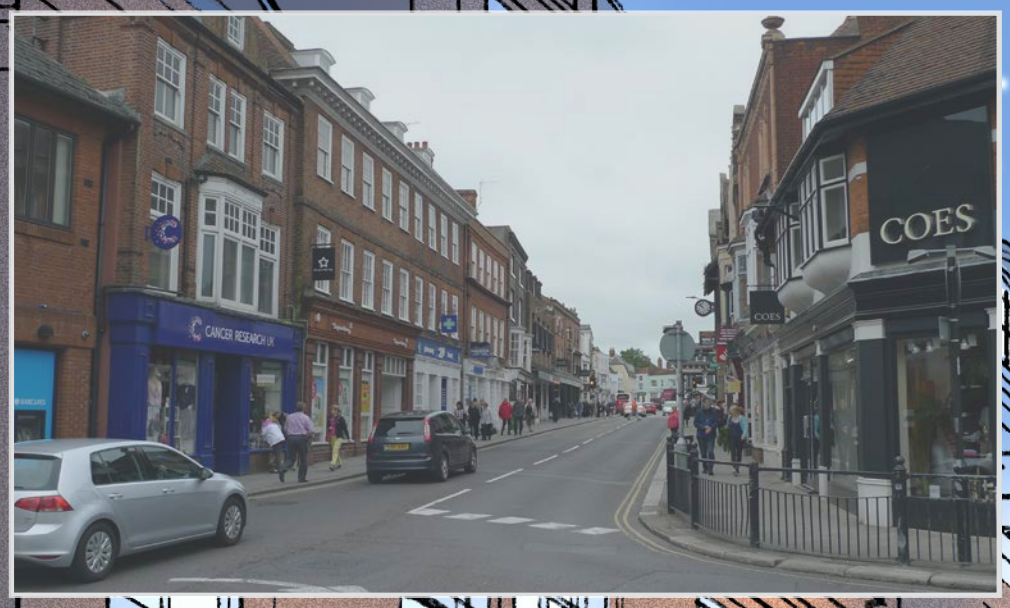
Pedestrian priority

Market Hill Gateway Public Realm
Market Hill
High Street

Roundel junction to manage traffic and improve walkability

High Street
Middle High Street

Flush and narrow central median to manage traffic speed



Existing view

Upper High Street - environmental streetscape improvements

HIGH STREET
4.1 UPPER HIGH STREET
PROJECT 1

The existing High Street currently provides a reasonable environment, although the dominance of cars and HGVs is evident through the distribution of carriageway space versus footways. To deal with this imbalance, a conceptual high street highways scheme has been developed which builds upon several recently built schemes around the UK and Europe. The scheme elements are summarised below.

In combination, these features are designed to improve walkability and better manage traffic in the central area, whilst maintaining full vehicle accessibility along the high street and access to the various car parks and loading bays.

A High Street highways review in which greater priority is given to pedestrians without radically altering existing traffic management arrangement. Physical highways features that could be introduced include:

- Roundal junctions;
- Central medians;
- Courtesy crossings; and
- Flat top tables.



Roundal Junctions – better manage turning traffic, creating slower but steady pace and improved pedestrian crossing



Central Median – Introduce a near flush central median to reduce carriageway space (tarmac) and reduce traffic speed, whilst allowing informal pedestrian movement and protected parking



Courtesy Crossings - Flush pedestrian crossings with 'implied' priority for crossings



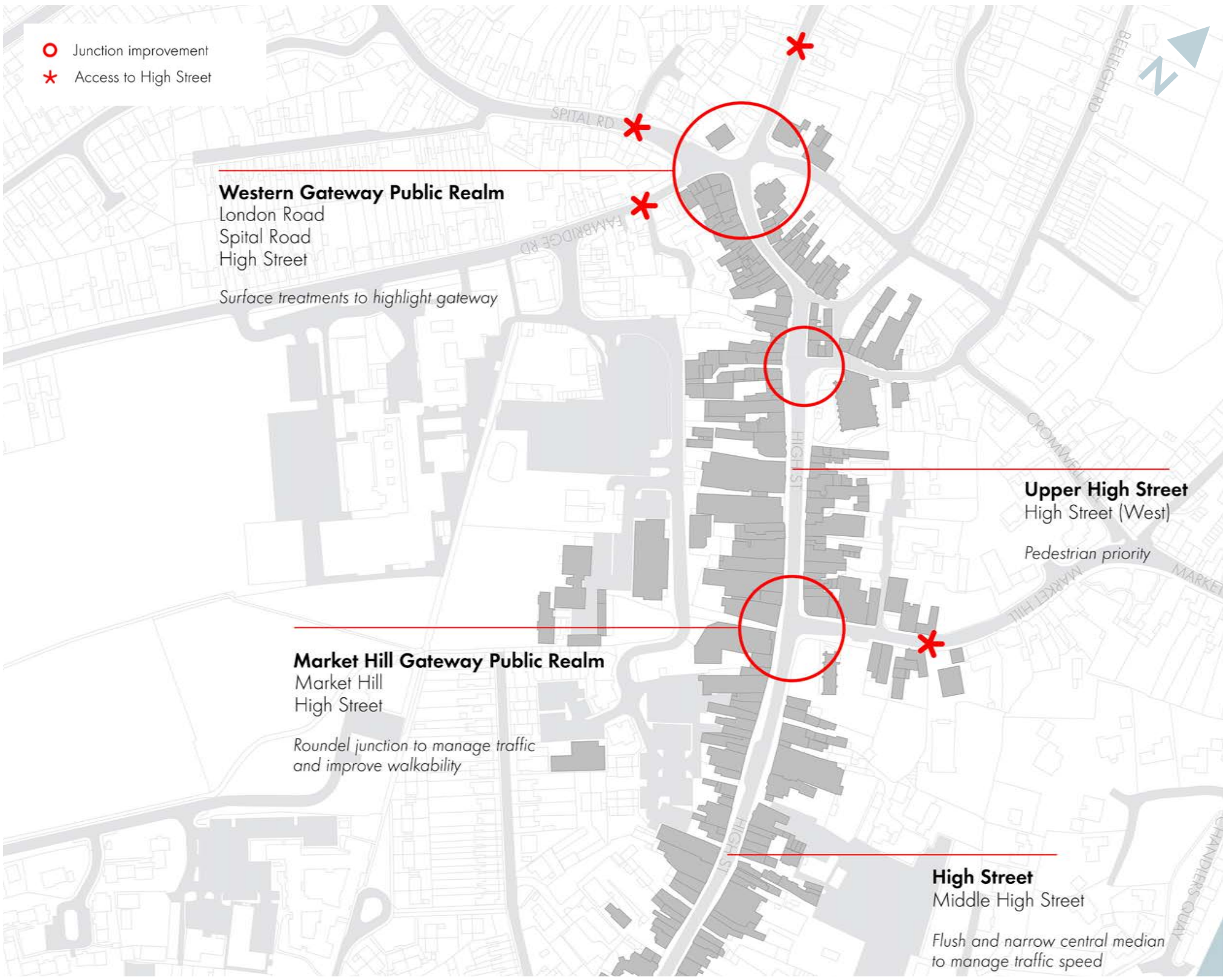
Flat top table - Flush flat top speed tables linking lateral public spaces at key nodes and gateways

Above: Examples of high street improvements, Poynton, Cheshire

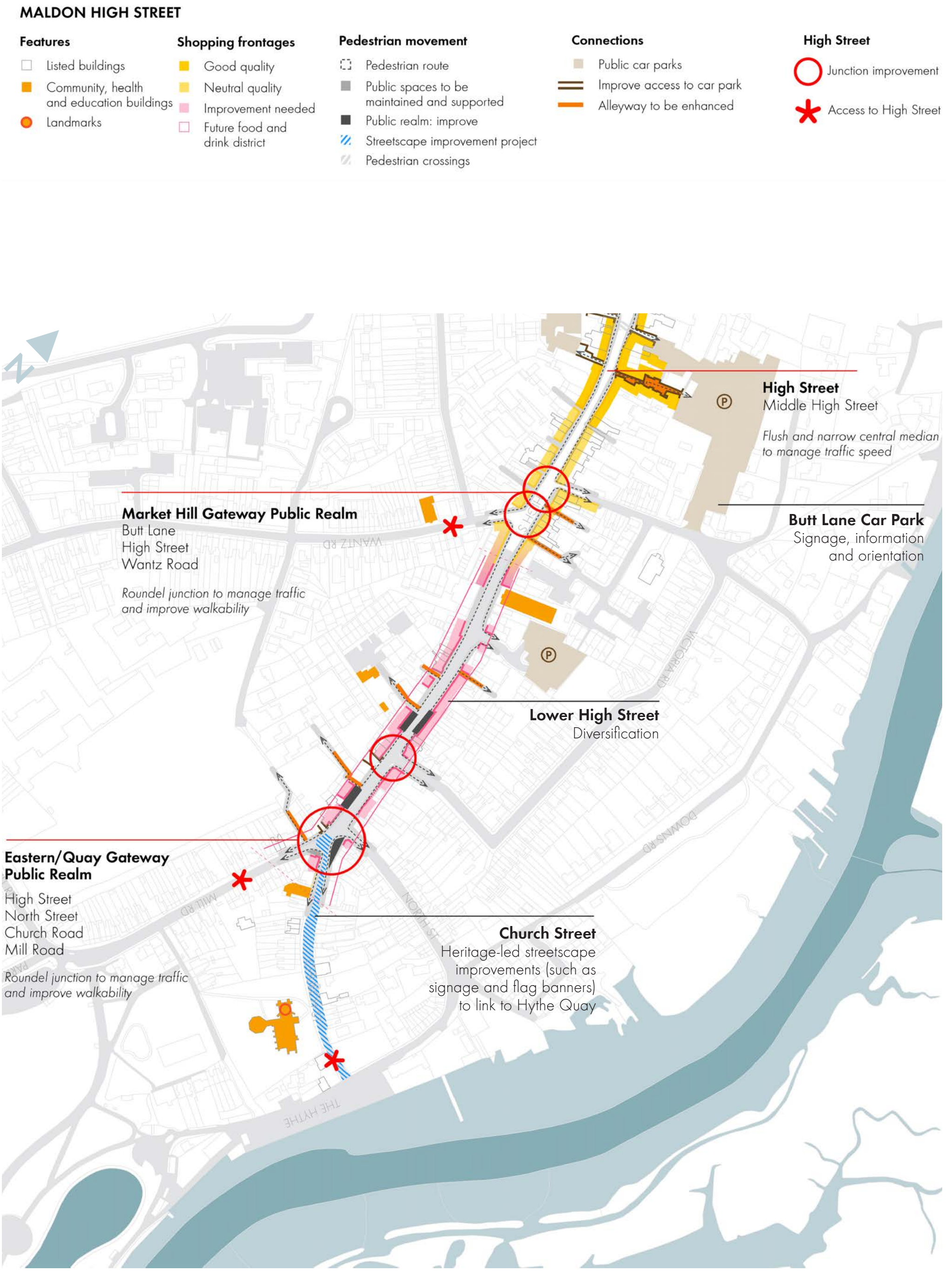




Above: Options for highway improvements along the High Street



Above: High Street highways improvements - Upper and Middle High Street



Right: Lower High Street improvements

HIGH STREET
4.2 LOWER HIGH STREET
PROJECT 2

Context

The Maldon Retail Study of July 2015 (White Young Green) found that "the bottom end of the high street has a high turnover rate of retailers. The units have a more run down look than their counterparts further up the high street. However, these lower rents have provided the opportunity to test the market with new business areas or products, where if they are successful, the retailers have moved into a different part of the high street."

Project name:
2. Lower High Street improvements

CA1 CA2 CA3 CA4 CA5 CA6

The lower end of the high street will have an important role as the link between the town centre and Hythe Quay. To perform this role investment is needed both in the quality of the environment and the type and quality of retail activity.

A wider range of retail and non-retail uses should be encouraged in the lower end of the high street. Anchored by pubs including the Warwick and the Ship and Anchor, the lower end of the high street has the potential to foster a strengthened evening economy which would complement the core retail area of upper high street. Care will need to be taken, and controls put in place, to ensure fostering a more flexible approach to non-retail uses does not precipitate an overconcentration of A5 fast food and take away uses.

Streetscape improvements will include targeted investment in new paving to create an environment for outdoor dining and increased activity generally. Enhanced shop frontages to support the shift to food and drink will also be encouraged. Alongside these measures, the introduction of lighter touch measures such as bunting and flag banners to support wayfinding between the town centre and Hythe Quay will be supported.

HIGH STREET
4.3 BUTT LANE CAR PARK
PROJECT 3

Context

Butt Lane car park (171 spaces) is one of the two principal public pay and display car parks in central Maldon. It complements the White Horse Lane car park to the south of High Street (181 spaces) in being discretely located on the north side of High Street with a number of pedestrian lanes providing direct linkage with High Street. Butt Lane is also the location of the town centre general market which is hosted every Thursday (some stalls also on Saturday) between 9am to 3pm.

Project name:
3. Butt Lane car park improvements

CA1 CA2 CA3 CA4 CA5 CA6

Butt Lane car park is perfectly located to play a more prominent and strategically important role in the town as a key point of arrival and orientation. It is ideally located directly between the riverfront and the town centre, and adjacent to the Tourist Information Centre along Wenlock Way.

The car park is to be enhanced environmentally and to reflect its role as a key arrival point for visitors. As part of the wider town signage strategy, a new signage and information point on the site could help to orientate visitors towards the wider attractions of the town in addition to the high street. Improving the signage towards the riverfront, riverside walk and a radically improved Hythe Quay would help extend people's visits to the town.

The car park will also continue to be the location for the town's general market. Enhanced management of this important asset should be secured to ensure its vitality in the long term. This could include looking towards better quality infrastructure for the stalls. Stronger indication of the link from the High Street to the car park would help support both the market and the wider links to the riverfront.



Existing view



Lower High Street illustration







Establishment of a Maritime Heritage Centre as a major new attraction at Hythe Quay

Maritime Heritage Centre
New / refurbished building to consolidate the maritime history and ongoing activities in a major new attraction

Landscape improvements
Existing hard landscaping to be enhanced to better accommodate outdoor dining

Relocated parking
Parking provision for Hythe businesses relocated in formalised and restricted chevron parking

RIVERFRONT
4.4 HYTHE QUAY
PROJECT 4

Context

The Hythe began life as a separate hamlet from Maldon, with its skyline dominated by the tower of St Mary's Church. Thames Barges would leave the Hythe carrying foodstuffs and bedding straw to London returning with cargos of horse manure for the district farms. Fishing vessels left their moorings by the Bath Wall in search of eels, plaice, sole, whelks and winkles in the estuary.

The trade in, and distribution of, local food has historically underpinned commercial life at Hythe Quay. Today, the Quay is one of the town's principal visitor attractions and a hub for tourist sailing day trips out toward Osea Island and beyond.

Maldon's riverfront here has rich maritime heritage, supported by the Heritage Lottery Fund, Essex Heritage Trust, The Pilgrim Trust, The Transport Trust, Historic Ship's Register and the Lady Skinner's Trust.

The Hythe was home to Cooks boat yard where a number of barges were originally built. Ships laden with timber and other materials would pass the Hythe destined for Sadd's Wharf just a little further along the river on the north side of Fullbridge Wharf. Other vessels carried grain for the flour mills at Fullbridge.

With the quayside acting as a car park, Hythe Quay is considered the highest priority collection of projects identified in this masterplan.

Project name:
4. Hythe Quay improvement initiative

CA1 CA2 **CA3** **CA4** CA5 CA6

Parked cars should be removed from the quayside and the space and associated buildings used to enhance Hythe Quay as a major destination and attraction. Whilst some of the existing and/or vacant buildings should be restored as a Maritime Heritage Centre.

Opportunities to transform Hythe Quay include:

- Landscaping and public realm scheme to deliver a radically improved environmental quality at Hythe Quay. This should include careful consideration of how to integrate the Quay's two pubs into the improvements.
- Improved physical links with Promenade Park including signage, lighting and supporting public realm improvements.
- All enhancements to the quay space should be made with the full engagement of existing key local businesses on Hythe Quay to facilitate the ongoing commercial and boating operations and make more of the event or festival days i.e. dressing and painting the sails moved to Promenade Park.
- Conversion and/or reuse of existing unused character buildings around Hythe Quay for new commercial and community uses.
- Establishment of a Maritime Heritage Centre and further moorings working with shore based businesses and maritime stakeholders such as the Steam Tug Brent, Dawn Barge Trust. Viking Pleasure Boat and Topsail Charters.

Opposite: Hythe Quay proposals



Existing view

Artist's impression of a seasonal market at Hythe Quay



RIVERFRONT
4.5 THE MALDON RIVERSIDE ROUTE
PROJECT 5

Context

The waterside setting of Maldon is one of its unique environmental assets and underpins the success of the town as a visitor destination. Promenade Park relies on this direct relationship, and the numerous small scale boatyards along the water's edge are a fundamental part of the town's character and heritage.

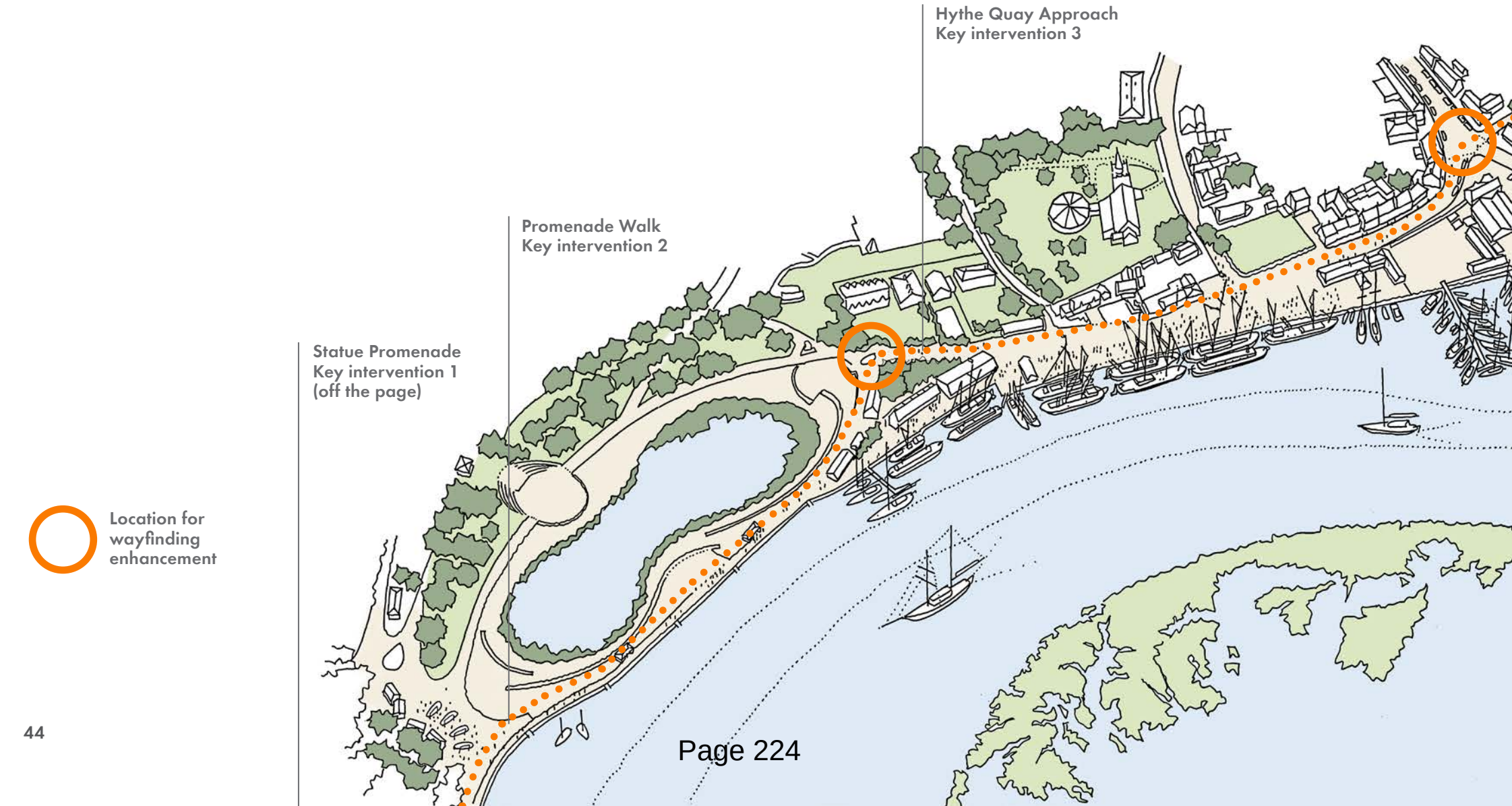
A walking route along the south, Maldon, side of the River Chelmer is largely in place but it is poorly signed, of a poor quality in some parts and linkages to it from the town centre could be improved.

Project name:
5. Maldon Riverside Path

CA1 CA2 CA3 **CA4** CA5 **CA6**

A series of small scale interventions should be delivered to improve the legibility of, quality of and access to the Maldon Riverside Path. Particular opportunities include:

- Introduction of a unifying brand/treatment to the route which acts as a legible wayfinding and orientation tool to help strengthen the legibility of the route and make the route a more prominent feature on the visitor landscape of Maldon.
- Improved signage to and along the route, making use of heritage and character features to improve legibility and wayfinding.
- Specific interventions at key points along the route where the route is unclear. These include the link between Promenade Park and Hythe Quay, the



junction between North Street and Downs Road, the area between Downs Road and Chandlers Quay at Bath Place Wharf, and the point between Chandlers Quay and Anchorage Hill. These are highlighted in the views on the following pages.

- Series of improvements at Chandlers Quay to create a strong link to Fullbridge along the waterfront.





KEY INTERVENTION 1: Statue Promenade
Improvements along Maldon Promenade Walk, looking towards Maldon from the Statue of Byrhtnoth. Surface and banking improvements together with replacement benches



KEY INTERVENTION 2: Promenade Walk
Expansion of moorings along the Balckwater Estuary would allow a greater spectrum of boats to be accommodated, and would become a prominent and popular feature of the Park



KEY INTERVENTION 3: Hythe Quay Approach
The link between Promenade Park and Hythe Quay is critical to the respective successes of each destination. Subtle signage, lighting, visual cues and unified surface improvements needed.



KEY INTERVENTION 4: Chelmer Terrace
The route is not intuitive along this stretch of Downs Road. Surface treatment and visual cues will orientate the walker and cyclist.



KEY INTERVENTION 5: Downs Road open space
The open space at Downs Road will form a key part of the Maldon Riverside Path, with the treatment of the path helping to make it more legible. The space itself could be considered for creating meadow habitat and selective enhancement and management of trees.



KEY INTERVENTION 6: Bath Place Wharf
A pedestrian connection is available linking Chandlers Quay with Downs Road, but lack of signage and indirect sight lines put doubt in the user's mind. Surface treatment, visual cues and appropriate signage could help


High Street
Downs Road
The Hythe
The Causeway

Chandlers Quay at Fullbridge is the most prominent waterside location in Maldon. The quayside area is currently private parking spaces and the area is a busy quayside area with private moorings and views across the river to the Carr's Flour Mill complex. The area has been the focus for recent development activity with new apartments under construction on the quayside. Delivering improvements to Chandlers Quay will be complex given a fragmented ownership pattern and the need to respect ongoing business operations.

There are two principal opportunities at Chandlers Quay for the delivery of improvements, as follows:

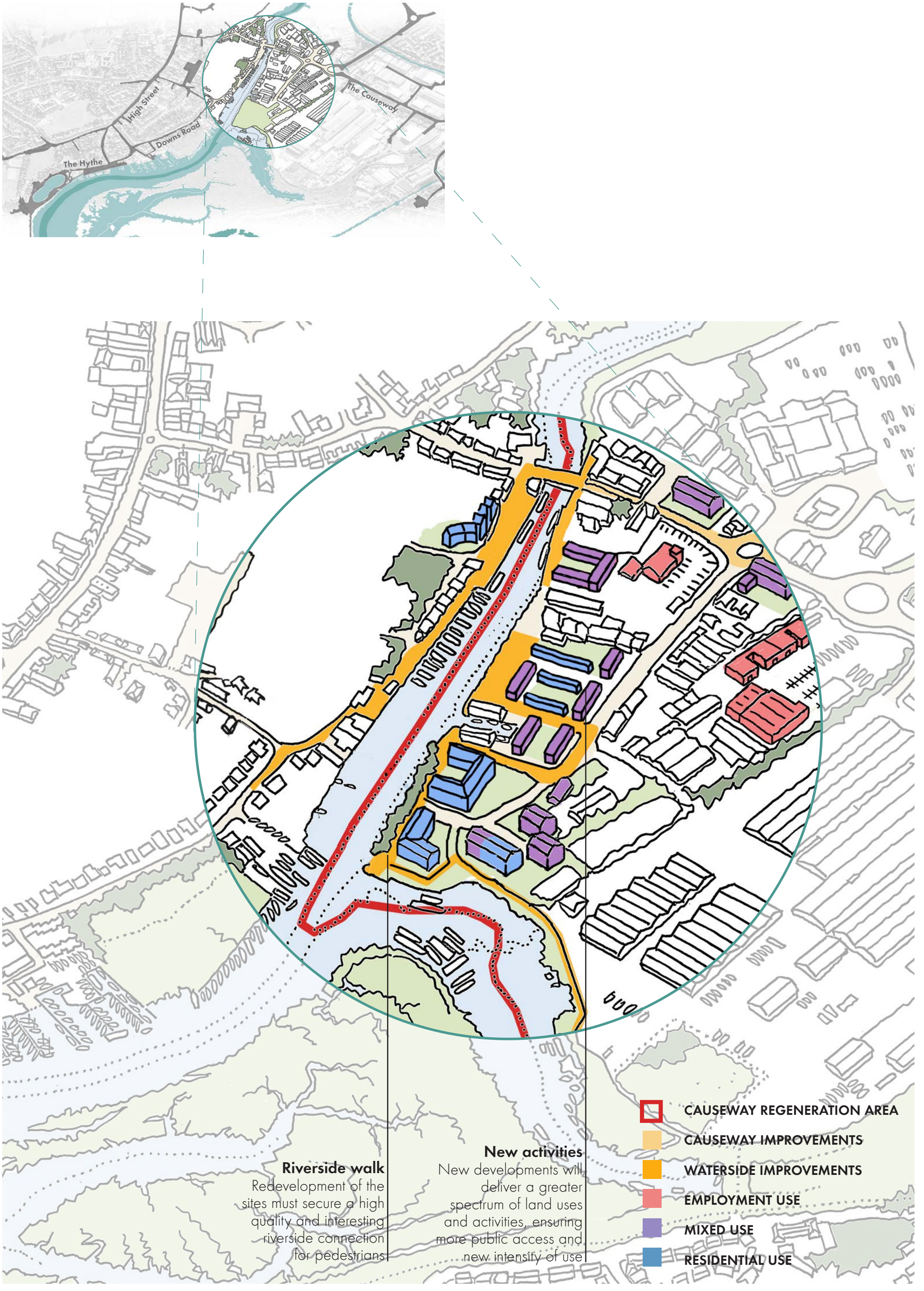
- Firstly, improvements to the quayside environment itself. This is a prominent, accessible and central site in the heart of historic Maldon. Currently the quayside is primarily used for private parking spaces. Whilst most parking spaces could be retained, opportunities to enhance this space should be explored.
- Connecting the quay to the riverside route linking with Hythe Quay and beyond is important for the success of Chandlers Quay. The physical link between Anchorage Hill and Chandlers Quay is currently not ideal as the route has to pull away from the quayside frontage. A small cantilevering boardwalk structure off the dock wall could potentially unlock and bridge this connection in the long term although land ownership and business operational issues would need to be resolved to the agreement of all parties.

Opposite: Chandlers Quay proposals



Artist's impression of Chandlers Quay




High Street
Downs Road
The Hythe
The Causeway
Riverside walk
Redevelopment of the sites must secure a high quality and interesting riverside connection for pedestrians
New activities
New developments will deliver a greater spectrum of land uses and activities, ensuring more public access and new intensity of use
CAUSEWAY REGENERATION AREA
CAUSEWAY IMPROVEMENTS
WATERSIDE IMPROVEMENTS
EMPLOYMENT USE
MIXED USE
RESIDENTIAL USE

RIVERFRONT
4.6 NORTH QUAY
PROJECT 6

Context

The North Quay, accessed off Station Road, occupies a prominent, south facing quayside position with good views south towards Chandlers Quay and downstream along the Chelmer. The area is currently mixed in character with long established businesses operating adjacent to family housing. Aside from Sadd's Wharf and the Aquilia site which has recently been given planning permission for retail-led mixed uses including a hotel, the area is allocated for employment uses. The area has been identified as suitable for mixed used development in the recent Causeway Development and Improvement Plan prepared by BBP Regeneration consultants. The study goes on to state that 'in particular the North Quay of the River Chelmer provides a prominent opportunity close to the town centre for cycle/pedestrian connections'.

Planning permission has been granted for the mixed-use redevelopment of Sadd's Wharf. Whilst the site remains undeveloped, the pivotal role mixed-use redevelopment of this site will play was recognised in both the Intermediate Study and BBP's more recent Development and Improvement Plan for The Causeway Regeneration Area. The role the site will play in providing a direct link between Maldon and Heybridge Creek is a particular priority.

Project name:
6. North Quay regeneration

CA1 CA2 CA3 CA4 CA5 CA6

The priority for North Quay will be to ensure new developments and regeneration proposals deliver new jobs through employment generating mixed-use development. With good links to the town centre and improving amenities in the wider area, residential uses are likely to play an important role in helping to deliver improved pedestrian access and environmental quality of the quayside environment. A new generous quayside walk, flanked by commercial uses, is a long term aspiration which would complement improvements to riverside connections on the south side of The Chelmer. Such a route would enable key sites including Sadd's Wharf and the Heybridge Creekside environment to be far better connected. Improvements to these connections are considered particularly important in the context of the planned strategic housing growth north of Heybridge.

There is a longstanding aspiration to improve physical linkages between Heybridge and The Causeway and Maldon. Major new development proposals along the North Quay should contribute to delivering improvements to access and connectivity.

Opposite: North Quay Strategic Masterplan Framework (layout for Sadd's Wharf shown as per consented scheme)


High Street
The Causeway
The Hythe
Downs Road
Downs Road
Boatyard
Heybridge Creek
Sadd's Wharf
Opportunity to consider a new scheme for site - achieving an uplift in capacity to support new public realm interventions and connections to Maldon and Heybridge for pedestrians and cyclists

RIVERFRONT
4.7 HEYBRIDGE CREEK CONNECTION
PROJECT 7

Context

The planned redevelopment of Sadd's Wharf has considered the public realm fronting Heybridge Creek in providing connections by cycle and on foot westwards to Heybridge and Heybridge Basin via the Hall Road Bridge across the Chelmer and Blackwater Navigation and across the River Chelmer eastwards to Maldon town centre. The need for improved connections and safe and attractive pedestrian and cycle routes via Heybridge Creek will become more acute when Sadd's Wharf is developed and the planned housing growth north of Heybridge and south of Maldon comes forward.

Project name:
7. Delivery of improved connections from Heybridge Creek

CA1 CA2 CA3 **CA4** **CA5** **CA6**

The delivery of improved connections from Heybridge Creek would crucially link all parts of Maldon Central, the Leisure Quarter and the Causeway Regeneration Area together via a riverside route along the South and North Quays at Fullbridge connecting with the estuarine route along Heybridge Creek.

The planned mixed use development on Sadd's Wharf will play an important role in delivering improved pedestrian access and environmental quality at the quayside environment and estuarine landscape at Heybridge Creek.

Coupled with Project 5 The Maldon Riverside Path on the South Quay at Fullbridge and Project 6 North Quay Regeneration, a Heybridge Creek connection is fundamental to improving public access to the waterside and creating direct, safe and attractive walking and cycling routes between Maldon and Heybridge. Introducing a Heybridge Creek Connection, would unlock the potential of the riverfront on both sides of the water and crucially link all parts of the town together.

Opposite: Masterplan option for Sadd's Wharf (alternative layout for Sadd's Wharf shown)



Existing view

Artist's impression of view west towards Maldon from Heybridge Creek incorporating an alternative new scheme for Sadd's Wharf




High Street
Downs Road
The Hythe
9
10
11
12
CAUSEWAY REGENERATION AREA
CAUSEWAY IMPROVEMENTS
WATERSIDE IMPROVEMENTS
EMPLOYMENT USE
MIXED USE
RESIDENTIAL USE

THE CAUSEWAY
4.8-4.12 THE CAUSEWAY
PROJECTS 8, 9, 10, 11, 12

Context

The Causeway is Maldon's principal employment area. Vacancies are low but the Council and its partners are keen to increase the supply of higher quality and more flexible floorspace across the area. This is seen as key in restructuring The Causeway, improving the quality of employment land in this area, increasing the number of jobs provided and ultimately making The Causeway employment area more resilient.

Strategic Intervention 1 of the Maldon District Council's Economic Prosperity Strategy 2013-2029 targets the increase in supply of high quality, flexible premises. This issue is identified as the most pressing economic challenge facing the District. In addition, building on the outcomes of the Intermediate Study, the Causeway Regeneration study by BBP Regeneration calls for improvements to the overall environmental quality of the area, the redevelopment of key opportunity sites and the delivery of an innovation centre to help support and promote business growth.

Project name:
8. The Causeway corridor

CA1 **CA2** CA3 CA4 CA5 CA6

The junction between the A414 and The Causeway / Fullbridge is perhaps the town's most important gateway. Signage to this strategically important employment and enterprise area should be improved from the A414 from which The Causeway business area is only mentioned specifically on the approach to the Fullbridge roundabout. Once at this roundabout however, public realm improvements including specialist street lighting along The Causeway, improved provision for pedestrians and cyclists and the feature treatment of the roundabout itself could be undertaken to help promote the importance of this area.

A strategic landscape and public realm strategy for the Causeway should be prepared to identify detailed projects and a coherent approach to planting, signage, boundary treatments and landscape. The project would help improve the image and environment of the Causeway and support inward investment, business and staff retention.

Project name:
9. Heybridge Creek improvements

CA1 **CA2** CA3 CA4 CA5 CA6

The Causeway as a route will continue to play an important role in providing vehicular access to all business traffic. Good quality vehicular access is key to maintaining and/or improving the quality of this employment land. Promotion of the physical investment in the provision of alternative and more sustainable travel choices is therefore considered to have an important role in the future development of Maldon and help ensure the planned strategic growth in the north of the town is properly integrated whilst not undermining the importance or quality of the prevailing employment uses along The Causeway. The Sadd's Wharf development and the footpath along Heybridge Creek immediately to the north, on the eastside of The Causeway employment area, provides a unique and beautiful alternative informal route to Maldon. Views across the creek with Maldon's houseboat community in the foreground and Maldon's historic town beyond provide a wonderful aspect of the town. The route should retain its leisure route character but be widened and with surface improvements and lighting to improve safety. Designs for enhancements to this route to accommodate walking and cycling must recognise the international ecological importance of the estuary and the creek environment. Any development must be aware of the International, National and Local environmental designations.

Opposite: The Causeway Strategic Masterplan Framework



Above: Existing and proposed changes to The Causeway route



Green Roundabouts
Landscaping and branding to gateway roundabouts



Street Trees
Enhanced street scene through street trees planting



Street Branding
Street branding to promote an area

Project name: 10. Enterprise Centre

CA1 CA2 CA3 CA4 CA5 CA6

The recent BBP study on The Causeway Regeneration stated that "there is a perceived lack of small to medium sized offices. For start-up businesses or small established firms it is difficult to find a space where the rents are not too high. It is recommended that an Enterprise Centre is established, where flexible space and conference rooms are offered. This Centre should be located at the gateway to the Causeway, ideally with a prominent street frontage. The Economic Prosperity Strategy 2013-2029, in line with LDP Policies E1 and E6, confirms that the Council will seek to secure a supported Enterprise Centre for high potential start-ups.

Of the opportunity sites identified in the Intermediate Study, sites with a prominent street frontage and which sit between the main employment zone and the town centre would seem to offer the greatest potential in promoting small business activity. The Causeway Regeneration Study identifies a range of format options for a new Enterprise Centre and these should be explored through the preparation of a business plan.

The Leigh Industrial Estate would provide the best position for an Enterprise Centre in terms of location given its prominence at the gateway to the area, as well as its existing building potential and development potential.

Project name: 11. Leigh Industrial Estate

CA1 CA2 CA3 CA4 CA5 CA6

The Leigh Industrial Estate occupies a prominent gateway location to The Causeway employment area. Redevelopment should deliver a more prominent form of development which provides a strong address to both the A414 and The Causeway. In particular, the scope to provide a positive address to an improved environment along the canal frontage is a unique opportunity for this and other canal-side sites which have the potential to deliver a really high quality outlook for a new office-based form of development.

A development brief for the site was recommended by the Causeway Regeneration Study as a means to outline the key design opportunities for this site.

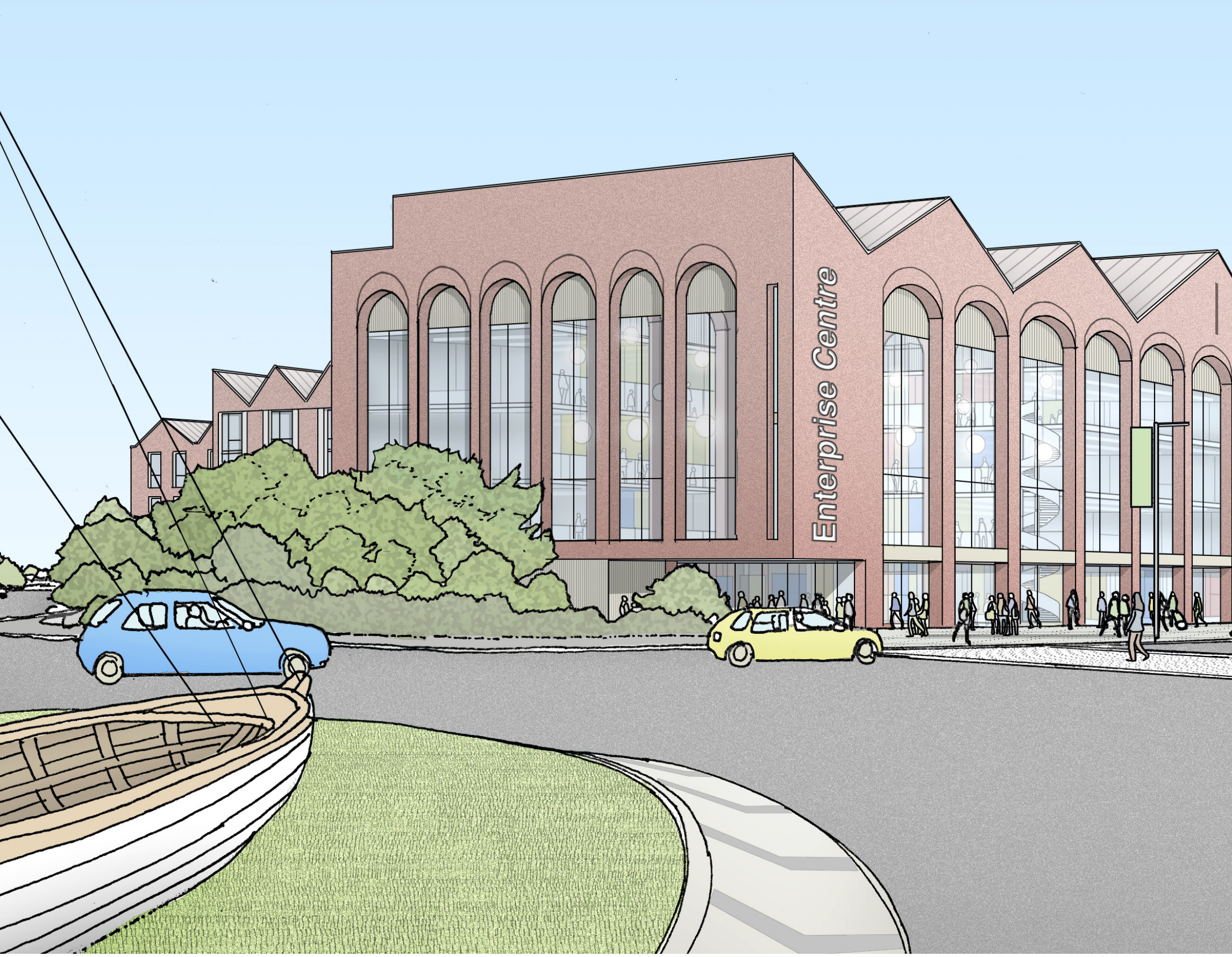
Project name: 12. The Causeway Strategic Flooding Review

CA1 CA2 CA3 CA4 CA5 CA6

The whole of the Causeway Regeneration Area falls within a flood zone including fluvial, tidal and surface water flooding and as a result all new development proposals must be supported by a flood risk assessment. The need to carefully manage all types of flood risk and ensure that relevant infrastructure is effectively managed is also a specific requirement of Local Development Plan Policy S5. The recent regeneration study of The Causeway identified the need for a strategic flooding review of The Causeway area (supported by Surface Water Management Plan, ECC, 2013). As recommended in the study, the Strategic Flooding Review helps to facilitate emerging Council Planning policy and the output of the study should be capable of both informing such policy and of being understood by third parties without specialist knowledge.



Existing view



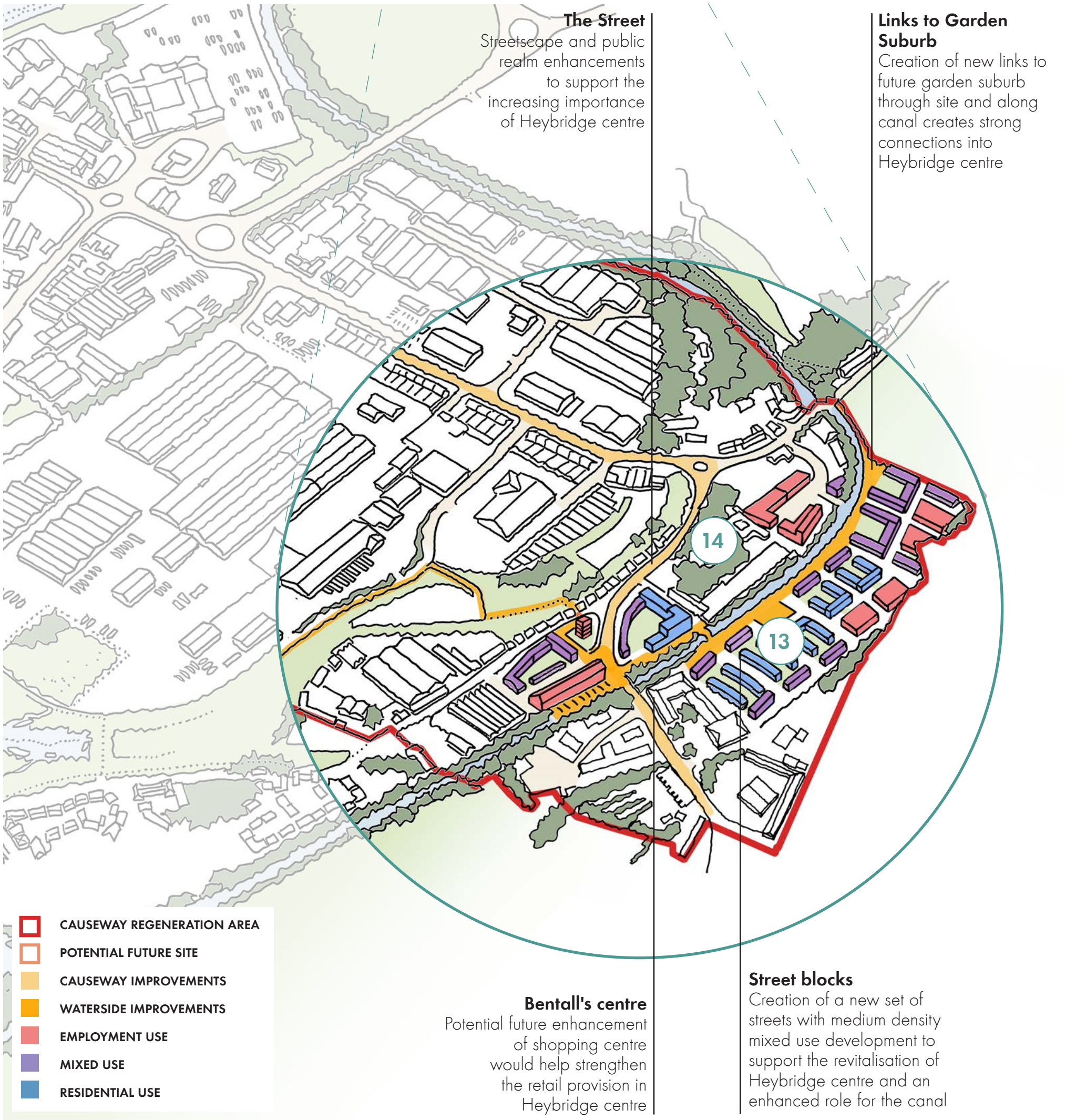
Artist's impression of redeveloped Leigh Industrial Estate and The Causeway improvements scheme


HOTEL



The Street
Streetscape and public realm enhancements to support the increasing importance of Heybridge centre

Links to Garden Suburb
Creation of new links to future garden suburb through site and along canal creates strong connections into Heybridge centre



Bentall's centre
Potential future enhancement of shopping centre would help strengthen the retail provision in Heybridge centre

Street blocks
Creation of a new set of streets with medium density mixed use development to support the revitalisation of Heybridge centre and an enhanced role for the canal

HEYBRIDGE
4.13-4.14 HEYBRIDGE
PROJECTS 13,14

Context

Heybridge Centre is a designated district shopping centre in the Local Development Plan with a designated vv Retail Area in two locations either side of the Chelmer and Blackwater Navigation. One core retail area is focused on the Bentalls Shopping Centre, a precinct-based centre of 14 units. This centre is poised for new investment which will see the former Tesco store converted to a larger Post Office facility and a larger health centre facility. These community orientated facilities will play an important role in meeting the day-to-day community needs of a growing population. The other core area is along The Street and Hall Road.

A number of industrial estate sites within the Heybridge area form part of a designated employment area centring on The Causeway. However, sites in Heybridge, which are at the northern fringes of this designation and benefit from very close proximity to Heybridge district centre and canal-side frontage, are identified in the Causeway Regeneration Study as being appropriate for employment generating mixed-use development.

These sites will play a fundamental role in revitalising Heybridge centre to meet its future role as a local centre for an enhanced population.

Project name:
13. Wyndham Heron and the Roothings

CA1 CA2 CA3 CA4 CA5 CA6

These industrial sites immediately adjacent to the district centre benefit from south facing views over the Chelmer and Blackwater canal. These sites represent a very significant redevelopment opportunity, with key principles as follows:

- Redevelopment should incorporate employment and mixed-use buildings.
- Proposals for redevelopment of this designated employment site would be considered in the context of the jobs created compared with the jobs on the site when it was in full employment use.
- Improving the quality of the canal frontage is a key priority in order to enhance the character of the conservation area.
- Redevelopment should deliver a new low key footbridge link across the canal to better connect the site with the rest of Heybridge and improve links to and from the district centre. This would be delivered in conjunction with redevelopment of The Street and Benbridge Industrial Estate sites.

Project name:
14. The Street and Benbridge Industrial Estates

CA1 CA2 CA3 CA4 CA5 CA6

These sites, either side of the Grade I listed St Andrew's Church, have the potential for employment generating mixed-use redevelopment. Principles associated with redevelopment include:

- It may be that partial redevelopment options could be considered to retain the better quality employment accommodation on parts of the sites.
- Redevelopment of The Street industrial estate should take account of and contribute to the delivery of a new physical connection across the canal to the district centre.
- New buildings should present a good quality frontage to the canal.
- New buildings should also present active frontages to The Street, Colchester Road and Hall Road.

Opposite: Heybridge Strategic Masterplan Framework



Artist's impression from Wave Bridge over the Chelmer & Blackwater Navigation, The Street, Heybridge looking into sites 13 and 14







Hub location option
A new iconic building could be established at the edge of the lake at the fulcrum between the riverfront and the rest of Promenade Park

Hub location option
The refurbishment and extension of existing buildings could accommodate the hub alongside the Maritime Heritage Centre

RIVERFRONT / PROMENADE PARK
4.15 DESTINATION HUB
PROJECT 15

Context

The Intermediate Study identified the opportunity for a new visitor attraction in the area where Promenade Park meets Hythe Quay. Specifically, support is given to a new regional restaurant which would be combined with a visitor centre.



Above: Rock Salt Restaurant, Folkestone

Project name:
15. Destination Hub – combined visitor centre and specialist restaurant

CA1 CA2 **CA3** CA4 CA5 CA6

In addition to the Maritime Heritage Centre proposed at Hythe Quay, there is also demand for a more general visitor centre that can act as a multi-use hub for the town's attractions as a whole and for community functions. This destination hub would provide a focus for tourists, telling the story of the town and providing orientation to the series of sites of interest around the town. Such a centre could include interpretation and orientation for the Battle of Maldon AD991 designated site and Northey Island to support the National Trust's strategy for these important but sensitive assets. A multi-use hub will include exhibition and conference space, food and drink offer, park rangers office space, associated retail, evening uses and community functions.

A new restaurant will play a major role in underpinning the business case for such an investment. A new, high quality, small scale but specialist restaurant could build on Maldon's already strong links with food and has the potential to increase the profile of the town and attract new visitors to this part of the centre.

The precise location of the destination hub would be determined through the preparation of a business plan. However, the preferred location would be directly linked and in close proximity to Hythe Quay so the investment in these two areas can benefit each other.

Key considerations:

- A new destination and community multi-use hub visitor attraction incorporating a new small speciality restaurant.
- Improving physical links between Promenade Park and Hythe Quay so both attractions benefit from their respective investments.
- The Council should be the lead partner and review the extent of its existing land holding and buildings in the area to reduce overall delivery risks.

Key

Existing

- Key pedestrian route
- Permanent parking
- Overflow parking
- Yacht club and boat park
- Existing buildings
- Playing areas
- Sports areas
- Attractive places
- Parking space

Proposed

- England Coast path
- Park and Ride
- Campsite
- Permanent parking
- Removal of parking and reinstatement of park open space
- Sports areas
- Attractive places
- Parking space
- Camping ground
- Destination Hub area of search



Above: Existing and proposed new leisure quarter at Promenade park.

PROMENADE PARK
4.16 - 4.17 PROMENADE PARK
PROJECTS 16, 17

Context

Opened in 1895, Promenade Park remains the most popular attraction in the town for families to enjoy a visit to Maldon. The Park draws in visitors from across the sub-region. The Park continues to benefit from ongoing investment following its major programme of transformation in 2008. Most recently, the Pirates Bay Adventure Golf facility opened earlier this year.

During the preparation of this Strategic Masterplan Framework, location options for a new hospital in Maldon have been under consideration. The Leisure Quarter has been identified as one such option although the associated decision making process is outside the remit of this Masterplan Framework.

Project name:
16. Management Plan for Promenade Park

CA1 CA2 CA3 CA4 CA5 CA6

As a key asset of the town the future of Promenade Park must be carefully managed to balance the multiple and competing demands on the space. A Management Plan for the park is to be prepared to steer how these demands should be best met over the coming decade. Key aspects to be explored include the formalisation and re-organisation of car parking, the relocation of the civic amenity site, the enhancement of the Coastal Path route through the park, the accommodation of interpretation and orientation facilities for the Viking Battlefield and Northey Island, and the extension of the recreational offer in the park.

Car parking
The existing park and ride service which is funded by Tesco and runs between that store at Fullbridge and the Blackwater Leisure Centre at the southern end of Promenade Park has no formal parking facility at this southern end. Land between the leisure centre and Madison Heights could serve as an extension to the parking provision which would enable the establishment of a true Park & Ride facility to operate from the south of the town.

Parking facilities at Promenade Park have improved in recent times. With parking at capacity in the town centre, additional spaces could be provided at existing parking zones in the busy summer months to help promote a 'park and stride' initiative which takes advantage of improved walking links between Promenade Park and central Maldon.

Civic amenity site
The access arrangements for the Civic Amenity Site are part shared by those associated with the Park's main car park area. This causes conflict and reduces the capacity of local roads, especially in the summer months. The Civic Amenity Site should be relocated to a suitable site within The Causeway to remove this environmentally difficult land use from the town's principal visitor and family attraction. Care will be needed to ensure a new location does not harm the residential or commercial amenities enjoyed by neighbouring uses of the new location.

The relocation of the Civic Amenity Site would release new capacity within the Park to allow a new use to be introduced. This site could accommodate orientation and interpretation facilities for the Viking Battlefield site and Northey Island.

New facilities
Hotel and holiday accommodation within Maldon has been consistently raised as an issue which should be addressed. There is a concern that the quality and quantity of overnight accommodation for visitors is undermining the ability of Maldon to attract visitors for longer stays. The ability to accommodate long term parking has already been improved at Promenade Park. In tandem with the preparation and continual review of a Promenade Park management plan, the introduction of good quality seasonal camping facilities within the Park itself could go some way to addressing this accommodation shortfall. Some visitor infrastructure is already in place although facilities would need to be improved to accommodate overnight stays. Flood risk might also be an issue and the views of the Environment Agency would be an important consideration.

Examples of harbour and seaside towns which have exploited their coastlines to create distinctive visitor attractions.



Whitstable Harbour



Whitstable Harbour Market



Whitstable Habour Oyster Festival



Overstrand, Boscombe



East Beach Cafe, Littlehampton

Project name:
17. Moorings in the Blackwater Estuary

CA1 CA2 CA3 CA4 CA5 CA6

The banks of the River Chelmer on the northern edge of Promenade Park should be considered as the location for additional moorings. Such moorings formed around a pier or series of jetties would provide space for a greater spectrum of historic and day trip vessels.



Promenade Walk
Expansion of moorings along the Blackwater Estuary would allow a greater spectrum of boats to be accommodated, and would become a prominent and popular feature of the Park



PROMENADE PARK (SOUTH)
4.18 ENGLAND COAST PATH AND NORTHEY ISLAND
PROJECT 18





Context

Northey Island and South House Farm are owned and managed by the National Trust and are a special part of the Blackwater Estuary. The island, saltmarsh and mudflats provide important habitats and feeding grounds for wildlife. The area is also the designated site of the oldest Registered Battlefield in England when a Viking invasion was bravely fought by the Saxon Ealdorman Byrhtnoth. The main source of the battle is a contemporary poem, *The Battle of Maldon,* one of the finest battle poems in English literary history.

CA1 CA2 CA3 CA4 CA5 CA6

Project name:
18. England Coast Path and connections with Northey Island

The National Trust is exploring ways to look after these special sites in the future whilst maintaining public access. Working in partnership with the National Trust, local businesses and engaging with local people and visitors will continue to play a key role in this process. The aim is to give greater access along coastal footpaths whilst preserving the sense of wildness; to adapt the coastline to make it more resilient to sea level rises and to tell the stories of Northey Island.





The opportunity to deliver a destination hub at Promenade Park / Hythe Quay has the scope to support these efforts and provides opportunities for interpretation. Additional interpretation could be provided at key points along the route to Northey Island.

Permanent parking

Battle of Maldon AD991 designated site

England coast path

Destination Hub area of search



Opposite: Photographs of the route to Northey Island



5 ACTION PLAN

5.1 INTRODUCTION

This Strategic Masterplan Framework provides a framework for short, medium and long term actions, initiatives and development proposals across the entire Maldon and Heybridge Central Area masterplan. The Framework is not a blueprint, rather an agenda for change which should be kept continually under review.

Delivery of the projects and initiatives put forward in this Framework will require coordination, agreement, compromise and negotiation across an extensive and diverse range of stakeholders. Delivery will require leadership, tenacity, determination and pragmatism from the lead agency involved.

Delivery will also require funding. In the vast majority of cases, funding has not been identified. The Framework, however, equips the Council and its key partners with an agenda for change which is ready to form the basis of future funding bids and applications.

A view on funding is given with low indicating the project could progress using existing budgets; medium signifying additional external funding is likely to be required and high indicating that significant dedicated additional project funding would be required.

5.2 ACTION PLAN

The Action Plan below presents the wide range of individual projects for sites and locations across the Maldon and Heybridge Central Area. The Action Plan provides the following information for each project:

- A short project description;
- Indicates whether the project should be considered short, medium or long term;
- Attributes a priority to the project;
- Identifies the lead agency for the project; and
- Identifies potential partner organisations.

Term

- Short – 1-5 years
- Medium – 5-10 years
- Long – 10+ years

Priority

- High – A project considered fundamental to the future of Maldon and which will underpin the town's economic, social and environmental sustainability.
- Medium – A project which is important to supporting other higher priority projects and which will multiply the benefits of these if implemented.
- Low – A project which will enhance the attraction of the town or the ease with which it works, but is perhaps more peripheral to the headline projects, or which if not implemented would not undermine the overall objectives of the masterplan.

A regime of monitoring and review should be established to ensure the action plan is kept up-to-date. Progress on identified actions within the Maldon and Heybridge Central Area Action Plan should be reported regularly and correcting actions taken where necessary. Progress reports should be made publicly available so that stakeholders, local residents, businesses and the wider public have the opportunity to engage with and shape the different projects as they progress.

Ref	Project	Description	Term	Priority	External funding opportunity
1	**Upper High Street improvements**	Improvements to carriageway and pavement surface Programme of feature lighting Removal of street clutter	Medium	Medium	Townscape Heritage Initaitve (THI)
2	**Lower High Street improvements**	Encourage wider range of non-retail uses	Short	High	Heritage Action Zone - linking to Project 4
3	**Butt Lane car park improvements**	New signage and information point	Short	Medium	
4	**Hythe Quay improvement initiative**	Complete Historic Waterfront Revival feasibility study to inform approach and actions New seasonal food market Landscaping and public realm improvements Establish market management regime in consultation with local businesses Improve signage, lighting and public realm along links to Promenade Park Conversion and reuse of unused buildings around Hythe Quay	Ongoing Short Medium Short Short Medium	High High High High High High	Hertitage Lottery Fund (HLF)
5	**Maldon Riverside Path**	Unifying brand/treatment of route for legibility and wayfinding Improved signage to and along the route Interventions improving links to the riverside route Improvements to the quayside with reduction in parking and temporary kiosks Cantilevering broadwalk structure connecting Anchorage Hill and Chandler's Quay	Short Short Short Short Long	High High High Low Medium	Natural England / Hertitage Lottery Fund (HLF)
6	**North Quay regeneration**	Ensure mixed-use development which enhances quayside environment New Quayside walk connecting Sadd's Wharf and the Heybridge Creekside	Long Long	Medium Medium	Hertitage Lottery Fund (HLF)
7	**Heybridge Creek Connection**	New foot bridge as part of Sadd's Wharf development	Long	High	s106
8	**The Causeway Corridor**	Landscaping of large roundabouts and introduction of street trees in line with the emerging Strategic Landscape and Public Realm Strategy for the Causeway Regeneration Area	Short	Low	s106
9	**Heybridge Creek improvements**	Re-establish walking / cycle route along the Creek	Short	Low	Flood and Coastal Erosion Risk Management Funding LIBOR Funding
10	**Enterprise Centre**	Prepare business plan for new flexible centre and agree approach working in partnership with Invest in Essex Identify and develop suitable site (most likely to be Leigh Industrial Estate)	Short Long	Medium Medium	Regional Growth Fund, Invest in Essex
11	**Leigh Industrial Estate**	Mixed-use employment generating (and possibly phased) redevelopment	Long	High	s106
12	**The Causeway Strategic Flooding Review**	Strategic flood review of The Causeway area	Short	Medium	Environment Agency / LEP funding Haven Gateway
13	**Wyndham Heron and the Roothings**	Mixed-use employment generating (and possibly phased) redevelopment	Long	Medium	s106
14	**The Street and Benbridge Industrial Estates**	Mixed-use employment generating (and possibly phased) redevelopment Improvements to the public realm of Heybridge Parish Centre	Long Medium	Medium Medium	 s106
15	**Destination Hub - combined visitor centre and specialist restaurant**	New visitor attraction incorporating a speciality restaurant Improve physical links between Promenade Park and Hythe Quay	Long Short	High High	Coastal Communities Fund (CCF)
16	**Promenade Park Management Plan**	Comprehensive management plan for Promenade Park to provide strategy for next decade, addressing issues including car parking, Park and Ride/Stride, future facilities, relocation of the Civic Amenity Site and connections	Short	High	Natural England, Coastal Communities Fund (CCF) and National Trust HLF Parks for People
17	**Blackwater Estuary Moorings**	Creation of new pier/jetty for additional moorings to support greater spectrum of traditional boats and opportunity for day trippers to moor (supporting Coastal Community Initiatives)	Medium	Low	Coastal Communities Fund (CCF)
18	**England Coast Path and connections with Northey Island**	Help draw visitors to National Trust attractions, signage, etc.	Ongoing	Medium	Natural England

Lead	Partners	Ref	Project
Maldon District Council	Essex County Council	1	**Upper High Street improvements**
Maldon District Council	Historic England	2	**Lower High Street improvements**
Maldon District Council	Tourist Information Centre	3	**Butt Lane car park improvements**
Maldon District Council	The Dawn Barge Trust Topsail Charters Maldon Little Ship Club Hythe Quay business community	4	**Hythe Quay improvement initiative**
Maldon District Council	National Trust Environment Agency Private landowners and quayside businesses	5	**Maldon Riverside Path**
Private landowners	Maldon District Council	6	**North Quay regeneration**
Maldon District Council	Essex County Council Crown Estates Environment Agency Sustrans	7	**Heybridge Creek Connection**
Maldon District Council	Essex County Council	8	**The Causeway Corridor**
Maldon District Council	Essex County Council	9	**Heybridge Creek improvements**
Maldon District Council	Essex County Council	10	**Enterprise Centre**
Private landowners	Maldon District Council Essex County Council SELEP	11	**Leigh Industrial Estate**
Maldon District Council	Partners and stakeholders in the Surface Water Management including Environment Agency, Anglian Water and ECC Highways Haven Gateway	12	**The Causeway Strategic Flooding Review**
Private landowners	Maldon District Council Essex County Council	13	**Wyndham Heron and the Roothings**
Private landowners Maldon District Council	Essex County Council	14	**The Street and Benbridge Industrial Estates**
Maldon District Council	Essex County Council	15	**Destination Hub - combined visitor centre and specialist restaurant**
Maldon District Council	Maldon District Council Environment Agency Friends of Prom Park Essex County Council	16	**Promenade Park Management Plan**
Maldon District Council	Environment Agency Crown Estates Friends of Prom Park	17	**Blackwater Estuary Moorings**
Natural England National Trust Historic England	Maldon District Council	18	**Coastal Path and connections with Northley Island**

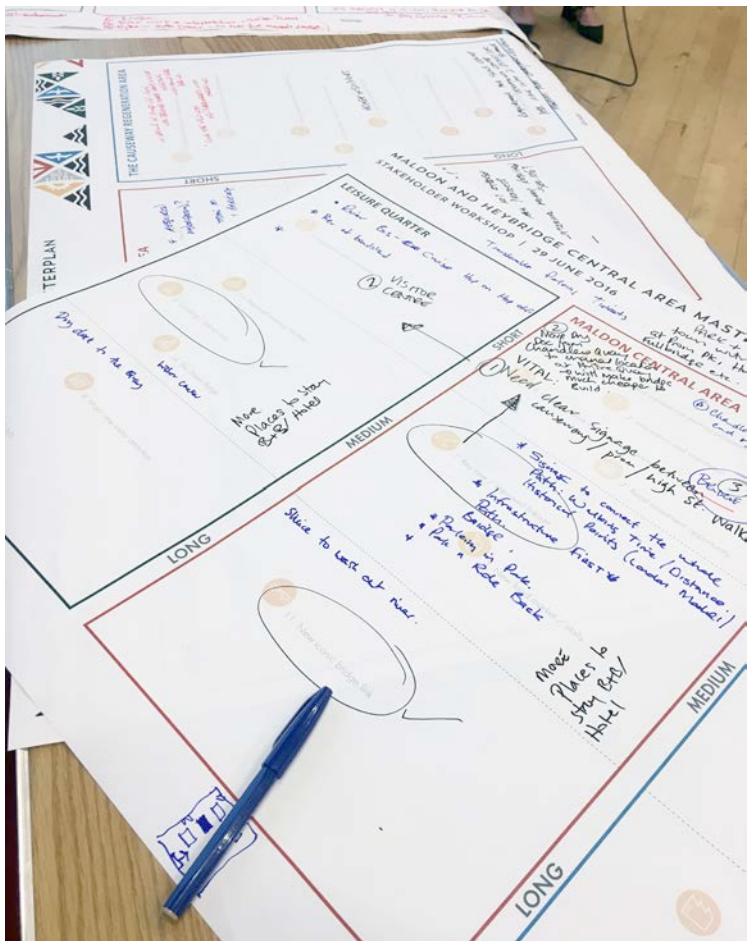
Note: S106 - to seek opportunities to secure funding for infrastructure and public realm improvements via Section 106 contributions

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APPENDIX STAKEHOLDER WORKSHOP




LEISURE QUARTER
MALDON CENTRAL AREA
Allies and Morrison
Urban Practitioners


MALDON AND HEYBRIDGE CENTRAL AREA MASTERPLAN
STAKEHOLDER WORKSHOP | 29 JUNE 2016
LEISURE QUARTER
MALDON CENTRAL AREA
SHORT
MEDIUM
LONG


MALDON AND HEYBRIDGE CENTRAL AREA MASTERPL
MALDON AND HEYBRIDGE CENTRAL AREA
STAKEHOLDER WORKSHOP | 29 JUNE 2016
LEISURE QUARTER
MALDON CENTRAL AREA
SHORT
MEDIUM



STAKEHOLDER WORKSHOP SUMMARY

A stakeholder workshop was held on 29 June 2016 at Maldon Town Council Offices on Market Hill. The workshop began with an introduction to the work completed to date followed by a presentation outlining key opportunities for each of the masterplan areas highlighted through sketch views.

The stakeholders were split into groups to discuss and make comments on proposals for the Leisure Quarter, Maldon Central Area and The Causeway Regeneration Area. There was a focus on highlighting short, medium and long term changes for these areas with suggestions and examples provided as a stimulus for debate.

All comments have been written up following the workshop and are summarised on the following pages.

Opposite: Photos from Stakeholder Workshop

MALDON AND HEYBRIDGE CENTRAL AREA MASTERPLAN

STAKEHOLDER WORKSHOP | 29 JUNE 2016

Protect but new business opportunities

LEISURE QUARTER

1. Visitor centre
2. Hythe heritage
3. Beach huts, mooring and camping

Strong links and directions

River taxis for tourists

Signage required to guide people

SHORT

Improve visitor pontoon, larger and out into the river

MEDIUM

Yes make more attractive and useful (eg pontoon)

Yes on the Prom like in Mill Beach

Central to history of area's maritime heritage. Re interpretation

LONG

Yes visitor centre but not in competition with museum. ''Part of''

Yes but not without facilities

''Cooks yard/ Hythe should be marine skills and heritage - not retail!''

Second deck to car park?

MALDON CENTRAL AREA

Improve connections from all car parks. Use as hub for pedestrians.

SHORT

Link causeway development to add to existing parking in town

Interactive signage. QR codes.

Make clear the routes, not obvious now.

Physical enhancements to shops, etc.

MEDIUM

''Any market should not be based within permanent buildings''

Whole waterside access important to the area. Signage and footpath surfacing. Tell a story as you go along

''Re use classroom''

''Hythe should be more public open space, more in keeping with maritime heritage.'' Venue for music and performances, public performances.

LONG

Chandlers bridge/Fullbridge. Retain maritime industry rather than heritage. Iconic project.

Yes please!
Vital link from Heybridge to Maldon, open up area.
Needs to be opening bridge to maintain river access.

1. Navigation to forefront (inc alongside Wyndeham Heron)

THE CAUSEWAY REGENERATION AREA

2. Free car parking to support town
3. Enterprise zone

SHORT

On margins - eg river frontages encourage mixed use - high quality with public access

MEDIUM

Protect central area for business but see margins used for mixed use.

House boats at Heybridge Creek retain and develop yes and navigation, etc

LONG

Don't turn back on the navigation

Open access to navigation, footpath, towpath. Potential new waterside opportunity.

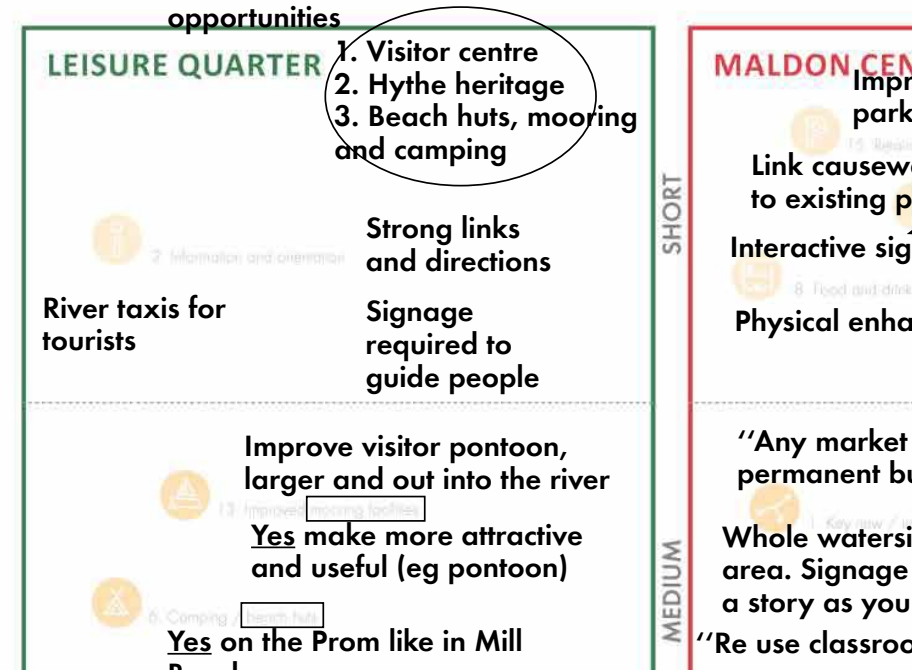
Residential moorings

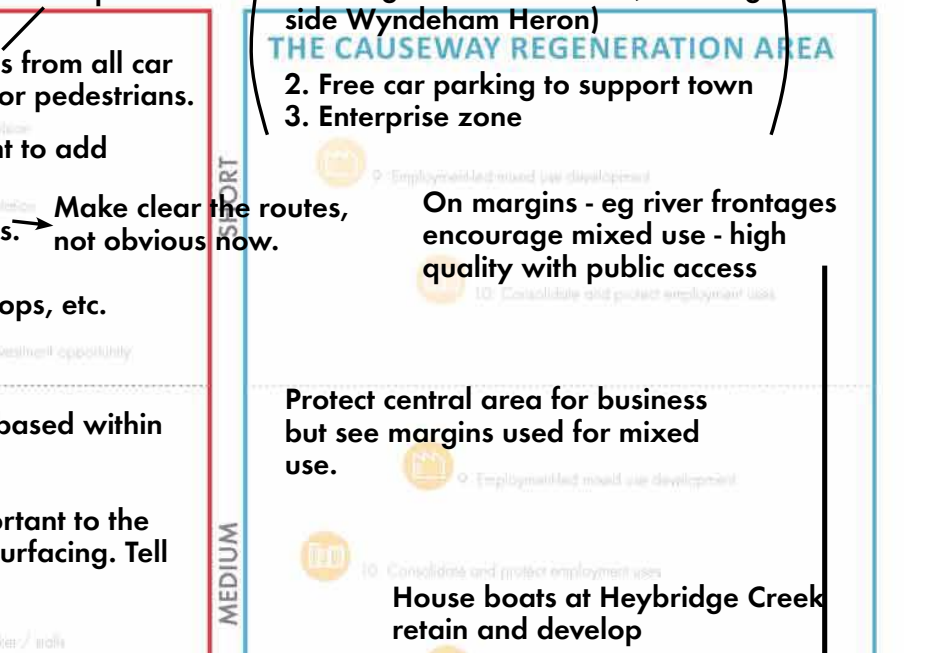
Yes support as an idea, could just be space at low rent to fully supported business led.

1. Bridge
2. River walk and interpretation - golden thread
3. Hythe, open space. No huts but moveable market.

Allies and Morrison Urban Practitioners

Group: 6





Above: Worksheets with comments from the stakeholder workshop

FEEDBACK

Generally feedback on the proposals was positive with groups adding to the vision outlined so far. For the Leisure Quarter, Central Area and the Causeway Regeneration Area comments were separated into short, medium and long term proposals. These comments are summarised here as follows:

Leisure Quarter

In the short term, stakeholders suggested improved walking routes, signage and parking for the area. There was a focus upon measures which would make the area attractive to tourists such as events, a market, cafes and draw attention to the water through a river bus and pier.

Medium term interventions include improvements to attract visiting yachts such as improved mooring facilities or a marina. Restaurants, cafes, and places for visitors to stay were suggested for Promenade Park designed as Maldon features such as traditional fishing sheds and boatsheds.

A Maritime Heritage Centre and facilities for camping were suggested as longer term proposals for the Prom.

Maldon Central Area

Improved signage and connectivity throughout the area were again highlighted with improvements to parking and the introduction of transferable parking tickets suggested in the short term. Quality shopping, walking routes, heritage and artisan businesses were suggested as measures which might improve the attractiveness of Maldon to tourists. The delivery of the coast path in 2017/2018 could draw more visitors and improved visitor information at arrival points could draw attention to this.

In the medium term stakeholders suggested improvements to the lower part of the High Street with a food and cultural quarter and more visitor accommodation. There were discussions around keeping The Hythe as an open public space and venue for events with markets, music and performances considered positive so long as they are not drawing people away from the High Street. Infrastructure including paths, parking and a park and ride were again mentioned here.

All groups were in favour of a bridge connecting Maldon to Heybridge in the longer term and noted that it must allow boats to pass and possibly requiring it to open. A cinema or cultural centre was suggested for the Old Post Office with one group suggesting the complete regeneration of the lower end of the High Street. The preservation of maritime heritage needs to be balanced against the needs of current maritime industries with one group suggesting the latter should take priority.

The Causeway Regeneration Area

For new development priorities highlighted included good access to the waterfront with a mix of uses on the waterfront. An Enterprise Centre was proposed for the area along with retaining some light industry. More generally, it was suggested that there should be connections between the old and the new in Maldon for example between the supermarkets and Market Hill and a softening of the public realm through measures such as tree planting.

In the medium term Enterprise Zone status was suggested for the area along with consideration of the area's visual appeal through sculpture and a relationship to maritime activities. Additional houseboat moorings were highlighted for Heybridge Creek with 'special quality' residential houseboats.

Looking to the longer term, investments in flood protections to address the effects of climate change were prominent. A skills centre providing employment and education was suggested along with low rent business spaces. It was highlighted that all new development should maximise its relationship with the waterfront as an asset.



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RIVERFRONT
4.7 HEYBRIDGE CREEK CONNECTION
PROJECT 7

Context

The planned redevelopment of Sadd's Wharf has considered the public realm fronting Heybridge Creek in providing connections by cycle and on foot westwards to Heybridge and Heybridge Basin via the Hall Road Bridge across the Chelmer and Blackwater Navigation and across the River Chelmer eastwards to Maldon town centre. The need for improved connections and safe and attractive pedestrian and cycle routes via Heybridge Creek will become more acute when Sadd's Wharf is developed and the planned housing growth north of Heybridge and south of Maldon comes forward.

Project name:
7. Delivery of improved connections from Heybridge Creek

(Keep same objectives CA4 CA5 CA6)

The delivery of improved connections from Heybridge Creek would crucially link all parts of Maldon Central, the Leisure Quarter and the Causeway Regeneration Area together via a riverside route along the South and North Quays at Fullbridge connecting with the estuarine route along Heybridge Creek.

The planned mixed use development on Sadd's Wharf will play an important role in delivering improved pedestrian access and environmental quality at the quayside environment and estuarine landscape at Heybridge Creek.

Coupled with Project 5 The Maldon Riverside Path on the South Quay at Fullbridge and Project 6 North Quay Regeneration, a Heybridge Creek connection is fundamental to improving public access to the waterside and creating direct, safe and attractive walking and cycling routes between Maldon and Heybridge. Introducing a Heybridge Creek Connection, would unlock the potential of the riverfront on both sides of the water and crucially link all parts of the town together.

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REPORT of
CHIEF EXECUTIVE

to
PLANNING AND LICENSING COMMITTEE
14 SEPTEMBER 2017

MALDON DISTRICT DESIGN GUIDE - REPORT ON PUBLIC CONSULTATION AND PROPOSED AMENDMENTS FOLLOWING PUBLIC CONSULTATION

1. PURPOSE OF THE REPORT

1.1 To present the findings of the comments received through the public consultation.

1.2 To outline the proposed amendments and additions to the draft Maldon District Design Guide following public consultation.

1.3 To enable preparation of a final document for endorsement by the Committee and subsequent adoption as a Supplementary Planning Document

2. RECOMMENDATIONS

(i) that the proposed amendments to the draft Maldon District Design Guide following public consultation (**APPENDIX 1**), be approved;

(ii) To seek the Committee's approval to prepare the final document with a recommendation for adoption as a Supplementary Planning Document by the Council.

3. SUMMARY OF KEY ISSUES

3.1 This Committee approved the draft Maldon District Design Guide (**APPENDIX 1**) for public consultation as set out in a report to Committee on 2 March 2017 (Minute No. 1053 refers). A Maldon District Design Guide ('the Guide') is required under Policy D1 Design Quality and Built Environment, Local Development Plan (LDP). Policy D1 sets out ten criteria that all development should have regard to and are reflective of the unique character and distinguishing features of the District. Policy D1 LDP states that: *In addition, all developments must demonstrate that they are in general conformity with the design principles set out in the emerging 'Maldon District Design Guide SPD' and any other relevant local development documents, neighbourhood plans or village design statements (VDSs) adopted or endorsed by the Council*.

3.2 The LDP was approved by the Secretary of State on 21 July 2017. Policy D1 Design and the Built Environment, LDP is a key policy to deliver the desired design quality

throughout the District. The Maldon District Design Guide will supplement Policy D1 and is intended to be a Supplementary Planning Document (SPD).

3.3 In order to be adopted as SPD, the necessary public consultation took place over 6 weeks between 22 May and 30 June 2017. The consultation material included the Guide and the four Technical Documents: *Planning and Noise*; *Assessing Air Quality and Emissions Impacts from Development*; *Designing for Older Persons' Housing* and *Landscape and Green Infrastructure (including Open Space, Sport and Play Facilities, Biodiversity and Trees)*. The consultation material was available online with its own dedicated URL and hard copies were available at a static exhibition permanently on display in the Council offices for the duration of the public consultation with the opportunity for the public to speak to relevant officers.

3.4 Twenty responses were received to the public consultation and the respondents are detailed in **APPENDIX 2.**

3.5 All of the salient points from the consultation responses have been logged and considered against the LDP Policies, the National Planning Policy Framework (NPPF) and other statutory authorities and organisations' documentation. The responses, policy response and proposed amendments and are set out in a table format in **APPENDIX 3**. The proposed amendments to the Guide and/or the Technical Documents are based on the public consultation responses taken from **APPENDIX 3** and set out in paragraph 3.8 of the report.

3.6 In May 2017 the Urban Design Officer reviewed a strategic site that is nearing completion with a view to testing the Guide during the consultation period. The site was also considered against the effectiveness of the Strategic Design Codes and Design Guidance for the Garden Suburbs. The site and number of dwellings delivered is comparable with residential land parcels in the garden suburbs that may come forward via Reserved Matters applications which will have regard to the Guide. Lessons have been learned from the exercise and consequently, additions are proposed to the Guide to ensure that all design considerations are considered at the earliest design stages. Additions to the Guide are proposed in paragraph 3.9 of the report.

3.7 Since the Technical Documents to the Guide were prepared it is apparent from reviewing the strategic site and considering pre-application discussion for Reserved Matters applications on major sites (over ten dwellings), that a further technical document is required to support '*C09 Waste Management and Utilities'* in the Guide. The Council's Waste Management Team have commenced drafting a document to include waste management in residential and commercial contexts; access arrangements for collection operatives and vehicles and the dimensions of collection vehicles and waste containers. The technical document will inform development proposals at the earliest stage when waste management needs to be considered from the design stage to occupation. The technical document will be titled 'Planning and Waste Management' and will be prepared in-house.

3.8 **Amendments to the Guide**

3.8.1 The Amendments proposed are set out in the following table and are taken directly from **APPENDIX 3** in the column titled 'Amendments to the draft Maldon District Design Guide (MDDG)':

Paragraph in MDDG	Chapter	Proposed Amendment
Page 2	Foreword	Include Foreword
A01	The Opportunity	Set out Policy D1, LDP.
A04	Key Design Objectives	Add to 'Character' box to read: Enhance identity and sense of place. All design proposals should be informed by a thorough contextual analysis of the built, natural and historic environment and respond to the scale height, density, urban grain, settlement pattern and layout, massing, type, materials, vernacular styles of construction and landscape details of the surrounding area.
A06	Who to talk to	Add Essex County Council as LLFA (Lead Flood Authority) and SuDs Authority to 'initial advice' box Add Sport England Authority to 'initial advice' box
B02 (p.10)	Helpful Documents	Add Sport England and Public Health England's Active Design Guidance 2015 to Interactive page. Add Historic England 'Streets for All' to Interactive page.
B02 (p. 11)	Helpful Documents	Add new paragraph to read: Within areas subject of a Strategic Masterplan Framework and/or Strategic Design Code, these documents should form the basis of the design approach. In circumstances where the Maldon District Design Guide is not consistent with these documents, the principles established in the Strategic Masterplan Frameworks or Strategic Design Codes should be considered in the first instance.
B03	Landscape Settlement and Character	Add paragraph 2.7.7 on page 7: 'Several documents are being prepared to provide up to date guidance relating to Green Infrastructure and Landscape. This includes a new Maldon Green Infrastructure Strategy and several area-specific masterplans and design codes where green infrastructure and landscape are central strands. For further details see www.maldon.gov.uk

Paragraph in MDDG	Chapter	Proposed Amendment
B04	Locational Characteristics	Amend 'English Heritage' to Historic England. Add 'Further Guidance' box and add Historic England Guidance Documents: Good Practice Advice in Planning 3 – The setting of Heritage Assets; Understanding Place – Historic Areas Assessments. Add VDS and NPs to map on page 15
B04 03	Riverside and Maritime Settlements	Expand final sentence in first paragraph to read: These settlements have developed either as ports, recreation areas or from plot lands, when large areas of farmland were split up into plots for cheap building land. The settlements have a less defined urban character but are closely linked to the open nature of the surrounding landscapes and where the plot lands form the basis of the settlement seen today especially at St Lawrence, Mayland and North Fambridge.
B05	Site Appraisal	Add to Bullet Point 4 to read: The contribution made by trees or other planting, landscape and biodiversity features within or adjoining the site. Add Bullet Point to read: Consideration of promoting healthy lifestyles in linking to destinations outside of the development by walking and cycling and the types of activities in green corridors and multifunctional open spaces within the development.
B06	Site and setting summary	Add to Bullet Point 3, second box: 'Areas, buildings and/or structures of historic significance and importance including man-made landmarks and below ground archaeology.'
C02	Using the Sites Features	Change Townscape Checklist Bullet Point 6 to read: The current routes including vehicle highway, cycle and footpath network, Public Rights of Way (PRoW) and Bridleways. Add to end of Bullet Point 6: 'to promote physical activity'. Add to 'Further Guidance' box: ECC Sustainable Urban Drainage Systems Design Guide 2016

Paragraph in MDDG	Chapter	Proposed Amendment
C03	Creating a network of streets, footpaths, cycleways and access arrangements	Add to first paragraph after 'social interaction' insert: 'and to encourage healthy living'. Take out reference in Bullet Point 9 'including' to read: Where appropriate, to consider access to PRoW, Bridleways and potential for multi-user tracks and links. Add to 'Further Guidance' box: ECC Developers Guide Sport England and Public Health England Active Design Guidance 2015
C05	Streets where everyone can rest, gather and meet	Add to Bullet Point 1: 'and supporting facilities for physical activity including seating and cycle parking.' Add Sport England 'Active Design Guidance 2015' in 'Further Guidance' Box
C06	Open Spaces	Add to first sentence of text at end: biodiversity and habitat. Change Bullet Point 3 to read: Links with existing spaces to form green routes and networks accessible for all users. Add to start of Bullet Point 6 to read: [Make sure that open space] Within the development, is appropriately defined and enclosed by buildings with windows on the ground floor from habitable rooms overlooking it where appropriate. Add Sport England 'Active Design Guidance 2015' in 'Further Guidance' Box
C07	Residential Outdoor Amenity	Bullet Point 6: Add reference to Essex Design Guide to read: Where new development backs on to the rear gardens of existing housing, the distances between buildings are as set out in the Essex Design Guide to a minimum of 25 metres.
C10	Car Parking	Revised wording for Bullet Point 7: Parking in front of dwellings is minimised in existing garden areas so as not to use up the front garden and avoids extensive areas of hard standing and car dominated frontage.

Paragraph in MDDG	Chapter	Proposed Amendment
C11	Cycle Parking	Add to first sentence to read: "For cycling to become an alternative to the car, bicycles must be readily accessible with secure parking at home and outdoors. Support facilities for cycle parking are equally important in open space and at community facilities and other service areas in the development."
C12	Layout and Plot Size	In the opening first paragraph of text add at end of third sentence: 'and in the Garden Suburbs'.
C21	Future Proofing	Change wording: Bullet Point 6: Shading is 'considered' (replaces 'provided'). Bullet Point 7: 'The use of green roof systems or green walls is considered…' Add new Bullet Point: Use of tree planting or changes to land management to provide shading or cooling. Add new Bullet Point: Consider bat or bird roosting or nesting facilities in buildings and grounds. Add in 'Further Guidance' box: Energy Efficiency in Historic Buildings;Green Infrastructure and Landscape Technical Document; Biodiversity by Design: A Guide to sustainable Communities TCPA 2004; TCPA/Wildlife Trusts - Planning for a Healthy Environment – Good Practice Guidance for Green Infrastructure Biodiversity, 2012.
Technical Document	Planning and Noise	Add reference to Essex CC's Minerals and Waste Management Plans at Para. 3.6 Add AGP Acoustics 2015 guidance on Artificial Grass Pitches at Para 3.9.
Technical Document	Assessing Air Quality and Emissions Impacts from Development	Page 9, Add limit of 40µg to Checklist 2, Criteria 1 and 14. Page 11, Reference the updated 2017 IAQM to Classification of Impact Significance Page 12, second paragraph of recommendation: Remove the word 'LDP' and replace with 'All' to read: All sites will be expected to explore…etc. Remove reference to 'not an LDP site' in the 'Action' and add 'mitigations not agreed' to read: Recommend refusal if mitigations not agreed.

Paragraph in MDDG	Chapter	Proposed Amendment
Technical Document	Green Infrastructure and Landscape	Add paragraph 2.7.7 on page 7: 'Several documents are being prepared to provide up to date guidance relating to Green Infrastructure and Landscape. This includes a new Maldon Green Infrastructure Strategy and several area-specific masterplans and design codes where green infrastructure and landscape are central strands. For further details see www.maldon.gov.uk Add substantial additional paragraphs in the 'Biodiversity' section to incorporate ECC comments in relation to detailed biodiversity enhancements such as wildlife features in buildings, planting and boundary features for nature conservation, lighting mitigation and management. Add additional paragraphs to include references to Sport England & Public Health England's 'Active Design' guidance.
Technical Document	Older Person's Housing	Remove references to Life Time Homes

3.9 **Additions to the Guide**

3.9.1 The Additions to the MDDG and Technical Documents are set out in the table below following review of the strategic site and to ensure that all design elements of a proposal are considered at the design concept stage. The Additions expand on and clarify the existing detail within the draft MDDG.

Paragraph in MDDG	Chapter	Proposed Addition
C07	Residential outdoor amenity	Add additional Bullet Point to read: Boundary treatments for secure and private amenity space are considered as a design feature of the scheme and plot layout.
C08	Street Furniture, Lighting and Public Art	Add to first paragraph of text to read: The design and location of street furniture, <u>lighting and public art</u> should be simple, high quality, well designed….. etc. Add new Bullet Point after Bullet Point 6 to read: Public lighting on streets and private lighting in shared space areas or Public Open Space is clearly defined and located at the design stage.

Paragraph in MDDG	Chapter	Proposed Addition
C09	Waste Management and Utilities	Add to Bullet Point 4: Manholes Add new Bullet Point 5: Consideration is given to the installation or provision of Superfast Broadband. Add 'Further Guidance' box and add Planning and Waste Management.
C12	Layout and Plot Size	Add to Bullet Point 2 at end: 'for all modes of transport'. Add to Bullet Point 3 at end: 'and spaces between buildings'. Add new Bullet Point 8 to read: Lighting is used to create safe inviting routes and spaces but avoids over-lighting. Public lighting on streets and private lighting in shared space areas or Public Open Space is clearly defined and located at the design stage.
C20	Materials and Details	Add additional Bullet Point: Elevational materials are considered alongside hard landscape materials for shared surface streets, car parking, parking courts and public realm.
Technical Document	Green Infrastructure and Landscape	Add reference to Essex CC's and Natural England's Biodiversity considerations
Technical Document	Planning and Waste Management	New Technical Document to be prepared in-house to expand on C09 Waste Management and Utilities.

3.10 A few typos and grammatical errors have been identified in the document and these will be amended as a matter of course.

4. CONCLUSION

4.1 The Maldon District Design Guide sets out the design considerations and design quality expected in the District for all development proposals and aligns with Policy D1 LDP and supporting the LDP as a whole.

4.2 The Maldon District Design Guide is intended as a Supplementary Planning Document. Once adopted, the Guide will become a material consideration in the planning process.

5. IMPACT ON CORPORATE GOALS

5.1 Planning supports corporate goals which underpin the Council's vision for the District and in particular protecting and shaping the District and balancing the future needs of the community.

6. IMPLICATIONS

(i) **Impact on Customers** – All planning applications for proposed developments will be determined in accordance with the Maldon District Design Guide ensuring delivery of high quality design throughout the District.

(ii) **Impact on Equalities** – The Maldon District Design Guide will inform inclusive development and social cohesion through good design.

(iii) **Impact on Risk** – The Maldon District Design Guide has been prepared in accordance with the approved Local Development Plan.

(iv) **Impact on Resources (financial)** – The preparation of the Maldon District Design Guide is in accordance with the costs assigned via the Project Brief approved by the Committee.

(v) **Impact on Resources (human)** – Project Management of the Maldon District Design Guide is in-house by the Urban Design Officer.

(vi) **Impact on the Environment** – The Maldon District Design Guide will assist the Council in promoting high quality and inclusive design and sustainable development to support new and existing communities and safeguard the character and distinctiveness of the District.

Background Papers:
Maldon District Local Development Plan, July 2017.
Report to Planning and Licensing Committee dated 2 March 2017.

Enquiries to:
Jackie Longman, Urban Design Officer, (Tel: 01621 875731).

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Maldon District Design Guide

CONSULTATION DRAFT

March 2017



FOREWORD

One of the best things about living in the Maldon District is its unique character and diversity in locations across town and village and in rural, coastal and estuarine environments set against the backdrop of a beautiful natural landscape with a rich history and heritage.

As the Local Planning Authority, an important role of ours is to protect or enhance our valued natural, built and historic environments. One of the ways we will do this is by making sure that all development supports the principles of inclusive design and high quality design and that homes, communities and neighbourhoods are designed well for those that will live, work and visit there.

The design policies in the Local Development Plan together with this new Design Guide will be the key mechanisms to deliver design quality in the District and is intended to assist landowners, developers, applicants, agents, designers and planners in the process of developing and assessing design quality.

This Design Guide promotes best practice in the initial stages of the design process to understand and analyse the context in which development is proposed and to work up a considered design.

As a Supplementary Planning Document [subject to LDP adoption], this Design Guide will be a material consideration in determining planning applications and is assisted by a suite of technical documents. The technical documents focus in more detail on the content of this Design Guide including landscape character, open space and play space, air quality and noise, car parking and internal space standards. Where area specific Strategic Masterplan Frameworks and Design Codes are in place, this Design Guide should be read alongside their design principles and technical specifications.

I sincerely trust this Design Guide will inspire those who use it and will promote the design quality expected in the Maldon District.



Cllr Mrs P A Channer
CC Chairman, Planning and Licensing Committee
Maldon District Council

This document was prepared by:

MALDON DISTRICT COUNCIL

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A3 Appendix 3 - How to Write a Design and Access Statement
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DRAFT

PART A INTRODUCTION

A 01 THE OPPORTUNITY

Maldon District is at an important point in its history, one where the decisions it makes today will shape and inform the quality of the District as a place to live, work and visit.

The Local Development Plan (LDP) sets out the spatial vision for growth by ensuring that the District's unique identity is protected by maintaining high design standards and the principles of sustainable design in new development.

A key component is the rise in the number of new households in the District over the next 15 years and beyond. The LDP aims to address the needs of an ageing population, inward migration and reduction of household sizes by increasing the delivery of housing to respond to the projected need to sustain the economic and population growth over this period.

In order to provide the design guidance to supplement the Policies in the LDP, the Maldon District Design Guide (The Guide) provides a clear direction on what is required to deliver the high design standards expected in the District.



Coastal Farmland



Wooded Farmland



Countryside



Riverside



Estuarine



Map of Maldon District

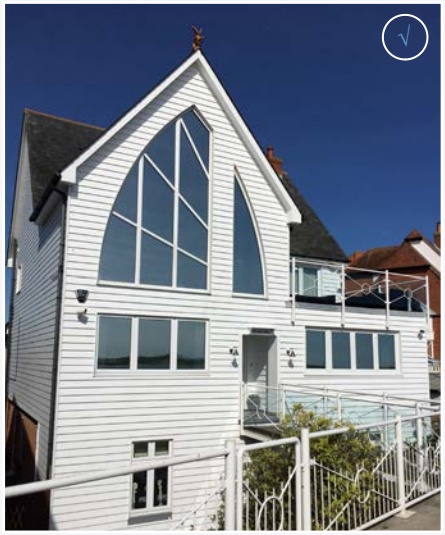
A 02 PURPOSE OF THE GUIDE

This Guide has been prepared to set out clear design principles to guide future development in the District. It aims to provide general guidance to encourage a design-led approach to all development from large residential schemes to modest residential extensions and small infill developments.

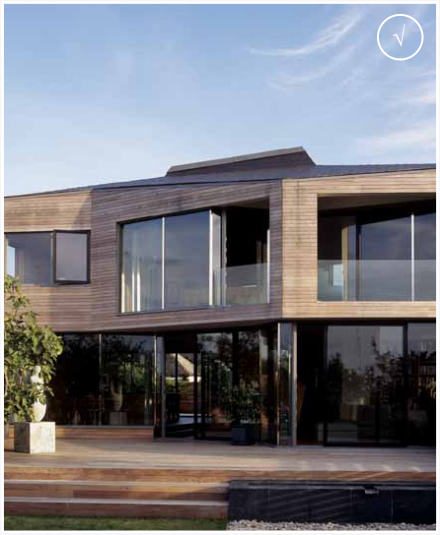
The design principles have been prepared for all development to respond to. The principles are accompanied by illustrations and good practice examples to gain a better understanding of how to deliver good design and clearly signposts where more detailed guidance can be accessed and when these should be taken into account.

This Guide is intended to be a user-friendly tool and does not seek to replicate existing policy and regulations that will continue to apply to all development. The Guide should be read by:

- Developers and builders in considering potential development proposals.
- Householders considering residential extensions.
- Designers in drawing up schemes.
- Development management officers in assessing the suitability and determination of planning applications.
- Statutory and non-statutory consultees and members of the public in commenting on planning applications.



The Quay, Burnham on Crouch



The Salt House, St Lawrence

A 03 THE VALUE OF GOOD DESIGN

Good design has an impact on all aspects of the built and natural environment, be it a simple extension to an existing house or a large residential or commercial development.

Good design translates into more than the appearance of buildings. It is important in both small residential extensions and large scale developments where form and materials are introduced and new streets and spaces are created. Functionality and practicality are embedded in the design and are as important as the visual quality of a building, town centre or rural intervention.

Perhaps the greatest benefits of good design are felt in our own homes and the spaces around them. Well-designed neighbourhoods help to build communities, give them a sense of belonging and make residents feel safe. Often this can be through simple approaches such as natural surveillance, an easy technique created when new streets and public open spaces are overlooked by windows and doors.

Carefully positioned car parking and cycle storage, as well as integrated refuse and recycling bins also help to create a sense of order and reduce litter and vandalism.

The quality of open space and the way in which new streets and spaces are designed has a direct effect on how people feel about a place and the whole community benefits from a commitment to usable green space. Access to open space is also shown to have a direct impact on the health and wellbeing of those able to take advantage of it.

For commercial development well designed buildings are good for business. Flexibility to respond to changing social and economic circumstances is important, as are design solutions which encourage creativity and innovation. Everywhere, investment in good quality design is shown to provide a higher return on the investment made.

Good design in all development is inclusive and accessible for everyone, has a positive impact on the environment, is integrated into its immediate and wider surroundings, provides flexibility for future change, is easily maintained and delivers a return on investment.



Commercial Example



Residential Example

A 04 KEY DESIGN OBJECTIVES

Design quality is a result of an ambition and creativity brought together in a robust design process. The ambition often relates to key factors like character, safety, diversity, movement, legibility, adaptability and sustainability. It is critical that even before the design process commences the right set of design objectives are established. Listed below are some of the key objectives that set the scene for design quality. Throughout the design process they remain the focus of the creative thinking with some being more important than others depending on the project.

Character	Enhance identity and sense of place. All design proposals should be informed by a contextual analysis of the area. Respond to the scale, height, density, urban grain, massing, type, and landscape details of the surrounding area.
Safety and inclusion	Ensure places are safe, secure and welcoming for all, including the elderly and disabled. High quality design with no differentiation between market and affordable housing. Understand and address the needs of all potential users to ensure inclusive design. Create safe communities and reduce the likelihood of crime and antisocial behaviour.
Diversity	Provide variety, choice and sensory richness in the design. Incorporate a mix of uses and facilities as appropriate with good access to public transport and a wide range of house types and tenures.
Ease of movement	Ensure places are easy to get to and move through. Allow for access to local services, facilities and open spaces, and where needed, provide new facilities, services and open space. Ensure a sufficient level of well-integrated and imaginative solutions for car and bicycle parking and external storage including bins.
Legibility	Ensure places can be easily understood. Ensure that streets and spaces are overlooked creating a positive relationship between fronts and backs of buildings, with clearly defined public and private spaces
Adaptability and Quality	Anticipate the need for changes in buildings and outdoor spaces. Design places that function well today, last for the future and are easy to adapt to changing requirements of occupants and other circumstances at any time. Construct buildings that are flexible to accommodate changing needs.
Sustainability	Minimise the impact on our environment. Use land efficiently whilst respecting the existing landscape character and green infrastructure. Enhance biodiversity and as a minimum, deliver schemes that lead to no net loss of habitat. New development should be sustainable and resilient to climate change by taking into account landform, layout, building orientation, massing and landscape to minimise energy consumption and mitigate water run-off and flood risks.
Designing for future	Design buildings and spaces and use materials that can be maintained over time and will age well. Take account of possible future development in the local area. Consider potential for future expansion of the development.
Good streets and spaces	Provide a clear and permeable hierarchy of streets, routes and spaces to create safe and convenient ease of movement by all users. Create places with attractive outdoor spaces. Incorporate or link to a well-defined network of green spaces and water. Establish a high quality public realm with well managed and maintained public areas.

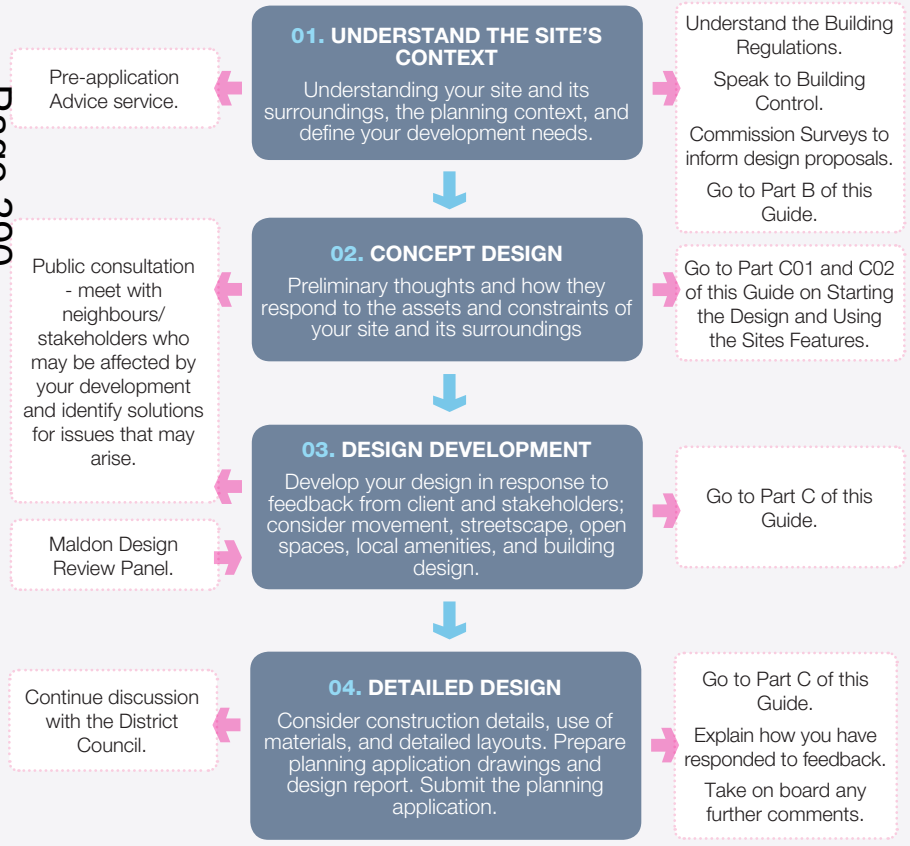
Additional useful guidance:

- By Design, Urban Design in the Planning System: Towards better practice (2000)
- Urban Design Compendium 1 (3rd edition, 2013)

A 05 WHAT IS THE PROCESS?

Having defined the objectives we need to understand the next steps. The RIBA (Royal Institute of British Architects) has created a plan of work which helps everyone involved in the design, planning and construction process in a logical manner. This process considers all relevant issues, constraints and opportunities, engages with key stakeholders and the public (where appropriate) and then through an iterative process it applies creative thinking to these opportunities into development propositions.

The diagram below provides an overview of the issues to be addressed at different stages in the design process. These requirements will be dependent on the scale and complexity of the application.



Flow chart indicating design process

A 06 WHO TO TALK TO?

Depending on the scale and nature of the scheme, it may be appropriate to engage with relevant statutory authorities and organisations and officers within the District Council. This should be done as early in the design process as possible.

In addition, it may be appropriate to talk to neighbours and carry out public consultation with the existing community as proposals can affect a wide range of people. The Government promotes a proactive approach to planning where community engagement and effective consultation are carried out prior to the submission of a planning application.

This can be used to gather views on key aspects of your site, and its context, which are considered important to the local community. Their views on your initial options and ideas will help gain an understanding of any concerns that the community may have in relation to your application.

There are a number of ways to consult or engage with the town and parish council, the community and other interested parties.



Public consultation and exhibitions

+ Statutory authorities and organisations that might be relevant to consult to provide initial advice:
  - Natural England: Landscape, Green Infrastructure and Biodiversity.
  - Historic England: Heritage Assets.
  - Environment Agency: Flooding, Rivers and Pollution.
  - Utility Companies, including Anglian Water.
  - Highways: Essex County Council Highways.
  - Town and Parish Councils.
  - Urban Design, Landscape, Highways, Ecology, Trees, Education, Environmental Health and Conservation officers.
  - Conservation Advisory Groups.
  - Neighbourhood Planning Forums.

Refer to the Council's Statement of Community Involvement for further information and see page 10 of this guide.

PART B MAKE IT MALDON DISTRICT

B 01 MALDON DISTRICT CONTEXT



Steeple Village Hall, a rural village context

The previous section outlined the purpose and value of the Guide and the design process applicants should follow in developing their proposals. This Part of the Guide, outlines the District Council's requirements on how applicants should assess the context and character of their site to ensure that new development will respect, respond to and enhance the unique characteristics of the settlement at Stage C01.

The aim of this Part of the Guide is to help the applicant understand the context, and character of the area and establish the constraints and opportunities that will guide their proposals.

The applicant must have an understanding and respond to the specific context of their site and appreciate that the application of design principles within this Guide will depend on the location within the District. This chapter provides an overview of the various parts of the District.

The first step is to demonstrate a clear link between the appraisal of the context, any applicable planning designations, the character of the site, physical constraints and opportunities and the development proposals. This link or rationale will need to be explained through the Design and Access Statement that will accompany the planning application.

The steps required in this process are set in the flow chart below.

The environment of the District is protected by a number of local, national and international designations, including: SSSI, Special Areas of Conservation, Conservation Areas, Listed Buildings, Registered Parks and Gardens, Registered Battlefield Sites and Scheduled Ancient Monuments, which seek to preserve the area's natural and built environment for future generations. The applicant should check the LDP Proposals Map, and carry our their own desktop analysis referring to the Council's website for further details.

B 01A. LOCATION AND PLANNING DESIGNATIONS

- Identify statutory or non-statutory designation.
- Refer to B 02 Helpful policy and guidance to consider

→

B 01B. PREPARE A CONTEXTUAL ANALYSIS

- Understand surrounding landscape, biodiversity, heritage and built form
- Refer to B 03 Landscape settlement and character and B 04 Locational characteristics

→

B 01C. IDENTIFY ANY CONSTRAINTS AND OPPORTUNITIES

- Identify key constraints and define opportunities
- Refer to B 05 Site appraisal

→

RESPOND

- Concept design (stage 02)
- Design development (stage 03)
- Detailed design (stage 04)
- Refer to PART C

Flow Chart indicating the process that applicants should follow to respond to the site and setting

B 02 HELPFUL POLICY AND GUIDANCE TO CONSIDER

All development is likely to be subject to local planning policy and national planning guidance. This can be in the form of helpful documents or more prescriptive 'acts' set within a legal framework.



National and local planning policies will influence whether a site is suitable for development and the form and nature of development. The applicant should carry out a planning review of relevant the planning policy documents. In addition, there are a series of other documents, including Neighbourhood Plans, Village Design Statements (VDS), Conservation Area Reviews and Appraisals, Masterplans and Design Codes, which have been adopted or endorsed by the Council - these are material planning considerations in planning decisions and should be considered in the design of new development. These documents provide a key source of local policy interpretation to supplement the policies in the LDP. Details of the documents endorsed or adopted are available on the Council's website - https://www.maldon.gov.uk.

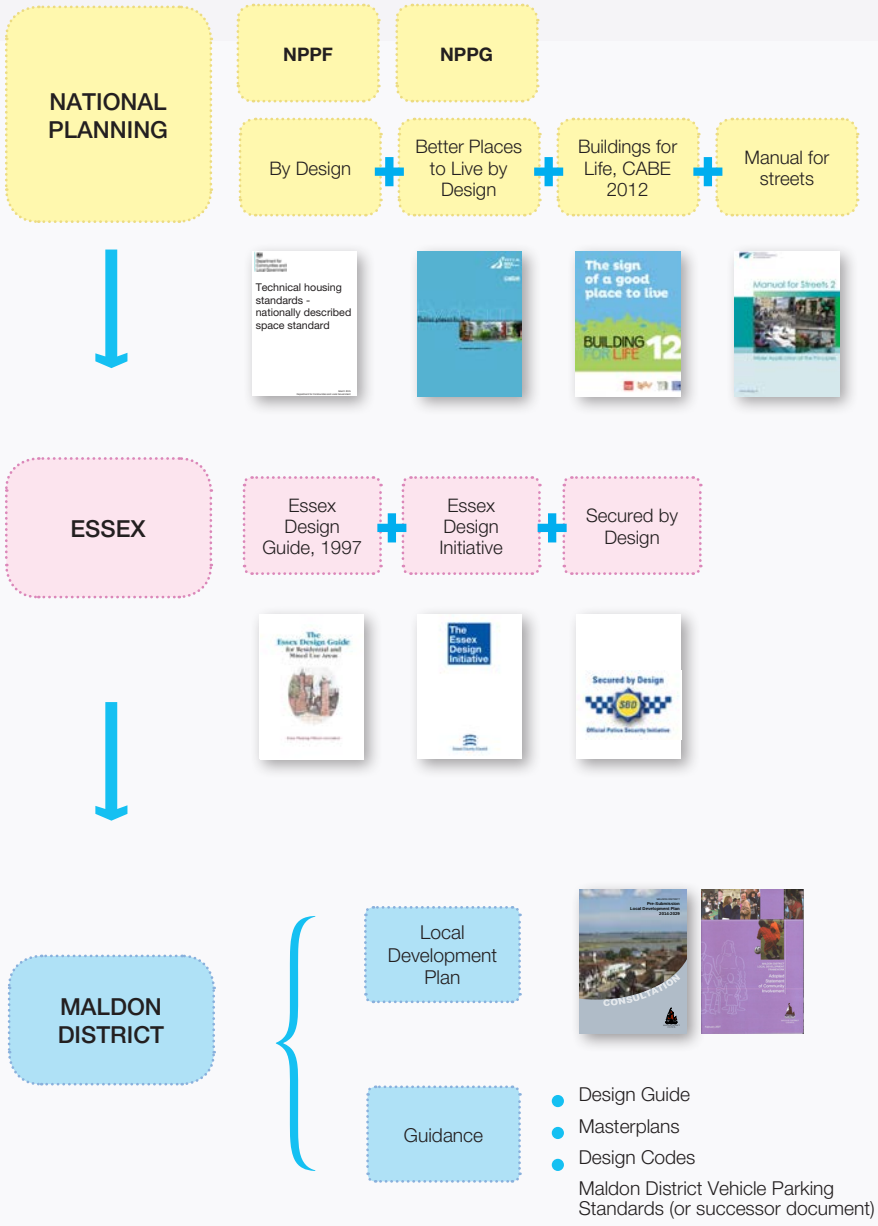
Permitted Development

In some instances, construction may be able to proceed without the need for a formal planning application / approval. This is known as 'Permitted Development' (PD) rights. They derive from general planning permission granted not by the local planning authority, but by Parliament. Details are available from the Department for Communities and Local Government website.

Even if you do not need to make a planning application, you should follow good design principles, with materials, forms and architectural detailing.

Consider Best Practice

In addition to planning policy, applicants should consider best practice in terms of sustainable design, creating better environments and the quality of the built form. Further advice is available from the Homes and Communities Agency (HCA), the Commission for Architecture and the Built Environment (CABE), English Heritage/Historic England, Landscape Institute publications.



B 02 HELPFUL POLICY AND GUIDANCE TO CONSIDER

Pre-application advice and service

Regardless of the scale of development proposed, the Council is committed to provide an effective planning service which will add value to the design quality of your scheme. Early discussion between the applicant and the planning authority will help reduce delays and potential uncertainties by identifying any issues at the earliest stage.

Design Review

The Design Review process is a well established way of improving the quality of design of developments and is recognised in the NPPF. Design South East have assembled a Design Review Panel comprising experts to offer advice to developers. Schemes can be reviewed at all stages of the planning application process, but the ideal time for a review is at Stage 2: Concept Design i.e. before the application is submitted to benefit most from the recommendations of the panel to improve schemes, and by planning officers and Council Members in the determination of planning applications.

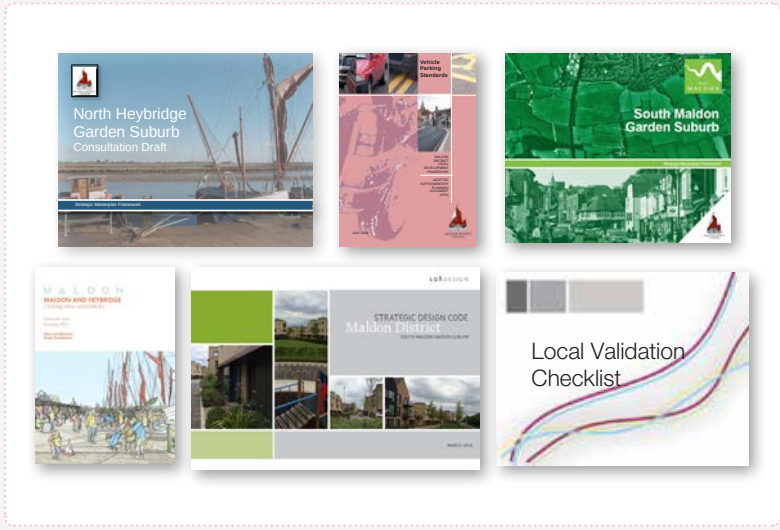
BUILT, HISTORIC AND NATURAL ENVIRONMENT



NEIGHBOURHOOD PLANS AND VILLAGE DESIGN STATEMENTS



SPDS, MASTERPLANS AND DESIGN CODES



Additional Useful Guidance:

If you require any guidance in respect of what may or may not be permitted development you should contact the Council's planning department or refer to the publication 'Permitted Development for Householders: Technical Guidance' (Department for Communities and Local Government, updated in April 2014, http://www planningportal.gov.uk/uploads/100806_PDforhouseholders_TechnicalGuidance.pdf).

Further Information

Homes and Communities Agency www.homesandcommunities.co.uk

The Commission for Architecture and the Built Environment (CABE) (http://www.designcouncil.org.uk/our-services/built-environment) and English Heritage/Historic England publications; particularly Understanding Place series and Constructive Conservation series (http://www.helm.org.uk/ guidance-library/).

Landscape Institute - https://www.landscapeinstitute.org

B 03 LANDSCAPE SETTLEMENT AND CHARACTER

The natural landscape of the District is largely shaped by the estuaries of the Blackwater and The Crouch, and the Chelmer and Blackwater rivers and valley sides together with their extensive flat and undulating alluvial plains. These have created a subtle range of landscapes which have and continue to influence the pattern of development.

The nature of the landscape is set out in detail within the Council's Landscape Character Assessment and each Landscape Character Area (LCA) represents an important consideration when preparing new development proposals. All landscape features need to be acknowledged within any new development and present opportunities to influence it in a manner unique to the location. Whilst some features may initially appear to limit new building, with careful consideration they will help shape development in a way that strengthens local character and creates high quality solutions.

Six differing landscape types are identified within the Landscape Character Assessment i.e. River Valley Landscapes, Estuarine Marsh; Drained Estuarine Marsh; Coastal Farmland landscape; and Wooded Farmland Landscapes. Each has its own distinct characteristics which affect the patterns of built settlement. A summary of the six landscape types is set out below.

LCA A: River Valley Landscapes are found around the Lower Chelmer and Blackwater river valleys. Generally they have flat or gently undulating valley floors which in part have a wooded character. In the Lower Chelmer Valley small settlements are dispersed along the valley sides or clustered around bridging points, e.g Langford.

In the Blackwater River Valley, isolated farmsteads are found on the valley slopes with linear villages centred on the roads. All the settlements are screened by deciduous trees.



Drained Estuarine Marsh Landscape



Estuarine Marsh Landscape

LCA C: The Estuarine Marsh is composed of mudflats and marsh which combine to create a flat, open landscape with a sense of remoteness and tranquillity. Generally there is an absence of trees and hedgerows and whilst there are no settlements within the area, North Farnbridge overlooks it.

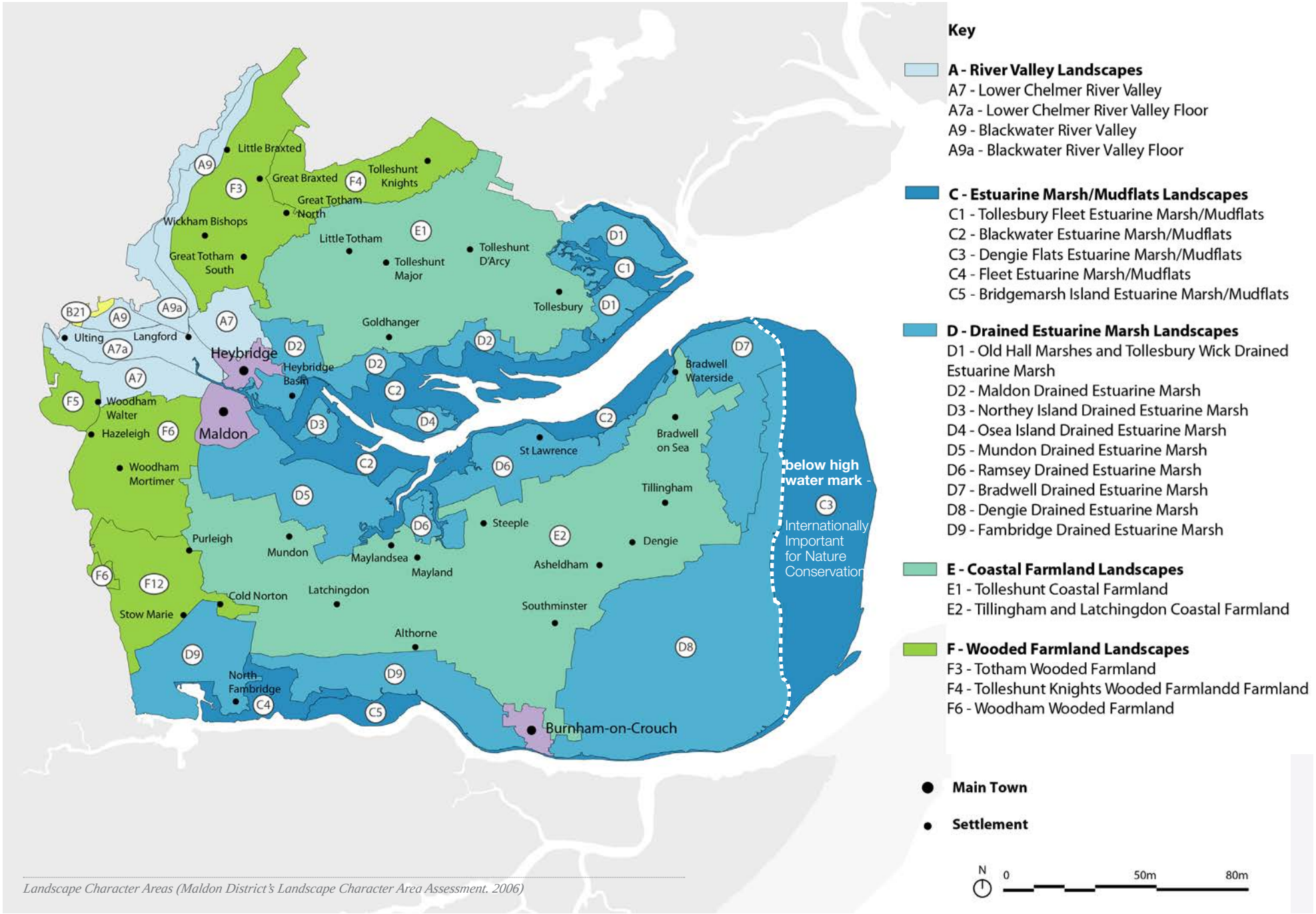
LCA D: The Drained Estuarine Marsh Landscape is one of flat former salt marsh now devoted to grassland and cultivated fields. Whilst there is an absence of trees and woodland, the drainage ditches create a distinctive pattern within the landscape. Historically, settlement has been dispersed across the area in the form of farms and agricultural buildings. The urban fringe of Maldon and the tourist attractions of Heybridge Basin create a visually more intrusive presence. As with the Estuarine Landscape, the character of the place is one of isolation and tranquillity.

LCA E: The Coastal Farmland Landscape is substantially flat and artificially drained to create agricultural land with distinctive ancient rectilinear field pattern. There is an absence of woodland and the settlement pattern is sparse. The network of rural lanes which serves the area is small in scale and sensitive to change.

LCA F: The Wooded Farmland Landscape is predominantly elevated undulating hills or ridges and slopes. It includes a mixture of arable and pasture farmland. It includes blocks of mature mixed and deciduous woodland (including areas of ancient and semi-natural woodland); copses, hedges and mature single trees, and mature field boundaries. It provides framed views to adjacent character areas. In places it has an enclosed character with network of quiet, often tree-lined narrow lanes.

+ Further information can be obtained from Maldon District's Landscape Character Area Assessment. 2006 (or successor document).

Further advice on assessing the landscape character and the visual impact of larger development can be obtained from 'An Approach to Landscape Character Assessment' by Nature England and 'Guidelines for Landscape and Visual Impact Assessment' by the Landscape Institute.



Landscape Character Areas (Maldon District's Landscape Character Area Assessment. 2006)

B 04 LOCATIONAL CHARACTERISTICS

Preparing a Character Study

The level of information in the study should be related to the scale of the development proposal. For example a proposal for large-scale urban extension, should be supported by an extensive study to consider the extension in the context of the settlement, and its movement and green infrastructure network. It should carefully consider how the development would integrate with and enhance the settlement. However, an application for infill development or a single dwelling may consider the character of the street and the neighbouring properties to inform how the development can successfully complement the streetscene.

Consider the Context

The starting point for the character study is a consideration of the wider context of the applicant's site. The application of the principles within the Guide may vary depending on the location of the site within the District. English Heritage's Place Check tool kit may assist applicants when a character study is undertaken (see Appendix 4 - How to Write a Heritage Statement).

For most major applications in the rural area or urban fringe / countryside edge a professional landscape appraisal or landscape and visual impact assessment (LVIA) will be also required.

Within the District, there are four main settlement contexts:

1. Main Towns - Burnham on Crouch, Maldon and Heybridge. Predominantly an urban context where the buildings, hierarchy and mix of uses and the public realm are the dominant features and is defined by a series of streets, squares and courts. Within the core of the town centres, the landscape takes a complementary role within this context, but adds significantly to their setting.
2. Agricultural Settlements - Althorne, Asheldham, Bradwell-on-Sea, Dengie, Hazeleigh, Langford, Latchington, Mundon, Purleigh, Southminster, Steeple, Stow Maries, Tillingham, Tolleshunt D'Arcy, Tolleshunt Knights, Tolleshunt Major, Ulting, Little Braxted and Great Braxted. Buildings are loosely clustered to define space in key locations such as around nodes, main streets and defining important spaces for example Village Green. The landscape features define the space. The Parish Church is the focal point of villages in these areas.
3. Riverside and Maritime Settlements - Bradwell Waterside, Goldhanger, Heybridge Basin, The Maylands, North Fambridge, St Lawrence and Tollesbury. In most of these villages the waterfront provides a strong feature of character and are closely linked to the open nature of the surrounding landscape.
4. Arcadian Settlements - Cold Norton, Great Totham (North and South), Little Totham, Wickam Bishops, Woodham Mortimer and Woodham Walter. Houses are generally in large plots and partially hidden from the public view nestling in mature tree cover, hedgerows and landscaping and structural planting.



Main town and setting



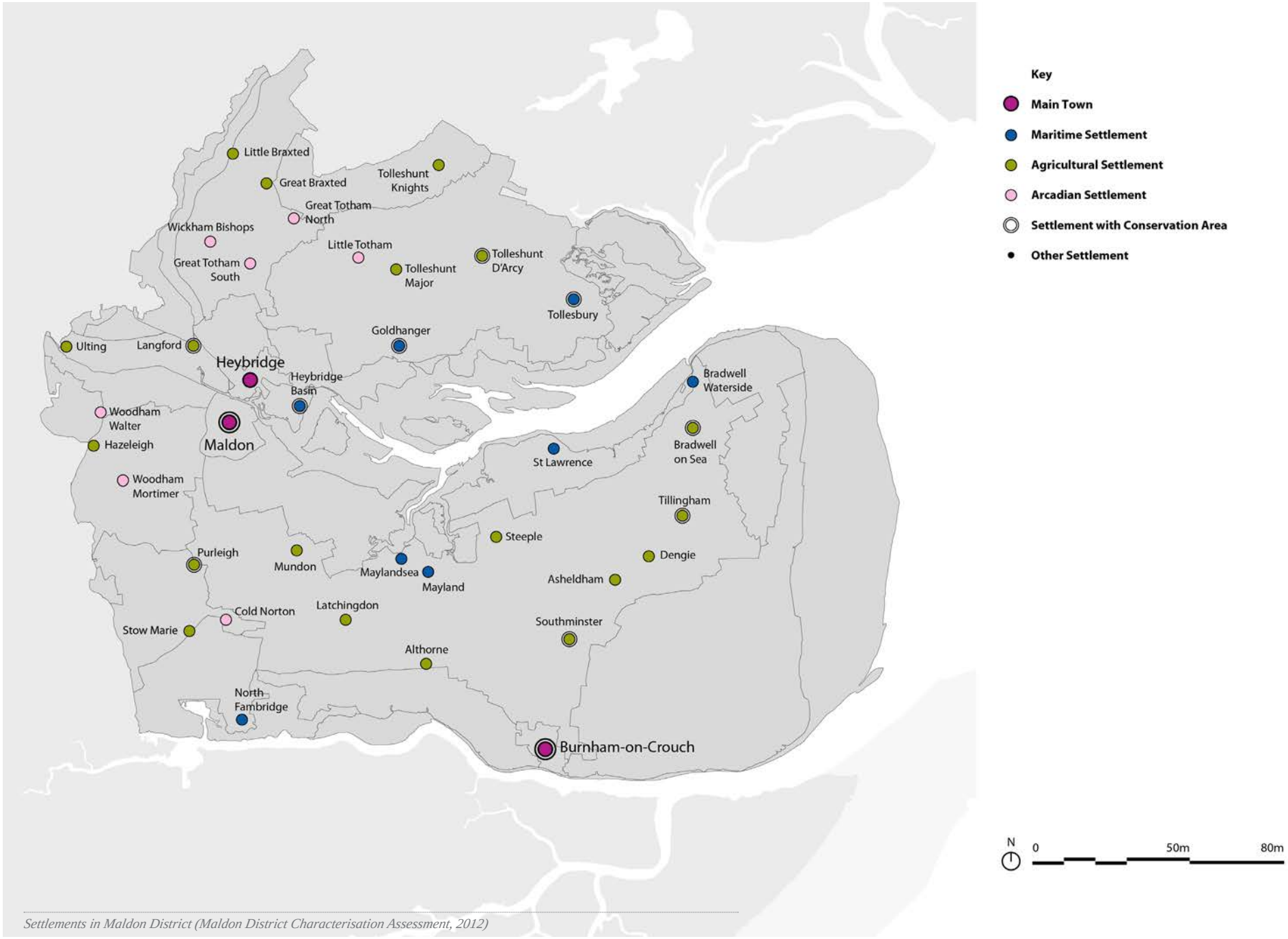
Riverside/Maritime



Rural Edge



Arcadia



Settlements in Maldon District (Maldon District Characterisation Assessment, 2012)

B 04_01 MAIN TOWNS

Unique qualities that may apply to your development

The main towns in the District are **Burnham on Crouch, Heybridge and Maldon**. These have different characteristics but are all most prominent within their established historic centres and relate to their landscape settings. The main towns are located at river / estuarine locations that have a strong influence on character and riverside setting.

A number of key factors define the quality of the built and natural environment and should be considered carefully at the start of the design process. These relate to layout and townscape, building form and massing, public realm and landscape, materials and details. Having an understanding and appreciation of the characteristics of the town and its landscape context and linking this to the exact location in the settlement, provides a good base to start the design process, regardless of how small or large the development is. Whilst town centre interventions may be smaller scale and be focused on details and materials, establishing a positive relationship with the building form and massing that defines the character of the place will be equally important.

Layout and Townscape

The character in different parts of the town is largely defined by the size of individual land ownerships. In the historic centre, the urban fabric is often a finer grain than in the rest of the town because of smaller plot sizes and fragmented land ownership. These characteristics are important, especially when planning larger developments out of the main town or on the edge of town as are topography and distant views.

The manner in which buildings front streets contributes to specific townscape qualities. Whilst most streets in the main towns have continuous frontages with breaks to accommodate only other streets and lanes, in other parts of the towns streets feel open as they accommodate more detached buildings. The townscape qualities can be defined by the ratio of building height to street width and relate to street hierarchy.

Varied rooflines in all three main towns contribute to creating a sense of scale and character. It is important in the design process to carefully consider and respond to the context and mix of existing pitches, volumes, materials and details.

Building Form and Massing

Building heights vary from 1 to 4 storeys, with variations on floor-to-floor height, depending on the use, location and age of the building.

Form and massing is most often related to topography, orientation, use and location within the town. Buildings along main streets are generally of larger scale and vertical proportions, whilst buildings on the edge of towns respond to the landscape with more fragmented and horizontal proportions and two storeys.

Roofs types relate to building footprint and use. Roofs in main towns are steeper than those on the edge of town. Roof volumes often vary within one building and make a major contribution to the character of an area.

The existing streetscape in all three main towns is characterised by variations in building height, massing, and colour. Where a larger plot is developed, the design needs to be sufficiently varied to relate to the surrounding streetscape. This can be achieved through breaking up the overall block mass into smaller buildings. Façades can also provide appropriate vertical emphasis through the fenestration and/or use of colour and material.

Public Realm and Landscape

The character of the main towns is defined by the network of spaces and routes and their treatment. For example, buildings in the town centre are often built against the street edge and frequently have no privacy strip or defensible space. Whilst the public/ private boundary is defined by soft landscape in developments on the edge of town. The provision of good quality public spaces and direct routes to facilities and services play a key role in integrating new development into the existing urban fabric.

The provision of appropriate amenity space, car parking and bin storage affects not only the quality of the development but has a direct impact on the character of the area.

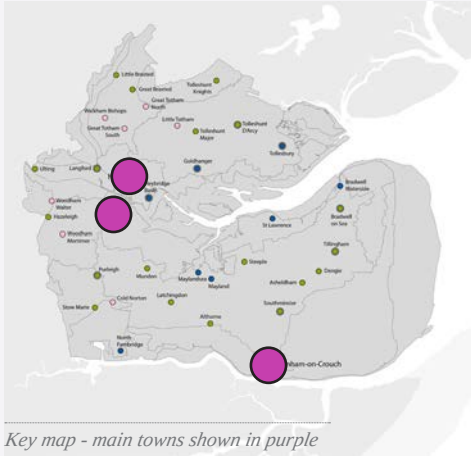
Trees, planting and SuDs are also important for the successful integration of developments into the existing urban and landscape fabric in both the main towns and on the edge of settlements.

Materials and Details

Materials and colours provide the visual link to the surrounding context and the careful selection of these is very important. Having in mind the historic context of most of the towns, the texture and weathering qualities of materials used in new developments should ideally reflect those of the traditional ones. Details highlighting verticality e.g chimneys, doors and window designs, play a key role in defining character.







Key map - main towns shown in purple

left: proportions and vertical emphasis illustration (c 1877 and 2003)

B 04_02 AGRICULTURAL SETTLEMENTS

Unique qualities that may apply to your development

The following settlements have been defined as agricultural settlements in the Maldon District Characterisation Assessment: Althorne, Asheldham, Bradwell Village, Dengie, Great Braxted, Hazeleigh, Langford, Latchington, Little Braxted, Mundon, Purleigh, Southminster, Steeple, Stow Maries, Tillingham, Tolleshunt D'Arcy, Tolleshunt Knights, Tolleshunt Major and Ulting.

All Agricultural Settlements are located above the reclaimed marshes, on clay lands in the central core of the Dengie peninsula and also grouped to the north of the Blackwater Estuary. The villages are linear or clustered in form with the majority dominated by a landmark parish church located at the heart of the settlement. At their edges landscape character influences context.

The village centre where the church is located is usually compact with buildings developed close to each other and fronting directly onto the street. Gardens to the rear of these houses are narrow and long, with some opening into farmlands. The larger settlements include more than one centre as the edges were developed in the 20th century. At the village edge the overall pattern of development is open with buildings set back from the street. Local landscape character strongly influences character at the settlement edges.

Layout and Townscape

The change between the centre and edge of village is often pronounced and identified by the point where buildings begin to dominate and enclose views, as opposed to them just fronting a street that accommodates front gardens, trees and hedges. To retain this characteristic, infill and new development should enclose and front the street in a similar manner. Where larger sites are developed on the edge or outside the village boundaries the main consideration is the sensitive rural edge where new development relates to landscape character.

Building Form and Massing

Form and massing is varied and related to topography, orientation and use. Public buildings are usually of larger scale than domestic buildings.

The variety of house sizes located in the village centre is reflected in the height with buildings of 1,1.5, 2 and 3 storeys. Where 2 storey houses dominate the townscape they have a different floor-to-floor height adopted at the time of construction. The predominant height at the edge of village is 2 floors and floor-to-floor height is more consistent.

Wide span roofs with shallower pitches dominate the edges and gabled roofs with some half hipped examples are common in the village centre. Gambrel roofs provide attic space on first or second floor and are a local characteristic.

The facades are dominated by solid walls with vertical emphasis on openings such as doors and windows. In village cores, occasional shop windows provide a good contrast.

Public Realm and Landscape

The character of the village centre is defined by a central space and narrow routes. The space relates to the church and is enclosed by continuous building frontages. Buildings in the village centre are constructed against the street edge with no front gardens. The private space in front of houses on the edge is important as it defines the public/ private boundary. Planting around the front gardens is mature and makes a significant contribution to the character as it starts to blur the edge between village and countryside.

Trees, structural planting and SuDs form important green infrastructure that successfully integrates developments on the edge and outside the village boundary into the existing urban and landscape fabric.

Native hedgerows and hedgerow trees are distinctive features at the settlement edges.

Materials and Details

Materials and colours provide the immediate visual link to the surrounding context and the careful selection of these is important. Most of the agricultural villages include painted timber, red or yellow brick and render.

Windows are flush with the wall. Dormer windows set apart from each other are seen on high pitched and gambrel roofs. Details that highlight verticality such as chimneys, doors and windows, play a key role and are important for defining character.



Typical details: weather-board, tiled gambrel roof, Bradwell-on-Sea



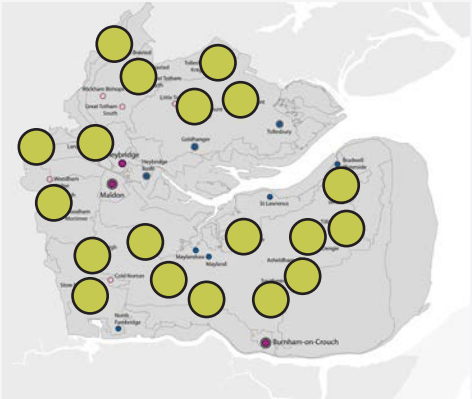
Typical details: steep plain tile roof, with weatherboard painted white. Tillingham



Red brick and weatherboard, Eveleigh House, Purleigh



Brick and window detail, Bradwell on Sea



Key map - agricultural settlements shown in yellow

B04_03 RIVERSIDE AND MARITIME SETTLEMENTS

Unique qualities that may apply to your development

The settlements defined as maritime and riverside by the Characterisation Assessment are: Bradwell Waterside, Goldhanger, Heybridge Basin, The Maylands, North Fambridge, St Lawrence and Tollesbury. These villages are located in low lands adjacent to the Blackwater Estuary and the River Crouch. The estuaries themselves are of International Importance for Nature Conservation. These settlements have developed either as ports or recreation areas and have less defined urban character but, are closely linked to the open nature of the surrounding landscapes.

Aspects of some port and riverside settlements are found on the waterfronts of both Maldon and Burnham on Crouch.

Layout and Townscape

The maritime and riverside settlements are characterised by concentrations of development along the waterfront which act as the centre of gravity. The relatively flat topography defines the regular layout of narrow streets and blocks. Plots are small and accommodate a mix of houses and boat sheds.

Houses are usually set back from the street and modest in scale with pitched roofs that are shallow in comparison to other parts of the District. Some streets are lined with trees and hedges that dominate the townscape.

Building Form and Massing

Building height is predominantly 1 or 2 storeys. Form and massing relate to topography and the open feel of the waterfront. Views and vistas influence form and massing of buildings and the domination of horizontal proportions of the facades.

Rooflines and chimneys are less dominating elements of the townscape. Whilst solid walls dominate in older buildings, windows and openings are larger and more irregular in newer developments. These architectural features play an important role to reflect light and create shadows.

Public Realm and Landscape

The relationship of public space with the waterfront and how it is accessed and framed is of critical importance to the maritime settlements. The integration of SuDs and the use of open space to alleviate flood risk are important considerations for developments in these areas.

Materials and Details

Traditionally buildings in this area were built of timber and timber remains the material that characterises the area. The facades are often finished in horizontal timber boarding which is in its natural weathered colour or painted white or black.

House Boats

The District has small groups of houseboats along the rivers and estuaries which provide a unique type of housing framing part of the District's varied character. House boats are a form of residential development similar to that of land based housing, requiring similar infrastructure such as car parking provision, access roads, refuse disposal points and where possible access to main infrastructure works. Development will be required to take into account nature conservation and the character and appearance of the area.

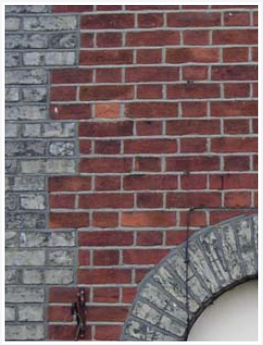


The Sail Lofts, Tollesbury





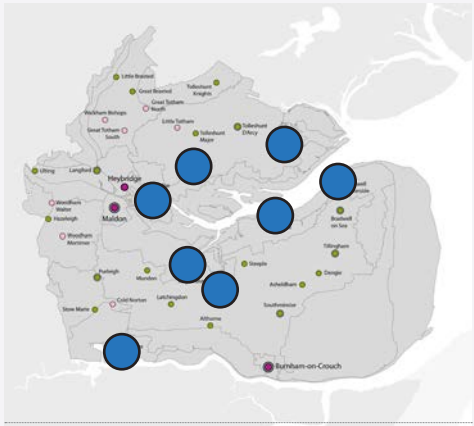
Typical details: vertical sliding timber sash windows, Heybridge Basin and weatherboarded cottage, Goldhanger



Typical details: red brick with quoins of gault brick, Heybridge Basin



Typical details: white and black weather-board, Heybridge Basin



Key map - riverside and maritime settlements shown in blue

B 04_04 ARCADIAN SETTLEMENTS

Unique qualities that may apply to your development

The following settlements have been defined as Arcadian by the Maldon District Characterisation Assessment: Cold Norton, Great Totham (North & South), Little Totham, and Wickham Bishops, Woodham Mortimer, Woodham Walter.

Although these settlements have different characteristics, they do have much in common such as their rural environment integrated by the picturesque approach to landscape design and structural planting. This approach is characteristic of the layout of parks of great country houses in the eighteenth century.

Recent years have seen an increase of infilling of spaces between houses, rebuilding of houses with a larger footprint than their relatively modest predecessors and the addition of large groups or small cul-de-sac estates to the edges of the villages. This has gradually eroded much of the original Arcadian character. Where there has been the retention of trees or structural planting, the need to create new vehicular accesses, footways and parking areas has caused the removal of soft verges and hedges resulting in the disappearance of a sense of soft enclosure and in some cases seclusion.

A number of key factors define the character of development in the settlements and should be considered carefully at the start of the design process.

Layout and Townscape

The layout of the Arcadian villages is characterised by small farmsteads, with cottages and modern houses present along rural lanes, especially in the east of the area. There are various dispersed groups of hamlets, each with its own specific but small historic core.

The size of dwellings varies with larger houses and small bungalows placed centrally in large gardens. The earlier houses still follow traditional forms and roof spans with additive compositions of wings and ranges sometimes at right angles to the main house. Plans can be varied, with no predominant arrangement of entrances or main windows.

The building of some larger houses and villas for residents emerged in the 19th century. More recently, development has seen areas of higher density housing evolve as incremental small scale developments have crept along and between the existing lanes, with new cul-de-sacs and the loss of the overall dominance of trees and soft landscape.

Building form and massing

Traditional storey heights and roof forms were present until the mid twentieth century following the precedents of pitched roofs with chimneys.

The existing streetscape is characterised by an original network of lanes, where properties are often set back behind substantial front gardens. The roadside hedges, trees, green verges and ditches were retained. Deep gardens to the side and rear were retained with planted boundaries. The density can be as low as six dwellings per hectare.

Public realm and landscape

The Arcadian character is derived mostly from the qualities of the surrounding landscape. Buildings of varied architectural style can fit into this character if they are integrated into landscape and relate to the unique environment.

The existing tree cover and vegetation, including grass verges, of a site must be retained and enhanced by new planting of native and appropriate species. Hedges or other appropriate natural boundary treatments should be used to provide enclosure to front gardens. Open plan lawns are not appropriate in the Arcadian context.

Materials and detail

The earlier vernacular houses generally have smaller windows that reflect the lower height of the internal spaces. The emphasis on openings is usually vertical, with vertical subdivisions. The Arts and Crafts movement led to a greater focus on horizontal openings.

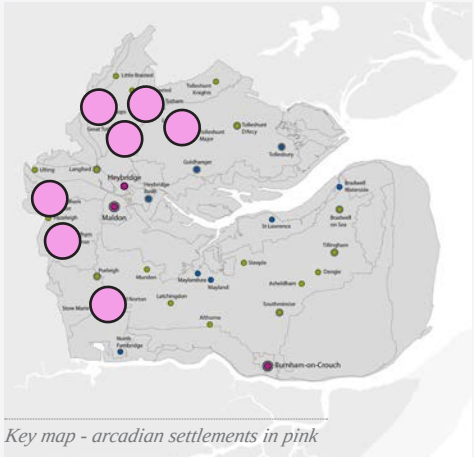
A range of local materials is found which includes: timber frame with render or weatherboard, soft red and gault bricks with imported yellow stock. The use of render with mock applied timbers is used on some of the larger individually designed houses and reinforces the Arts and Crafts and other external influences.



Woodham Mortimer



Barn Conversion, Wickham Bishop



Key map - arcadian settlements in pink

B 05 SITE APPRAISAL

Having identified planning designations relevant to the site and prepared a character study, applicants should then carry out a detailed site appraisal to consider the physical aspects of their site. This could include topography, existing drainage, natural features and access points in order to identify the key constraints and opportunities that may impact on future development.

The aim of the site appraisal is to identify, in spatial terms, those constraints that will impact on the design and the opportunities present to the site. This will inform the understanding and design approach to the site including:

- The context of the site - the building lines of adjoining properties, the size, the height and materials of any adjacent buildings should be noted. Where there are variations, these should be considered as key determinants of the form, massing and layout of the new development.
- The relationship of the site to the wider street scene and the settlement as a whole including (where appropriate) views of the site from open countryside.
- The character and significance of any existing buildings, walls and other structures already on the site. Their potential for reuse as part of the new living accommodation, for storage or garaging or as a means of tying the new buildings into their surroundings should be fully investigated.
- The contribution made by trees or other structural planting or landscape features within or adjoining the site.
- Sustainable development principles – reducing energy use and using renewable sources; choosing 'low impact' and local building materials from sustainable sources; minimising levels of waste arising from development; and prioritising the use of brownfield land.
- The impact and requirements of the Building Regulations, in particular Approved Document B (Fire Safety), Approved Document L - Conservation of Fuel and Power, and Approved Document M - Access to and Use of Buildings, upon the design of new building(s).

It is also recognised that most settlements in all the village categories and particularly within the main towns contain mid-late twentieth century developments that have a weak character. If these developments were to be redeveloped as a whole, then their redevelopment should be guided by the key characteristics and policies of the appropriate section of this Design Guide.

B 06 SITE AND SETTING SUMMARY

Make sure that a site appraisal plan is prepared that considers the wider and local context within which the development is set considering: *What are the features of the site and its surroundings? Can we use them to shape the design? How does it connect with the surroundings and integrate with the settlement?*

In particular, have you:	Tick when reviewed
• Identified all planning designations.	
• Considered the character of the site within its settlement and outlined how your design can respond to this character.	
• Prepared a detailed site appraisal and established the constraints and opportunities that apply to the site, in particular to:	
Existing networks of natural features including trees, hedgerows, watercourses, ponds, green space, meadows, arable land, habitats and Public Rights of Way (footpaths, bridleways etc).	
Any conservation or 'special' areas.	
Areas, buildings and/or structures of historical importance including man-made landmarks.	
Views into and out of the development site.	
Topography and landform.	
Land uses adjacent to the site and the effects these may have on the design or treatment of the edges of the development.	
Meets all site and setting appraisal requirements of the MDC Local Validation Check List.	

At this stage, the applicant should have a full understanding of their site and its settings. This work should inform the design proposals in terms of street layout and connectivity, land use, landscape and townscape character, use of materials, height and massing, and details in a holistic manner.

PART C: WORKING WITH THE GUIDE

C 01 STARTING THE DESIGN

How to use Part C of the Guide

Once the unique qualities that may apply to your development have been established, this part of the Guide sets out the design principles to follow. Illustrated by the diagram below, Part C is subdivided into 3 sections:

- Landscape and Public Realm,
- Building Design,
- Delivery and Maintenance.

The design principles are illustrated using indicative sketches, which capture some of the most important characteristics of the settlements across the District. The sketches are not meant to be prescriptive but illustrate how development could provide a design response.

01 CONCEPT DESIGN

Preliminary thoughts and how they respond to the assets and constraints of your site and its surroundings.

02 DESIGN DEVELOPMENT

Develop your design in response to feedback from client and stakeholders; consider movement, streetscape, open spaces, local amenities, and building design.

03 DETAILED DESIGN

Consider construction details, use of materials, and detailed layouts. Prepare planning application drawings and design report. Submit the planning application.

How to use this part of the Guide

LANDSCAPE AND PUBLIC REALM

C02 Using the site's features.
C03 Creating a network of streets, cycleways, footpaths and access arrangements.
C04 Creating enclosure and definition.
C05 Streets where everyone can meet, gather and relax.
C06 Open spaces.
C07 Residential outdoor amenity.
C08 Street furniture, lighting and public art.
C09 Waste management and utilities.
C10 Car parking.
C11 Cycle parking.

BUILDING DESIGN

C12 Layout and plot size.
C13 Density and uses.
C14 Form and massing.
C15 Corner buildings.
C16 Inclusive and accessible design.
C17 Noise and overshadowing.
C18 Facades and elevations.
C19 The building edge.
C20 Materials and details.

DELIVERY AND MAINTENANCE

C21 Future proofing.
C22 Delivering high quality development.
C23 Sense of Place Toolkit.

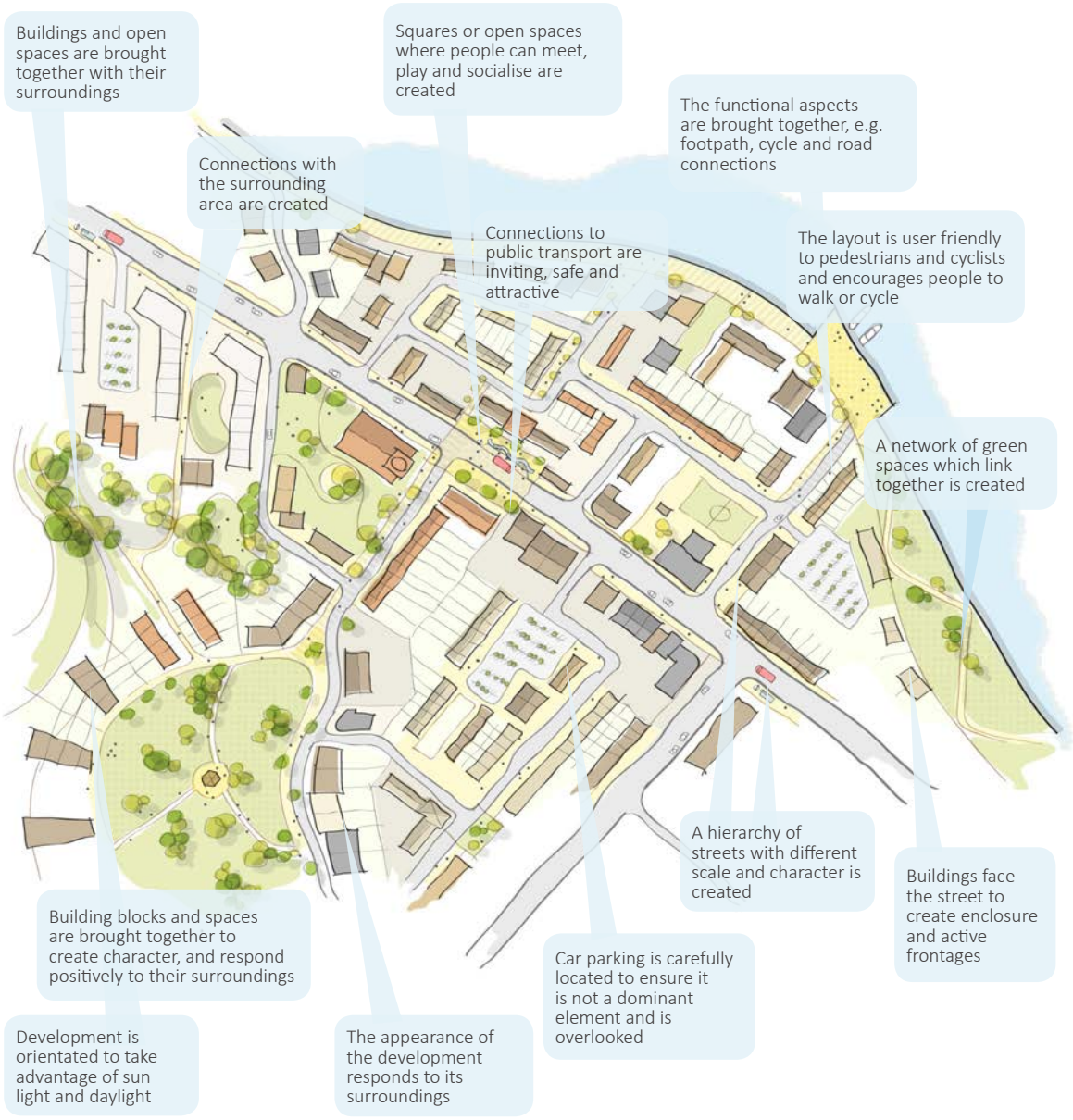
PART C: WORKING WITH THE GUIDE

C 01 STARTING THE DESIGN

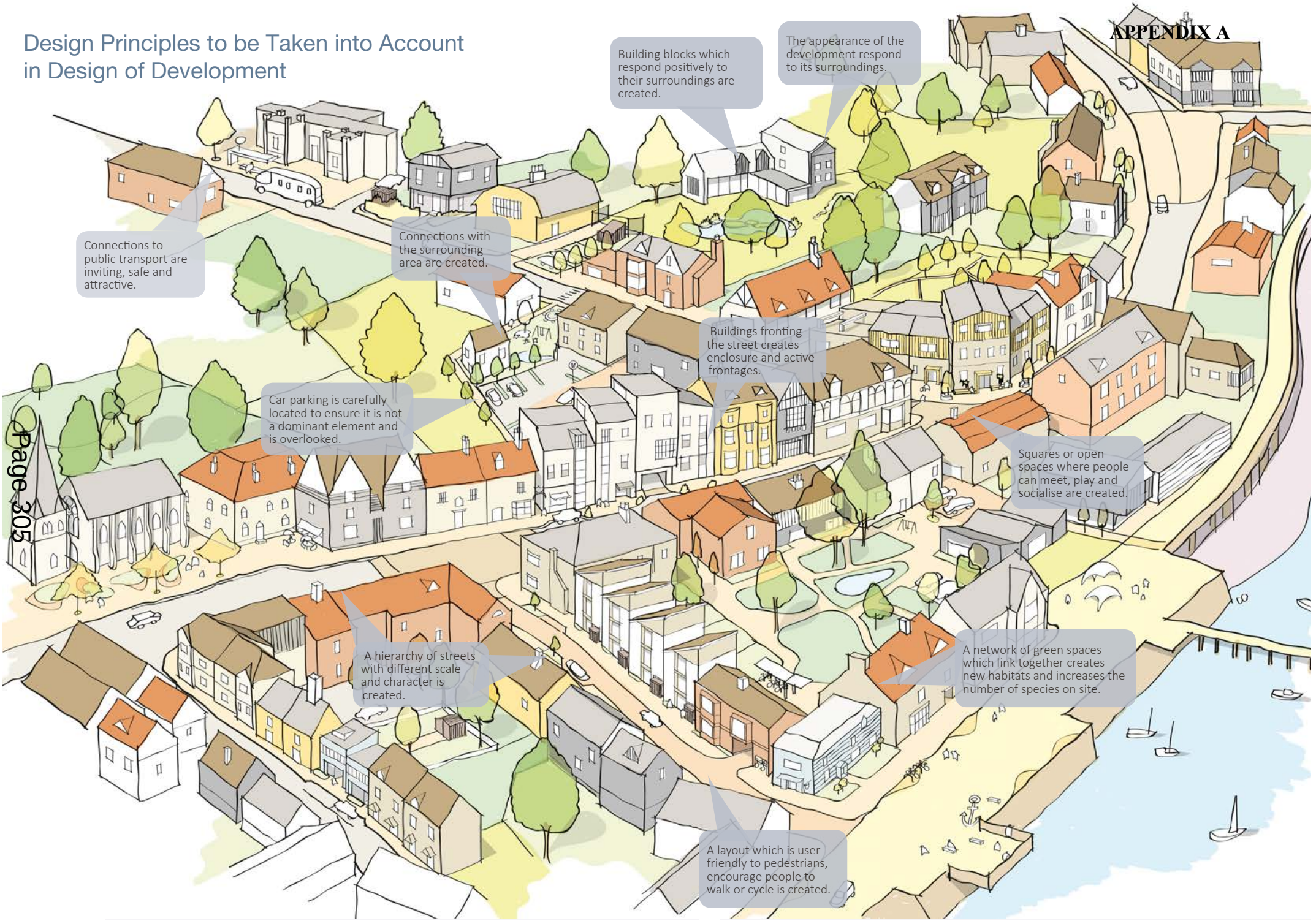
Concept Plan

The information gathered should be drawn upon to create a concept plan which responds to any significant constraints on or adjacent to the site and exploiting its opportunities.

Make sure that:	Tick when reviewed
• A vision or 'picture' of the development is established which brings buildings and open spaces together with their surroundings.	
• Environmental issues such as air quality, water consumption and quality, drainage, sewerage, energy, noise, light, waste, contamination, design and building materials - are taken into account	
• The appearance of the development responds to its surroundings, reflects the scale and character of the local area and helps strengthen the character.	
• The functional aspects are brought together, e.g. footpath, cycle and road connections.	
• Connections with the surrounding area are created and the development is integrated with its surroundings.	
• Building blocks and spaces are brought together to create character, and respond positively to their surroundings.	
• Development is orientated to take advantage of sun light and daylight.	
• The layout is user friendly to pedestrians and cyclists and encourages people to walk or cycle.	
• Buildings face the street to create enclosure and active frontages.	
• A hierarchy of streets with different scale and character is created.	
• Squares or open spaces where people can meet, play and socialise are created.	
• A network of green spaces which link together to provide green infrastructure for wildlife and people is created.	
• Car parking is carefully located to ensure it is not a dominant element and is overlooked, and various solutions are considered.	
• Connections to public transport are inviting, safe and attractive.	



Design Principles to be Taken into Account in Design of Development



LANDSCAPE AND PUBLIC REALM

C 02 USING THE SITE'S FEATURES

Landscape or Natural Features

Natural assets and physical characteristics such as watercourses, orientation, wind direction, topography, landform, geology, drainage patterns, field patterns, boundaries and vegetation cover, have had a significant influence in shaping the District's settlements. Working with these features can contribute to sustainable development and help to enhance the distinctive local character.

Make sure that the scheme:	Tick when reviewed
• Is integrated with the local landscape character	
• Uses the physical features and topography of the site to best advantage.	
• Is designed to maximise the benefits of the site's natural resources.	
• Strengthens and retains existing features of biodiversity and ecological value such as hedgerows, ditches and watercourses.	
• Has a network of green spaces which connect to the wider landscape and create new habitats to increase biodiversity value.	
• Has a joined-up network of open spaces and is located where existing and new residents are able to have easy access.	
• Incorporates SuDs as an integral part of the development.	
• Reflects natural or cultivated elements e.g. incorporating tree species/ planting characteristics of the area.	
• Uses the challenges of air quality, noise and contaminated land sources to inform orientation and location of development.	

Further guidance:

- TCA/ Wildlife Trust
- Building for Life 12
- Maldon District's Vehicle Parking Standards SPD (or successor)
- TCPA/Wildlife Trust (2012) Planning for a healthy environment - good practice guidance for green infrastructure

Townscape

Street layout, building, scale and massing, rooflines, windows and door proportions, chimneys, orientation, layout of gardens and land use, all define the townscape.

Make sure that the scheme relates to:	Tick when reviewed
• The scale, character and pattern of surrounding buildings.	
• Conservation Area and Listed Buildings requirements.	
• The existing building materials, textures and colour palettes.	
• Key views, focal points or landmarks.	
• Existing features and amenities.	
• The current highway, cycle and footpath network, including public rights of way(PRoW) and bridleways.	



Building framing the view to waterfront



Building set back to provide distant views

C 03 CREATING A NETWORK OF STREETS, CYCLEWAYS, FOOTPATHS AND ACCESS ARRANGEMENTS

Streets should be designed to feel part of the local area. It should serve many functions, not just to the circulation of traffic, but also walking, cycling, play and places for social interaction and direct connections to public transport and local facilities and services.

Make sure that:	Tick when reviewed
• The scheme has a network of streets, cycle ways and footpaths, which connect to each other and where possible provide alternative routes for all users and all modes of transport.	
• New streets have a logical order and a street hierarchy which incorporates multi-functional routes. These will be expressed by their width, built enclosure, frontage, parking arrangements, materials and street planting.	
• New streets and footways can connect to neighbouring land, which may be developed in the future.	
• Cul-de-sacs and dead ends are avoided where possible.	
• Streets, cycle ways and footpaths follow desire lines and use natural features identified at the start to create an inviting, interesting, direct and safe routes for all users.	
• Streets, cycle ways and footpaths include proposals for hard and soft landscape that reflect the characteristics of the local area.	
• All routes provide direct pedestrian and cycle links to local amenities such as shops, schools and health centres.	
• Routes are attractive to encourage cycling, walking and use of public transport.	
• Where appropriate, to consider access to PRoW and bridleways and potential for multi-user tracks and links	

Further guidance:

- Manual for Streets (DfT)
- Building for Life 12
- Maldon District Vehicle Parking Standards SPD, 2006 (or successor document)



Examples of public realm design providing easy access and movement for all users that encourages walking and cycling

C 04 CREATING ENCLOSURE AND DEFINITION

The definition and enclosure of streets and spaces relates to the height and width of buildings. The distance between buildings should be relative to the width of the street or space in front of them and the buildings on the other side.

This relationship will affect how comfortable or safe a person feels when using the street or space.

The boundaries between public and private spaces can take many forms including planting, hedges, walls and fencing. Sometimes it is appropriate to have a less physical barrier, for example the change from public space to private space could be shown by a change in materials. The choice of boundary treatment should reflect high quality treatments used in the local area.

Make sure that streets and spaces:	Tick when reviewed
• Are defined and enclosed by buildings with a human scale.	
• Are fronted by buildings that have ground floor windows from habitable rooms overlooking the street or space - known as natural surveillance.	
• Are fronted by main entrances/front doors which provide direct access to the street or space - known as an 'active frontage'.	
• Are defined by boundaries that do not limit the amount of overlooking from the adjacent buildings but clearly indicate and/or divide public space from private space.	
• Provide residents of adjacent buildings with privacy by providing a sufficient amount of private space between public and/or communal spaces and the adjacent buildings - known as 'defensible space'.	

Planting adds to the character of the streetscape and provides an efficient boundary between private and public spaces





Further guidance:

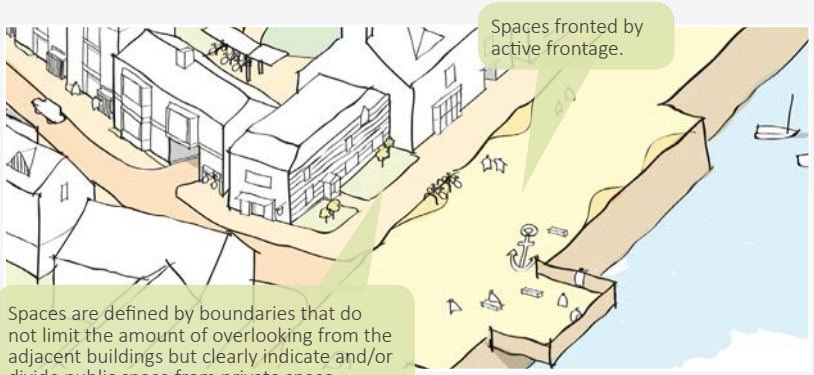
Local Development Plan - Policy S3 Placemaking

Urban Design Compendium

Building for Life 12 - Creating well defined streets and spaces







Design Principles for Creating Enclosure and Definition

C 05 STREETS WHERE EVERYONE CAN REST, GATHER AND MEET

Streets and spaces are where people rest, gather and meet. They are also often the most permanent features of the built environment. Frequently, an attractive public realm enhances people's quality of life and the perception of an attractive place.

Make sure that streets and spaces:	Tick when reviewed
• Have been designed as social places providing places for people to rest, gather and meet.	
• Encourage pedestrian movement by prioritising the needs of pedestrians, cyclists and public transport users over those of motorists. Provide continuous pavements of a sufficient size to meet the needs of all users.	
• Integrate natural methods of traffic calming within the street design.	
• Shared surfaces are used on lower order streets and/or local centres, next to public spaces, or other appropriate locations. The use of shared surfaces does not confuse the order of streets.	
• Are convenient, safe and easy for all to use, including wheelchair users. The amount of street furniture has been kept to a minimum.	
• Include trees and soft landscaping (on all street types) that reflect the order of the street. The species provided are appropriate to the environment and their location, both at the time of planting and maturity - applicants should seek advice from appropriate specialists.	

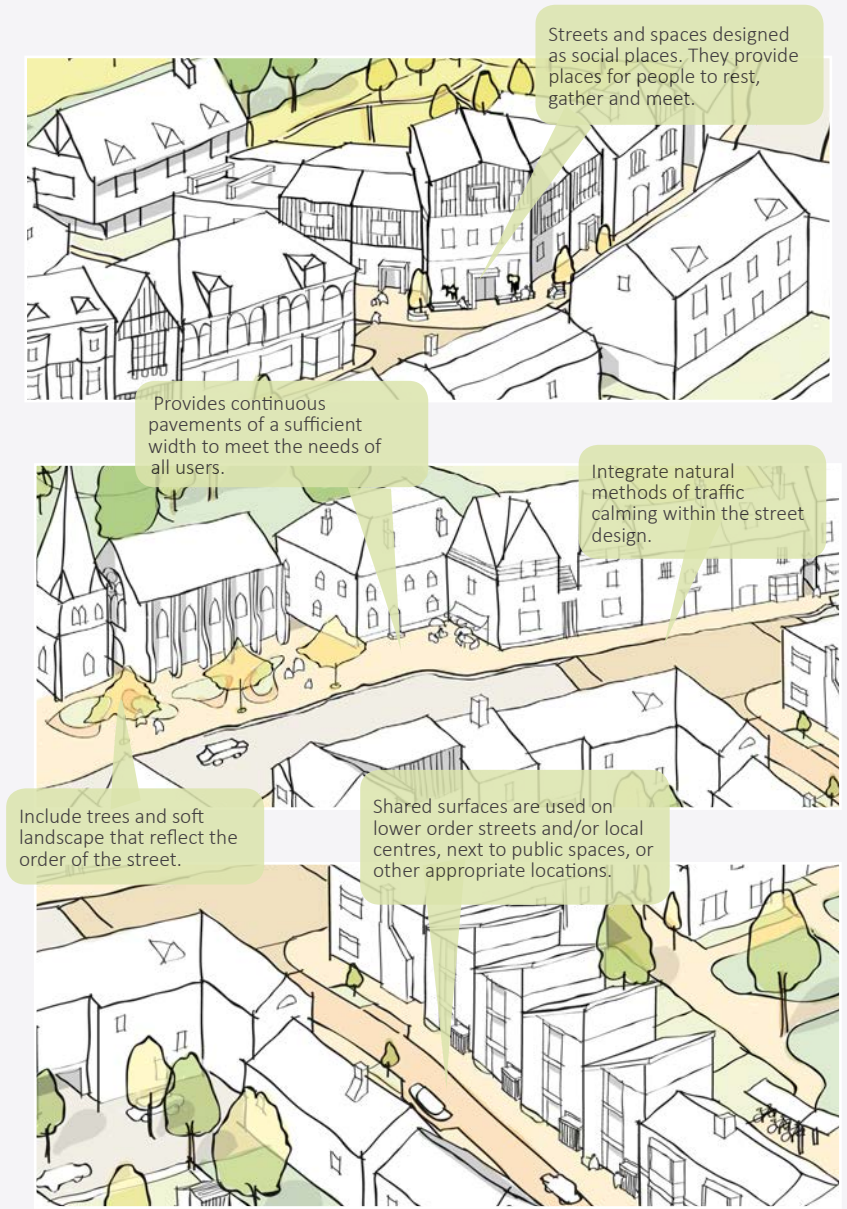






Further guidance:

- Appendix 1 - Technical Document; Landscape and Green Infrastructure
- Local Development Plan - Policy S3 Placemaking
- Manual for Streets (DfT)
- Building for Life 12 - Streets for all



Design Principles for Streets and Spaces

C 06 OPEN SPACES

All development must contribute towards improving the provision, quality and/or accessibility of local and strategic open space, sports, community and leisure facilities. This could be achieved through appropriate contribution or direct provision. Where direct provision is made open spaces should form part of an overall green infrastructure network and must make a positive contribution towards the townscape. Open spaces should be high quality and have a primary role or function to prevent them becoming unused or neglected. The local context should be reflected in the design of local open spaces, which could be achieved through the use of materials, trees, planting, lighting and street furniture.

Make sure that open space:	Tick when reviewed
• Uses the natural features identified at the start of the design process as focal points.	
• Integrates into the wider landscape of the scheme and is located so that residents can access it easily and directly.	
• Links with existing spaces to form green routes/networks.	
• Is not pushed to the edge of the scheme.	
• Is of an appropriate size, shape and layout to meet the needs of the scheme's users.	
• Is appropriately defined and enclosed by buildings with windows on the ground floor from habitable rooms overlooking it where appropriate	



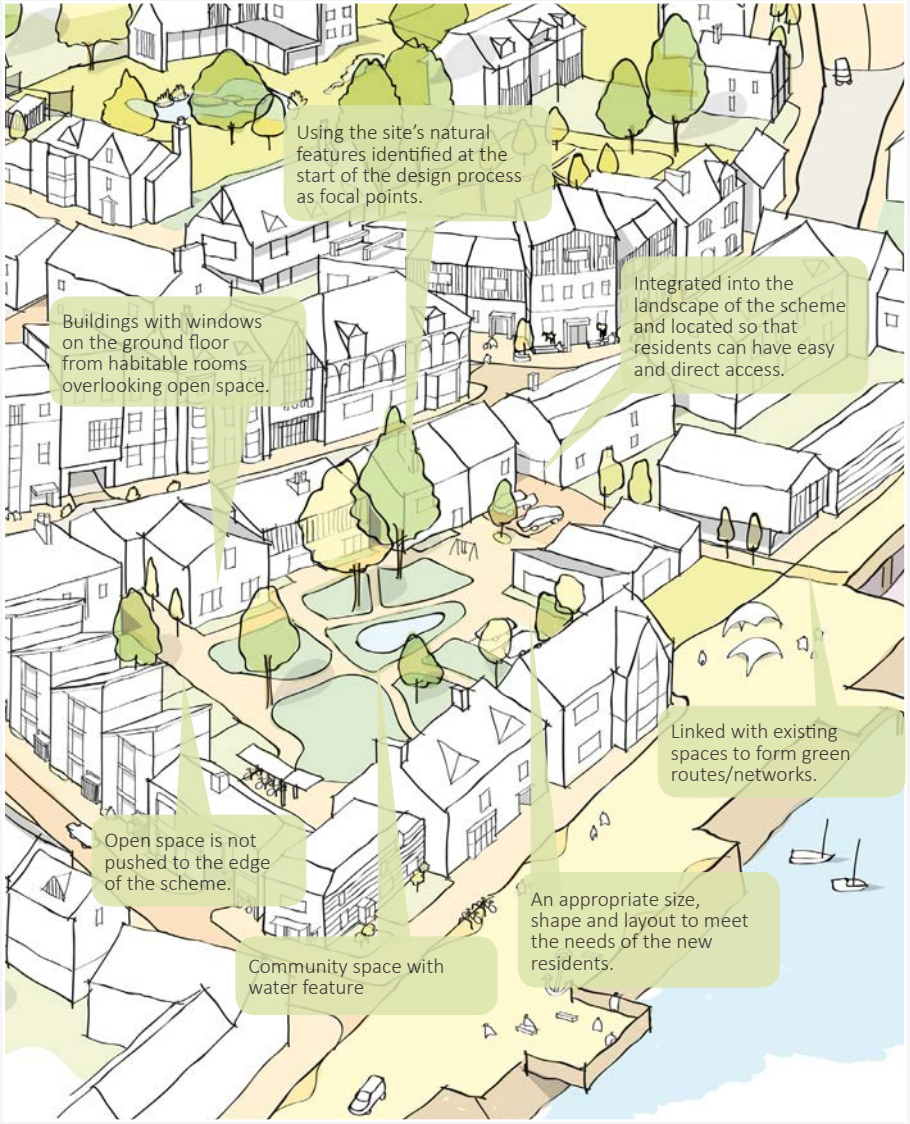
Example of community space with water feature integrated with SuDss



Example of pocket green space with playground

Further guidance:

- Local Development Plan - Policy S3 Placemaking
- Urban Design Compendium Landscape and Thriving Public Realm
- Building for Life 12 - Public and Private Spaces
- Landscape Institute (2014) Profitable Places
- Design Council (2009) - Design and Planning for Play
- Appendix 1 - Technical Documents- Landscape and Green Infrastructure



Design Principles for Open Space

C 07 RESIDENTIAL OUTDOOR AMENITY

Whether residential development is private or affordable, they should be indivisible, and should be planned around safe and usable spaces. Usable outdoor amenity could be in the form of private or communal gardens, balconies, children's play areas, allotments, or public spaces.

Depending on the scale of the development and the quality and quantity of existing provision in the wider area, it may be necessary to incorporate an element of outdoor amenity for residents into your development. Generally, provision should be made that fulfils a number of functions: hanging out washing, sitting out, having a kick around, providing habitats for wildlife and allowing water to drain naturally.

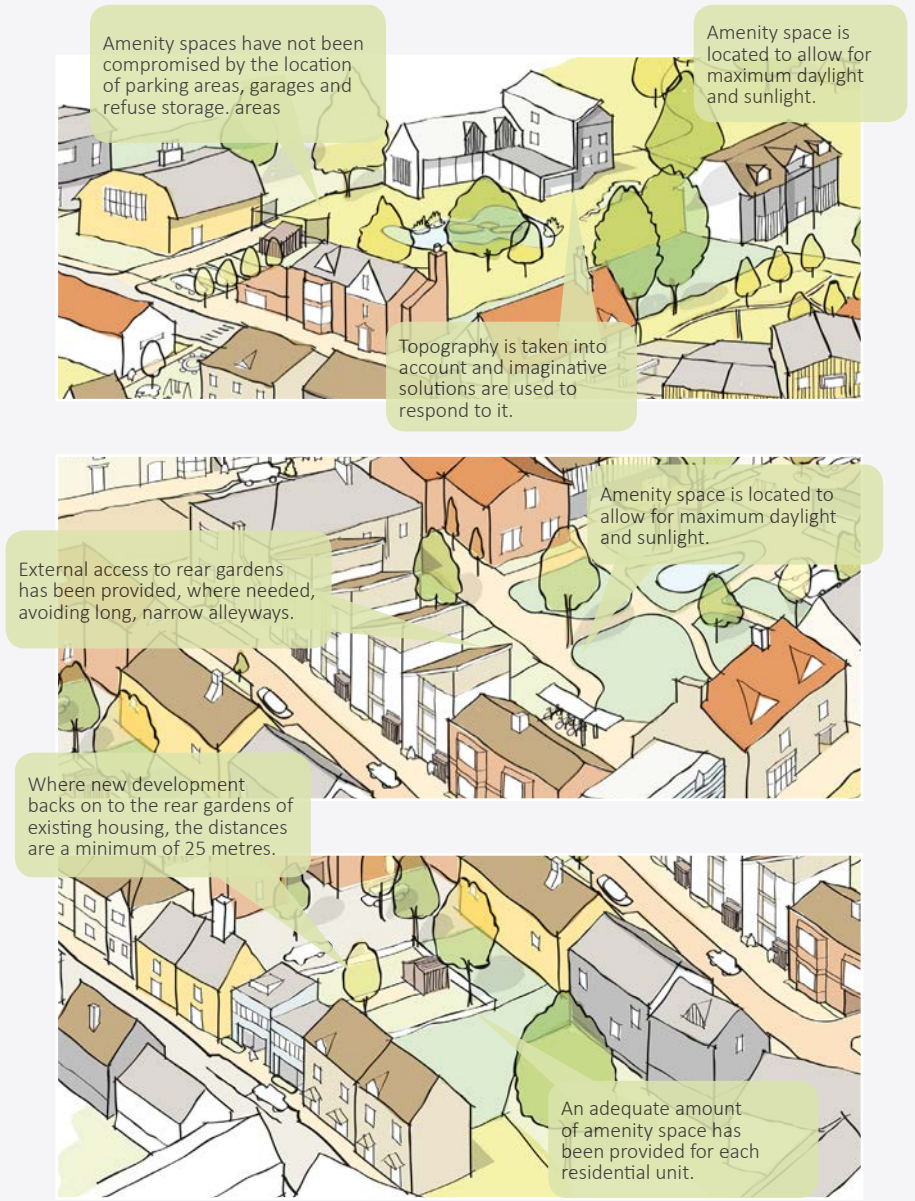
Private Amenity Space i.e. Gardens and Balconies - Private garden land is the enclosed area within a dwelling curtilage from which the public is excluded. Private gardens should contribute towards the leafy, green character of the local area. They provide a function that may not be interchangeable with the offer of public open space. Additionally, they may provide residents with the opportunity to play and grow food. Balconies must be usable, functional and practical in the same way as private gardens.

Communal Gardens and Amenity Space - In contemporary flat developments, it is essential to provide an element of communal outdoor amenity space to complement the lower levels of private outdoor space. These spaces should be safe, usable, designed to a high standard and well managed so that the space remains high quality.

Make sure that:	Tick when reviewed
• An adequate amount of amenity space has been provided for each dwelling. The overall size of the garden is in proportion with the type of dwelling and the character of the area. The minimum standards set out in the Essex Design Guide are achieved: for houses 3+ bedroom = 100 m2 per unit; 1-2 bedroom = 50 m2 per unit; for flats = 25 m2 per unit.	
• External access to rear gardens has been provided avoiding long, narrow alleyways.	
• Amenity spaces have not been compromised by the location of parking areas, garages and refuse storage areas.	
• Amenity space is located to allow for maximum daylight and sunlight.	
• Topography is taken into account and imaginative solutions are used to respond to it.	
• Where new development backs on to the rear gardens of existing housing, the distances between buildings are a minimum of 25 metres.	

Further guidance:

- Appendix 1 - Technical Documents- Noise and Air Quality



Design Principles for Residential Outdoor Amenity

C 08 STREET FURNITURE, LIGHTING AND PUBLIC ART

The design and location of street furniture should be simple, high quality, well designed, robust, and responsive to its setting. They should be considered in an integrated way into the design of the landscape. Street furniture should be restricted to essential items, and where possible functions should be combined, for example attaching signs to lamp posts, mounting street signs, or lighting on buildings.

The changes in level should be considered when designing for planting and street trees to ensure that they are integrated into the public realm to minimise the need for bollards.

Schemes with lighting that are well considered and reflective of the area are essential to the creation of safe, high quality streets and spaces.

Public art can play a significant part in the character of the public realm. It helps to create distinctive places as well as forming legible features. It can be delivered in varied forms, but should be designed for a specific location in the landscape or public realm.

Make sure that:	Tick when reviewed
• The number of elements such as light columns, sign poles, seating, is kept to a minimum. This helps to avoid clutter.	
• There is a relationship between the individual items of street furniture.	
• Where possible their functions are combined.	
• The use of bollards is kept to a minimum.	
• Lighting is used to create safe, inviting routes and spaces, but avoids over-lighting particularly in sensitive and dark rural areas.	
• Where public art is used, it is carefully integrated into the public realm and provision is made for its maintenance.	
• All elements are attractive, robust, durable and easy to maintain.	

Further guidance:

- Local Development Plan - Policy S3 Placemaking
- Manual for Streets
- Guidance for the reduction of obtrusive light (ILE)





Benches, trees and art features help guide direction and avoid the use of too many bollards



Carefully integrated lighting will create safe, attractive and usable public spaces in conjunction with the location of other furniture and planting. Light fittings should minimise light spill and excess light distribution into adjacent properties and the landscape

C 09 WASTE MANAGEMENT AND UTILITIES

The provision of waste management facilities within developments is fundamental to provide and maintain an attractive and healthy environment. In some instances, it may be more practical to provide these facilities where it would result in a better visual appearance to the streetscene rather than as a cluster.

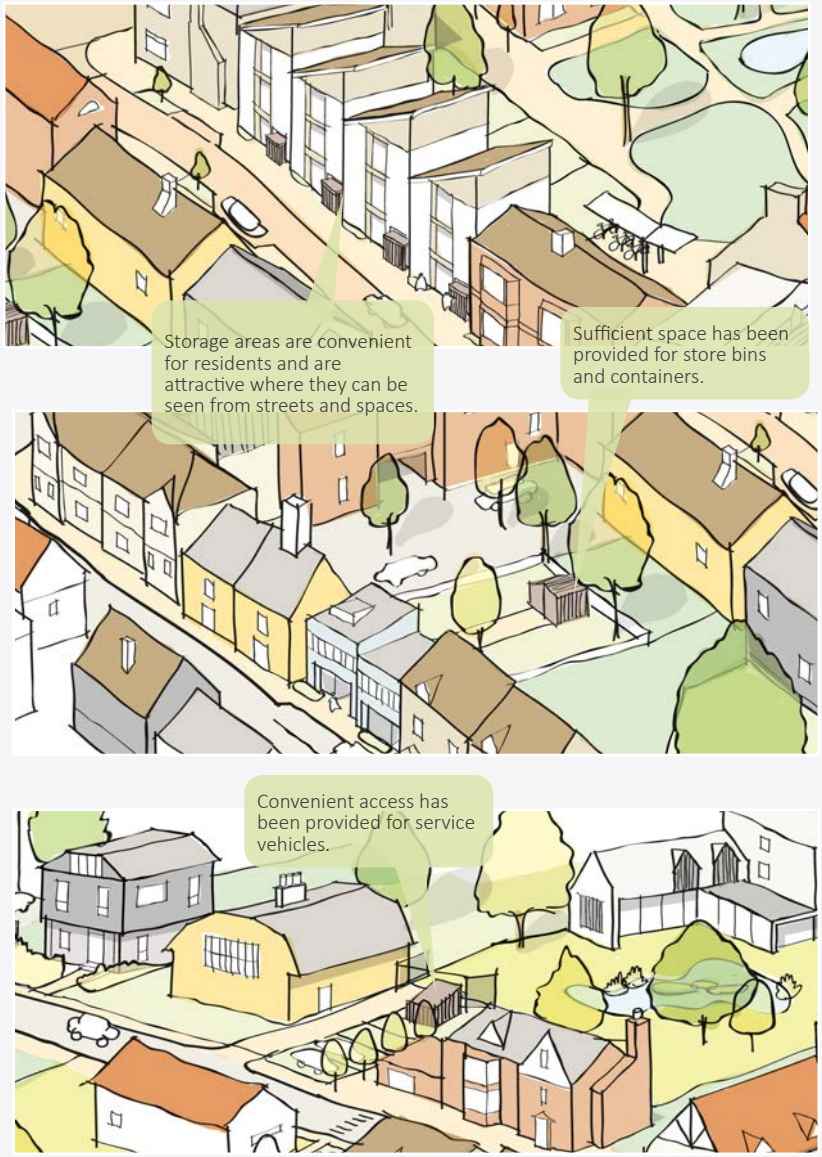
For utilities, whilst they generally run under ground, they have an impact on where trees can be planted and above ground supply boxes can be unsightly. The provision and location of utility requirements should be considered at an early stage to minimise potential conflict and reduce their impact.

Make sure that:	Tick when reviewed
• Sufficient space has been provided for store bins and containers. The storage areas are convenient for residents and are attractive where they can be seen from streets and spaces.	
• Access has been provided between bin storage areas and collection vehicle access. Long path/alley ways between rear gardens and the street have been avoided	
• Convenient access has been provided for service vehicles that avoids the need for them to frequently turn around and gives priority to through routes.	
• Utility boxes, cable runs and maintenance access points have been integrated positively into the scheme and do not conflict with landscape features, tree planting and/or the design of the public realm.	

Examples of the successful integration of covers, manholes, and other utilities within the design of public spaces will contribute to the overall impression of the quality of the public realm.







Design Principles for Waste Management and Utilities

C 10 CAR PARKING

The provision of parking is a significant design challenge in the built environment. If poorly designed it can have a significant negative impact on the appearance of streets and spaces. Car parks should include tree planting at regular intervals

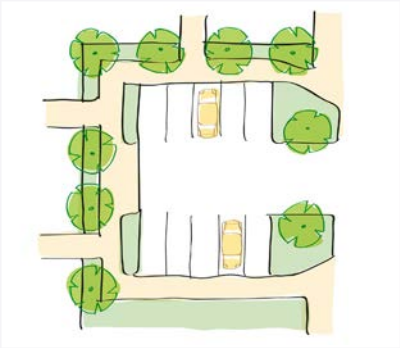
Designing streets so that they can accommodate on-street visitor parking can really benefit residents by reducing the likelihood of anti-social parking. Visitors' parking spaces are needed most where residents have a limited number of allocated parking spaces, especially where these are located in-front of properties or in rear parking courts. This could be locating visitors' parking spaces next to open spaces and local facilities, for example.

The suitability of parking solutions will vary depending on the location and nature of the proposal. For example, parking on driveways in larger developments or developments in urban locations should be avoided. However, in rural locations, parking on driveways could be an acceptable solution provided accesses are kept clear.

Make sure that:	Tick when reviewed
• All parking solutions and accommodation for trees are thoroughly considered early in the design process.	
• A variety of parking solutions are used to form part of the overall street design.	
• Adequate visitor parking spaces are located throughout the development, and are easy to recognise.	
• Garages and car ports are carefully integrated within building frontages and do not break up the enclosure or the definition of the street.	
• Rear parking courts are provided when all on-street options have been exhausted, ensuring they are small in scale and overlooked and avoid large expanse of tarmac.	
• Where practical, housing is designed to enable the installation of a domestic electric vehicle charging point to the approved industry standard.	
• Parking in front of dwellings are minimised if possible, or do not use up all front gardens, and avoid extensive areas of hard surfacing.	

Further guidance:

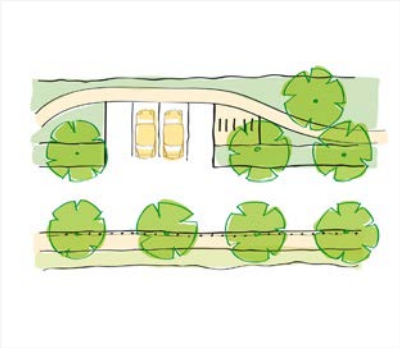
- Maldon District Vehicle Parking Standards SPD, 2006 (or successor document)
- Local Development Plan - Policy S3 Placemaking
- Trees in Hard Landscapes: A Guide for Delivery, Trees and Design Action Group, 2014



Dedicated parking within a central space



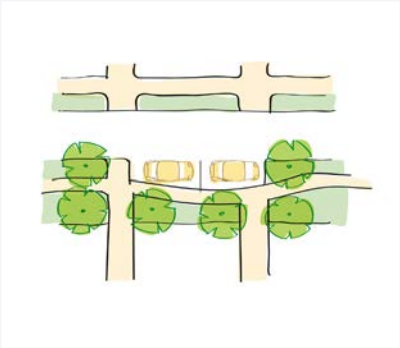
Electric charging point



Perpendicular parking



Examples of carefully integrated car parking



Parallel parking



Examples of carefully integrated car parking

C 11 CYCLE PARKING

For cycling to become an alternative to the car, bicycles must be readily accessible with secure parking.

The type of storage will depend on the nature and scale of development. If cycle storage is conveniently located i.e. close to entrances, cyclists are more encouraged to use them.

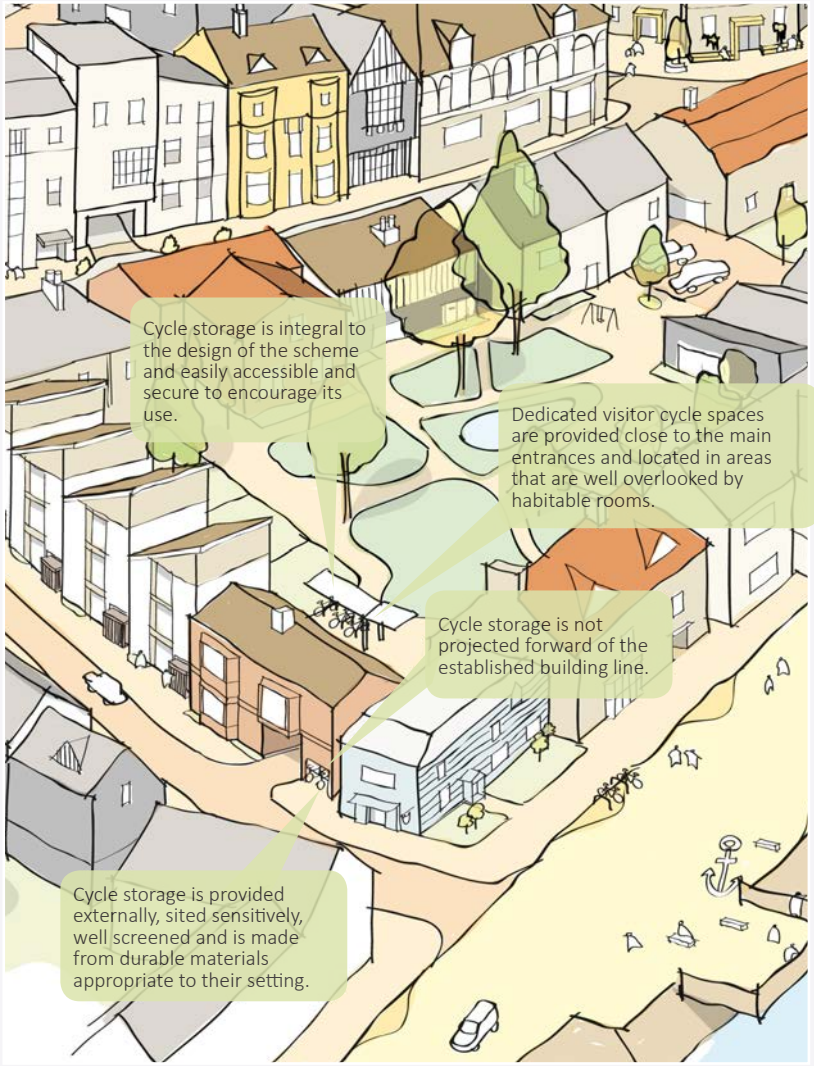
Make sure that:	Tick when reviewed
• Cycle storage is integral to the design of the scheme and easily accessible and secure to encourage its use.	
• Cycle storage is provided externally, sited sensitively, well screened and is made from durable materials appropriate to their setting.	
• Cycle storage is not projected forward of the established building line.	
• Dedicated visitor cycle spaces are provided close to the main entrances and located in areas that are well overlooked by habitable rooms. The Council will require at least 1 cycle space per 8 units for visitors.	



Examples of carefully integrated cycle parking

Further guidance:

- Maldon District Vehicle Parking Standards SPD, 2006 (or successor document)
- Local Development Plan - Policy S3 Placemaking



Design Principles for Cycle Parking

BUILDING DESIGN

C 12 LAYOUT AND PLOT SIZE

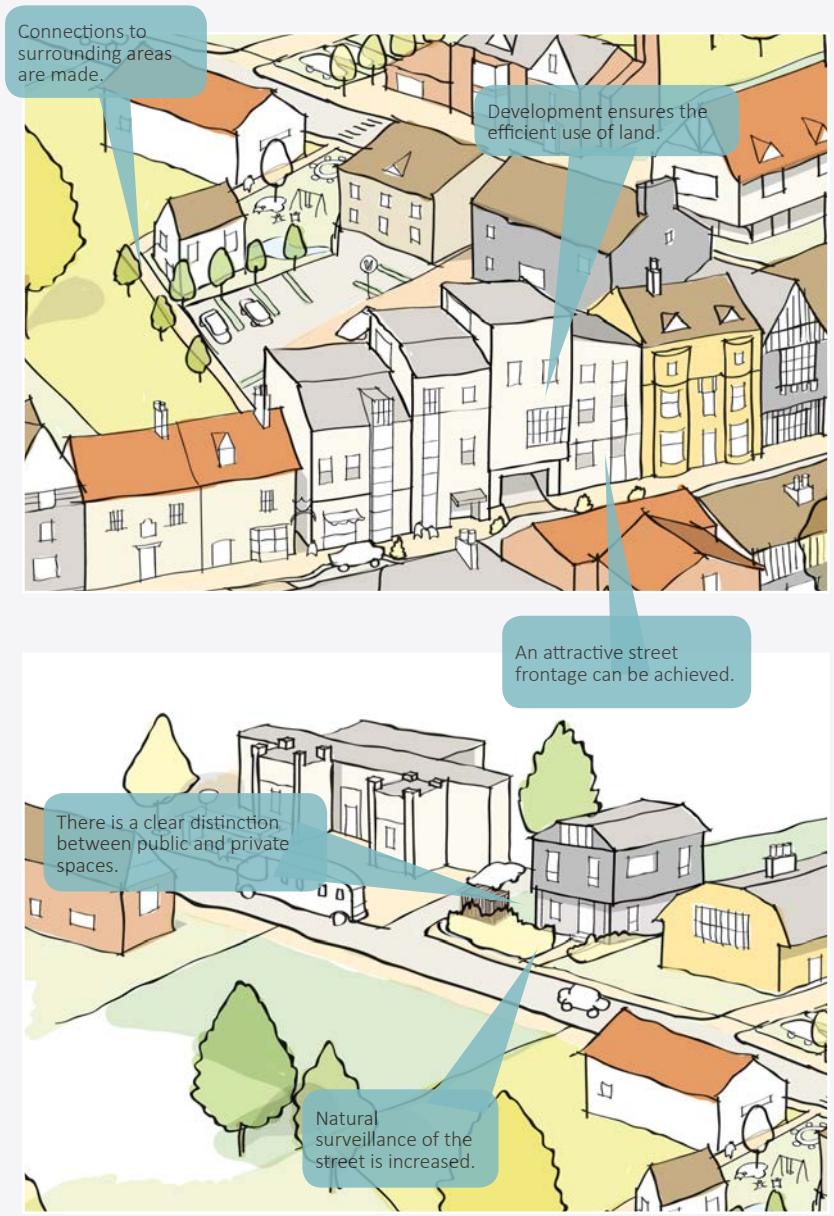
New development should respond to the existing pattern of development within a settlement, taking cues from existing block sizes, patterns of plot subdivision, and relationship between the built and non-built private space. This approach will help to integrate new development within existing settlements as a natural extension. These cues should be drawn from the Character Study carried out as part of 'Responding to the Site and Setting' and responding to planning policies in the Local Plan.

Full account of context should be taken and use of standard designs should be avoided.

Make sure that:	Tick when reviewed
• Development ensures the efficient use of land.	
• Connections to surrounding areas are made.	
• There is a clear distinction between public and private spaces.	
• Natural surveillance of the street is increased.	
• An attractive and active street frontage can be achieved.	
• Building frontage/plot width responds to context with narrower frontages located in town and neighbourhood centres and along the waterfront.	
• Block sizes are flexible and suitable for a range of uses	

Further guidance:

- Local Development Plan - Policy S3 Placemaking
- Manual for Streets (DfT)
- Building for Life 12 - Streets for all
- Appendix 1 - Technical Documents - National Space Standards



Design Principles for Layout and Plot Size

C 13 DENSITY AND USES

While it is important to ensure best use of land in an efficient and cost effective manner, density should be appropriate to the location, respond to and/or enhance the character of the existing settlement and context.

Typically, densities decreases the further from the centre of a settlement. Lower densities may be more appropriate in Agricultural or Arcadian settlements, and edge of settlement sites. However, a higher density may be more appropriate for the Main Towns, or areas where they have good access to public transport, services and facilities, in the interest of creating sustainable development.

Make sure that:	Tick when reviewed
• Density is appropriate to the location.	
• It responds to and/or enhances the character of the existing settlement.	
• A range of densities in large developments is provided.	
• Higher densities are focused around key movement nodes, along strategic routes, and within neighbourhood, local and village centres.	





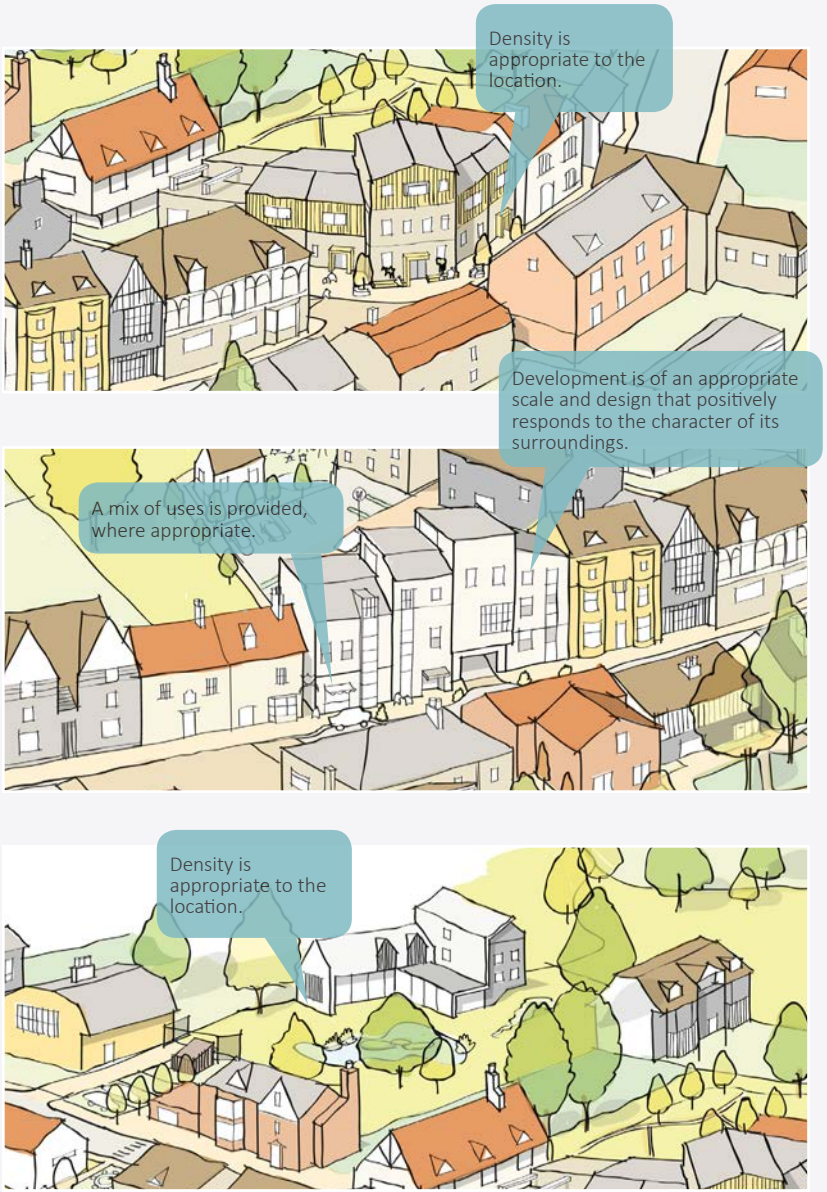


Examples of densities appropriate to the location

Further guidance:

Local Development Plan - Policy H4: Effective Use of Land, Landscape and Visual Impact Assessment (2010), Maldon District Characterisation Assessment (2006), Maldon District Historic Environment Characterisation Project (2008) and Maldon Landscape Character Assessment (2006).

Appendix 1 - Technical Documents - How to Measure Net Density.



Design Principles for Density and Uses

C 14 FORM AND MASSING

The form and massing of development can have a significant contribution to the character of an area. The majority of traditional buildings in the District either in urban or rural locations adopt a very consistent, simple form, with regular floor plans, and pitched roofs. New development should create a positive character, with its own identity that relates to the characteristics of the settlement and the opportunities or constraints for innovative design.

Make sure that:	Tick when reviewed
• Development has an identity that respects or responds to the characteristics of the settlement and opportunities/constraints identified.	
• The design of the buildings relate to the form, height and proportions of buildings in the local area.	
• The buildings adopt a simple form, including the form of the roof, using proportions that are relevant to the order or hierarchy of the street.	
• Building elevations relate to and take cues from existing well designed buildings in the local area. The arrangement of windows and openings is simple and aligned.	
• The scheme incorporates features, such as chimneys and dormer windows where they are predominant in the local area. Where included, they must form an integral part of the building function.	
• The design emphasises the character of the local area.	
• The design provides variation in form, scale and massing.	



Traditional, Chandlers Quay, Maldon



Contemporary, Salt House, St Lawrence

Further guidance:

- Building for Life - Character



Design Principles for Form and Massing

C 15 CORNER BUILDINGS

Corner sites are visually prominent and may provide an opportunity to accommodate non-residential uses to aid legibility of a place, or to contribute to its character through distinctive designs or increased building height.

Standard house types are unlikely to work on corner locations and local centres.

Make sure that:	Tick when reviewed
• Buildings have been designed to define the corner space of a block and ensure the continuity of the street/space and building frontage.	
• Corner buildings provide activity and overlooking onto both streets/ spaces by providing natural surveillance from ground floor windows on both of the facades facing the street and/or space.	
• Where garages and carports have been integrated within the frontage of the building, they do not create blank frontages to streets and spaces.	



Corner treatment

Further guidance:

- Building for Life - Creating well defined streets and spaces



Design Principles for Corner Buildings

C 16 INCLUSIVE AND ACCESSIBLE DESIGN

Inclusive design is about making places everyone can use.

Residential development must address the needs of everyone regardless of age, gender, mobility, ethnicity or circumstances especially the most vulnerable, i.e. those with pushchairs, people with disabilities and the elderly.

Inclusive design also means promoting high levels of social inclusion. A residential development that is not only functional but also aesthetically pleasing will offer good value to residents and reassure those who may be reluctant to leave their homes, i.e. the elderly.

Make sure that:	Tick when reviewed
• The needs of everyone are taken into account when designing access to and from dwellings; open spaces, and other landscape features; bin and cycle stores; parking spaces.	
• Current building regulations with respect to accessibility is complied with. These include: means of access to and into a dwelling; circulation within the entrance storey of a dwelling; accessible switches and sockets in the dwelling; WC provision on the entrance storey of a dwelling; and passenger lifts and common stairs in blocks of flats.	
• Individual dwellings are designed to be flexible, capable of adaptation to meet the changing needs of residents in the future - such as needing to adapt a home to reflect a loss of mobility, or adapting a home to allow home working.	
• Where appropriate all new dwellings are designed and built to Lifetime Home Standards and are wheelchair accessible or easily adaptable for residents who are wheelchair users.	
• Affordable housing is provided where developments provide 5 or more homes, or comprise an area of 0.5 ha or larger. The quality of affordable should be as good, if not better, than that of market housing, including how it looks aesthetically to encourage social inclusion and community cohesion.	

Further guidance:

- Building for Life - Character
- Appendix 1 - Technical Documents - National Space Standards
- Appendix 1 - Technical Documents - Designing for Older People Housing



Friary Fields, Maldon, a scheme of 32 homes for social housing was sensitively designed to sit comfortably in its historic context



Addressing the needs of everyone



Spaces everyone can use



Means of access to and into a dwelling - level access or DDA compliant ramps

C 17 NOISE AND OVERSHADOWING

Noise can be a significant source of aggravation for residents. Issues associated with noise are prevalent in locations close to external sources of noise such as railway lines and busy main roads. Busy roads can also affect air quality and the usability of outdoor areas. Careful design can help to reduce the impact of noise.

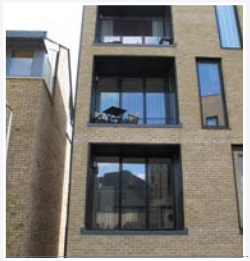
Buildings close to the boundary of neighbouring properties can increase overshadowing or loss of daylight to neighbouring properties. Habitable room windows should normally be at least 12 metres away from the flank wall of the neighbouring property.

Care should be taken to avoid areas which are permanently in shade, overshadowed by adjacent buildings.

Make sure that:	Tick when reviewed
• Buildings are orientated to that habitable rooms and amenity space do not face noise sources.	
• Design features such as recessed balconies are introduced.	
• Barriers such as garages or walls are located between noise sources and dwellings.	
• Noisy external activities such as play areas are located close to properties they serve, but far enough away to avoid noise disturbance.	
• The relationship of buildings does not cause overshadowing.	



Garages are sensitively located



Recessed balconies



Roof overhangs providing protection to glazed facade

Further guidance:

- Local Development Plan and SPDs
- Building for Life - Character
- Appendix 1 - Technical Documents - Noise and Air Quality

C 18 FACADES AND ELEVATIONS

Existing buildings within the locality should be the starting point for the consideration of facade design and elevational treatment for new buildings. Generally, this should interpret key aspects of their facade and elevations through their layout, window to wall ratio and proportions, and placement of windows and doors.

The District has a wide range of architectural styles and the arrangement of facades varies from settlement to settlement. However, building facades are generally organised with windows and doors aligned horizontally and vertically.

Make sure that:	Tick when reviewed
• An architectural approach is established and an identity has been informed by the surrounding area of building facades and elevations.	
• The relationship between the existing and the new facades and elevations are demonstrated in the Design and Access Statement.	
• Keep it simple! Align windows and doors horizontally and vertically.	



Examples of different approaches to facade design

C 19 THE BUILDING EDGE

The edge of a development and its external appearance are critical aspects for urban extensions and new development at the edge of existing settlements. At times, the edge is poorly defined by wooden fences abutting the countryside or buildings presenting hard built edges to open countryside.

Development should provide an edge which has a clear and well defined external identity. The nature of this edge will depend on the location. However, development abutting countryside should have soft edges, created with appropriate green infrastructure or structural landscaping.

Make sure that:	Tick when reviewed
• A strong building frontage is created.	
• Structural planting and boundary treatment such as: stone walls are combined.	
• Planting is used to soften the mass of the built form.	
• Entrances are clearly defined through the use of pinch points, corner or feature buildings.	
• Views to important landmarks and/or key buildings are maintained.	
• A varied skyline and roofscape is provided.	
• Back fences abutting the countryside are avoided and green infrastructure and structural landscaping is used to cerate soft edge.	



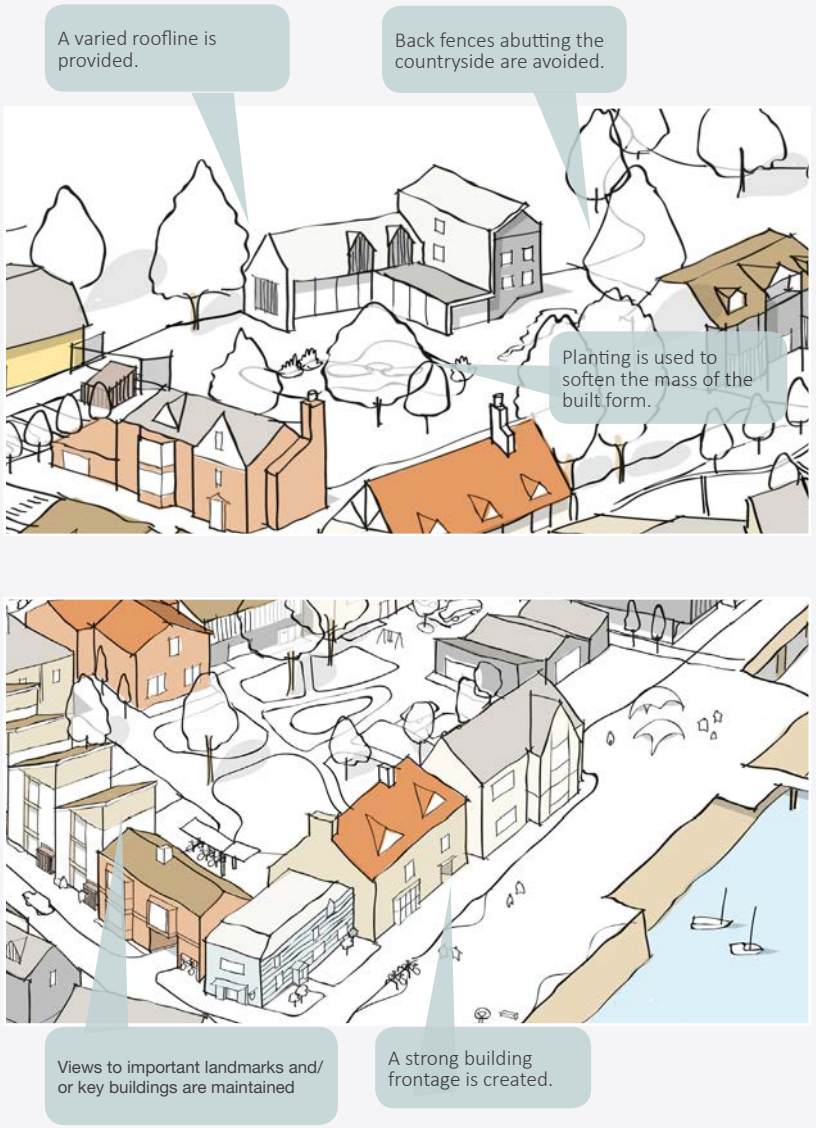




Defining edges

Further guidance:

- Appendix 1 - Technical Documents - Landscape and Green Infrastructure



Design Principles for the Building Edge

C 20 MATERIALS AND DETAILS

Whilst the architectural style varies across the District, a common characteristic of buildings is a simple palette of materials, detailing and architecture features to the design.

New development should take cues from the choice of materials and architectural features from the local context or reinterpret it, in a contemporary manner using high quality materials and detailing.

Depending where the development is, the Council has a suite of adopted guidance to inform the design for character areas within Strategic Design Codes and Strategic Masterplan Frameworks.

Make sure that:	Tick when reviewed
• A simple palette of robust, and local building materials has been proposed that relates to the to the most commonly used materials in the local area.	
• Natural and sustainable materials and reconstituted materials are considered (if reconstituted materials are of comparable quality of natural materials)	
• Architectural detailing has been added to the buildings that relate to the detailing used on buildings in the local area - helping to add richness and visual interest.	
• The paving and surfacing materials proposed for footpaths, cycle ways and vehicle highways are robust and durable for the street type proposed.	
• The materials used for on-street parking spaces relate to the materials used on the adjacent highway.	
• Shared surface areas are laid out in one consistent material used for both the highway and parking areas with parking spaces carefully defined.	
• The type of boundary treatment and materials used reinforce character.	

Further guidance:

- Building for Life - Character
- Appendix 1 - Essex Design Guide - Road Type Table
- BRE Green Guide - How to Minimise Carbon Footprint




Weatherboard - a classic building material used throughout East Anglia in particular Essex. This style has been adopted for many new houses which helps them to blend in with older buildings in the area




Classic red and decorative brick used, Later buildings of the 60s and 70s use a mix of buff and red brick with little change in course of pattern or natural colour variation




Variety of roof tiles used throughout the District, including traditional Clay Peg tiles and variations, red clay pan tile and prefabricated concrete tiles, as well as natural slate tiles






Car parking surface materials and boundary treatments

DELIVERY AND MAINTENANCE

C 21 FUTURE PROOFING

It is important to mitigate the effects of climate change in hotter and colder weather patterns but also to reduce energy consumption and consider recycling.

Make sure that:	Tick when reviewed
• Building design takes advantage of orientation.	
• Building depths are limited wherever possible to maximise natural lighting levels and natural ventilation.	
• Layouts avoid single-aspect dwellings which may cause homes to overheat if south-facing or create additional heating demands if north-facing.	
• South-facing windows maximise natural daylight.	
• North-facing facades seek to minimise large areas of glazing to prevent unnecessary heat loss in winter.	
• Shading is provided to south-facing windows to prevent overheating in the summer months, such as a deciduous tree adjacent to the property.	
• The use of green roofs are considered and are appropriate within the context of the site.	
• The use of low-embedded energy or materials that can be recycled is used, where appropriate.	
• The use of materials with high thermal mass are used where appropriate.	
• Existing and proposed green infrastructure, landscape features and SuDs are incorporated to mitigate climate change	

Further guidance:

- Building for Life - Character
- Building Regulations - Approved Document M; access to and use of buildings, Approved Document B (fire safety); Approved Document L Conservation of fuel and power.

Designing homes to reflect and adapt to changing climate represents a priority at national and local levels. The significant heritage context of Maldon District should not be in a conflict with good sustainable design and good urban design. The introduction of sustainable design and construction techniques in Conservation Areas and on/or close proximity to Listed Buildings can potentially enhance these heritage assets.

Make sure that:	Tick when reviewed
• You have checked the building is listed or in conservation area.	
• Energy efficient solutions are integrated as part of the development.	
• Any solar panels that are positioned on building surfaces are facing within 90 degrees south and not overshadowed. Ensure that the roofs are strong enough to hold the panels.	
• The design allows for system maintenance.	
• All water fittings i.e. taps and showers are specified and installed are recognised low flow technology.	
• Low or dual flush WCs are used.	
• The opportunity for rainwater harvesting or grey water recycling is maximised, where possible.	





Solar panels and rainwater harvesting

C 22 DELIVERING HIGH QUALITY DEVELOPMENT

From design through to on-site construction and maintenance, all development must be delivered to the same standard for which it was designed.

Make sure that:	Tick when reviewed
• New development considers long term maintenance and management from the outset.	
• Buildings are constructed and completed as detailed on the drawings approved.	
• A simple palette of materials is used that are durable and robust, and weather well over time.	
• Where value engineering is used, it is to resolve detailing and seeks improvements to the construction of a building. The use of Non-Material Amendment and/or Minor Material Amendment are at the discretion of the Council and will not be accepted where it is clear that a reduction in quality or material deviation from the approved plans is proposed.	
• Arrangements are in place for future management of amenity and open spaces.	



Charter House – Winner of Maldon District Conservation & Design Award 2009 for Design



Extension to historic building – Winner of Maldon District Conservation and Design Award 2011 for Design

C 23 SENSE OF PLACE TOOLKIT

Sense of Place

The Maldon District 'Sense of Place' is a vision which articulates the place and its attractiveness, and defines who the place is for, how it is special, where it has come from and where it is going in the future.

Sense of Place Toolkit

The Sense of Place Toolkit seeks to celebrate Maldon as a special and unique place and includes themes, photography, graphic languages and colour palette, all inspired and drawn from the District. The Sense of Place assets enable businesses and stakeholders to show they support and are part of the local area. The assets can be used across a range of different media, public realm materials and advertising and advertisements giving visitors and residents a sense of visual identity and influence their feeling about what it is like to be in Maldon District.



Maldon District Toolkit - Sense of Place Brand

Further guidance:

- Sense of Place Toolkit: http://www.visitmaldondistrict.co.uk/Business.aspx

Acronyms and Glossary

Accessible - When people are able to move around an area and reach places and facilities, including the elderly and disabled, those with young children and those encumbered with luggage or shopping.

Active Frontage – The interface between buildings and streets is characterised by multiple entrances and windows, which allows interaction between public realm and the premises facing the street.

Adaptability - The ability of a building to respond to changing social, technological, economic and market conditions.

Affordable Housing – Social rented, affordable rent and intermediate housing, provided to eligible households whose needs are not met by the market.

Agricultural (Settlements) – Located above the reclaimed marshes, on clay lands in the central core of the Dengie peninsular and also in a group to the north of the Blackwater estuary.

Arcadian (Settlements) – Unusual for their dispersed pattern and without a core street or green at their heart. Group on the highest contours of the district.

Article 4 Direction – A legal mechanism which withdraws deemed planning permission granted by the General Permitted Development Order.

Backland and Infill Development – Backland development refers to the development of land to the rear of existing buildings including garden land, whilst infill development refers to sites on the street frontage between existing buildings.

Biodiversity - a diverse range of species and the complex ecosystems they make up.

Blocks - A form of development where the perimeter is defined by streets.

Building Blocks – The whole or any part of any structure or erection and bounded by a set of streets.

Building Line – The line defined by the frontages of buildings along a street or road.

Built Environment – Buildings, roads, parks, and all other improvements constructed by people that form the physical character of a community.

Built Form – Buildings and Structures.

Character – The appearance of any urban or rural location in terms of its landscape or the layout of streets and open space, often giving places their own distinct identity

Communal Gardens - private open space shared by a number of households.

Community – a general term referring to the people living in a locality or the locality itself.

Conservation Area – A Conservation Area is an area of special architectural or historic interest, with a character or appearance, which is considered to be desirable to preserve or enhance.

Context – The setting of a site or area, including factors such as land uses, built and natural environment, and social and physical characteristics.

Cul-de-sac – A street that does not connect to others; a dead-end.

Defensible Space – A space in front of a building which indicates a change from public to private ownership. This can be expressed in different ways and vary in size. e.g garden, porch, railings etc.

Density – The mass or floor space of a building or buildings in relation to an area of land. It can be expressed in terms of plot ratio (for commercial development); homes or habitable rooms per hectare (for residential development); site coverage plus the number of floors or a maximum building height.

Design and Access Statements – are short reports which accompany and support planning applications where required, to outline design principles and concepts that have been applied to a proposal in relation to layout, scale, landscaping, and overall appearance.

Design Principle – An expression of one of the basic design ideas at the heart of an urban design framework, design guide, development brief or a development.

Desire line – A line of movement linking facilities or places, which would form a convenient and direct route for pedestrians and cyclists.

Diversity – A place with variety and choice to respond local needs.

Dormer Window - a vertical window with a roof of its own, positioned, at least in part, within the slope of the roof.

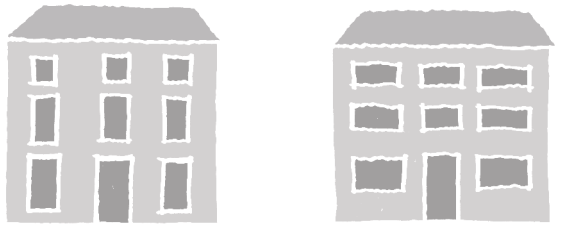
Eaves - the point where the lowest point of a roof slope, or a flat roof meets the outside wall.

Ecological - relating to, or concerned with, the relation of living organisms to one another and to their physical surroundings.

Edge of Village – Fringes of the villages, a location within certain metres of the village core boundary. Local circumstances should be taken into account in determining whether a site falls within the definition of edge of village.

Elevation – An external face of a building, or the height of a site above sea level.

Emphasis - where building elements highlight the vertical or horizontal nature of buildings which makes them look taller or wider.



Vertical Emphasis Horizontal Emphasis

Acronyms and Glossary

Environment – Consists of all, or any, of the following media, namely, the air, water and land.

Enclosure – The arrangement of buildings, walls, trees to provide different levels of space.

Façade – The external face of a building or group of buildings that face the public realm.

Fenestration – The placement of windows on the exterior of a building.

Form – The physical appearance of a development i.e. its 3 dimensional shape.

Formal Play Spaces – Area marked and laid out for formal active recreational activities. This includes sports pitches or athletic tracks.

Functional – Designed to be practical and useful rather than attractive.

Gable - the vertical part of the end wall of a building contained within the roof slope, usually triangular but can be any 'roof' shape.

Gated Developments - developments that are totally secured from non residents entering by secure controlled access gates.

Garden Suburbs - Large scale development planned in a holistic and comprehensive way, including extensions to existing settlements. Development of this nature is based on the 'garden city' principles which in effect aim to improve quality of life by providing high quality design; infrastructure appropriate for the needs of the society such as public transport, public services, education and health facilities as well as community facilities and provision of green spaces, gardens, open spaces and landscaped areas integral to their design.

Grain – the general shape and direction of building footprints.

Green Infrastructure Network - a network of high quality green spaces and other environmental features such as parks, public open spaces, playing fields, sports pitches, woodlands, and allotments. The provision of Green Infrastructure can provide social, economic and environmental benefits close to where people live and work.

Habitable Room - any room used or intended to be used for sleeping, living, or cooking and eating purposes. Enclosed spaces such as bath or toilet facilities, service rooms, corridors, laundries, hallways, utility rooms or similar spaces are excluded from this definition.

Hard Standing - an area of hard core surface, which is usually used for the parking or manoeuvring of vehicles.

Heritage Assets - A range of geographical components of the historic environment which have been positively identified as having a degree of significance meriting consideration in planning decisions. These include listed buildings; old buildings that are not listed but still have local historical importance; scheduled monuments; war memorials; historic wreck sites; parks; historic gardens; conservation areas, archaeological sites and so on.

Hierarchy – A logical sequence of spaces, streets or building forms, increasing or decreasing in size or density throughout a development.

Historic Environment - All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.

Inclusive – ensuring that buildings and their surrounding spaces can be accessed and used by everyone.

Informal Play Spaces – area not specifically marked and laid out for formal active recreational activities. This includes casual or informal playing space within housing estates, safe shared space such as play streets, outdoor equipped play areas for children of all.

Interest – something that brings advantages to or affects someone or something.

Landform – May refer to layout, scale, appearance and landscape.

Landmark – A building or structure that stands out from surrounding buildings.

Landscape – The appearance of land, including its shape, form, colours and elements, the way these (including those of streets) components combine in a way that is distinctive to particular localities, and the way they are perceived.

Landscape Character Assessment - An assessment to identify different landscape areas which have a distinct character based on a recognisable pattern of elements, including combinations of geology, land-form, soils, vegetation, land use and human settlement.

Language – The system of communication. Sometimes it may be used to show how an object (building) presents itself in relation to its surroundings.

Layout – The arrangement of buildings, streets, and spaces in a development.

LCA - Landscape Character Area

Legibility - The degree to which a place can be easily comprehended by its users so that navigation through that space is easily achieved.

Lifetime Homes - new homes which conform to Lifetime Homes standards thereby catering for various occupants and their needs. Lifetime Homes standards apply to external and internal features of buildings.

Listed Buildings – A building of special architectural or historic interest. Listed buildings are graded I, II* or II with grade I being the highest. Listing includes the interior as well as the exterior of the building, and any buildings or permanent structures (e.g wells within its curtilage). Demolition, in whole or in part of a listed building or any works of alteration or extension that would affect the character of the building will require a Listed Building Consent.

Listed Building Consent - an approval required before any alteration or whole or partial demolition of a listed building is undertaken.

Local Authority - is a generic term for any level of local government in the UK.

Local Character – See 'Character'.

Local Development Plan (LDP) - The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community and stakeholders. Once adopted the Local Development Plan will legally form part of the Development Plan for the District, superseding the Replacement Local Plan (2005).

Maritime / Riverside (Settlements) – Abut the Blackwater estuary and the River Crouch. Low-lying, usually protected by sea walls, and with waterfront as the heart.

Massing – The volume of a building or group of buildings.

Movement - The passage of people and vehicles through buildings, places and spaces.

National Planning Policy Framework (NPPF) - Sets out the Government's planning policies for England, and provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflects the needs and priorities of their communities.

Neighbourhood Plan – A plan prepared by a Parish Council or Neighbourhood Forum for a particular neighbourhood area.

NPPG - National Planning Practice Guidance

Open Space - All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

Order of streets – See 'Street Hierarchy'.

Passive (open space) – See 'Informal play space'.

Permeability - The degree to which a residential development can be penetrated by foot, cycle and vehicle and the connectivity of the development to adjacent developments.

Permitted Development - Development that is deemed to be permitted without the requirement to submit a formal planning application. Development is usually small scale.

Photovoltaic - The direct conversion of solar radiation into electricity by the interaction of light with electrons in a semiconductor device or cell

Place – An area, town or building.

Planning obligation - A legally enforceable obligation entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal.

Plot - the area contained within the boundary of one dwelling or a group of linked dwellings, such as a block of flats or a sheltered housing complex.

Proportion – See 'Scale'.

Public Art – Permanent or temporary physical works of art visible to the general public, whether part of a building or free-standing. For example, sculpture, lighting effects, street furniture, paving, railings and signs.

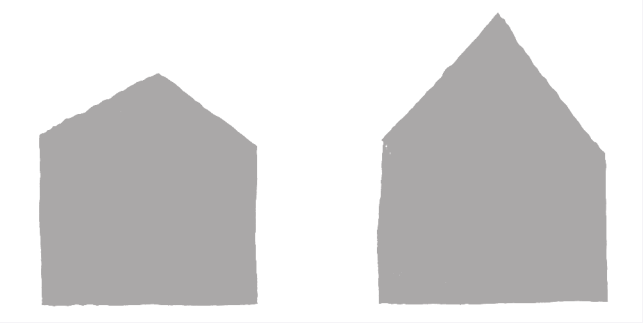
Public Realm - The spaces between buildings accessible to the public; including the highway, green areas, squares etc.

Robust - Functions well in a wide range of, often unanticipated, future scenarios by being able to accommodate modification and adaptation.

Private Amenity Space – are small spaces of land which can be found in and around residential areas. They provide opportunities for informal recreation and enhance the quality of residential areas.

PROW - Public Rights of Way

Roof Pitch - The angle of the roof



Slack Pitch Steep Pitch

Rhythm – Repetition or alternation of elements or architectural features like columns, chimneys, windows and doors with defined intervals between them. It can create a sense of movement and establish a pattern and texture.

Scale – The impression of a building when seen in relation to its surroundings, or the size of parts of a building or its details, particularly as experienced in relation to the size of a person.

Set-back - the distance of a building alignment from the front property boundary or street frontage.

Sense of place - A property of space with strong identity and character that is deeply felt by local inhabitants and visitors.

Shared Surface - is where all users of a street share one uniform surface with virtually no delineation in height, surface materials, or road markings.

Spatial Context - The relationships or interactions that exist between uses, services and facilities within a specified area.

Social Exclusion - term for what can happen when people or areas suffer from a combination of linked problems, such as unemployment, poor skills, low incomes, poor housing, high crime environments, bad health and family breakdown.

Social Interaction – The connections between people and places.

Spaces – Includes not just land, but also areas of water.

'Special' Areas – Special Area of Conservation (SACS) are a selection of very important SSSIs that entered in the Register of European Sites as part of the Natura 2000 network. SACs are established to protect wild birds under the Birds Directive.

SSSI - Site of Special Scientific Interest

Street Furniture – Structure in a street or space, for example, bus shelters, light columns, signs, seating and litter bins.

Street Hierarchy – The structure of street or footways that connect in the local area and at wider scales.

Streetscape - The character and appearance of the street environment.

Structural Planting - evergreen and deciduous shrubs, trees or other planing that retains its form and shape throughout the year.

Supplementary Planning Documents (SPD) - Documents which add further detail to the policies in the Local Development Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

Sustainable Development – Development that meets the economic, environmental and community needs of the present, without compromising the ability of future generations to meet their own needs.

Sustainable Transport - Efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport.

SuDs - Sustainable Urban Drainage Systems. Schemes for handling surface water by means other than pipes and storm drains, such as porous paving, swales, channels, reed beds and balancing ponds, to reduce the potential of flooding and improve water quality on new and existing urban development.

Tenure Blind - the delivery of housing whereby both market housing and affordable housing are designed to be as visually similar as possible as a way of reducing inequalities or the feeling of inequality that may exist between residents.

Topography – A description (or visual representation on a map) of the shape of the land, for example, contours or change in the height of land above sea level.

Townscape – The general appearance of a built-up area, for example a street, a town or city.

Urban Design - The process of making places, incorporating the design of buildings, spaces and details.

Urban Grain - The pattern of development in a settlement.

Vegetation – Plants in general or the plants that are found in a particular area.

Village core – Usually clusters around one or more road junctions with development spread along the road frontages.

Vision – the ideas for the future of an area. It can be developed through a local development plan and to refer to the aims, objectives and aspirations of stakeholders.

Wheelchair Housing - affordable and private housing that is designed to be wheelchair accessible.

A1 APPENDIX 1 - Technical Documents

Planning and Noise, Maldon DC, February 2017

Assessing Air Quality and Emissions Impacts from Development, Maldon DC, February 2017

Designing for Older Persons Housing, Maldon DC, February 2017

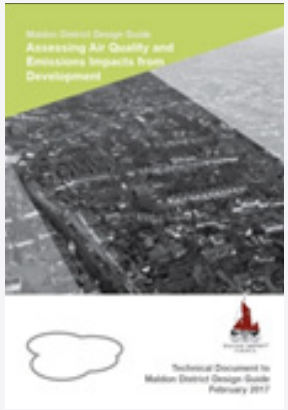
Landscape and Green Infrastructure (including Open Space, Sport and Play Facilities, Biodiversity and Trees)

Technical Housing Standards – *Nationally Described Space Standard*, DCLG, March 2015

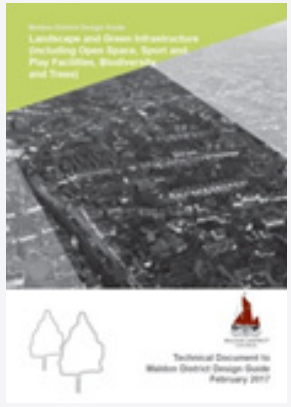
Vehicle Parking Standards, Maldon DC, 2006 (or successor document)

Essex Design Guide – Road Type Table, ECC, April 2017

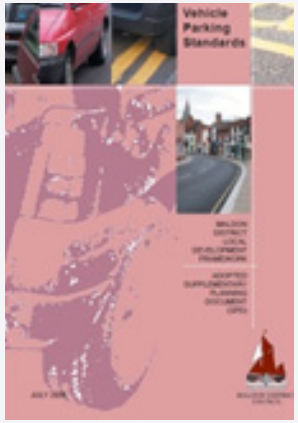


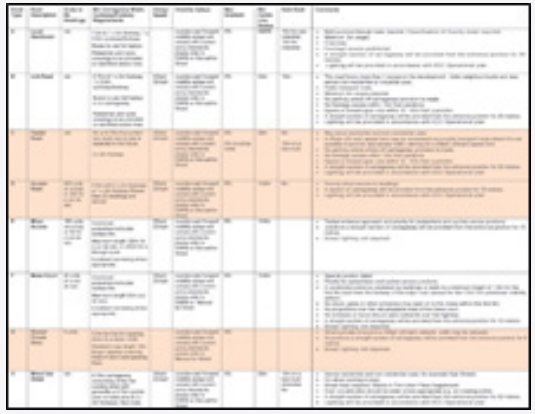












A2 APPENDIX 2 - How to Measure Net Density

Residential Density Calculation

Residential density is the ratio of a population to residential land area. This measure can be further classified in terms of net and gross residential densities based on the definition of the reference area.

The measure of gross residential density considers the residential area in its integrity. In addition to the area allocated for residence, it also takes into account nonresidential spaces such as internal roads, parks, schools, community centres and so on which are meant to serve the local community.

Net residential area refers only to land covered by residential development, along with gardens and other spaces that are physically included in it; this usually takes into account half the width of adjacent roads.

Calculation Example

Figure A

no. of residential units: 54

residential area in its integrity: 2Ha

GROSS residential density: 27 units/Ha

Figure B

no. of residential units: 54

residential area: 1.2Ha

NET residential density: 45 units/Ha

Figure A: area taken into account to measure GROSS residential density

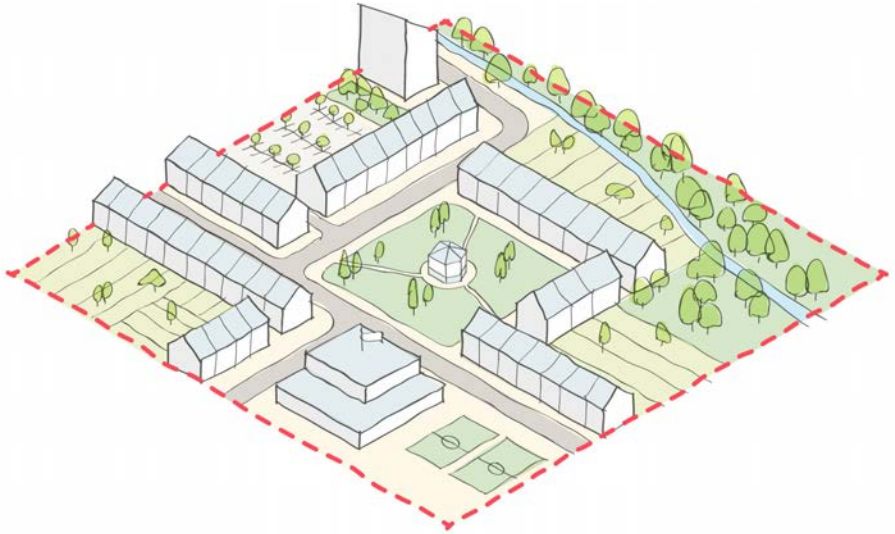
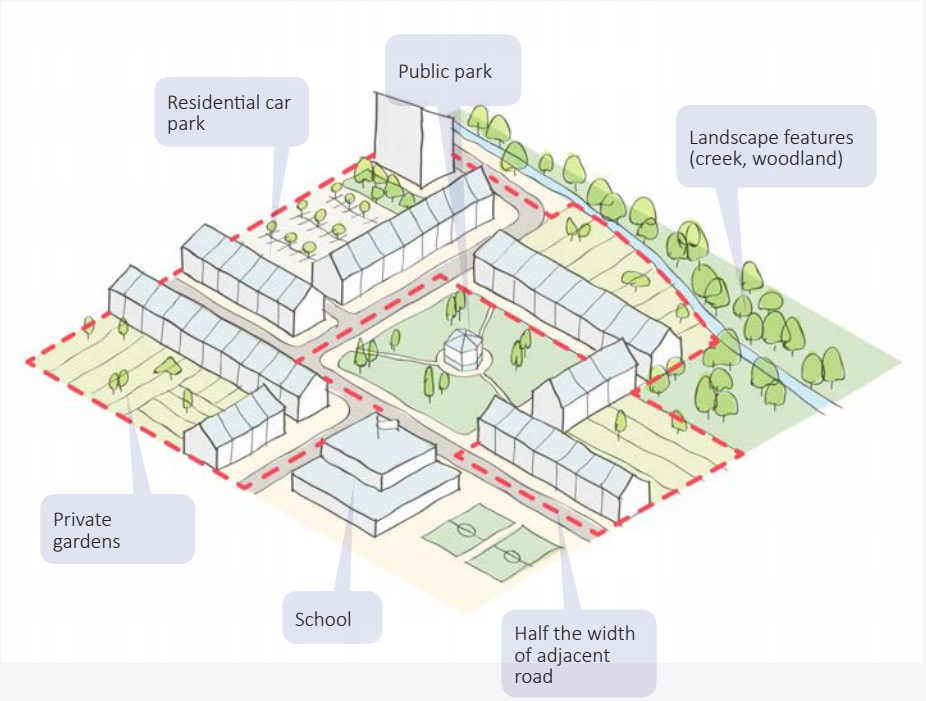


Figure B: area taken into account to measure NET residential density



A3 APPENDIX 3 - How to Write a Design and Access Statement

Design and Access Statements help to provide the information needed to support and explain development proposals when applying for planning permission. They assist the planning process and explain the design thinking detailed in this Guide that leads to a planning application. Design and Access Statements make the planning process work more smoothly and contribute to delivering high quality design in all developments but more importantly encourage everyone to think about how inclusive, practical and attractive a building or place will be once it is built.



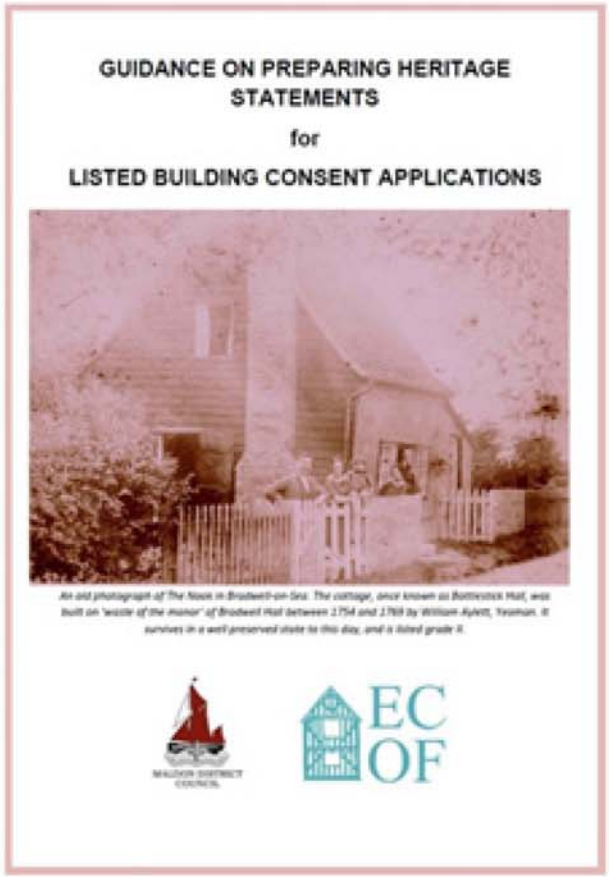
The Design Council/CABE publication remains current and a good source of advice in preparing a Design and Access Statement. The document can be downloaded at:

http://www.designcouncil.org.uk/resources/guide/design-and-access-statements-how-write-read-and-use-them

A4 APPENDIX 4 - How to Write a Heritage Statement

Heritage Statements help to provide the information needed to support and explain development proposals when applying for Listed Building Consent and/or planning permission. They assist the planning process by assessing the likely impact of development proposals on the significance of a listed building and its setting. Heritage Statements make the planning process work more smoothly and contribute to the developer understanding the significance of the listed building before an application is made and the decision maker understanding the site or structure before an application is determined.

A Design and Access Statement should also set out the thinking on the design approach behind the proposed development that affects a listed building see Appendix 3.

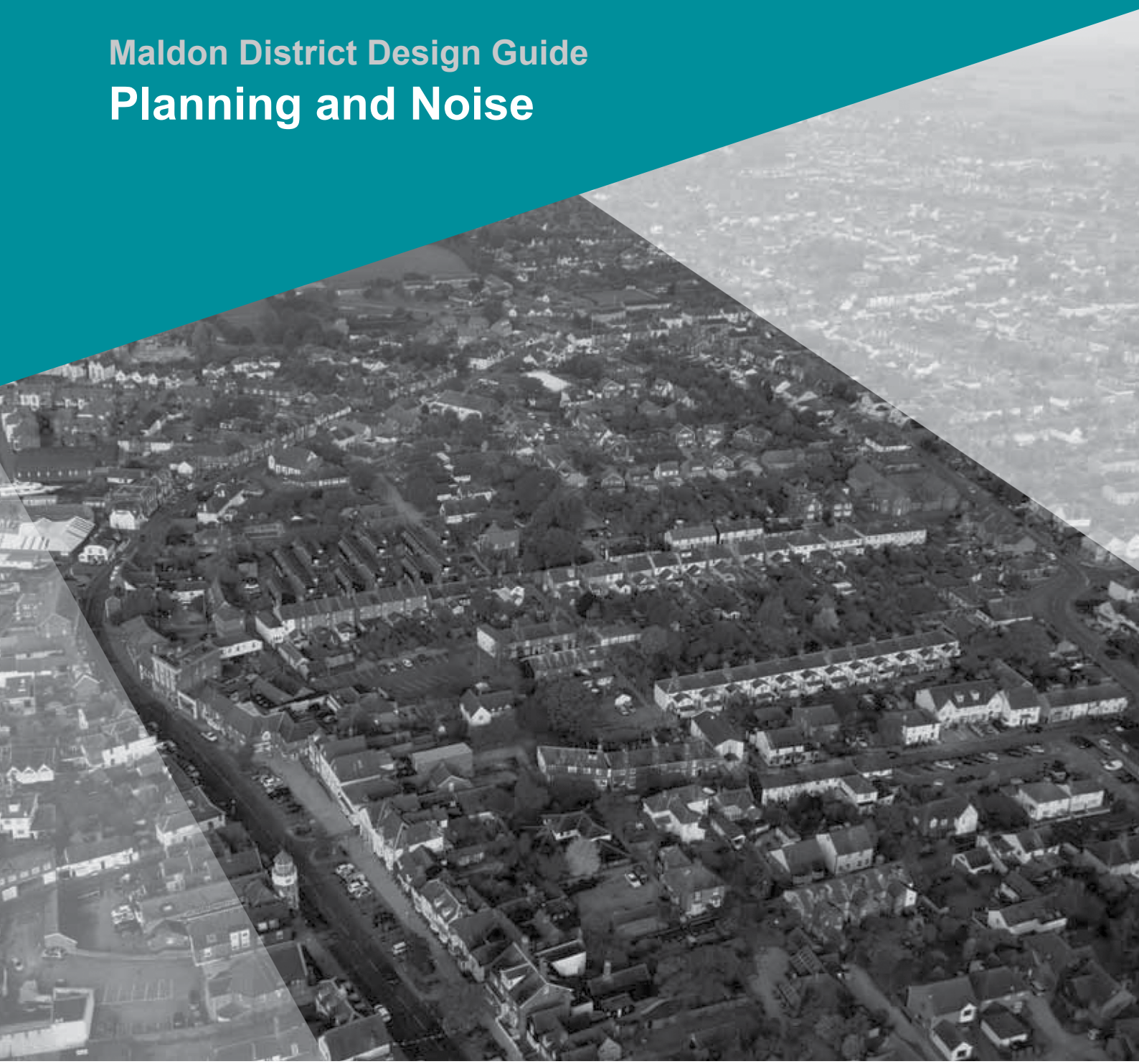


The Essex Conservation Officers' Forum publication *Guidance on Preparing Heritage Statements for Listed Building Consent Applications* is a good source of advice for preparing a Heritage Statement. The document can be downloaded at;

www.maldon.gov.uk

Maldon District Design Guide

Planning and Noise



MALDON DISTRICT COUNCIL

Technical Document to Maldon District Design Guide February 2017



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1. Introduction

1.1. The purpose of this guidance

Noise can have a significant impact on the quality of life, health and wellbeing of communities. It comes from a many sources, including roads, railways, aircraft, industry, retail premises, sports, leisure and recreational activities.

These environmental noises can generally be described in two ways. Firstly there is anonymous/ambient noise which cannot be attributed to a single noise source such as road traffic, industrial estates (multiple occupants). Secondly there are specific noise sources such as mechanical ventilation or industrial processes which can be identified and considered separately.

It is recognised that exposure to noise can cause annoyance and sleep disturbance both of which impact on quality of life. Experts agree that there is growing evidence showing that annoyance and sleep disturbance can cause adverse health effects. The distinction that has been made between 'quality of life' effects and 'health' effects recognises that there is emerging evidence that long term exposure to some types of noise (research has focused on transport) can additionally cause an increased risk of direct health effects. Research on the health effects of long term exposure to noise continues in the UK and the Europe. BS8233: 2014 (Sound insulation and noise reduction for buildings) sets noise levels in section 7 based on levels known to affect health and is considered a minimum standard.

This guidance is to assist planning agents, developers and their consultants, to help ensure consistency in the approach to noise considerations when dealing with development projects in the Maldon District at the planning stage.

Noise can be a material consideration within the planning process with the potential to affect and influence the planning decisions. This guidance intends to ensure that noise considerations are dealt with at the earliest opportunity. To achieve this the necessary and appropriate information concerning both existing noise impacts on the proposed development as well as noise likely to be caused by the proposed development should be provided with planning applications at the validation stage.

This document clarifies when a noise assessment is likely to be required and provides guidance on the information required to undertake such an assessment. It is important that noise considerations can be taken into account early in the development management process to minimise the risk of delays caused by noise concerns during the consultation process.

1.2. Aims of this guidance

An important focus of this guidance is to ensure that residents living within the Maldon District are able to live in a property where noise does not unreasonably affect their quality of life or adversely affect their health and wellbeing.

Additionally, that businesses are able to operate effectively without being unduly restricted as a result of the noise they create or affecting neighbouring land uses.

In line with government policies on noise and sustainable development the main aim will be to ensure that development achieves a good quality of life rather than just ensuring that health will not be affected which is considered a minimum standard.

This guidance aims to ensure that new development proposals design out noise problems rather than provide mitigation and this will be the starting point.

With this in mind this guidance aims to:

- Sustain and where practical improve ambient noise levels in residential areas
- Ensure that new residential properties are not exposed to levels of noise that will impact on the future occupier's quality of life or health
- Ensure that new noise sources do not unreasonably affect existing noise sensitive land uses
- Ensure that new residential developments or other noise sensitive receptors are not introduced in areas where existing business or leisure facilities that emit noise are restricted or likely to have complaints made against them as a result of the new development

This document supports the Government's noise policy vision which is to:

'Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development.'

NOISE POLICY STATEMENT FOR ENGLAND (NPSE) AS PRODUCED BY DEFRA IN MARCH 2010.

1.3 The soundscape in the Maldon District

The Maldon District is a predominately rural district with villages and towns located amongst arable farmland. The soundscape is therefore predominately quiet rural in and around the villages. Night time background noise levels are commonly below 30dBLA90 and often as low as 20dBLA90.

Even in the largest towns of Maldon, Heybridge and Burnham-on-Crouch night time background levels do not rise much above 30dBLA90 in most areas.

The exception to this is around some of the busier roads in the towns and the busy A and B roads around the District as well as some of the larger industrial estates.

The vast majority of the District has ambient noise significantly below the levels recommended as a minimum standard in gardens by BS8233:2014 and the World Health Organisation (WHO).

IMAGE: GOLDHANGER | DAVID NEWMAN



2. Noise and the planning process

2.1. National Planning Policy Framework (NPPF)

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Noise is specifically considered in Chapter 11 of the NPPF Paragraph 123 states:

Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason

When considering the potential impacts on health and quality of life the NPPF refers to the Noise Policy Statement for England (NPSE) as produced by DEFRA in March 2010.

2.2. Noise Policy Statement for England (NPSE)

The NPSE sets out government policy on noise management and sustainable development. The policy's overarching aims are to:

- avoid significant adverse impacts on health and quality of life
- mitigate and minimise adverse impacts on health and quality of life; and
- where possible, contribute to the improvement of health and quality of life

The NPSE introduces the concept of observable effect levels in relation to noise and uses the following concepts:

NOAEL – No observed adverse effect level

This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.

LOAEL – lowest observed adverse effect level

This is the level above which adverse effects on health and quality of life can be detected.

SOAEL – Significant observed adverse effect level

This is the level above which significant adverse effects on health and quality of life occur.

There is no specific defined measured level of noise which corresponds to these levels. The purpose of not setting levels is to ensure that the aims and principles are applied within the context of the area where development is taking place. This recognises that noise that does not cause a problem in a noisy urban environment may be unacceptable in a quieter location.

Developers and their consultants must therefore consider the context and nature of the area in which their proposal is located.

The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development

The second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development.

The third aim seeks, where possible, to positively improve health and quality of life through the pro-active management of noise while also taking into account the guiding principles of sustainable development.

The NPSE makes significant reference to the government policy document 'UK sustainable development strategy - 5 principles of sustainable development'

Adherence to the aims of the NPSE will ensure that the aims of the NPPF can be satisfied and that noise will not cause a loss of amenity or unreasonably affect the quality of life, health and well being of residents that would potentially give grounds for refusal of a proposal based on the potential for noise to have an unreasonable effect on an existing property.

2.3. National Planning Practice Guidance (NPPG)

Developers should consider the NPPG when preparing their application to the Local Planning Authority. It provides further guidance on how planning can take account of noise when considering the suitability, design and layout of a development. It aims to provide a guide to local authorities on how to view and assess observed effect levels in line with the Explanatory Note of the Noise Policy Statement for England.

The NPPG states that noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.

This is achieved by considering:

- Whether or not a significant adverse effect is occurring or likely to occur
- Whether or not an adverse effect is occurring or likely to occur
- Whether or not a good standard of amenity can be achieved

The table below summarises the noise exposure hierarchy, based on the likely average response. However, it should be viewed in the context of the area in which it is being applied.

Perception	Examples of outcomes	Increasing effect level	Action
Not noticeable	No effect	No observed effect	No specific measures required
Noticeable and not intrusive	Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.	No observed adverse effect Lowest observed adverse effect level	No specific measures required
Noticeable and intrusive	Noise can be heard and causes small changes in behaviour and/or attitude, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a perceived change in the quality of life.	Observed adverse effect Significant observed adverse effect level	Mitigate and reduce to a minimum
Noticeable and disruptive	The noise causes a material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant observed adverse effect	Avoid
Noticeable and very disruptive	Extensive and regular changes in behaviour and/or an inability to mitigate effect of noise leading to psychological stress or physiological effects, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.	Unacceptable adverse effect	Prevent

Environmental acoustics is a complex topic and a competent person will be necessary to identify measure and interpret the potential effects of noise.

The NPPG also recognises that noise is not simply a consideration of absolute noise levels and summarises the range of considerations when assessing noise in paragraph 006. These other considerations include:

- The nature/character of noise (including tonal elements, High/Low frequency content)
- Relationship of a noise source with existing background noise
- Time of day
- Duration of noise emissions
- Number of occurrences and pattern of noise events
- Cumulative impacts of noise sources

Paragraph 8 of the NPPG broadly outlines a hierarchy of mitigation options for noise making developments which encourage engineering solutions for noise sources, site layout considerations, planning conditions to restrict the time and duration of noise making activities or the maximum noise emission permitted.

For noise sensitive developments mitigation measures are suggested. In the first instance it is advised to avoid noisy locations. Where this is not possible or where the site is desirable in terms of the Local Development Plan mitigation should be led by designing the development to reduce the impact of noise this may include; considering the layout of the site to minimise the noise impact such as locating a commercial building between the noise sensitive buildings and the noise source and/or using acoustic barriers and lastly improved sound insulation.

The NPPG states that care should take when considering mitigation to ensure that the measures do not make for an unsatisfactory development.

3. Applying noise assessments to developments

3.1. What the Maldon District expects

As a predominately quiet rural district the intention is to sustain the high quality of life afforded to both existing residents and future residents occupying new housing.

Maldon District Council's primary approach to noise and noise sensitive development is to seek physical separation through planning controls. This approach applies both where noise sensitive development (such as housing) is seeking to locate in a "noisy" area, and where "noisy" activities are proposed, or exist and proposed to expand, in noise sensitive locations.

It is recognised however that urban development and localised land use changes may make it necessary to locate a development near to some of the areas in the District with a high acoustic environment.

If suitable separation cannot be achieved, consideration will be given to whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of conditions or planning obligations.

Where noise impact cannot be made acceptable through separation or other noise control measures, planning permission would normally be recommended for refusal.

When considering noise levels during a noise assessment it should be noted that there are no noise levels set in the NPSE.

Developers and their consultants must therefore consider the context and nature of the area in which their proposal is located. What is acceptable in London or Manchester for example is unlikely to be appropriate and therefore unacceptable in the Maldon District.

Developers should also ensure they are aware of existing business and land uses likely to generate noise such as leisure facilities and licensed premises for example, when locating noise sensitive dwellings and ensure their proposal is not likely to restrict the ability of those premises to continue to operate or expand in the future.

It is therefore important that developers use noise assessment's to inform their design proposals.

Noise assessments should be carried out by a competent person.

3.2. Basic principles of design

When considering a suitable location for a noise sensitive development avoiding noisy locations is the most effective way of preventing noise becoming a problem.

However if this is not possible, noise should be considered at the design stage of any development and there is a simple hierarchy of mitigation options in the following order:

- Engineering: In the first instance the most effective form of noise control is achieved by reducing the noise generated at source and/or containing the noise generated. This is typically only viable where an application involves the introduction of a new noise source. However, it may be possible for an applicant to work with the persons in control of a noise source prior to the application being submitted
- Design and layout: Where possible, site design and layout should be used to optimise the distance between the noise source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of acoustic screening by natural or purpose built barriers, or other buildings. When considering the use of other buildings this should consider the use of business premises for example located between a road and residential dwellings
- Using planning conditions/obligations: This would include conditions to restrict hours of operation of noise emitting plant/activities/deliveries or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night. Conditions may also prohibit certain activities from occurring outside
- Mitigation at the receptor: As a final resort where no other viable options are available the impact on sensitive areas likely to be affected by noise can be mitigated, including through noise insulation when the impact is on a building. Where this refers to habitable rooms within dwellings closed windows will not normally be accepted as a noise control measure

In some cases locations identified as sites within the Maldon District Local Development Plan may be permitted to use windows and building envelope insulation as a final resort for a small number of habitable rooms where it has been demonstrated that there is no other viable option available in the hierarchy of mitigation options.

3.3. Residential development proposals

Proposed residential developments that are likely to be affected by noise from existing or future developments with planning permission will require a full assessment of the impact, in the form of a noise report carried out by a competent person, provided with the application details.

Noise sources to consider would typically include transport infrastructure such as roads and railways and commercial land uses. It should be noted that commercial noise

sources are not limited to heavy industry. Light Industry, offices, retail and food premises commonly have air conditioning units and extract ventilation systems that 'depending on distance' may create excessive noise at the proposal site. A noise assessment should be undertaken to find out the level of impact likely to be created by the noise.

The development should then be designed to minimise the impact of these noise sources.

If the noise source is from a specific source of noise and has characteristics that may cause annoyance appropriate guidance that relates to the sound source should be selected. For example if the noise source is mechanical plant on an industrial or retail building BS4142:2014 should be used to assess noise impact. It will not be considered acceptable to use BS8233:2014 for assessing the suitability of such noise sources.

Where the noise source is a general ambient noise from roads or the general environment BS8233:2014 should be used to guide what is considered acceptable and determine whether mitigation is required.

Where noise mitigation is required, the criteria found in BS 8233: 2014 (Sound insulation and noise reduction for buildings) should be used as stated in World Health Organisation (WHO) Guidelines on Community Noise (1999).

The noise levels for amenity spaces and habitable rooms should ideally be met without the need for mitigation measures incorporated into the building itself. Developers should be attempting to use design and layout to provide separation from the noise source. Where this is not practical acoustic barriers should be provided. These can be purpose built or by locating buildings that are not noise sensitive to serve as barrier.

Where further mitigation is required after layout and barriers have been considered, building orientation, internal layout, building insulation and enhanced glazing can then be considered.

On some sites, where it is not possible to achieve acceptable mitigation fixed windows and mechanical ventilation may be required. If any mechanical ventilation is recommended please note that internal noise levels must be considered separately with the system operating on and off.

However, unless the development accords with the Local Development Plan and planning policies, the development within the high noise environment is not likely to be considered appropriate.

Where mechanical ventilation is proposed full justification should be provided that demonstrates that alternative methods of mitigation are not practical. In all other regards, the proposal should accord with the aims and policies of the Local Development Plan and NPSE.



3.4. Industrial, commercial and agricultural development

The most appropriate way to assess noise issues resulting from proposed commercial premises, near an affected building façade, is via the use of BS 4142: 2014 (Method for rating industrial noise affecting mixed residential and industrial areas).

This standard provides a tool to assess the likelihood of complaints about noise from industrial development. It can be carried out using a mix of predictive and actual measurements. Post construction verification checks are recommended.

Some circumstances and noise sources may be unsuitable for applying BS4142: 2014. For example, the standard relies on average noise levels over long time periods so short term high impact noise sources may need to be considered with regard's to the impact of maximum noise levels.

If there is any doubt developers or their consultant's should contact Maldon District Council Environment Services to discuss their concerns and agree an appropriate measurement and assessment methodology.

3.5. Wind turbines

The assessment of proposed wind turbines with a generating capacity f 50kW or above must be carried out with regards to The Institute of Acoustics (IoA) publication: A Good Practice Guide To The Application Of Etsu-R-97 For The Assessment And Rating Of Wind Turbine Noise.

Small scale wind turbines with a generating capacity below 50kW should be carried out in consideration the British Wind Energy Association (now known as Renewables UK) publication 'Small Wind Turbine Performance and Safety Standard'(2008).

Large scale wind turbine applications should also consider Amplitude Modulation and a condition will be applied should permission be granted.

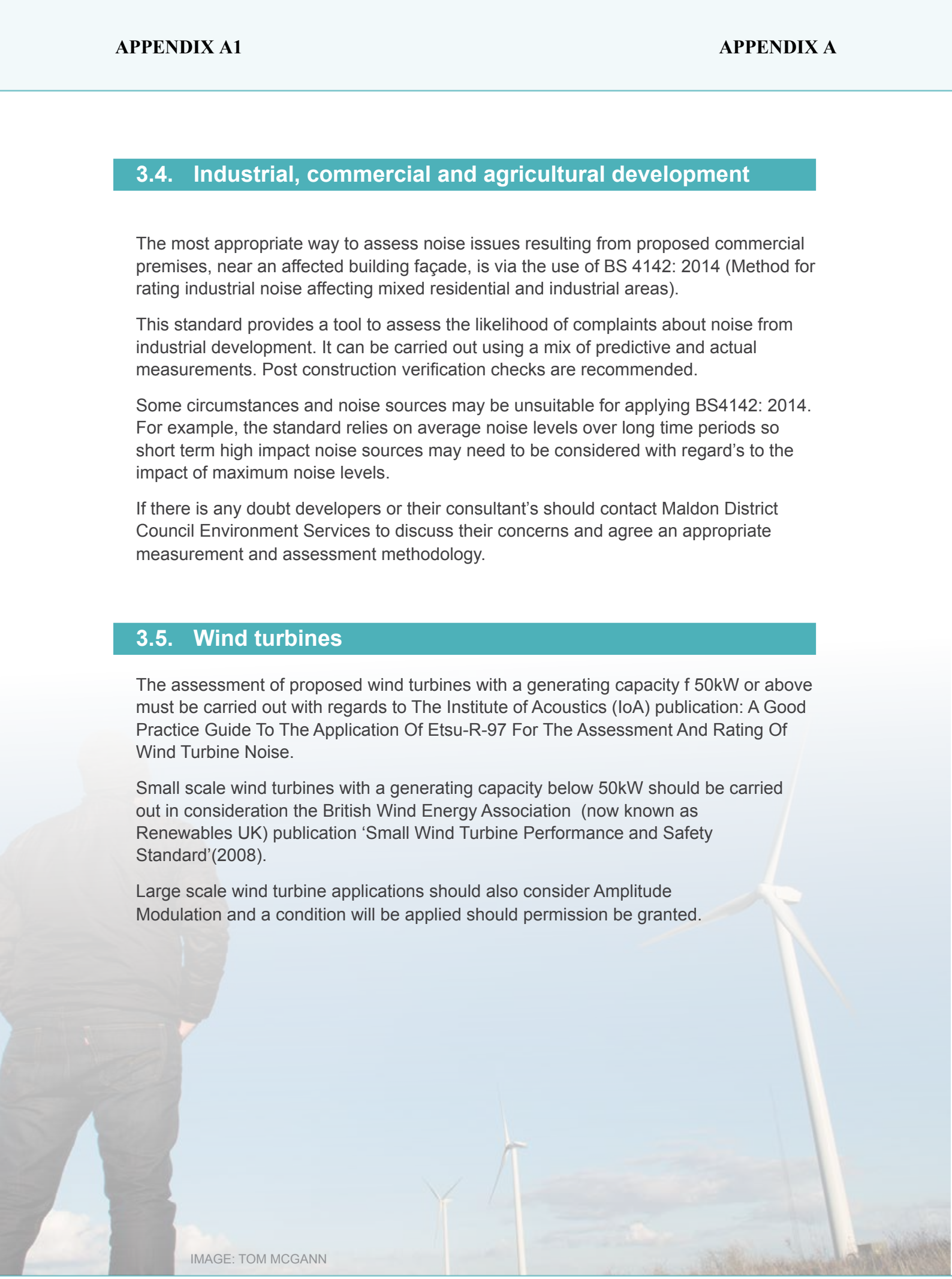


IMAGE: TOM MCGANN

3.6. Minerals workings

The planning authority for minerals workings is Essex County Council. However, Maldon District Council is a consultee and its comments with regard to noise will consider the NPPF technical guidance which provides specific guidance on noise from minerals workings.

3.7. Schools, hospitals and other noise sensitive buildings

Detailed guidance on the design of schools and hospitals can be found In the Department for Education publication BB 93: Acoustic Design of Schools (2003) and the Department of Health specialist services – Health Technical Memorandum 08-01:Acoustics (2008).

3.8. Licensed premises

Where amplified noise break out from licensed premises is likely, the applicant should ensure that the insulation of the premises and the volume and sound frequency setting inside the commercial premises is adequate. These buildings will require an adequate mechanical ventilation or air conditioning system to be provided supplying sufficient fresh air for patrons, following the guidance in the Chartered Institute of Building Engineers (CIBSE) or any later replacement guidance.

Planning applications will therefore need to be accompanied by a suitable assessment demonstrating that the building is adequate in sound insulation terms for its proposed use, which will include ensuring there is sufficient sound attenuation of any ductwork, particularly at the inlet/outlet, to prevent excessive noise breakout and the provision of soundproofed doors, double door lobbies and windows, which must remain closed.

The installation of a suitable limiter device with electric contact breaks on fire doors and/or windows may in some cases be appropriate. Planning conditions may also be imposed to ensure compliance with the long term retention of such soundproofing measures and regulate opening times in line with the local area.

If a proposal is being made to build homes near to existing licensed premises it will not be acceptable to use BS8233:2014 as a standard to guide the suitability of the development.

3.9. Artificial grass pitch (AGP – all weather pitches)

There are currently no codes of practice or standards that are suitable for determining whether noise from proposed AGP or residential properties being located near to AGP is acceptable in terms of effect on amenity.

These facilities are commonly used during evenings and weekends and valuable facilities for community use. However they are a common cause of complaint from residential dwellings.

The main cause of complaint is typically due to the nature of the noise which is typically made up of shouts, whistles and impact noises from balls being struck. As these noises are short term, high noise events, the use of time LAeqTime noise levels to assess noise impact is not a suitable indicator for the effects of noise. Consideration of the likely effects of noise at the receptor and suitable noise control measures will involve professional judgement and where noise readings are used short and long term LA90, LAmax, LAeq, LA10 and LA1 are appropriate indices for this purpose.

The primary control of noise will be from maximising separation distances combined with landscaping and mounding of earth.

In noise sensitive locations, the materials of construction and the design should be made in consideration of reducing noise. Fences should be fixed to support posts and rubber damping pads or heavy netting to absorb ball impacts should be considered.

Sports England Guidance on the design and construction of AGPsis available on Sports England's website:

https://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/artificial-sports-surfaces/

TYPE OF DEVELOPMENT

	NEW RESIDENTIAL (C3 AND C4 USE CLASSES)
	• **Near to busy roads (A Class and Major B roads) and railways**
	A noise report will be required where noise levels at the development site exceed 50dBLAeq daytime and/or 42 dBLAeqnight.
	• **Near to industrial estates and premises**
	A noise report will be required to characterise the effect of the industrial noise on proposed residential dwellings
	• **Near to agricultural yards and buildings**
	Noise report will be required to characterise the effect of the agricultural premises on proposed residential dwellings
	• **10 + residential dwelling (major development)**
	Only required where an existing or proposed source of noise may affect the proposed residential uses. Please consult the environmental health department if unsure.
	CHANGE OF USE TO RESIDENTIAL
	If the premises applying for change of use is located near to existing or proposed noise sources such as roads or commercial activities a noise assessment will be required.
	RESIDENTIAL INSTITUTIONS C2/C2a uses (care homes, hospitals, nursing homes, residential colleges etc)
	Noise assessment will be required to assess both the impacts of existing noise and the effects of plant associated with the C2/C2a building e.g air conditioning units, ASHPs, extract ventilation.
	INDUSTRIAL USES (B2 general industrial and B8 storage and distribution as well as minerals development and waste management sites)
	Includes new development, mixed use developments, extensions, layout alterations or installation of new equipment at existing site. Consideration of noise from transport movements should be given.
	LIGHT INDUSTRY AND OFFICES (B1 uses)
	Includes new development, mixed use developments, extensions, layout alterations or installation of new equipment at existing site.
	COMMERCIAL USES A1 and A2 uses (Shops, financial and professional services)
	> A noise assessment will be required where air handling units, extractor fans, or other noise emitting plant will be used > Consideration of the impact of the opening hours and customer access and egress should be provided > The noise impact of the car park should also be considered
	ENTERTAINMENT / FOOD & DRINK ETC A3 restaurants and cafes / A4 drinking establishments / A5 hot food takeaways / D2 cinemas, concert halls, swimming baths, night clubs etc
	> Should consider air handling units, extractor fans, or other noise emitting plant will be used > Consideration of the impact of the opening hours and customer access and egress should be provided > The noise impact of the car park should also be considered
	OUTDOOR SPORTS AND RECREATION
	Includes multi use sports pitches (mugas), motor sports and shooting ranges
	WIND TURBINES
	TRANSPORT SCHEMES roads, railways, ports including alterations to existing schemes
	Early consultation with the LPA/EH would be expected
	OTHER SUIS GENERIS USES e.g petrol stations, launderette, taxi businesses.
	> A noise assessment will be required where air handling units, extractor fans, or other noise emitting plant will be used > Consideration of the impact of the opening hours and customer access and egress should be provided > The noise impact of the car park should also be considered

NOISE REPORT REQUIRED YES MAYBE

APPENDIX: - Quick reference guide

Maldon District Design Guide

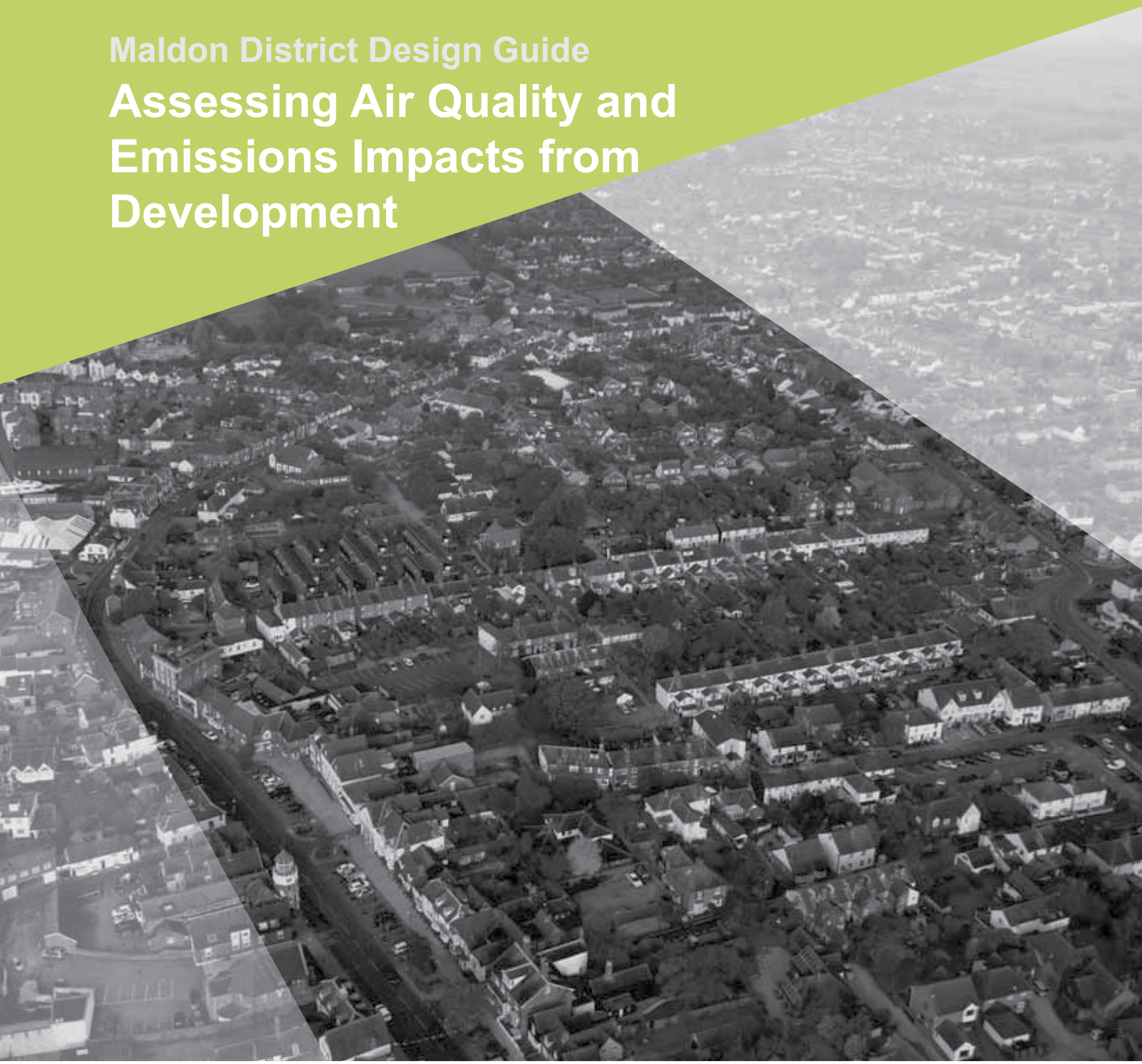
Planning and Noise

Technical Document to Maldon District Design Guide February 2017

If you need help with this information in a different format, please call 01621 854477

Maldon District Design Guide

Assessing Air Quality and Emissions Impacts from Development



MALDON DISTRICT COUNCIL

Technical Document to
Maldon District Design Guide
February 2017

Air Quality Reading List

- Environment Act 1995 and associated Local Air Quality Management Regulations
- DEFRAS: The Air Quality Strategy for England, Scotland, Wales and Northern Ireland Or equivalent document
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Environmental Protection UK's (EPUK) and Institute of Air Quality Management (IAGM): Land-Use Planning & Development Control: Planning for Air Quality (2015)
- DEFRA's LAQM Technical Guidance TG (16)
- Institute of Air Quality Management: Guidance on the Assessment of Dust from Demolition and Construction
- The Control Of Dust And Emissions During Construction And Demolition Supplementary Planning Guidance: Mayor of London. Greater London Authority
- DEFRA Low Emissions Strategies using the planning system to reduce transport emissions Good Practice Guidance (2010)
- DEFRA Emissions Factor Toolkit: http://laqm.defra.gov.uk/review-and-assessment/tools/emissions.html)

CONTENTS

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2 Local air quality in the planning framework

3 Air quality in the Maldon District

4 When Is an air quality assessment required?

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6 Air quality and emissions impact mitigation

APPENDIX 1 Air quality objective levels

APPENDIX 2 Maldon District Council Air Quality Act

APPENDIX 3 Assessment criteria checklist

APPENDIX 4 Steps for local authority to assess the significance of air quality impacts of a development proposal



1. INTRODUCTION

1.1. The purpose of this guidance

This guidance is aimed at planning agents, developers and their consultants. It is intended to help ensure consistency in the approach to air quality and vehicle emissions considerations when dealing with air quality for development projects in the Maldon District at the planning stage.

Air quality can be a material consideration within the planning process with the potential to affect and influence the planning decisions. This guidance intends to ensure that air quality considerations are dealt with at the earliest opportunity and that the necessary and appropriate information concerning a development's potential impacts on air quality, both onsite and further afield, is provided with planning applications at the validation stage.

This document clarifies when an assessment is likely to be required and provides guidance on the information required to undertake such an assessment. It is important that air quality considerations can be taken into account early in the development management process.

1.2. Aims of this guidance

An important focus of this guidance is on minimising the air quality impacts from developments for which air quality assessments have been requested by the planning authority. With this in mind this guidance aims to:

- Sustain and where practical improve local air quality
- Provide a consistent approach to considering the effects of new developments on local air quality within the Maldon District
- Enable early engagement by Identifying which developments would require an air quality assessment to be provided and the points that need to be considered with the planning application, thereby minimising delays during the decision making process
- Ensure better regulation by formalising the approach to undertaking air quality assessments and applying appropriate mitigation consistently in planning decisions

1.3. Guidance process

Section 1: Sets the context for this document

Section 2: Explains the relationship between local air quality and the planning framework

Section 3: Outlines the current air quality situation in the Maldon District

Section 4: Explains when an assessment may be required

Section 5: Guides what is required of an air quality assessment and how the significance of an assessment is identified

Section 6: Discusses options for mitigation

1.4. Background to local air quality management

Local Air Quality Management (LAQM) in the UK was introduced with the Environment Act 1995. It was seen by Government as the best way to deal with localised 'hot spots' of poor air quality that were expected to remain after national and international measures, such as controls of emissions from new vehicles, brought about a general improvement.

LAQM has established air quality 'standards' and 'objectives' (AQOs) for the air pollutants that are of concern. The 'standards' have been set to protect human health and the environment based on scientific and medical evidence.

The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (DEFRA 2007) estimates that life expectancy of the average person in the UK is reduced by up to eight months as a result of air quality with health costs exceeding £20 billion. It can be seen that improving air quality has considerable benefits to human health and well being, the environment and the economy.

Part IV of the Environment Act 1995 places a duty on local authorities to review and assess local air quality. Where a local authority considers that one or more of the objectives are likely to be exceeded and there is relevant exposure, it must declare an Air Quality Management Area (AQMA) and produce an action plan setting out measures to work towards an improvement of the air quality in the area. Local authorities are required to submit all relevant air quality reports to the Department for Environment, Food and Rural Affairs (DEFRA) for acceptance.

The UK objectives take account of the EU limit values and are either effectively identical, or more stringent. It is thus common practice to focus air quality assessments on the UK objectives. Formal Environmental Impact Assessments (EIAs) will, however, also need to take explicit account of the EU Limit Values, Furthermore, a formal EIA will introduce the need to assess the impact on PM2.5 concentrations, along with those pollutants that affect ecosystems and vegetation where appropriate.

2. LOCAL AIR QUALITY IN THE PLANNING FRAMEWORK

2.1. National Planning Policy Framework (NPPF)

The planning system is critical for managing local air quality, especially in rural areas where road traffic congestion and local built environment features are the common cause of areas where there are elevated air pollutants such as NO2 and PM10s.

The NPPF aims to guide development through a principle led set of criteria. The core principles include contributing to conserving and enhancing the natural environment and reducing pollution and taking account of and supporting local strategies to improve health, social and cultural wellbeing for all.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Local air quality management is specifically referenced in paragraph 124 stating that

'Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.'

It is recognised therefore that land use planning and development management is considered to be an essential process to improve or sustain air quality. This may include locating developments in such a way as to reduce emissions overall, and secondly reducing the direct impacts of those developments. These impacts are not limited to industrial processes that emit pollutants but also include residential developments whose future residents will add further traffic to the existing road network with the potential to create or add to areas of congestion and rising air pollution.

Even where a development is not located within an AQMA there is still a need to regard air quality as a material factor in determining planning applications in any location. This is particularly important where the proposed development could have adverse impacts on air quality within an AQMA, or where air quality in an area further afield from the development site is close to exceeding guideline objectives itself.

Developers are directed to ensure that they, or their consultants, have reference to any relevant documents published by the local authority that identify areas that may be affected as part of the air quality review and assessment process.

2.2. National Planning Practice Guidance (NPPG)

The NPPG provides further guidance on how planning can take account of the impact of new development on air quality.

It recognises that plan making should not only take account of AQMAs but also account for other areas where there may be limitations on new development due to air quality.

Air quality is also a consideration in strategic environmental assessment and sustainability appraisal can be used to shape an appropriate strategy.

Local planning policy should consider the review of air quality carried under the LAQM regime and local plans may consider:

- The potential cumulative impact of a number of smaller developments on air quality as well as the effect of more substantial developments
- The impact of point sources of air pollution (pollution that originates from one place), and
- Ways in which new development would be appropriate in locations where air quality is or likely to be a concern and not give rise to unacceptable risks from pollution. This could be through, for example, identifying measures for offsetting the impact on air quality arising from new development including supporting measures in an air quality action plan or low emissions strategy where applicable

Developers and planners deciding whether air quality is a consideration for a particular development should consider whether the development would:

- **Significantly affect traffic in the immediate vicinity of the proposed development site or further afield.** This could be by generating or increasing traffic congestion; significantly changing traffic volumes, vehicle speed or both; or significantly altering the traffic composition on local roads. Other matters to consider include whether the proposal involves the development of a bus station, coach or lorry park; adds to turnover in a large car park; or results in construction sites that would generate large heavy goods vehicle flows over a period of a year or more
- **Introduce new point sources of air pollution.** This could include furnaces which require prior notification to local authorities; or extraction systems (including chimneys) which require approval under pollution control legislation or biomass boilers or biomass-fuelled CHP plant; centralised boilers or CHP plant burning other fuels within or close to an air quality management area or introduce relevant combustion within a smoke control area
- **Expose people to existing sources of air pollutants.** This could be

by building new homes, workplaces or other development in places with poor air quality

- Give rise to potentially unacceptable impact (such as dust) during construction for nearby sensitive locations
- **Affect biodiversity**. In particular, is it likely to result in deposition or concentration of pollutants that significantly affect a European-designated wildlife site, and is not directly connected with or necessary to the management of the site, or does it otherwise affect biodiversity, particularly designated wildlife sites

Further guidance on how these considerations may be quantified as detailed in chapter 4 of this document.

The NPPG offers further information on the information that may be required in an air quality assessment and mitigation where impacts are identified which applicants should refer to where necessary.



3. AIR QUALITY IN THE MALDON DISTRICT

3.1. Local air quality

The Maldon District is a largely rural district that currently does not have any declared AQMAs and as a rural district predominantly has good air quality.

However, like many rural districts review and assessment carried out under the LAQM regime has identified areas within towns and villages within the District where local circumstances are likely to give rise to an increase in some of the pollutants subject to AQOs within the legislation. Subsequent monitoring has quantified that risk and gives us the knowledge where there is a significant risk of the AQOs being exceeded and an AQMA being declared if there is a risk to human health at plausible receptor locations.

The review and assessment has identified areas where traffic congestion near to residential dwellings occurs as the main areas within the Maldon District where poor air quality is a risk with specific regards to NO2 and PM10.

For detailed information on the review and assessment and to check the air quality levels from monitoring sites developers and consultants should in the first instance visit the Essex Air Quality website for up to date information on how pollutant levels measure against the AQOs in and around the District. This website also contains an archive of air quality review and assessment reports, published to date.

Maldon District Council has also documented an Air Quality Action Plan that developers and consultants should be aware of. This is included in APPENDIX 2.

In keeping with the planning principles and national air quality strategies, Maldon District Council intends to sustain or improve air quality through the implementation of the Local Plan and when making decisions on development management. To do this it will be necessary to require air quality assessments or mitigation for certain developments.

Where an air quality assessment is identified as being required, it is recommended that developers or their consultants contact Maldon District Council's Environment Services to check that they have obtained the latest reports and monitoring data and have correctly identified the areas requiring assessment due to the potential effects of the development.

3.2. Areas at risk

As stated previously the main cause elevated air pollutants in the district are caused by road traffic. The ongoing LAQM assessment has determined that PM10 monitoring is not currently necessary although continues to need consideration. However NO2 levels have been monitored using diffusion tubes which have identified areas where NO2 is significantly elevated above background levels

Background levels of annual mean NO2 concentrations in 2013 were reported by DEFRA as ranging between 9 and 12 ug/m3 in the Maldon District. The following monitoring sites in TABLE 1 have found annual mean levels of NO2 above 30 ug/m3 which are significantly above normal background levels and are within 75% of the AQO.

TABLE 1 **– Monitoring sites exceeding 30 ug/m3**

Site No.	Location
MD 1	Opposite Cherry Oak A414
MD 2	A414 Spital Road / A414 Bypass
MD 3	Heybridge Approach
MD 4	Heybridge Street / The Causeway
MD 5	Colchester Rd / Heybridge Street Junction
MD 6	High Street (Market Hill Junction)
MD 7	Wantz Rd / High St
MD11	Latchingdon Street
MD12	A414 Spital Road / A414 Bypass
MD13	Limebrook Way / A414 Bypass
MD15	The Causeway, Heybridge

The above sites are of particular concern where there is risk of extra vehicle movements or pollutant emitting process such as CHP scheme being developed. Consideration would also need to be given if new receptors are introduced.

The areas given are examples of current sites being identified and monitored. It should be noted that other areas may require assessment should traffic flows change and that LAQM is an ongoing process which may identify new areas requiring monitoring. It is important that the up-to-date air quality reports and monitoring results are used at the time an application is being made and not this document.

Developers will also need to consider areas in other neighbouring districts that may be affected by traffic generated from the development. In particular Danbury located within Chelmsford City Council's area and Hatfield Peverel within Braintree District Council's area may need consideration.

It is important to note that vehicle movements may be generated by residential, retail or industrial sites that are proposed further afield than the area of concern. It will be necessary to consult traffic models to identify where this may be.

A further point developers should consider is the geographical context and local transport infrastructure within the Maldon District which limit the routes that vehicles are likely to travel. For example, developments in Southminster, Burnham and Bradwell are located at the eastern end of a peninsula between two large rivers. There are only two main routes off of this peninsula.

4. WHEN IS AN AIR QUALITY ASSESSMENT REQUIRED?

4.1. The need for an assessment

With the national requirement to build more residential homes, significant development is going to take place. Very large individual development sites or the cumulative impact of major development sites (as defined in the Town and Country Planning Act) pose a risk of parts of Maldon District failing to meet the AQOs after site occupation, affecting the health and quality of life of current and future residents.

We encourage any applicant that holds pre-application meetings to consider the need for air quality assessment at this early stage,

It will therefore be necessary for certain developments to provide either a screening assessment or detailed assessment. These developments should consider the assessment criteria checklist in section 4.2 of this guidance. The criteria listed are the fist stage of the assessment process and provide screening to determine whether a more detailed assessment is required.

4.2. Assessment Criteria Checklist

The assessment criteria used in the checklist below are derived from Environmental Protection UK's (EPUK) and Institute of Air Quality Management (IAGM): Land-Use Planning & Development Control: Planning for Air Quality (2015). Where any of the criteria set below are met by the proposed development an air quality assessment should be undertaken.

CHECKLIST 1: **Screening Checklist**

	Screening Checklist	YES	NO	Recommendations
1	Is the proposed development within an air quality management area (AQMA)			If any answer is YES Go To Checklist 2. If all are NO, no further assessment required
2	Is the proposed development categorised as a major development *			
* Major developments are defined by the Town and Country Planning (Development Management Procedure) Order (England) 2010				

CHECKLIST 2: **Air quality and emissions mitigation assessment checklist**

	Assessment Checklist	YES	NO	
1	Is the proposed development within or likely to impact upon an air quality management area (AQMA) or an area near to exceeding AQ Limits?			If any answer is YES contact MDC Environment Services to confirm that an air quality (AQ) assessment is required and then undertake an emission's assessment Emissions mitigation assessments are discussed in section 6. If all answers are NO, Or Environment Services determine there is no need for an AQ assessment go to section 6 of this guidance
2	Does the development require an EIA?			
3	Is the proposed development type likely to become either on its own or as part of several cumulative developments a large scale major development?			
4	Is vehicle parking in the development >100 (outside AQMA) or >50 (within AQMA)?			
5	Does the proposal result in an increase in vehicle trip generation within the local area which will lead to an increase or decrease in traffic volumes (annual average daily traffic (AADT) or peak traffic flow) of 5% on roads with 10,000 AADT or more, or 5,000 or more if narrow and congested?			
6	Does the proposal result in change in average vehicle speed by more than 10kph (6.2mph) than is present on the existing local road network on roads with 10,000 AADT or more (5,000 if narrow and congested)?			
7	Does the proposal result in a likely increase in heavy duty vehicle movements >15 per day?			
8	Does the proposal result in increased congestion – this will vary according to location, but can generally be considered to be where there is a build-up of traffic preventing efficient movement?			
9	Will the development introduce new sensitive receptors into or in close proximity to an AQMA or area near to exceeding the AQ limits?			
10	Is the site a Local Development Plan site?			
11	Will the development lead to new infrastructure such as rail, road, roundabout, signalling, bridges etc?			
12	Will the development create a street canyon or enclose roads and reduce dispersion of pollutants?			
13	Does the proposal include biomass energy or heating plant >50kW into an urban residential environment?			
14	Is the proposal in or close to sensitive designated sites such as Special Protection Areas, Special Areas of Conservation (SAC), Ramsar sites, designated ecological sites or Sites of Special Scientific interest (SSSI), County Wildlife Sites, Local Nature Reserves, Roadside Nature Reserves?			

A printable version of this table is included at APPENDIX 3.

5. AIR QUALITY ASSESSMENT CONTENT

5.1. Screening assessment

If the results of the screening assessment or Environment Services determine that no detailed assessment is necessary this should be provided with the application details.

Evidence should be provided as appropriate to show that the criteria in Checklist 2 (See Section 4.2) are not met.

In addition you should include an Emission's Mitigation Statement. Mitigation considerations which should be included in the statement are discussed in more detail in Section 6.

5.2. Detailed assessment

A detailed assessment should be carried out with regard to the guidance provided by Environmental Protection UK and the Institute of Air Quality Management: Land-Use Planning & Development Control (2015): Planning For Air Quality. Chapters 6 and 7 specifically deal with the assessment content, methodology and interpreting the significance of the results.

Further reference should be made to DEFRA's LAQM Technical Guidance TG (16) (also referenced in the EPUK guidance) and any other relevant guidance or standards.

NOTE: Applicants intending to undertake an air quality assessment should always seek the latest available information on local air quality from the local authority.

The assessment should show 'with' and without' comparisons and the primary goal will be to determine in the first instance whether the assessment shows an increase in the pollutants being assessed and secondly whether the increase will cause the AQOs to be exceeded and therefore cause an adverse impact on public health.

5.3. Determining the significance on air quality from development

- The AQ assessment provides modelled predicted concentrations for scenarios (for agreed year/period): without development (baseline, with development and with development including mitigation measures, including mitigation measures
- A comparison of the scenarios will be presented in the report. Compare scenarios 'without development (baseline)' with scenario 'with development including mitigation' (or without mitigation if none is considered necessary)

- The difference in the compared scenarios is used to determine the classification of the change in air quality concentration
- The scale of air quality impact due to changes of concentration or if the additional concentration causes local exposure to approach or breach the air quality objectives, determined the planning recommendations
- Planning recommendations are then required

The conclusions made on the significance of air quality impacts identified in a detailed assessment will be based on the professional judgement of officers reviewing the report, the factors that officers will consider are outlined in the EPUK/IAQM guidance and determined whether significance is minor, moderate or major.

The following table sets guidance on the classification of impacts to determine their significance.

Classification of impact	Pollutant concentration change due to development	OR if development contributes to
Very high	Increase >10%	Breach of air quality objective (AQO)
High	Increase > 5-10%	Exposure within 5% of AQO
Med	Increase 1-5%	Exposure within 10% AQO
Low / Imperceptible	Increase <1%	Exposure within 25% of AQO

5.4. Planning recommendation

If the air quality assessment determines an impact or likely impact on air quality in the District due to the development or a cumulative impact of developments, the following outlines the likely recommendations that will be made to the planning authority by Environment Services.

- An overriding consideration will be to ensure that pollutant levels do not increase above the AQOs and therefore cause a new AQMA to be created
- Refusal of a planning application may still be recommended if High to Very High air quality impacts from a development remain, even after all reasonable means to mitigate the impact on air quality have been exhausted

Magnitude of air quality impact	**Very high**
Recommendation	Require mitigation to remove very high quality impacts. If Impact is still high there will be a strong presumption for recommending refusal. LDP sites will be expected to explore all reasonable measures of mitigation which may include infrastructure improvements relating to road traffic. Agreed measures must be implemented in an agreed time scale
Action	Recommend refusal if not an LDP site
Magnitude of air quality impact	**High**
Recommendation	Recommend refusal unless appropriate mitigation measures are implemented to the satisfaction of the local authority Mitigation to include reducing exposure through various measures, emissions reduction and/or development design
Action	Recommend refusal unless recommended mitigation is maximised
Magnitude of air quality impact	**Medium**
Recommendation	Seek mitigation to reduce air quality impacts Mitigation to include reducing exposure through various measures, emissions reduction and/or development design Contribution Based on Emission mitigation calculation
Action	Ensure 0n-site mitigation are maximised
Magnitude of air quality impact	**Low/imperceptible**
Recommendation	Recommend the minimum mitigation for development scheme type, or Contribution based on emission mitigation calculation
Action	Recommend minimum mitigation

6. AIR QUALITY AND EMISSIONS IMPACT MITIGATION

Where an impact is found to occur it does not automatically mean that a planning application will be refused. However, it is likely that mitigation will be necessary if the development is approved through the planning process. The type of mitigation will depend upon the significance of the impact and the details of each application.

All major developments require a brief mitigation statement and the developer will be required to follow The Control of Dust and Emissions from Construction and Demolition, Best Practice Guidance to minimise dust and other emissions to the atmosphere during the construction phase

The mitigation statement should include:

- Development traffic input data for emissions calculation
- Emissions calculation and totals
- Mitigation proposed (should be at least to the equivalent value of emission's calculation)

6.1 Emissions calculator

The calculation uses the most current DEFRA Emissions Factor Toolkit to estimate the additional pollutant emissions from a proposed development. (Ref: DEFRA Emissions Factor Toolkit: http://laqm.defra.gov.uk/review-and-assessment/tools/emissions.html)

This will provide the relevant pollutant emissions outputs for the mitigation calculation, which is then multiplied to provide an exposure cost value.

This value is used for costing the required emissions mitigation for the development.

The emissions assessment and corresponding mitigation calculation follows this process:

1. An emissions assessment calculates additional trips generated by the development.
2. The emissions are calculated for pollutants of concern (NOx & PM10).
3. **Using DEFRA IGCB Air Quality Damage Costs for the specific pollutant emissions, the calculation then provides a resultant damage cost calculation. Details are provided on the government website at https://www.gov.uk/air-quality-economic-analysis#damage-costs-approach**
4. The emissions total is then multiplied x 5, to provide a 5 year exposure cost value*.

5. In addition the health values are to be uplifted by 2% per year**.
6. The resulting 5 year exposure cost value, is the value that is to be used to implement mitigation measures within the development. These mitigation measures should be agreed with the local planning authority to ensure that mitigation is in line with local policy and is appropriate for the type, size and location of the development.
7. If some or all mitigation measures cannot be accommodated within the development then mitigation may be provided through compensation via conditions or section 106 contributions. This will be determined by the local planning authority.

Calculating emissions from alternative fuels and technologies

The emissions calculator (above) provides a basic emission calculation. However, if a development proposal is to include alternative fuels or technology i.e. LPG, EV etc, then there are 'advanced options' within the EFT to accommodate this. Always check in advance with the air quality officer to agree these options.

*COMEAP (2010) and DEFRA Impact pathway guidance for valuing changes in air quality – section 44. (See reference section)

**DEFRA Impact pathway guidance for valuing changes in air quality - section 52. (See reference section)

EXAMPLE EMISSIONS CALCULATION

The following simple example demonstrates the calculation based on a development with 10 domestic properties.

EFT input:
10 Household (urban not London) (2012) (NOx and PM10)
X 27 (trip/traffic ratio for 10 houses)
X cars only (0% HGV)
X 50 kph (avg. speed)
X 10km (NTS UK avg.)

EFT Output = 32.55 kg/annum (NOx) & 3.795 kg/annum (PM)
= 0.0325 tonnes/annum (NOx) & and 0.003795 tonnes/annum (PM10)
X *£955/tonne (NOx) + *£48,517/tonne (PM10)
= £31.08 + £184.15
X 5 (years)
= £155.42 + £920.76
Total = £1,076

6.2 Requirements for mitigation measures

Scheme mitigation should be provided within the design of the development where possible. TABLE 1 lists the mitigation options to be considered.

TABLE 1. **Mitigation options**

- EV recharging infrastructure within the development (wall mounted or free standing in-garage or off-street points).
- Car club provision or support to local car club/eV car club.
- Designation of parking spaces for low emission vehicles.
- Differential parking charges depending on vehicle emissions
- All commercial vehicles should comply with either current or previous European Emission Standard.
- Fleet operations should provide a strategy for considering reduced emissions, low emission fuels and technologies.
- Use of ultra low emission service vehicles.
- Support local walking and cycling initiatives
- On-street EV recharging
- Contribution to low emission vehicle refuelling infrastructure
- Low emission bus service provision or waste collection services
- Bike/e-bike hire schemes
- Contribution to renewable fuel and energy generation projects
- Incentives for the take-up of low emission technologies and fuels

The above list is not exhaustive and further options may be suggested where authorities feel it is appropriate, depending on the scale of development and air quality issues within an area.

The mitigation options selected for a development should be relevant and appropriate to:

- Any local policies including Air Quality Action Plans, which may determine the mitigation priorities for a scheme that the local authority may wish to see be incorporated within a particular scheme
- Any local air quality concerns; to assist in the remediation of potential cumulative air pollution impacts of the development on the local community
- The type, size and activity of the development

DEFRA's 2010 Low Emissions Strategies Guidance provides further guidance on potential mitigation measures.

The following list taken from the EPUK guidance provides some examples of measures that may be appropriate.

CONSTRUCTION PHASE MEASURES

1. General commentary (where applicable)

- Agree a Code for Construction Practice with LPA prior to work commencing

2. Control of dust

- Building enclosures; use of screens; sheeted vehicles;
- Early implementation of paved haul routes
- Hard-standing cleaning
- Water spraying; wheel washing
- Consideration of location of stockpiles, stone-cutting activity; designated storage areas;
- Diversion routes
- Prohibit fires
- Just-in-time deliveries

3. Monitoring strategies

- Site boundary monitoring pre-development and post-development (at closest receptor)
- Liaison meetings with local residents
- Considerate contractor schemes (and their equivalent)

4. Construction plant emissions

- Age and type of plant
- Plant maintenance
- Alternative fuel use

OPERATIONAL PHASE MEASURES

1. Transport related measures

- Travel plans
- Car clubs
- Incentives for increased public transport use discounted fares, provision of information
- Parking standards set maximum number of spaces
- Preferential parking for low emission or car club vehicles or graduated parking
- Charges based on emissions
- Provision of alternative fuels electric charging points or biogas facilities
- Public transport fleet improvements e.g. provision of low emission buses
- Service vehicles agreement to achieve specified emissions standards
- Contribution to specific traffic management or road schemes

2. Non-transport related measures

- Monitoring programme (development specific). Needs careful consideration as to the usefulness of the specific monitoring programme, relevant assessment levels and the action that could be taken if the assessment levels are breached
- Ventilation. Mechanical ventilation becoming increasingly common. Care required on location of inlet. Need to ensure long-term maintenance
- Contribution to action plan and monitoring programmes. Can be a financial contribution to help the Authority develop and implement its action plan. May be a contribution to the Authority's air quality monitoring programme
- Buffer zone. Can be useful, but not simple to define extent. Not always practicable. May need to set against other benefits of development

3. Building design

- Flatted blocks and balconies may be best avoided in locations of poor air quality, especially at ground and first floors
- Habitable rooms. Consider placing away from façade fronting pollution source, e.g.in flats put corridors, stairwells, bathrooms etc. in these locations
- Avoid canyon streets or creating canyons. Creating gaps in building facades can help ensure free flow of air in the street

APPENDIX 1: AIR QUALITY OBJECTIVE LEVELS

Pollutant	Air Quality Objective		Date to be achieved by
	Concentration	Measured as	
Benzene	16.25 µg/m3	Running annual mean	31.12.2003
	5.00 µg/m3	Annual mean	31.12.2010
1,3-Butadiene	2.25 µg/m3	Running annual mean	31.12.2003
Carbon monoxide	10 mg/m3	Running 8-hour mean	31.12.2003
Lead	0.50 µg/m3	Annual mean	31.12.2004
	0.25 µg/m3	Annual mean	31.12.2008
Nitrogen dioxide	200 µg/m3 not to be exceeded more than 18 times a year	1-hour mean	31.12.2005
	40 µg/m3	Annual mean	31.12.2005
Particulate Matter (PM10) (gravimetric)	50 µg/m3, not to be exceeded more than 35 times a year	24-hour mean	31.12.2004
	40 µg/m3	Annual mean	31.12.2004
Sulphur dioxide	350 µg/m3, not to be exceeded more than 24 times a year	1-hour mean	31.12.2004
	125 µg/m3, not to be exceeded more than 3 times a year	24-hour mean	31.12.2004
	266 µg/m3, not to be exceeded more than 35 times a year	15-minute mean	31.12.2005

APPENDIX 2: MALDON DISTRICT COUNCIL AIR QUALITY ACTION PLAN

Air Quality Action Plan 2016

Air pollution is associated with a number of adverse health impacts. It is recognised as a contributing factor in the onset of heart disease and cancer. Additionally, air pollution particularly affects the most vulnerable in society: children and older people, and those with heart and lung conditions. There is also often a strong correlation with equalities issues, because areas with poor air quality are also often the less affluent areas.

Traffic emissions are the most significant source of air pollution in Maldon District and the A414 is the principal route within the District.

The Council recognises the importance of working with partnering authorities such as Essex County Council to make improvements to local transport infrastructure and also to fulfil its own regulatory responsibility towards industrial processes.

Air pollution is considered to be generally low in Maldon District and monitoring of local air quality has measured no exceedances of air quality objective at relevant exposure. The trend of results across all monitored sites indicates that air quality is improving.

Air quality in Maldon District meets the national air quality objectives. As such, Maldon District Council does not have an Air Quality Strategy or Action Plan. However, future development is expected within the District and the emerging Local Development Plan will seek to use policy to support growth within the environmental limits.

To fulfil the requirements of Local Air Quality Management (LQMA) as set out in Part IV of the Environment Act 1995, an Annual Status Report (ASR) is prepared and published on the Council's website. The Council does not have any air quality management areas, so no formal action plan is required

This document aims to provide an overview of the actions Maldon District Council intends to take to ensure the District continues to benefit from good air quality. Set out below are eight broad actions indicating what is planned to try to achieve this:

ACTION 1

Securing measures to reduce vehicle journeys and therefore reduce vehicle exhaust emissions via the major planning applications. This includes new and enhanced public transport links, cycle networks and the installation of EV charging points (to provide an infrastructure to encourage future ULEV use and therefore reduce exhaust emission).

In particular the planned garden suburb developments are funding a new bus service to Chelmsford and creating a cycle path network linking up to the existing settlement to provide viable alternative to road vehicles. Relief roads have also been secured to reduce congestion in parts of Maldon District.

ACTION 2
Continue to monitor nitrogen dioxide at numerous locations around the District. This is done on a monthly basis using diffusion tubes. The results are not as accurate as the real-time methods; however, three diffusion tubes are co-located at Morrison's roundabout on the A414 which allows us to bias correct the tubes. Annual results of the tube concentrations are published monthly on www.essexair.org.uk. A review of the existing tube locations was undertaken in December 2016.

ACTION 3
Use the procurement system to ensure that air quality is a consideration within contracts for Maldon District Council.

ACTION 4
Work with Public Health colleagues to inform the public about health impacts of air pollution and how they can change behaviour to reduce emissions and reduce exposure.

ACTION 5
Continue to actively work with operators of industrial processes that ensure that permit conditions are appropriate for the operation and they meet compliance.

ACTION 6
Local air quality management guidance recommends that every six years a District review is completed to identify any new industrial processes that are operating without a permit are regularised to ensure emissions to air are controlled. This work is ongoing.

ACTION 7
Encouragement of staff to car-share including the provision of a car sharing space in the staff car park.

ACTION 8
Explore grant options and the Council's appetite for the installation of electric charging points in two strategic locations within the District. By providing these points it will provide and encourage accessibility to both residents of Maldon District and visitors.

APPENDIX 3: ASSESSMENT CRITERIA CHECKLIST

CHECKLIST 1: **Screening Checklist**

	Screening Checklist	YES	NO	Recommendations
1	Is the proposed development within an air quality management area (AQMA)			If any answer is YES Go To Checklist 2. If all are NO, no further assessment required
2	Is the proposed development categorised as a major development *			
* Major developments are defined by the Town and Country Planning (Development Management Procedure) Order (England) 2010				

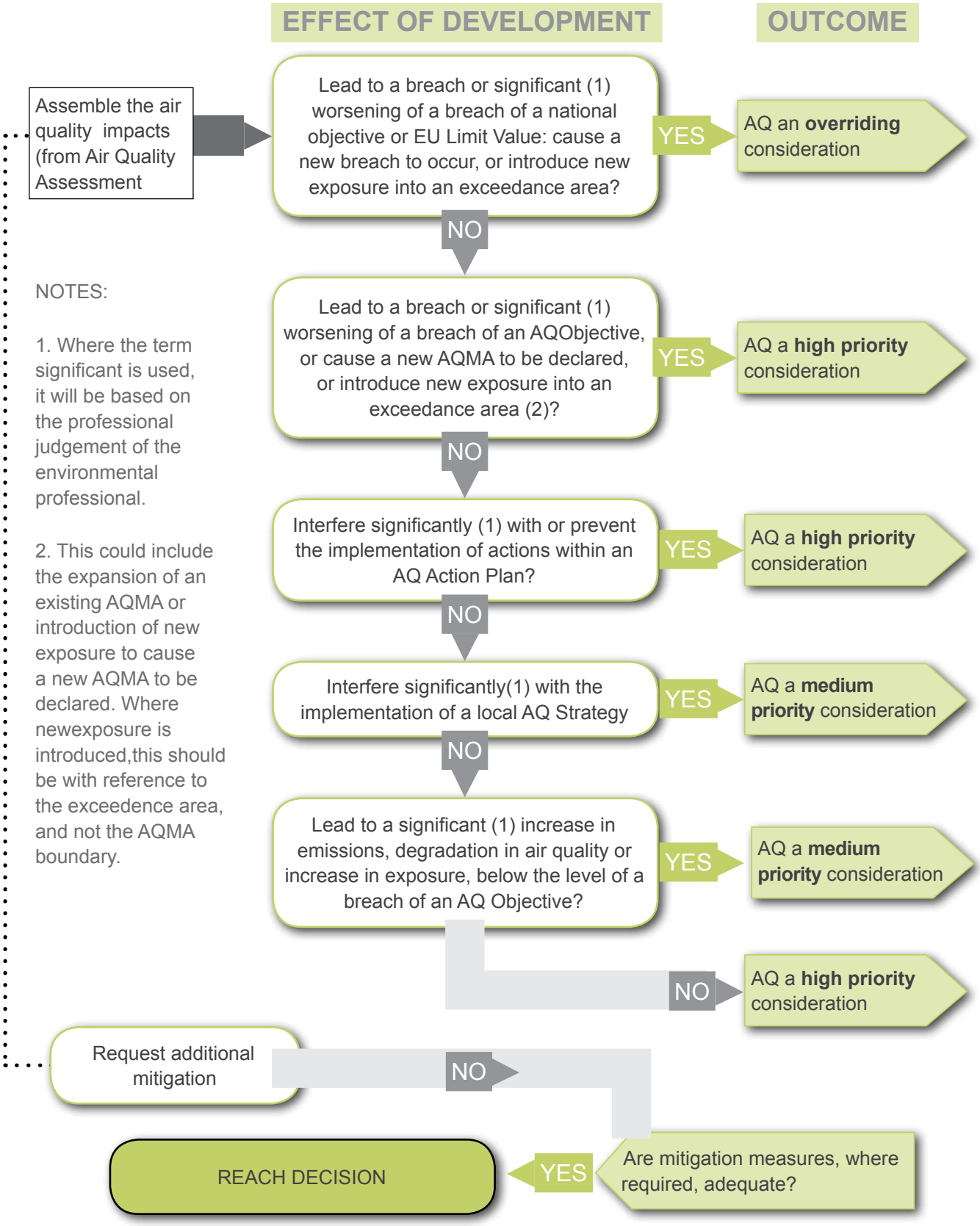
CHECKLIST 2: **Air quality and emissions mitigation assessment checklist**

	Assessment Checklist	YES	NO	Recommendations
1	Is the proposed development within or likely to impact upon an air quality management area (AQMA) or an area near to exceeding AQ Limits?			If any answer is YES contact MDC Environment Services to confirm that an air quality (AQ) assessment is required and then undertake an emissions assessment Emissions mitigation assessments are discussed in section 6. If all answers are NO, Or Environment Services determine there is no need for an AQ assessment go to section 6 of this guidance
2	Does the development require an EIA?			
3	Is the proposed development type likely to become either on its own or as part of several cumulative developments a large scale major development?			
4	Is vehicle parking in the development >100 (outside AQMA) or >50 (within AQMA)?			
5	Does the proposal result in an increase in vehicle trip generation within the local area which will lead to an increase or decrease in traffic volumes (annual average daily traffic (AADT) or peak traffic flow) of 5% on roads with 10,000 AADT or more, or 5,000 or more if narrow and congested?			
6	Does the proposal result in change in average vehicle speed by more than 10kph (6.2mph) than is present on the existing local road network on roads with 10,000 AADT or more (5,000 if narrow and congested)?			
7	Does the proposal result in a likely increase in heavy duty vehicle movements >15 per day?			



8	Does the proposal result in increased congestion – this will vary according to location, but can generally be considered to be where there is a build-up of traffic preventing efficient movement?			
9	Will the development introduce new sensitive receptors into or in close proximity to an AQMA or area near to exceeding the AQ limits?			
10	Is the site a Local Development Plan site?			
11	Will the development lead to new infrastructure such as rail, road, roundabout, signalling, bridges etc			
12	Will the development create a street canyon or enclose roads and reduce dispersion of pollutants?			
13	Does the proposal include biomass energy or heating plant >50kW into an urban residential environment?			
14	Is the proposal in or close to sensitive designated sites such as Special Protection Areas, Special Areas of Conservation (SAC), Ramsar sites, designated ecological sites or Sites of Special Scientific interest (SSSI), County Wildlife Sites, Local Nature Reserves, Roadside Nature Reserves?			

APPENDIX 4 - STEPS FOR LOCAL AUTHORITY TO ASSESS THE SIGNIFICANCE OF AIR QUALITY IMPACTS OF A DEVELOPMENT PROPOSAL



Assessing Air Quality and Emissions Impacts from Development

Technical Document to Maldon District Design Guide
February 2017

If you need help with this information in a different format, please call 01621 854477

Maldon District Design Guide

Designing for Older Persons' Housing



MALDON DISTRICT COUNCIL

Technical Document to Maldon District Design Guide February 2017



CONTENTS

1. Introduction

2. Policy context

3. Types of older persons' housing

4. Applying design guidance to new development

5. Principles of design and outside space









1. Introduction

1.1. The purpose of this guidance

This document provides further guidance on the design of older persons' housing in the District. It draws on relevant planning policy and published guidance on the design of older persons' housing and forms part of the suite of technical documents that support the Maldon District Design Guide (MDDG).

Design is a material consideration within the planning process. This document provides guidance on how to ensure the design of new development meets the specific needs and aspirations for older people within the District.

The objective is to provide a better quality of life, health and well-being for older people and to ensure development within the Maldon district delivers the appropriate type of housing that meets projected needs. New developments, ranging from retirement housing to extra care housing, should be appropriately located and designed to be flexible, capable of adaptation, inclusive and accessible.

Reference should also be made to the Older Persons' Housing Strategy (December 2013) and the Maldon Housing Strategy (currently in preparation) which provide further information on the District's housing needs with particular reference to the Strategic Housing Market Assessment (SHMA).

This guidance should be read in conjunction with the Maldon District Design Guide (MDDG) which relates to all types of housing and should be used to inform design development and the preparation of planning applications.

1.2 The importance of good design

Maldon District is a predominately rural district with an ageing population, therefore, design is paramount in the delivery of appropriate housing to meet the needs of older persons. Surveys undertaken to inform the Older Persons' Housing Strategy identified that 70% of those surveyed would seek single level living, close to bus routes or shops, parking and gardens and identified design and location as important factors in the choice of future homes.

This guidance builds on the principles set out in the MDDG to ensure that people have the opportunity to live in a property that continues to meet their needs as they grow older and where they are not unduly restricted due to location or mobility.

By setting standards for future developments, and working in partnership with stakeholders, the District should see an increase in the choice available to older people looking to move whether this is to alternative general needs housing or to homes intended specifically for older people.

2. Policy context

2.1. National Planning Policy Framework (NPPF)

2.1.1 **What is an older person?**

The NPPF recognises the older person and provides the following definition (Page 54 (Glossary)):

"People over retirement age, including the active, newly-retired through to the very frail elderly, whose housing needs can encompass accessible, adaptable general needs housing for those looking to downsize from family housing and the full range of retirement and specialised housing for those with support or care needs". However, there is no age bracket that is specific to an 'older person'.

2.1.2 **Paragraph 159** states the local planning authority should:

"prepare a Strategic Housing Market Assessment (SHMA) to assess their full housing needs, [which].....should identify the scale and mix of housing and the range of tenures ..... which ... addresses the need for all types of housing, the needs of different groups in the community (such as .....older people.....)"

2.1.3 **Paragraph 50** states local planning authority should:

"plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as ..... older people.....)"

Running parallel with the requirement to deliver the appropriate mix of housing, and stated throughput the NPPF, is the core principle of securing high quality and inclusive design.

2.1.4 **Paragraph 56** states:

"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people to live".

The concept of using design codes to help in the delivery of high quality outcomes is set out at paragraph 59

2.1.5 **Paragraph 7** - Sustainable development

The planning system strives to deliver sustainable development which includes the need to perform a social role:

"supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being"

2.1.6 **Section 8** recognises:

"the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities", particularly important to ensure older persons remain integrated within the local community..

2.2 Local Development Plan (LDP)

2.2.1 Policy D1 – Design Quality and Built Environment

Policy D1 sets out the criteria for high quality design to ensure that:

"new development is visually attractive, responsive to local character, helps to promote healthy communities, and creates buildings which are durable, adaptable, and function well within the surrounding area to create a safe and accessible environment".

Paragraph 3.4 sets out the Council's expectation that:

"all development [should] support the principles of inclusive design [and] ensure that new development can be used by all people. Design should also seek to reduce social exclusion within the District, and seek to improve people's access to housing, ….required services and facilities."

This criteria is reflected in the design principles set out in the MDDG and also forms the foundation for this guidance.

2.2.2 Policy H2 - Housing mix

Policy H2 states that:

"all developments will be expected to provide a suitable mix and range of housing .....particularly the need for an ageing population".

Paragraph 5.16 states:

"...The Council will require new development to incorporate a range of different housing types which contribute towards meeting the identified housing needs for different demographic groups in the District. ...The Council will also encourage development proposals which seek to meet the housing need of older people ...."

2.2.3 Policy H3 - Accommodation for 'specialist' needs

Policy H3 states that: *"Proposals for specialist needs housing such as homes for older people, people with disabilities, or homes for other specific groups who may require properties that are specifically designed and/or allocated will be supported .... "*

Paragraph 5.21 states:

"Specialist housing may be required, but not limited to, meeting the needs of older people ..... This could be achieved by providing a range of different types of housing including sheltered housing with care support, staffed hostels, residential care homes, wheelchair accessible housing or housing that is easily adaptable for wheelchair use, and generally homes for older persons ..."

2.2.4 Policy T2 – Accessibility

Policy T2 seeks to create an accessible environment for everyone and will include

"improving accessibility to buildings, streets and public spaces, particularly those with mobility impairments"

The LDP acknowledges that the ability of people to access key services and facilities can make an important contribution to the health and well-being of communities of all age groups.

3. Types of older persons' housing

3.1 Housing categories

3.1.1 As discussed in section 2 above, the NPPF identifies older persons as people over retirement age. Without discussing this description in detail, it is acknowledged that 'retirement age' is flexible and can be extended to include the 55+ age group through to end of life.

3.1.2 As such, provision of housing for the elderly should be designed to meet all ages and abilities within this age group and should provide choices that allow them to be accommodated within their family home or move to a new home to meet their future needs as they grow older.

3.1.3 There are a number of different types of accommodation which fall within the category of older persons' housing. This guidance is applicable to the broad spectrum of housing provision for the older person and encompasses residential care, including retirement and nursing/care homes, as well as independent living. A document published by the Housing our Ageing Population: Panel for Innovation (HAPPI) in October 2014 categorised the types of housing provision into three groups:

- Mainstream housing
- Specialised housing
- Care homes

3.1.4 The table below sets out these three broad categories of accommodation referred to above and provides a brief outline of their functionality. New developments incorporating homes for older persons should be designed to be functional, adaptable, aesthetically pleasing and well located and should comply with the principles set out in the MDDG.

mainstream housing	specialised housing	care homes
Individual homes to buy or rent - not designated for any specific user group though Lifetime Homes includes age-friendly features and wheelchair housing is specially designed. Personal care, support, other services and amenities available within the community.	Groups of homes (usually flats) to buy or rent - designated for older people (typically 55+). Personal care and support usually arranged or provided within the development together with shared facilities and activities.	Residential care rather than independent living.
Planning: current use class 3 'dwelling houses'	Planning: currently classified as C2 or C3 - would a new class or classes be useful?	Planning: current use class 2 'residential institution'





FIGURE 4.1 "Mainstream, Specialised and Care-Home Housing: The Happi Spectrum (Add Footnote)
SOURCE: Ippr – For Future Living – Innovative Approaches to Joining Up Houses and Health
(Author: Bill Davies; Published 23/10/2014)

3.2 Use Class Categories

3.2.1 It is also helpful to understand how the different types of housing for older persons is differentiated in planning terms. The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. There is some discussion on whether the older persons' housing would fall into Use Class C2 or Use Class C3. This is dependent on the type of housing and, for reference purposes, details of the categorisations are outlined below.

3.2.2 **Class C2: Residential institutions**

These include, amongst others, residential care homes, hospitals and nursing homes.

3.2.3 **Class C3: Dwellinghouses**

This class is made up of 3 parts, the relevant class being Class C3(a) which covers use by a single person or a family, domestic employees, a carer and the person receiving the care. In practical terms, the conventional concept of a self-contained home where people can live independently and exclusively within their own property, even though in the case of some elderly persons' housing, there may be communal facilities outside of their own personal property.

SOURCE: https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use

3.2.4 The provision of accommodation for the older person 'crosses' both Use Class C2 and Use Class C3. Whilst Class C3 comprise independent housing units, Class C2 is managed in a very different way and people do not have the same independence as they would in their own home. It is possible that on some sites there may be an overlap between the different categories, with some people occupying homes as owners, tenants or leaseholders (C3) alongside others who are accommodated on a more temporary basis in order to receive care or treatment (C2). This may be the case for extra-care housing with enhanced facilities to meet additional needs of residents if they become more frail, or to provide interim care and support for those recovering and undergoing a period of re-ablement. It is advised that when considering development, applicants should be explicit about the type of housing they intend to provide, including the proposed tenure and where appropriate, the method of allocating homes, and should refer to the HAPPI reports for more detailed information as well as the design guidance set out in the MDDG and this document and any further guidance that may be appropriate.

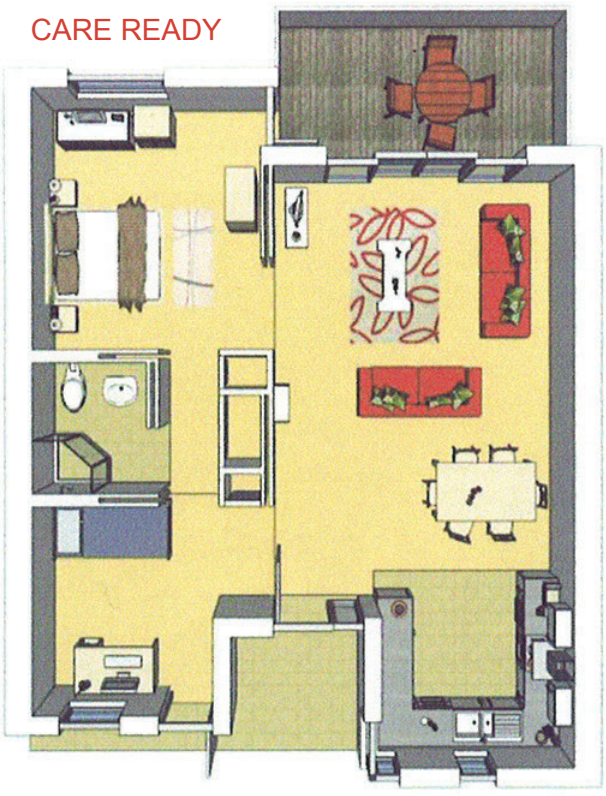
Further details can be found in: Planning Use Classes and Extra Care Housing Viewpoint 20 produced by The Housing Learning and Improvement Network (LIN) http://www.housinglin.org.uk/AboutHousingLIN/

4. Applying design guidance to new developments

4.1 What the Maldon District expects

4.1.1 The MDDG requires all residential development to be sustainable, inclusive and accessible, aesthetically pleasing and to promote high levels of social inclusion and meet the needs of residents.

4.1.2 Additionally, in order to provide adequate and sustainable housing for the older person, the development must offer an attractive alternative to the existing family home, and be capable of adaptation over time to meet changing needs. Additional space may be required to reflect the fact that in many cases people will be down-sizing from larger homes and in the future may need space for aids and adaptations. Through good design one-bedroom homes can be built to be better suited to possible future requirements such as the need to have an over-night carer, storage for mobility scooters and space to retain independence.



SOURCE: HCA Homes & Community Agency

4.1.3 The Council expects the design of proposals for elderly persons' housing to ensure a high quality of development which meets the principles set out in the MDDG. In particular, those principles relating to adaptability, and inclusive and accessible design, should take account of relevant guidance including:

- Guidance produced by HAPPI (Housing our Ageing Population: Panel for Innovation)
- Lifetime Homes Standards
- National Space Standards
- Town Planning and Dementia RTPI Practice Advice January 2017
- Inclusive Design for Getting Outdoors

5. Principles of design and outside space

5.1 The Maldon District Design Guide (MDDG)

As set out previously, the MDDG sets out clear principles to guide future development within the District and has been prepared in line with the LDP and NPPF requirements, local studies and strategies. This guidance supports the MDDG and whilst the whole document is applicable to all development, there are a number of elements that are pertinent to the design and delivery of housing for the older person, in particular:

5.1.1 **Section A 04 – Key Design Objectives**: **Adaptability and Quality**

Adaptability and Quality underpins the potential to deliver 'lifelong' housing by:

- anticipating the need for changes in buildings and outdoor spaces
- providing places that function well today, last for the future and are easy to adapt to changing requirements of occupants and other circumstances at any time, and
- providing buildings that can accommodate changing needs

5.1.2 **Section C 16 – Inclusive and accessible design**

A number of elements play a significant role in delivering inclusive design and accessibility. This section identifies important features that will guide delivery of housing for the older person, and seeks to ensure that:

- individual dwellings are designed to be flexible, capable of adaptation to meet the changing needs of residents in the future...
- the design of new dwellings takes into account Lifetime Home Standards

5.2 Housing our ageing population: Panel for Innovation (HAPPI)

5.2.1 A study undertaken by HAPPI (2009) identified ten key components for the design of housing for older people. Maldon District Council will expect these to be incorporated in all proposals including the development of elderly persons' housing:

- Homes should have generous internal space standards
- Design of homes and shared spaces should ensure plenty of natural light in the home and in circulation spaces
- Buildings should avoid internal corridors and single-aspect flats and apartments should have balconies, patios or terraces and outdoor space
- To ensure adaptability, homes should be designed to be 'care-ready' to enable emerging technologies, such as telecare and community equipment to be installed

- Building layouts should promote circulation areas and shared spaces that offer connections to the wider context and avoid an 'institutional feel'. Imaginative use of shared balcony access to front doors and thresholds should be included to promote natural surveillance
- Multi purpose space should be made available with appropriate supporting facilities, which could serve the wider neighbourhood as a community 'hub', particularly where they are lacking in the existing community
- Homes should engage positively with the street and the natural environment should be nurtured through new trees and hedges. (further detailed guidance can be found in the Council's Landscape and Green Infrastructure Technical Guidance (February 2017)
- Homes should be energy efficient, well insulated and well ventilated to avoid overheating
- Provision for cycles and mobility aids should be made as well as additional storage both inside and outside the home
- Shared external areas such as 'home zones' that give priority to pedestrians should be considered

SOURCE: https://www.gov.uk/government/publications/housing-our-ageing-population-panel-for-innovation

5.2.2 A number of these recommendations reflect some of the key factors identified in local surveys undertaken as essential and important by older persons seeking a future home (see 1.2 above).

A further report: Housing our Ageing Population: Plan for Implementation (HAPPI2) Report (2012) provides further advice on improving the design and quality of specialist housing for the older person with the ten core design elements remaining in place

SOURCE: http://www.housinglin.org.uk/topics/type/resource

5.2.3 A recent report from HAPPI - Housing our Ageing Population: Positive Ideas HAPPI 3 Making Retirement Living a Positive Choice (June 2016) primarily focuses on issues beyond the design and construction of housing for older people. Whilst it explores best practice and service options, it reiterates the ten features identified in the 2009 HAPPI report set out above. This report also provides links to further studies, guidance and case studies.

SOURCE: http://www.housinglin.org.uk/topics/browse/design_building/happi/

5.3 Lifetime homes

5.3.1 The Lifetime Homes Standard establishes the principles of good design that maximise utility, independence and quality of life. Whilst Lifetime Homes has not been formally adopted by the Council, developers will be expected to take account of these design principles which provide particular benefits to older people and those with a physical impairment.

The Lifetime Homes design criteria are intended to provide accessible and adaptable accommodation for everyone, and over time, should allow older people to remain in their houses for longer and offer greater choice for independent living. The concept is based on five overarching principles:

- Inclusivity – the flexibility and adaptability within the design will meet a diverse range of needs over time
- Accessibility – inclusive design will provide convenient and independent access into and around the built environment (externally and internally)
- Adaptability – the original design should accommodate future provision for adaptation from the outset
- Sustainability – the accessibility, flexibility and adaptability will ensure long term demand and contribute to the creation of stable and popular neighbourhoods and communities
- Good value – carefully considered design, incorporating provision for adaptation, will give inherent flexibility and provide better value for the wider community in accommodating the changing needs of older people, thus reducing the future need for specialised housing.

SOURCE: http://www.lifetimehomes.org.uk

5.4 Technical Housing Standards – nationally described space standard (March 2015) published by Department for Communities and Local Government

5.4.1 This document deals with internal space within new dwellings and can be applied across all tenures. Whilst this is referenced for guidance only and has not been formally adopted by the Council, developers will be expected to take these standards into account in the design of new developments.

SOURCE: https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard

5.5 RTPI Practice Advice (January 2017): Dementia and Town Planning - Creating better environments for people living with dementia

5.5.1 Whilst this document primarily discusses provision for people living with dementia, it provides useful design guidance on the provision of adaptable housing for the elderly in sustainable locations and the creation of an engaging living environment. The Guidance sets out the following key design principles to be considered in the design of new developments:

- A familiar environment where functions of places and buildings are obvious, and any changes are small scale and incremental
- A legible environment that provides a hierarchy of street types, which are short and fairly narrow with clear signs at decision points
- A variety of landmarks, with architectural features in a variety of styles and materials, e.g. trees and street furniture, to provide distinctions between areas
- Land uses are mixed with shops and services within a 5-10 minute walk from housing, and entrances to places are obvious and easy to use, and conform to disabled access regulations
- Open space is well defined with toilets, seating, shelter and good lighting with minimal street clutter. Background and traffic noise should be minimised through planting and fencing (this is covered in more detail in the Council's Assessing Air Quality & Emissions Impacts from Development, and Planning & Noise Technical Guidance)
- Wide, flat and non-slip footpaths with development orientated to avoid creating dark shadows or bright glare

Further information on this guidance, including links to summaries of expert advice on urban and housing design can be found in

"Dementia and Town Planning – RTPI Practice Advice January 2017 (endorsed by Alzheimers Society)"

SOURCE: http://rtpi.org.uk/knowledge/practice/dementia-and-town-planning/

5.6 Inclusive Design for Getting Outdoors (I'DGO)

5.6.1 It is recognised that access to safe outside space, with good views from inside the building as well as daily exposure to daylight, improves health. It is particularly important to ensure the design of housing for the elderly encompasses not only the aesthetics of the buildings themselves but also the provision of easy access to the outdoor environment. A well-designed outdoor environment will encourage older people to spend more time outdoors and the "experience" should be designed to meet their particular needs. This guidance supplements the MDDG which sets out the key elements to be included in the design of open spaces including accessibility and integration with the wider community.

Further detail can be found in "Inclusive Design for Getting Outdoors" – A research project funded by the Engineering and Physical Sciences Research Council (2003-2013).

SOURCE: http://idgo.ac.uk/older_people_outdoors

Designing for Older Persons' Housing

Technical Document to
Maldon District Design Guide
February 2017

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Maldon District Design Guide

Landscape and Green Infrastructure (including Open Space, Sport and Play Facilities, Biodiversity and Trees)



MALDON DISTRICT COUNCIL

Technical Document to Maldon District Design Guide February 2017



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1. Introduction

1.1. The purpose of this guidance

This guidance provides direction on the importance for new development of environmental planning with respect to landscape and green infrastructure, including open space, sport and play facilities, biodiversity and trees. It is intended to supplement the information contained in the Maldon District Design Guide, providing further context and technical detail on the topics identified above, and highlighting the planning policy, local evidence documents and other available relevant guidance that can help create sustainable settlements in Maldon.

The aim of this guidance is to ensure that all residents living within Maldon District have access to a wide range of high quality landscapes and green infrastructure features that meet local green space and play standards to facilitate quality of life, health and wellbeing. Additionally, that biodiversity and trees are fully considered at an early stage in the development process and are seen both as an opportunity as well as a constraint in development proposals. This guidance aims to ensure that new development proposals design out negative landscape and green infrastructure effects rather than relying on mitigation to replace lost features.

1.2. Role of landscape and green infrastructure

Landscapes are the result of the action and interaction of natural and human factors and have an important role in the cultural, ecological and social purposes of place, whilst contributing to both economic activity and job creation. Green infrastructure is the network of multi-functional green space and linkages, whether accessible or not, which supports both ecological processes and is integral to the health and quality of life of local communities. Access to high quality open spaces and play facilities are known to contribute to the health and well-being of communities as a whole as well as those of individuals, particularly children. Biodiversity is the variety of life and the heritage of millions of years of evolution. Functioning natural systems are required to sustain biodiversity and successional processes. Trees contribute greatly to both urban and rural character and beauty whilst performing important ecosystem services such as filtering air pollutants, reducing storm event effects and decreasing urban temperatures.

1.3. The landscapes and green infrastructure of Maldon District

The Maldon District landscape consists largely of low-lying, open and tranquil estuary land, with shallow creeks, mud flats, salt marsh, grazing marsh and arable land which abuts the often sharply rising, more wooded ground inland. Green infrastructure (GI) within the District includes a range of natural green space (including the estuaries, designated nature conservation areas and ancient woodlands), man-made or intensively managed green spaces (such as parks, allotments and sports pitches), as well as linear spaces (such as footpaths, cycleways and sea walls). It is identified that the current supply of GI within the District is relatively good overall, although some areas of the District are better provided for than others and as population is projected to rise, new facilities will be needed to maintain the current level of provision.



IMAGE: PAUL HARRISS

2. Policy context

2.1. The National Planning Policy Framework (NPPF) recognises the importance of the natural environment including landscape and green infrastructure in providing essential support and opportunities for communities and to mitigate climate change effects.

2.1.1. **Paragraph 99** states that *'Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape… When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.'*

2.1.2. **Paragraph 109** states '*The planning system should contribute to and enhance the natural and local environment by:*

- *protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *recognising the wider benefits of ecosystem services;*
- *minimising impacts on biodiversity and providing net gains in biodiversity where possible…'*

2.2 **Paragraphs 114, 117 and 118** expand on the need to plan positively for biodiversity and green infrastructure networks and to minimise impacts, and the importance of local landscape character. Paragraph 118 describes a set of principles for the local authority to apply in decision-making.

2.2.1 **Paragraph 114**: 'Local planning authorities should:

- *… planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure; and*
- *maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes … and improve public access to and enjoyment of the coast…'*

2.2.2 **Paragraph 117**: *'To minimise impacts on biodiversity and geodiversity, planning policies should:*

- *plan for biodiversity at a landscape-scale across local authority boundaries;*
- *identify and map components of the local ecological networks, including … designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation;*
- *promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan;*
- *aim to prevent harm to geological conservation interests…'*

2.2.3. **Paragraph 118**: '*When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*

- *if significant harm resulting from a development cannot be avoided… adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*
- *proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest … should not normally be permitted…*
- *development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;*
- *opportunities to incorporate biodiversity in and around developments should be encouraged;*
- *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats …unless the need for, and benefits of, the development in that location clearly outweigh the loss…'*

2.3. **Paragraph 170** supports the need for landscape character assessments:

2.3.1. **Paragraph 170**: '*Where appropriate, landscape character assessments should also be prepared, integrated with assessment of historic landscape character, and for areas where there are major expansion options assessments of landscape sensitivity.'*

2.4. **Paragraph 125** deals specifically with the role of good design in mitigating light pollution in natural environments:

2.4.1. **Paragraph 125**: *'By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'*

2.5. **Paragraphs 73 and 74** identify the importance of the protection and provision of high quality sport, recreation and green space opportunities:

2.5.1. **Paragraph 73**: *'Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.'*

2.5.2. **Paragraph 74**: *'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss'.*

2.6. Other national policy and guidance

2.6.1. **An Approach to Landscape Character Assessment (2014)** (NATURAL ENGLAND) This guidance sets down the process for landscape character assessment to create robust and transparent studies that aid landscape understanding and inform judgements as a result of development management or other change. Landscape Character Assessment can be used to inform policy, place-making, green infrastructure strategies, design briefs, project design and master planning.

2.6.2. **Guidelines for Landscape and Visual Impact Assessment, 3rd ed.(2013) (**LANDSCAPE INSTITUTE AND INSTITUTE OF ENVIRONMENTAL MANAGEMENT AND ASSESSMENT**)** Landscape and Visual Impact Assessment (LVIA) is a separate process that can operate within the framework of Environmental Impact Assessment or be used as an informal standalone tool. In the latter instance it is often referred to as a landscape and visual appraisal and is useful to aid thinking about forms of development. It aims to ensure that all effects on landscape change, views and amenity are considered.

2.6.3. **Green Infrastructure Guidance (2009)** (NATURAL ENGLAND) The provision of green infrastructure is recognised as contributing to places where people want to live and work. Natural England's guidance provides a definition and maps out wider policy priorities and drivers for green infrastructure. It outlines the protection for landscape under the European Landscape Convention (2000), which was ratified by the UK in 2012.

2.6.4. **Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services (2011) (**DEFRA) In June 2011, EU Member States endorsed the European Commission's EU Biodiversity Strategy. Biodiversity 2020 sets out how the UK will address the EU strategy through our own policy. The mission for this strategy is: 'to halt overall biodiversity loss, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people'.

2.6.5. **Sporting Future: A New Strategy for an Active Nation (2015)** (HM GOVERNMENT) In this strategy, the government recognises that people are active in both urban and rural environments, and that people use a range of facilities including parks, canals, green spaces and skate parks. Access to local urban opportunities is seen as particularly important for those individuals who are currently inactive. This includes capitalising on the development of high quality local access networks, and support for infrastructure that is not restricted to pitches, sports halls and buildings. In future, all types of places where people are active, in both rural and urban environments, will be considered to be part of the active sports network.

2.6.6. **Designing and Planning for Play (2008) (**CABESPACE) This guidance document, now promoted by the Design Council, looks at the opportunities for enhancing outdoor play space, not just in designated playgrounds but in school

grounds and the wider public realm. It analyses the failings of standardised equipped playgrounds with often costly off- the-shelf equipment, safer surfacing and fencing. It presents a series of case studies to showcase how creativity from well-qualified professionals can be used to make cost effective but fun facilities.

2.6.7. **Cycling and Walking Investment Strategy (2016) (**DEPARTMENT FOR TRANSPORT) This strategy seeks, amongst other things, to double cycling by 2040 and reduce the decline in walking. This includes the ambition to deliver a wider network of walkways, cycle ways and open spaces that let people actively incorporate nature into their lives. The strategy also flags up the ability for local authorities to use the Community Infrastructure Levy for parks and green spaces.

2.6.8. **Improving Access to Green Space (2014)** (PUBLIC HEALTH ENGLAND) This health briefing looks at a series of case studies in the UK where new or improved greenspace has been created in order to reduce health inequalities. It recognises the role that greenspace can make to improve health outcomes particularly for the most deprived neighbourhoods.

2.6.9. **Trees in Hard Landscapes: A Guide to Delivery (2014)** (TREES AND DESIGN ACTION GROUP) This comprehensive document has been produced by a sector wide group that seeks to raise awareness about the role of trees in the built environment. It identifies practical strategies to ensure trees contribute effectively to the design objectives of a project, technical solutions to their incorporation and thoughts on species selection.

2.7. Local policy and guidance

2.7.1. **Maldon District Landscape Character Assessment (2006)** (CHRIS BLANDFORD ASSOCIATES) This study provides a baseline of the landscape character of the district identifying key landscape character types – areas of broadly similar patterns of geology, landform, soils, vegetation, land use, settlement and field systems - broken down into local landscape character areas that reflect variations based on visual analysis of physical and perceptual features such as scale, pattern, tranquillity, cultural associations, etc. Character area profiles describe, for instance, key characteristics, key planning and management issues, sensitivities to change, landscape objectives and guidelines.

2.7.2. **Green Infrastructure Study (2011)** (MALDON DISTRICT COUNCIL) The Study (or successor document) identifies the components which make up the District's Green Infrastructure (GI) network, including parks and amenity space, sports provision, natural and semi natural green spaces, and allotments. It investigates the general need for GI in the District, assesses the quantity, quality and accessibility of provision, and draws together recommendations for the future.

The current supply of GI within the District is relatively good overall, although some areas are better provided for than others. As population in the District is projected to increase over the next 20 years new facilities will be required to maintain the current level of provision.

2.7.3. **Maldon District Nature Conservation Study (2007)** (EECOS) This report describes the result of a general wildlife survey of the district at a Phase 1 level and evaluates the network of important wildlife sites with a view to reviewing the designation of Local Wildlife Sites. It identifies that Maldon District supports diverse habitats and describes the changes that are affecting priority habitats and species. It describes the role and requirements for wildlife corridors and discusses some potential impacts of climate change.

2.7.4. **Maldon District Local Wildlife Sites Review (2007)** (EECOS) This report lists the current Local Wildlife Sites in Maldon District, the changes from the previous study and the criteria used to determine these changes.

2.7.5. **Essex Biodiversity Action Plan 2010-2020 (2012)** (ESSEX BIODIVERSITY PROJECT) The Essex Biodiversity Action Plan provides guidance for the 19 Priority Habitats of the Biodiversity 2020 Strategy as well as the list of Priority Species and Habitats provided for in Section 41 of the 2006 Natural Environment and Rural Communities Act. Work on Rivers is being approached through the Water Framework Directive and Catchment Restoration Fund projects. For details see http://www.essexbiodiversity.org.uk/biodiversity-action-plan

2.7.6. **Maldon District's Children's Play Strategy (2007)**: This strategy (or successor document) audited both equipped play space using national standards and carried out a review of the play service and open space. A consultation exercise was carried out with a sample of children and parents in the district. Key play projects were identified for development. The National Playing Fields Association (now Fields in Trust (FIT)) standards are proposed.

3. Landscape structure and design

3.1. Section B03 of the Maldon District Design Guide, Landscape Settlement and Character, flags up the importance of landscape character in shaping new or expanding settlements as well as detailed landscape masterplans. The Design Guide identifies that more information can be found in the Maldon Landscape Character Assessment. This document identifies 6 No. Character Types and 24 No. Character Areas. For each Character Area the assessment identifies the key characteristics, overall character, visual characteristics, historic land use and ecological features, as well as the key planning and land management issues, sensitivities to change, strategic objectives and suggested landscape planning and land management guidelines. These objectives and guidelines should be used to inform the development of scheme proposals.

3.2. All applications that would impact on the character and visual amenity of the undeveloped coast, countryside or rural fringe, or are otherwise outside the settlement boundaries, should undertake a baseline landscape and visual appraisal including a review of the local and relevant national landscape character assessment, as required in the Maldon District Council Planning Validation Requirements List, in order to understand local landscape context.

3.3. Where the impact is judged to need a more rigourous assessment, for instance where the proposal is for major residential development of 10 or more units or where the floor space to be created is greater than 1000m2, the application may require instead a formal Landscape and Visual Impact Assessment. These are more detailed technical studies and should be carried out by a suitably qualified landscape professional, in line with current guidelines.

3.4. For all applications for major residential developments and all major commercial developments a landscape strategy should be produced. The landscape strategy should cover all public and private spaces including open space, sports pitches and play facilities, green infrastructure, biodiversity habitats, water bodies and landscape buffers, and refer to hard surfaces, boundary treatment and all soft landscaping proposed. The strategy should build on the principles set out in the scheme Design and Access Statement (where relevant). Emerging Neighbourhood Plans and existing Village Design Statements may also give additional detailed local information on local landscape character.

3.5. Landscape design should be based on detailed site survey covering landform, topography, aspect, soils, ecology, arboriculture, land use, landscape patterns (such as field boundaries), linkages, water bodies and site drainage, other site features and views. This baseline data should be analysed to provide a site appraisal drawing, and used to inform the overall landscape strategy. Site layout should seek to retain, protect and enhance on site features wherever possible.

3.6. The applicant should refer to Section C02-C011 of the main Maldon District Design Guide which outlines factors to consider when designing with the landscape and public realm in mind.

4. Green infrastructure

4.1. The National Planning Practice Guidance (NPPG), paragraph 027, recognises green infrastructure as a network of multifunctional greenspace, in both urban and rural areas, capable of delivering a wide range of environmental and quality of life benefits for local communities. It includes parks, open spaces, playing fields, woodlands, but also street trees, allotments and private gardens. It can also include streams, canals and other water bodies and features such as green roofs and walls.

4.2. Green infrastructure helps deliver sustainable communities alongside other infrastructure such as transport and utilities, and where well-designed, can deliver multiple benefits such as ecosystem services for society, the economy and the environment. (NPPG paragraphs 028)

4.3. Well-designed green infrastructure should create a sense of place by responding to, and enhancing, local landscape character. It should be used, where appropriate, to help mitigate and adapt to climate change risks through carbon storage, the use of sustainable drainage systems, managing flood risk and water resources, improving water quality, reducing the urban heat-island effect and supporting adaptive management in coastal areas. It can also provide networks to help vulnerable species and contribute to halting the decline in biodiversity (NPPG Paragraph 030).

4.4. The Districtwide Green Infrastructure Study (2011) identifies the elements that make up the existing green infrastructure network in the district and sets standards and recommendtions for the key typologies, including the following:

4.4.1. Public parks and amenity spaces:

Typology	Standards to be maintained
District Park	1 ha per 1000 population The whole population within 10 minutes' walk/1km distance
Local Park	1.14 ha per 1000 population The whole population within 10 minutes' walk/1km distance
Neighbourhood amenity spaces	0.14 ha per 1000 population The whole population within 5 minutes' walk/500m distance
Total parks and amenity space	**2.28 ha per 1000 population**

4.4.2. Natural and semi-natural greenspace:

Typology	Proposed standard
Natural and semi-natural greenspace includes SSSIs, Ramsar sites, SACs, NNRs, Fishing Lakes, Common Land, Local Wildlife Sites, Ancient Woodland and Green Corridors.	To investigate the potential to create new accessible greenspaces in or around Latchingdon and Tillingham. To improve connectivity between semi natural greenspaces. To apply a higher level of policy protection to Local Wildlife Sites through the emerging Local Development Framework.

4.4.3. Sports pitches and allotments:

Typology	Proposed standard	
11-a-side football pitches	One pitch per 1,475 in Burnham, Heybridge, Maldon, Southminster. One pitch per 1,650 people in rural areas.	Qualitative improvements to ensure that all aspects of all pitches and ancillary facilities are rated as 'average' or better at all sites.
Mini-soccer football pitches	One mini-soccer pitch per 6,280 people.	The whole population within 15 minutes' drive or walk of the nearest pitch
Allotments	0.2ha per 1000 population. The majority of the District is deficient in allotments. Priority for creating new allotments should be in parishes with larger populations where there are identified deficiencies. The whole population should be within 2km drive of the nearest site.	

4.4.4. No quantitative standard is set for natural and semi-natural greenspace, linear space, cycleways or footpaths. Quantitative, qualitative and accessibility standards are also set for other outdoor sport provision. A vision, principles and action plan for an enhanced network of provision will be identified in the proposed Green Infrastructure Strategy. All applications will need to have regard to the standards contained within the Green Infrastructure Study and any subsequent guidance.

5. Open space, sport and play

5.1. Open space forms an essential part of the green infrastructure network delivering health and community benefits, ecosystem services and economic value (NPPG paragraph 002). There is significant and growing evidence of the health benefits of high quality greenspace, including improvements in mental health and well-being. It can also bring benefits of social cohesion and reduces social isolation but there is unequal access across England.

5.2. The Districtwide Green Infrastructure Study (2011) which identifies the key open space and sports facilities in the district sets local standards for these key typologies (See Section 4.4 of this document) including district parks, local parks, neighbourhood greenspace, playing pitches and allotments. Quantitative, qualitative and accessibility standards are also set for other outdoor sport provision.

5.3. High quality open space is well-connected, integrated with built infrastructure, makes use of site features, existing biodiversity and views, is located where homes can overlook key elements of greenspace such as footpaths and play spaces, uses high quality and robust materials that can withstand wear and tear and reduce maintenance needs, is multi-functional and contributes to climate change adaptation or mitigation.

5.4. Play spaces need to be integrated into the wider public realm. They form an essential part of strategic thinking for open space. But play does not happen only in playgrounds. A mix of play spaces can occur e.g. in pocket parks, streets and town squares. Natural play space including landform, vegetation, and natural elements such as logs are preferred by children and help them develop creative play. Good quality design needs to balance imagination and risk. An appropriate designer should lead on this. Play spaces should be accessible to all (Designing and Planning for Play (2008) Cabespace; available from http://www.designcouncil.org.uk/resources/guide/designing-and-planning-play)

5.5. Maldon District current play standards are those promoted by the National Playing Fields Association (NPFA) (now Fields in Trust (FIT)) for Local Equipped Areas for play (LEAPS) and Neighbourhood Equipped Areas for Play (NEAPS).

5.6. The main characteristics of a LEAP play area are:-

- Located within a walking time of 5 minutes from home
- 5 play types, including safer surface
- Fencing complete with 2 pedestrian gates
- Minimum activity zone of 400sqm
- Seating, litter bins and a notice should be provided

5.7. The main characteristics of a NEAP play area are:-

- Located within a walking time of 15 minutes from home
- 8 play types, including safer surface
- Provision of a MUGA/Skate Park
- Fencing complete with 2 pedestrian gates
- Minimum activity zone of 1000sqm
- Seating, litter bins and a notice should be provided

6. Biodiversity

6.1. The Government's National Planning Practice Guidance (NPPG) identifies that development can affect biodiversity but that biodiversity benefits can also be delivered through the planning system. Both the local authority and a prospective developer need to consider existing biodiversity strategies and studies covering the local and neighbourhood plan areas and biodiversity action plans. These include the Maldon District Nature Conservation Study (2007), the Maldon District Local Wildlife Sites Review (2007) and The Essex Biodiversity Action Plan (2012). (See Section 2.3 of this document).

6.2. It is also important to consider the potential effects of development on priority habitats or species (See reference to Biodiversity 2020 in Section 2.2.5 of this document).

6.3. Information on biodiversity impacts and opportunities should inform all stages of development where biodiversity may be affected, including site selection and design, through the use of an ecological survey. These might be either stand-alone surveys or form part of a formal Environmental Impact Assessment (EIA), depending on the nature of both the site and the proposed development (NPPG Paragraph 014). Surveys should be carried out by suitably qualified ecological professionals. The statutory obligations in regard to international and national designated sites of importance for biodiversity must also be considered (NPPG Paragraph 08).

6.4. The biodiversity value of a site should not be considered in isolation by developers but should be seen in the context of the overall ecological network of the area (NPPG Paragraph 09). The main components of the ecological network of the district are identified in the Maldon District Nature Conservation Study (2007), the Maldon District Local Wildlife Sites Review (2007) and the Green Infrastructure Study (2011) or any subsequent adopted documents. (See Section 2.3 of this document).

6.5. Outside of these specific identified sites or links, prospective applicants must consider of The Essex Biodiversity Action Plan (2012) (See Section 2.3 of this document) which identifies action plans in Essex for the 19 priority habitats identified in the governments Biodiversity 2020 Strategy, some or all of which may be of issue in Maldon District. Some of the most important priority habitats in Maldon District include Hedgerows, Lowland Dry Acid Grassland, Lowland Heathland, Traditional Orchards, Floodplain and Coastal Grazing Marsh and Coastal Saltmarsh. Prospective developers should take particular note if any of the priority habitats are likely to be on one of their potential development sites and seek expert advice on ways to conserve, enhance or mitigate any potential impacts.

6.6. At the species level, prospective applicants should be aware of the following protected species found in Essex including Maldon: Badgers, Barn Owls, Bats, Nesting Birds, Dormice, Great Crested Newts, Invertebrates, Otters, Reptiles, Water Voles, White Clawed Crayfish, and Wildflowers.

7. Trees in development

7.1. Trees, woodlands and copses are important in developments both for their aesthetic benefit and the ecological and other ecosystem services they provide. They can provide features that enhance the character and heritage of an area whilst giving an economic uplift, for example, to residential streets and retail properties. Their environmental benefits include air cooling in summer, filtering of pollutants, improving air quality, and absorbing carbon dioxide.

7.2. Some trees in both town and countryside are protected by a Tree Preservation Order. This is an order made by the local planning authority to protect specific trees, groups of trees or woodlands in the interests of amenity, and prohibits the cutting down, topping, lopping, uprooting, wilful damage or destruction of trees without written consent. Cutting roots is also seen as a prohibited activity. Trees in Conservation Areas are also subject to special protection. All trees should be inspected and maintained regularly by a competent professional to make sure they remain safe and healthy. (NPPG paragraph 001).

7.3. Ancient Woodlands are sites that are thought to have been wooded since 1600 AD which have unique features such as undisturbed soils and sometimes rare or vulnerable communities of plants and animals, mediaeval boundary banks, charcoal hearths and old coppice stools. Many species characteristic of ancient woodland are slow to disperse and do not colonise new areas easily, making them irreplaceable.

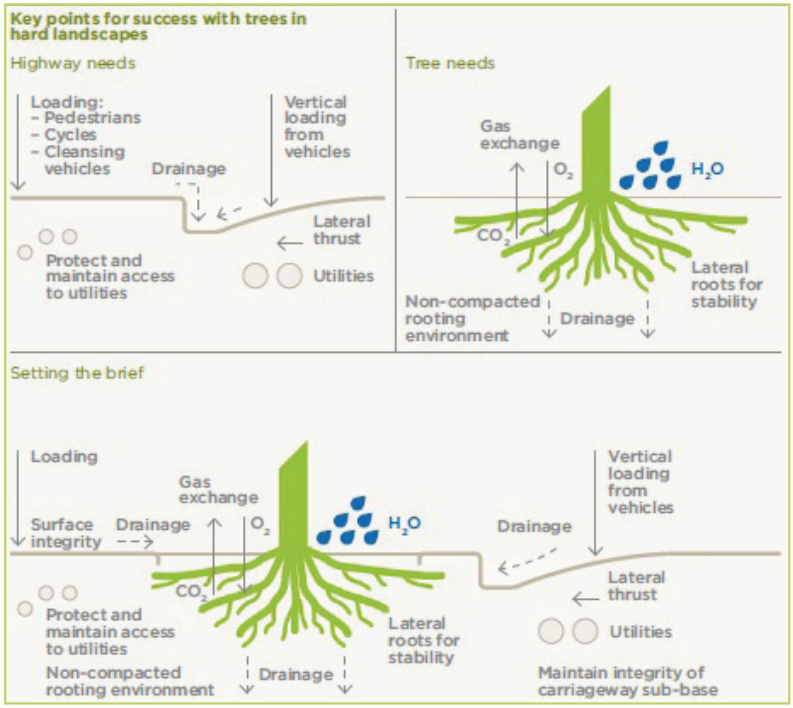
7.4. **DIAGRAM 1: The benefits of tree planting within the built environment (**TAKEN FROM PAGE 4 AND 5 OF TREES IN HARD LANDSCAPES: A GUIDE FOR DELIVERY) See page 15.

7.5. Existing trees should be integrated into a scheme at the assessment stage through a survey of all trees present on and immediately adjacent to the site. It will also enable the identification of root protection areas. A survey should consider species, location, current size, conditions and potential size, as well as integrating with data on any statutory protections, considerations of amenity, landscape character and biodiversity value. An appropriate professional arboriculturalist should be used for this work.

7.6. For new trees, designing below-ground is critical to tree survival especially in hard landscaped areas. Consideration is required at an early stage of the location of load-bearing road surfaces and service runs in relation to rooting space and water infiltration needs of trees. Soil aeration and rooting volume are critical for root growth and tree success. There must be enough lateral space for roots to grow for stability, good access to water and drainage.

7.7. Special care should be taken where existing soils are heavily disturbed or compacted and where, high levels of pedestrian or cycle use, or car-parking is required over the trees rooting area or utilities are less than 3m away (For more details see BS 8545:2014). Where load-bearing is needed the sub-surface may need to be engineered to protect the rooting area below. There are three broad areas of load-bearing solutions: structural growing media, crate systems and raft systems (See ‘Trees in Hard Landscapes: A guide to Delivery’ (2014) (TREES AND DESIGN ACTION GROUP’).

7.8. **DIAGRAM 2 Key points for success with trees in hard landscapes** (TAKEN FROM PAGE 89 OF TREES IN HARD LANDSCAPES: A GUIDE FOR DELIVERY (2014))

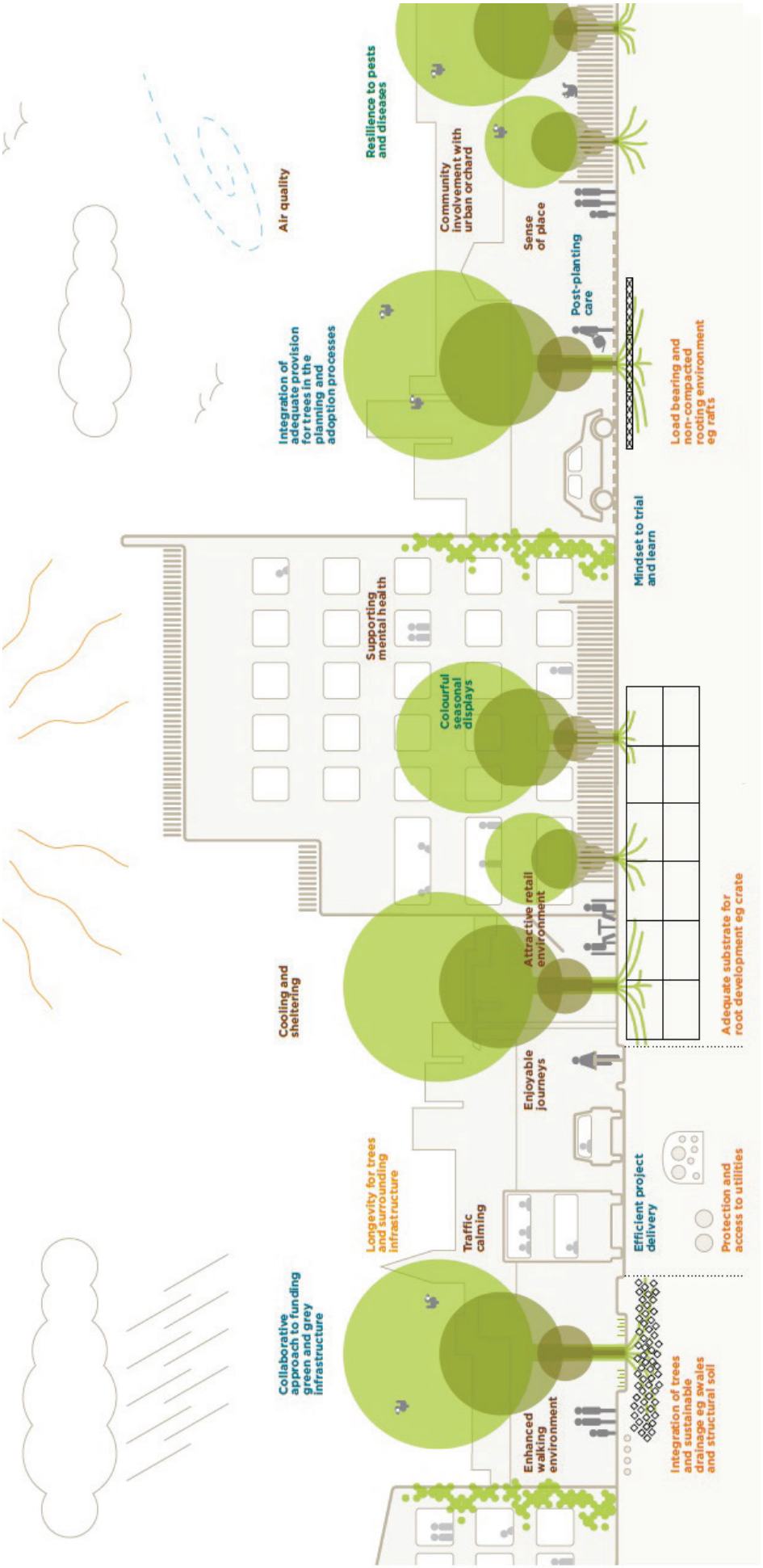


7.9. The integration and/or protection of trees in hard landscapes reduces and mitigates surface water runoff, especially by the use of forest scale trees with larger canopies. Good quality, non-compacted, well-aerated rooting environments that support effective tree growth provide the first step in increasing the capacity of trees to perform this role. Opportunities should be sought to integrate tree planting and SuDS, for instance through the use of pervious surfacing, below ground crate or structural growing systems, bio-retention tree planters, and swales with trees (See 'Trees in Hard Landscapes: A guide to Delivery' (2014) (TREES AND DESIGN ACTION GROUP').

7.10. Tree support will be needed for specimen trees in the first few years of growth either through above ground stakes for most standard trees or below ground root ball anchoring for larger, semi-mature specimens. The bark of the tree must also be protected if the tree is to survive. Bark can be damaged at planting (temporary protection such as hessian wrapping can mitigate this) or by long term use of maintenance machinery (street cleaning equipment, mowers or strimmers) and other vehicles. Options for protection include metal tree guards, raised kerbs, low railings or bollards.

7.11. Tree species selection should be a balance between the constraints related to tree survival (available light, rooting area, soil pH etc.), amenity and biosecurity needs. Consideration of the strategic outcomes desired for the landscape design at the outset should inform the layout of built structures and infrastructure not just respond to it. Landscape character and biodiversity considerations should be strong drivers in schemes on the edge of towns and villages, particularly in relation to boundaries with the open countryside. However there are many non-native, ornamental species that can be successfully used within the internal streets, open spaces and civic squares in development schemes. The use of only a limited number of tree species in a scheme can have implications in terms of future risks of pathogens and pests, for instance. However the design impact of the use of same species and/or variety, for instance in avenues, is an important and traditional planting practice that needs to be retained.

Diagram 1: The benefits of tree planting within the built environment
(TAKEN FROM PAGE 4 AND 5 OF TREES IN HARD LANDSCAPES: A GUIDE FOR DELIVERY)



Landscape and Green Infrastructure (including Open Space, Sport and Play Facilities, Biodiversity and Trees)

Technical Document to
Maldon District Design Guide
February 2017

If you need help with this information in a different format, please call 01621 854477

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Draft Maldon District Design Guide
List of Respondents to Public Consultation

1.	Heybridge Parish Council
2.	Essex Bridleways Association
3.	Lichfields on behalf of Dartmouth Park Estate
4.	Essex County Council – Kevin Fraser
5.	Essex County Council – Ecological Consultant
6.	Sport England
7.	Historic England
8.	BROOD (Burnham Residents Oppose Over Development)
9.	Gladman
10.	Woodham Mortimer with Hazeleigh Parish Council
11.	Langford and Ulting Parish Council
12.	Tolleshunt Major Parish Council
13.	George Traer-Clark Architect
14.	Martin Royal on behalf of NHS Mid Essex Clinical Commissioning Group (CCG)
15.	Natural England
16.	Marine Management Organisation
17.	Phase 2 Planning on behalf of Countryside Properties
18.	John Bishop Partnership
19.	Anonymous Member of Public
20.	Maldon District Council Internal response

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Reference No.	Respondent Details					Respondent Contact Details							Document Area linking comment			Consultation Response		
	Last Name	First Name	Organisation	Job Title	Who are you representing	Add 1	Add 2	Add 3	Add 4	Postcode	Telephone	Email	Whole Document	Section	Para No.	Chapter or Paragraph	Summary of comments	Policy Response	Amendment to Design Guide
DG0001-	Schnurr	Prof. Lew	Heybridge Parish Council	Cllr								cllr.lew.schnurr@heybridgeparishcouncil.gov.uk	**Heybridge Parish Council**	General comment			Welcome the MDDG and Technical documents as Guides		
	Schnurr	Prof. Lew	Heybridge Parish Council	Cllr										A		**Introduction**	This section is helpful		
	Schnurr	Prof. Lew	Heybridge Parish Council	Cllr										B		**Make it Maldon District**	Ignores existing SPDs	Reference to Heybridge Basin VDS in is in Section B02.	No
	Schnurr	Prof. Lew	Heybridge Parish Council	Cllr										C		**Working with the Guide**	Too prescriptive	The Guide supplements Policy D1 that states 'all developments have regard to the principles set out in the MDDG'. The Guide cannot be prescriptive. The Guide alerts the user to helpful documents like the HB VDS and Conservation Area status before starting the design process.	No
	Schnurr	Prof. Lew	Heybridge Parish Council	Cllr										Technical Documents			Bibliography to Appendices?	The Technical Documents detail their sources within the body of the text.	No
DG0002-	Dobson	Sue	Essex Bridleways Ass									suedobson.eba@gmail.com	**Essex Bridleways Association**	A	A04	**Key design objectives**	Ease of movement - Add 'by all users' and should include specific reference to equestrian users.	Adding Equestrian users is too detailed for A04 Graphic regarding Key Design Objectives. Specific reference to equestrian users is included at 'C03 Creating a Network of streets, cycleways, footpaths and access arrrangements' specifically references equestrian users: '….to consider access to PROW including bridleways and potential for multi user tracks and links.'	No
	Dobson	Sue	Essex Bridleways Ass											C	C02	**Using the sites features**	C02 comes under 'Landscape and Public Realm' section and C02 is specific to 'Using the Sites Features'. The respondent states that the reference to "PROW and bridleways" in 'making sure that the scheme relates to Townscape' is an 'afterthought' and should have more prominence and included as multi-user routes	Change wording to give prominence to PROW and bridleways as part of a multi-user route within Townscape.	Change 'Townscape' checklist, bullet point 6 to read "The current routes including vehicle highway, cycle and footpath network, public rights of way (PROW) and Bridleways.
	Dobson	Sue	Essex Bridleways Ass											C	C03	**Creating a network of streets, footpaths, cycleways and access arrangements**	Change title to include 'multi user routes' and give more prominence to equestrian users in bullet point 9	The title is clear and includes 'access arrangements' which would include other users including equestrians. As C03 is about guiding new development and integrating routes and buildings etc, bullet point 9 states 'access to PROW including bridleways and potential for multi-user tracks and links'. Change emphasis in bp9.	Take out reference in bullet point 9 to 'including' to read 'access to Public Rights of Way (PROW) and Bridleways'
	Dobson	Sue	Essex Bridleways Ass											C	C06	**Open spaces**	3rd bullet point should be amended to add prominence to equestrian users	The Guide should not be prescriptive to certain groups. As detailed the LDP has given prominence to Bridleways as routes but it is not just equestrians that use them (cyclists, walkers and horseriders can use them).	Change bullet point 3 to read "'Links with existing spaces to form green routes and networks accessible for all users
	Dobson	Sue	Essex Bridleways Ass											Green Infrastructure	4.4.4	**Technical Document**	Add reference to 'access for equestrians' as detailed in LDP	The paragraph deals with quantitive standards for greenspace. Bridleways and PROW do have standard provision requirements for adoption. Equestrian users and routes will be picked up in Green Infrastructure Study to clearly identify routes and opportnities for new routes.	No
DG0003-	Livesey	Judith	Lichfields	Ass. Director	Dartmouth Park Estate	14 Regent's V	All Saints Street		London	N1 9RL	020 7837 4477	judith.livesey@lichfields.uk	**Lichfields** on behalf of Dartmouth Park Estates (S2b)	General comment			Clearly laid out and well illustrated.	Noted	
	Livesey	Judith	Lichfields	Ass. Director	Dartmouth Park Estate									B	B02	**Helpful documents**	Make clear that where specific guidance refers to garden suburbs i.e Design Codes and design guidance with the Strategic Design Code document, that it takes precedence over the Maldon District Design Guide	The Guide is District-wide guidance. The developers and land promoters within the garden suburbs have worked collaboratively with the Council on the Strategic Masterplan Frameworks and Strategic Design Codes, including its design guidance section. However, there are elements within the Guide that all development will have regard to.	Add to B02 "Within areas subject of a Strategic Masterplan Framework and/or Strategic Design Code, these documents should form the basis of the design approach. In circumstances where the Maldon District Design Guide is not consistent with those documents, the principles established in the Strategic Masterplan Frameworks or Strategic Design Codes should be considered in the first instance."
	Livesey	Judith	Lichfields	Ass. Director	Dartmouth Park Estate									C	C02	**Landscape and Natural Features**	Bullet point 9 - Noise, air quality and contamination are constraints rather than natural features of the site. Remove bp9.	Partly agree. Revise bp9.	Revised wording for BP9. "Any opportunities or constraints identified in C01 'Starting the Design' inform orientation and location of development."
														C	C06	**Open spaces**	Remove BP6 as adequately covered in BP2 and could condradict other design objectives.	Design objectives are dependant on the size of the development proposal and the context. As requested at B02 where SMF or SDC are in place, they take precedence. Clarify.	Add at start of BP6 to read: Make sure that open space: "Within the development, is appropriately defined and enclosed etc ….. "
	Livesey	Judith	Lichfields	Ass. Director	Dartmouth Park Estate									C	C07	**Residential Outdoor Amenity**	Inconsistent with Essex DG and does not allow flexibility for different scenarios where smaller gardens could be appropriate.	Larger gardens could be appropriate in certain scenarios too? Essex DG states minimum standards. The minimum standards are a benchmark and the flexibility is from that point for example where housing is near POS. The flexibility is built in where BP1 states: "The overall size of the garden is in proportion with the type of dwelling and the character of the area"	No
	Livesey	Judith	Lichfields	Ass. Director	Dartmouth Park Estate									C	C10	**Car Parking**	Rationale for parking on driveways in large developments is not clear	As requested at B02 where SMF or SDC are in place, their design guidance is considered first. The MDDG is District-wide. Specific standards will be reviewed in the MD Vehicle Parking Standards SPD.	No
	Livesey	Judith	Lichfields	Ass. Director	Dartmouth Park Estate									C	C12	**Layout and Plot Size**	Include garden suburbs in context of BP6.	Agree.	Add 'or parts of the garden suburbs'
	Livesey	Judith	Lichfields	Ass. Director	Dartmouth Park Estate									C	C17	**Noise and overshadowing**	Add 'where ever possible' to end of BP1 to allow greater flexibility.	This would be contrary to C01, C02, C07 and Technical Documents - Planning and Noise and Assessing Air Quality. The flexibility is to design the internal space appropriately.	No
	Livesey	Judith	Lichfields	Ass. Director	Dartmouth Park Estate									Appendix	A2	**How to measure Net Density**	Public park should be included in the calculation as it is an amenity area related to the houses.	The calculation is for net density i.e. minus the landscape elements and POS.	No
DG0004-	Fraser	Kevin	Essex County Council	Principal Planner							0333 01 30558 X30558	Kevin.Fraser@essex.gov.uk	**Essex County Council**	A	A06	**Who to talk to**	Add ECC as LLFA (Local Lead Flood Authority)	A06 states: statutory authorities and organisations and officers within the DC".	Add ECC as LLFA and SuDs to box
	Fraser	Kevin	Essex County Council	Principal Planner										C	C03	**Creating a network of streets, footpaths, cycleways and access arrangements**	Support. But add reference to under 'Further Guidance' ECC Developers Guide - with regard to school layouts	Agree	Add reference to ECC Developers Guide in 'Further Guidance' box.
	Fraser	Kevin	Essex County Council	Principal Planner										C	C09	**Waste Management and utilities**	Support		
	Fraser	Kevin	Essex County Council	Principal Planner										C	C20	**Materials and Detailing**	How does the Guide consider sustainable construction methods? SuDS and active healthy communities under C05, C06, C07, C08?	Agree. Add reference in C20 to C21 and C22 in new BP8 in C20.	SUDs refrenced in C02 BP7. Add a line at the top of C03 to say '…places for social interaction and to encourage healthy living…', add Further Guidance to list e.g. ECC Sustainable Drainage Systemes Design Guide 2016. In Further guidance add TCPA/Wildlife Trusts (2012) Planning for a healthy environment - good practoce guidance for green infrastructure
	Fraser	Kevin	Essex County Council	Principal Planner										Planning & Noise		**Technical Document**	Reference ECC's adopted Minerals Plan and Replacement Waste Local Plan	Agree	Add reference to Minerals and Waste Management Plans
	Fraser	Kevin	Essex County Council	Principal Planner										Air Quality		**Technical Document**	With reference to Air Quality Action Plan, Action 4, ECC can provide further guidance on Health Impact Assessments.	Noted. ECC are statutory consultee and will be consulted on development proposals.	No

	Fraser	Kevin	Essex County Council	Principal Planner										Older Persons Housing		**Technical Document**	ECC should be contacted by developers regarding Independent Living.	Noted. ECC will be consulted on development proposals as a statutory consultee where their comments can be made but it is up to a developer to contact ECC for any further guidance in relation to ECC's Independent Living requirements.	No
DG0005-	Hooton	Sue	Essex County Council	Principal Ecological Consultant								Kevin.Fraser@essex.gov.uk	**Essex County Council**	Green Infrastructure		**Technical Document**	Consider ECC Biodiversity Design Guidance -	Agree	Add text to main document B05 BP 4 'The contribution made by trees, other planting, landscape and biodiversity features…' Add to C06 at start ' All development must contribute to…biodiversity and habitat'. Also add in sentence 3' …open spaces should form part of a green infrastructure network...' Add substantial additional paragraphs in the 'Biodiversity' section of the Technical Guidance to incorporate ECC comments in relation to detail biodiversity enhancements such as wildlife features in buildings, planting and boundary features for nature conservation, lighting mitigation and management.
DG0006-	Warren	Roy	Sport England	Planning Manager							020 7273 1831	Roy.Warren@sportengland.org	**Sport England**	Planning & Noise		**Technical Document**	Artificial Grass Pitches - Include reference to up to date information from Sport England	Agree	Add AGP Accoustics new guidance 2015 to Technical Document Planning and Noise
	Warren	Roy	Sport England	Planning Manager										Green Infrastructure		**Technical Document**	Active Design - Include reference to Active Design in GI and Landscaping Technical Docment	Agree	Add to GI and Landscape Techncial Document
															A06	**Who to talk to**	Add Sport England as a Statutory Authority	A06 states: statutory authorities and organisations and officers within the DC".	Add Sport England as statutory consultee in box and add Sport England & Public Health England's 'Active Design' Guidance 2015 to interactive page
															B02	**Helpful policy and Guidance to consider**	Include 'Active Design' by Sport England as National PP Document	Agree	Add Sport England & Public Health England's 'Active Design' Guidance 2015 to interactive page
															B05	**Site Appraisal**	Include reference to connections and links for healthy lifestyles	Agree	Add additional bullet point to read: "Consideration of promoting healthy lifestyles in linking to destinations outside of the development by walking and cycling and the types of activities in green corridors and multifunctional open spaces within the development."
															C01	**Starting the Design**	Acknowledge that the principles overlap but should Include specific principle of 'Active Design' e.g. in POS and Landscape Design e.g outdoor gyms, table tennis, boule	C01 BP 11 and 12 acknowledge active design in open spaces and as part of G	No
															C02	**Using the sites features**	Existing features should encourage physical activity	Agree	Add to BP6 "…new residents are able to have easy access and to promote physical activity."
															C03	**Creating a network of streets, footpaths, cycleways and access arrangements**	Reference 'Active Design' National PP Document	Agree	Add in 'Further Guidance' Sport England & Public Health England's 'Active Design' Guidance 2015
															C05	**Streets where everyone can rest, gather and meet**	Add a principle to support physical activity in terms of seating, cycle parking, toilets, and refreshments	Agree	Add to BP1 and supporting facilities for physcial activity including seating and cycle parking. Add in 'Further Guidance' Sport England & Public Health England's 'Active Design' Guidance 2015
															C06	**Open spaces**	Add reference to 'Active Design' document and Multi-functional open space	Agree	Add reference to 'Active Design document in 'further guidance' and cross ref with GI and Landscape Technical Document
															C07	**Residential Outdoor Amenity**	Public amenity space should be designed of a sufficient size for a range of activities	C07 is concerned with residential garden sizes not public amenity	No
															C11	**Cycle Parking**	Cycle storage should be provided to support open space and community facilities as well as resi dwellings	Agree	Amend C11 text to incorporate: "For cycling to become an alternative to the car, bicycles must be readily accessible with secure parking…. for residential dwellings and to support open space and community facilities and other service areas in the development."
															C22	**Delivering High quality development**	Support	Noted	
DG0007-	James	Edward	Historic England	Historic Places Advisor, East of England		24 Brooklands Avenue		Cambridge	CB2 8BU	01223 582749	Edward.James@HistoricEngland.org.uk	**Historic England**	General comment			**Whole document**	Welcome the comprehensive and wide ranging document setting out Maldon's design principles for new development in the District	Noted	
															A04	**Key design objectives**	Under 'Character' expand upon the historic environment character	Agree but tune to NPPF Design Chapter wording	Add to Character box to read: "Enhance identity and sense of place. All design proposals should be informed by a thorough contextual analysis of the built, natural and historic environment," and "Respond to the scale, height, density, urban grain, settlement pattern and layout, massing, type, materials, vernacular styles of construction and landscape details of the surrounding area."
															B04	**Locational Characteristics**	Change 'English Heritage' to Historic England	Agree	Change EH to HE under 'Consider the context'
															B06	**Site and setting summary**	Revise wording of BP2 to include 'Character and Significance of any historic or traditional buildings.'	Partly agree. Character refers to the built, natural and historic environment and not just the historic environment. Revise bp3 instead to include significance and traditional buildings.	Add to BP3 to read"*Any Conservation Areas or 'special areas'*". Areas, buildings and/or structures of historic significance and importance including man-made landmarks and below ground archaeology.
																	Add links to HE Guidance Docs	Partially agree: Too many to include that could be overwhelming for the reader. Some good and relevant to include.	Add Streets for all to B02, add 'Further Guidance' Box to B04 and include HE Good Practice Advice in Planning 3 - the setting of Heritage Assets ; Understanding Place - Historic Areas Assessments; Conservation Areas and Appraisals and Energy Efficiency in Historic Buildings to C21
DG0008-	Bettany	Natalie	Burnham BROOD	Secretary		11 Chandlers		Burnham-on-	CM0 8NY	01621 783028	burnhambrood@hotmail.co.uk	**BROOD**				**Whole document**	Strongly welcome the overall declared aims of the Guide but appears to be Design Guidance rather than 'Preferred Design Standards'. We believe that repositioning the guide as "*Preferred Design Standards subject to satisfactory viability*" is necessary in order the the claimed strategic intent can be sustainably delivered.	LDP wording has been accepted for MDDG responding to Policy D1 where developers have regard to the MDDG. Preferred Design Standards are too prescriptive and with regard to 'subject to satisfactory viability' not all development is subject to viability testing. The Guide is intended for household extensions as well as small developments of 10 or more. The suggestion is impractical for the Guide as a whole.	No
																Lifetime Homes	State explicitly that all new homes should meet the Revised Lifetime Homes Standard meeting or exceeding all 16 criteria.	LDP Inspector removed reference to Lifetime Homes in LDP as Part M of Building Regs (3 and 4) cover the requirements.	Remove references to Lifetime Homes in MDDG and Older Persons Housing Technical Document
																Affordable Homes	State explicitly that "all affordable housing is dispersed throughout the estate" for social inclusion	Not practical as RSLs prefer clusters, rather than pepperpotting of individual Affordable units with market housing. RSLs prefer AH in one location (depending on size of development) for their management purposes especially for maintenance and also the choice of materials that are maintained by them.	No

																	Safe Communities	State explicitly that all new developments meet the design standards of Secured by Design	The MDDG is guidance and Secured by Design is cited as a helpful document at B02 to inform development proposals. The Guide should not be prescriptive and allows flexibility in design rather than strict compliance with certain standards.	No
																	Sustainable and Energy Efficiency	MDC should express a preference for dwellings that are built to higher energy efficiency standards	The MDDG is Guidance and is not prescriptive in terms of compliance with certain standards. All development has to comply with the Building Regulations in terms of energy efficiency standards. Listed buildings are exempt from certain energy efficiency standards where compliance could impact on their significance.	No
DG0009-	Bamford	Phil	Gladman	Planning Manager		Gladman Hou	Alexandria W	Congleton	Cheshire	CW12 1LB	01260 288 884	p.bamford@gladman.co.uk	**Gladman**	Assessing Air Quality		**Technical Document**	Introduction does not conform with Paragraph 109 NPPF	The purpose of the Technical Document is to provide detailed guidance relating to assessing air quality and emissions impacts from development and to identify the importance of considering air quality in the planning application process. NPPF, Paragraph 109 is more wide ranging and promotes the conservation and enhancement of the natural and local environment. At a strategic level, the content of the introduction can be applied to all of the criteria identified in para 109.	No
																		Criteria 1 and 14, Checklist 2 on Page 9 of Technical Document - Quantitively define limits?	Agree	Add limit of 40µg in the Technical Document
																		Criteria 10, Checklist 2 on page 9 of Technical document - is this relevant?	Criteria 10 is relevant - there are some Local Development Plan sites such as employment allocations (which may require an AQ assessment) that could be missed if the criteria was deleted.	No
																		Air Quality Assessments - 2015 IAQM guidance has been slightly revised in May 2017. This should be referred to. Development and mitigation scenario is not feasible in many situations.	Agree	Reference the updated 2017 IAQM Guidance in the Technical Document
																		Classification of Impact significance - Council requirements over and above those recommended by AIQM?	Agree	Review and update in accordance with the most recent IAQM Guidance
																		Page 12 Magnitude of Impact Table - Very High - concerned with 'Action' to 'Recommend refusal if not an LDP site'. This is unreasonable. Should reflect NPPF.	Agree	Second paragraph of Recommendation: Remove the word 'LDP' and replace with 'All' to read: All sites will be expected t explore ….etc. Remove reference to 'not an LDP site' in the 'Action' and add 'mitigations not agreed' to read: Recommend refusal if mitigations not agreed.
	Bamford	Phil	Gladman	Planning Manager										Planning and Noise		**Technical Document**	Section 1.3 - Background noise levels given are a generalisation and should not be used. Noise levels should be based on those in the LDP Policy and assessed against NPPF Para 109.	The applicant has to demonstrate what the background levels are for a development. The purpose of the soundscape is to reflect the low levels encountered in carrying out surveys.	No
	Bamford	Phil	Gladman	Planning Manager										GI and Landscape		**Technical Document**	Evidence base that supports this document is considerably out of date? These need updating.	At a local level level some of the evidence base may need updating to reflect more up-to-date national and regional guidance and change in approach to GI and landscape in Maldon. A new Green Infrastructure Strategy is being prepared for the District alongside several area-specific masterplans and design codes where GI and landscape are important elements.	Add paragraph 2.7.7 'Several documents are being prepared to provide up-to-date guidance relating to Green Infrastructure and Landscape. These include a new Maldon Green Infrastructure Strategy and several area-specific masterplans and design codes where green infrastructure and landscape are central strands. For further details see www.maldon.gov.uk'
	Bamford	Phil	Gladman	Planning Manager										Whole Document	B02	**Helpful Policy and Guidance**	Welcome the Guide and commitment to providing an effective planning service and early	Other policy requirements would be considered for all development. This is Design Guidance!	No
															B03	**Landscape Settlement and Character**	See comments on GI and Landscape evidence base being out of date	At a local level level some of the evidence base may need updating to reflect more up-to-date national and regional guidance and change in approach to GI and landscape in Maldon. A new Green Infrastructure Strategy is being prepared for the District alongside several area-specific masterplans and design codes where GI and landscape are important elements.	Add paragraph 2.7.7 'Several documents are being prepared to provide up-to-date guidance relating to Green Infrastructure and Landscape. These include a new Maldon Green Infrastructure Strategy and several area-specific masterplans and design codes where green infrastructure and landscape are central strands. For further details see www.maldon.gov.uk'
															B04	**Locational Characteristics**	Settlement Heirarchy set out in S8 should feature in MDDG and relate to B04. Interface between new development and Countryside is easily dealt with by design considerations.	It is clear that B04 conveys settlement characteristics in terms of different built characteristics in location and not settlement heirarchy in terms of services and facilities.	No
															B04	**Locational Characteristics**	Arcadian Settlements - tree cover and natural landscape can be removed sensitively to achieve new development - "Lose a feature to aid development".	Contrary to context analysis and using the sites features to inform the design concept	No
															B05	**Site Appraisal**	Gladman object to the prioritisatin of brownfield land	The MDDG does not prioritise brownfield land	No
															C02	**Using the sites features**	BP4 should have addition of "wherever possible"	Contrary to context analysis and using the sites features to inform the design concept	No
															C10	**Car parking**	BP7 poorly worded for placing car parking in areas for natural surveillance	Agree. Grammatical error	Change to read: "Parking in front of dwellings is minimised in existing garden areas so as not to use up the front garden and avoids extensive areas of hard surfacing."
															C16	**Inclusive and Accessible Design**	BP2 and BP3 should be amended relating to the Building Regs Part M if it is appropriate, achievable and viable	BP2 and BP3 are specific to certain requirements under the Building Regulations for access and adaptability based on NEED.	No
															C21	**Future Proofing**	BP6 is too prescriptive.	Agree	Change 'provided' to 'considered' i.e. Shading is considered to south facing windows.
DG0010-	Ritchings	Andrew	Woodham Mortimer with Hazeleigh	Parish Clerk								clerk@wmortimerhazeleigh-pc.gov.uk		Whole Document				Like the pictures, found it challenging to read. Why do we need it and how much did it cost? Not informative or helpful to the Parish Council.	Document supplements Council Policy - LDP Policy D1. Workshop for PCs?	No
DG0011-	Clemo	Jenny	Langford & ulting Parish Council	Parish Clerk								langford.ulting.pc@gmail.com	**Langford & Ulting Parish Council**	Whole Document				Agreed to support the Draft Maldon Design Guide at its meeting on June 20th.	Noted	
DG0012-	Bannerman	Jacky	Woodham Walter Parish Council	Parish Clerk							01245 222595	parishclerk@woodhamwalterpc.org	**Woodham Walter PC**	Whole Document				Content to support and welcome the document. Should design be a series of tick boxes? Questioned focus of the document and that it is demeaning to the professional. The illustrations are detailed rather than generic. Include VDS and NPs on Map at B04. Update Woodham Walter CA on map (approved March 2017)	Tick boxes are the easiest way to go through the process of design. The MDDG is intended for developers (including single householder), Planning Officers (for consistency of Design throughout the District) and Members. The document is intended to supplement Policy D1 Design and Built Environment and is guidance not detail. Good idea to include VDS and NP on Map at B04 along with Conservation Areas and settlement type	Include VDS and NPs on map at B04.
															B04	**Locational Characteristics**	Consider adding reference to those settlements that have a NP or VDS on Map on Page 15	The map id's the settlement character. NPs and VDSs are identified under B02 Helpful Policy and Guideance to consider and will be interactive and easily accessible.	No
															B02	**Helpful Policy and Guidance**	Add Design Guidance for PD (permitted development) as "many structures that are built are unquestionably a disfigurement of the environment"!	It is not possible to control Permitted Development through the Design Guide. This level of detail should be included in a VDS or NP.	No

DG0013-	Banyard	Vysian	Tolleshunt Major Parish Council	Parish Clerk								vysian.banyard@hotmail.com	**Tolleshunt Major PC**				Tolleshunt Major PC - The Parish Council has no comment to make on the Guide	Noted	
DG0014	Traer-Clark	George		Architect							07768 277237	g.traerclark@btinternet.com	**Traer Clark Architects**	Whole Document			No objection to a design guide for the area.Must be room for modern variations of buildings.	Innovation is expressed in Design Chapter in NPPF. MDDG supplements LDP, Policy D1.	No
DG0015	Royal	Martin			NHS Mid Essex CCG							martinroyal@icloud.com	**NHS Mid Essex CCG**	Whole Document			Overall, draft Guide helpful and easy to read with clear expections of the LPA communicated. NHS has prescribed standards set out in Health Building Notes for build quality and design and should be considered at the earliest opportunity in the planning process.	The MDDG covers Design Guidance for the LDP in support of Polcy D1. There is no policy for a new major health facilityin the District but the MDDG is helpful in terms of context analysis for any future health facility at the start of the planning process.	No
DG0016	Salt	Jacqui	Natural England			Hornbeam Hc	Crewe Busin	Electra Way	Crewe	CW1 6GJ	0300 060 3900	consultations@naturalengland.org.uk	**Natural England**	Whole Document			Consider Green Infrastructure within development and in line with a GI Strategy for your area. Urban green space provides multi-functional benefits for ecological networks and Urban GI manages flood risk and heatwaves. Greener neighbourhoods and access to nature can also improve public health and quality of life and reduce environmental inequalities.	Cross ref with Sport England response. Agree - add references at C21	Add to further guidance; 'Biodiversity by Design: A Guide to Sustainable Communities TCPA 2004', and' Planning for a Healthy Environment - good practice guidance for green infrastructure and biodiversity, TCPA/The Wildlife Trusts, 2012'. Suggest change wording in bullet point 7 of C21 to ' The use of green roof systems or green walls are considered….'. Add new bullet point: 'Use of tree planting or changes to land management to provide shading or cooling'. Add new bullet point 'Consider bat or bird roosting or nesting facilities in buildings and grounds'.
DG0016			Marine Management Organisation									Consultations.MMO@marinemanagement.org.uk	**Marine Management Organisation**	Whole Document			Advised that a bespoke response would be sent.	Not received	
DG0017	Coleman	Kevin	Phase 2 Planning	Director	Countryside Properties	250 Avenue V	Skyline 120	Great Notley	Braintree	CM77 7AA	01376 329059	kcoleman@phase2planning.co.uk	**Phase 2 Planning**	Whole Document			Well presented, easy to read and understand and useful for applicants.	Noted	
															A02		Need to make clear what policy MDDG is supplementing	Agree	Add reference to D1 on page 6 and set out the full Policy D1.
															C10	**Car parking**	In relation to vehicle charging points "Make sure that" should be changed to "Good design Principles state" because there is no development management policy to provide them.	BP6 states "where practical" housing is designed to to enable the installation of a domestic electric vehicle.	No.
															C07	**Residential Outdoor Amenity**	Partial cross referencing with Essex DG with regard to back to back distances	Agree	Add reference to EDG in BP6 to read: "Where new development backs on to the rear gardens of existing housing, the distances between buildings are as set out in the Essex Design Guide to a minimum of 25 metres.
DG0018	Bishop	John	The John Bishop Partnership	Partner	The John Bishop Partner	27 The Squar	Stock	Essex		CM4 9LH	01277 840409		**John Bishop Partnership**	Whole Document			Advised that a bespoke response would be sent.	Not received	
DG0019	Private												**Anonymous**		B04 03	**Riverside and Maritime Settlements**	Add reference to 'plot lands' as part of settlement evolution.	Agree	Research and expand text in B04 03
DG0020	Alvin	Leonie	MDC										**MDC**		B02	**Helpful Policy and Guidance**	Notification of settlements with VDS or NP.	Noted	

REPORT of
CHIEF EXECUTIVE

to
PLANNING AND LICENSING COMMITTEE
14 SEPTEMBER 2017

LONDON SOUTHEND AIRPORT: CONSULTATION CONCERNING THE INTRODUCTION OF NEW APPROACH PROCEDURES

1. PURPOSE OF THE REPORT

1.1 This report provides an overview of consultation being undertaken by London Southend Airport on new procedures for the approach to the airport. Members' views are sort.

2. RECOMMENDATIONS

That the contents of the report are noted and Members comments are sought.

3. SUMMARY OF KEY ISSUES

3.1 London Southend Airport (LSA) is consulting on proposed changes to the approach patterns for aircraft into the airport. The airport has a duty to consult on the proposed changes and the consultation ends on 13 September 2017. The consultation report is available as a Background Paper at http://southendairport.com/corporate-and-community/proposed-arrival-routes

3.2 As set out in the second para to the reports Executive Summary:

'The procedures that [LSA] are seeking to implement do not replace any existing procedures, instead they offer an alternative type of route onto final approach for aircraft operating into LSA. The final approaches themselves would not change – this consultation is about a new way for aircraft to join the final approaches.'

3.3 The final approaches relate to the approach line into Runway 05 (i.e. land in a north easterly direction) and Runway 23 (i.e. landing in a south westerly direction). The approach to the final approaches will be affected and any impact on the missed approach procedures.

3.4 The airport is seeking to introduce Performance Based Navigation and rely on new technology which allows aircraft to follow air routes more reliably and with a greater level of accuracy. This improved efficiency and mitigate against environmental impacts due to improved efficiency.

3.5 In section 2 of the Consultation document, LSA make it clear that this consultation is not related to air traffic growth. The consultation is only about arriving aircraft. The proposed procedures do not apply to departing aircraft. A report was made to this Committee in 21 June 2016 on changes to the departures procedures (Minute No. 143 refers).

3.6 The consultation report is complex, so this report provides a summary of the key changes and how they affect Maldon District. Maps extracted from the consultation document, have been used within the report to illustrate main points.

3.7 The consultation closes on 13 September 2017, and this report will be submitted to London Southend Airport upon publication as a holding response pending a further response setting out Member's comments.

4. LONDON SOUTHEND AIRPORT – CURRENT OPERATIONS

4.1 LSA is located within the London Terminal Manoeuvring Area (LTMA) a multi-layer of controlled airspace which takes in London and the wider south east and controls aircraft landing and taking off from the London airports and overflights.

4.2 LSA has a single operational runway, which runs in a south west to south east direction. The approaches to the runway are known as Runway 05, from the south west; and, Runway 23 from the north east. Due to the prevailing wind direction, 70% or aircraft use Runway 23. This means that 70% of flights on final approach overfly Maldon District at some stage.

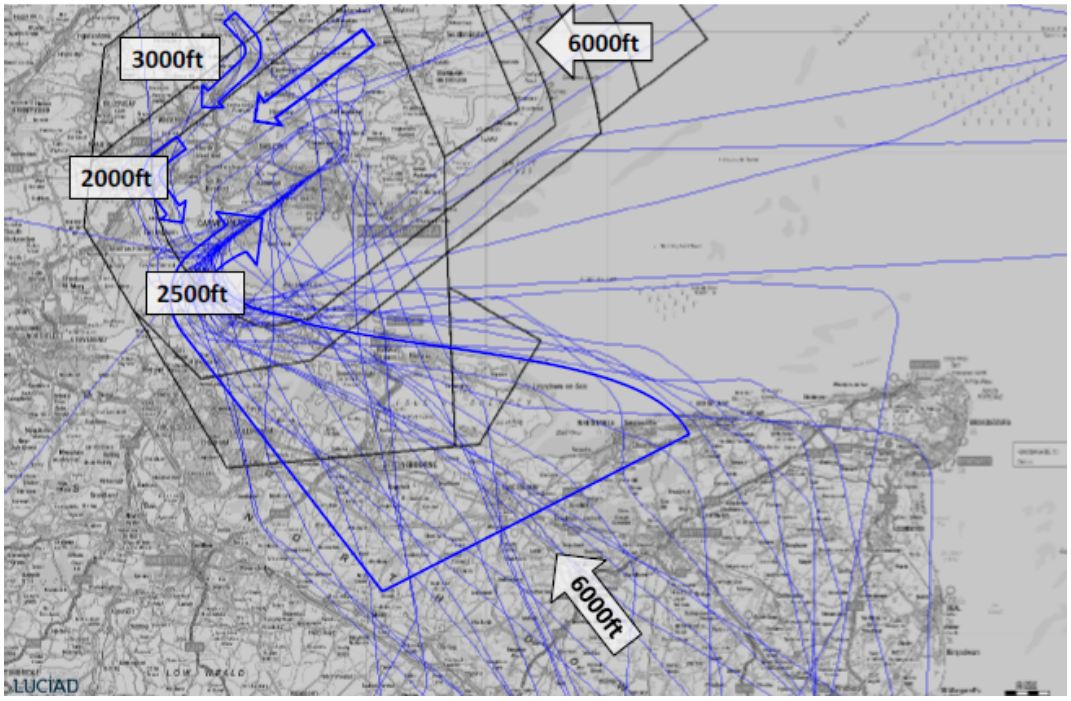
4.3 In 2016, LSA handled 23,449 departing or arriving flights. Of these 9,201 were air transport flights (of the Airbus A319 or 320 and Embraer 195 type, or Bae 146 or twin propeller ATR72 type). There were also nearly 950 positioning flights (in large relating to the aircraft engineering operations at the airport). Of the remaining c13,300 movements the vast majority (12,119) are general aviation.

4.4 With the ongoing growth in commercial flights from LSA, the number of air transport destinations will increase.

4.5 If 70% of flights arrive on Runway 23 the total movements for 2016 equates to 16,414 arrivals that overfly Maldon district on final approach or the approach to final approach. Of these, some 6,440 relate to air transport movements. See table below:

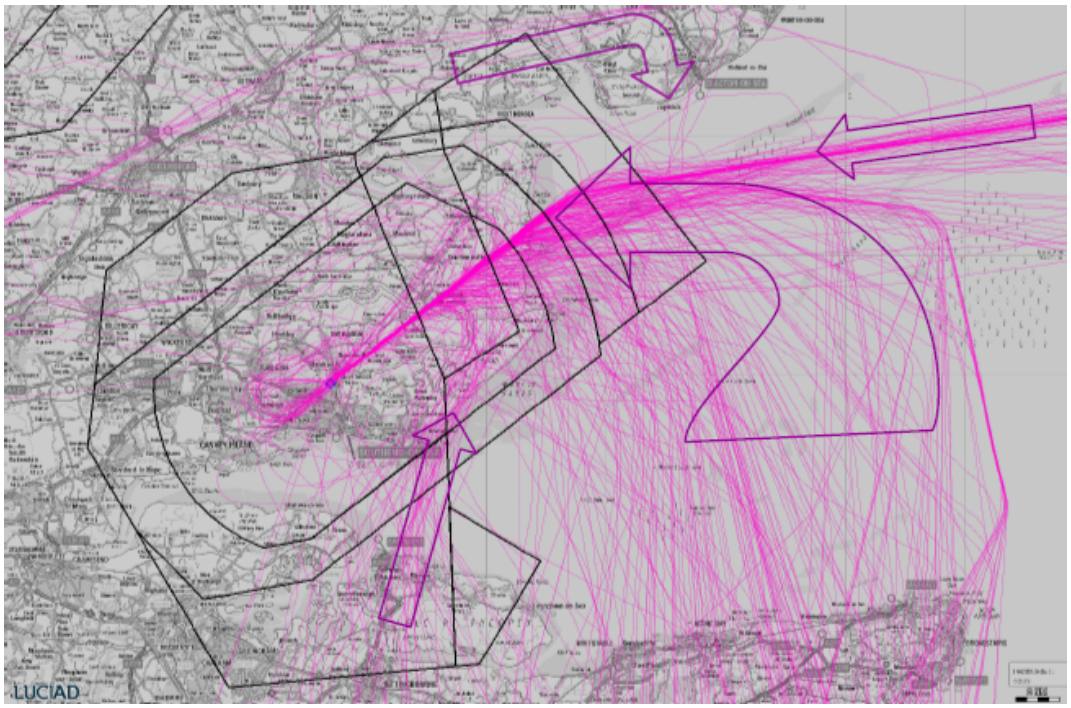
Type of Movement	No. of movements in 2016	70% of movements
Air Transport (excluding Air Taxi)	9,201	6,440
Positioning	949	664
General Aviation	12,119	8,483
Official	10	7
Military	106	74
Business Aviation	993	696
Other	71	50

4.6 Map 1 shows the arrivals tracks for aircraft landing on Runways 05 in August 2016 with the aircraft heights. The general direction of the 'predominantly' commercial traffic movements is indicated by the arrows, the widths of which are based on the number of movements.

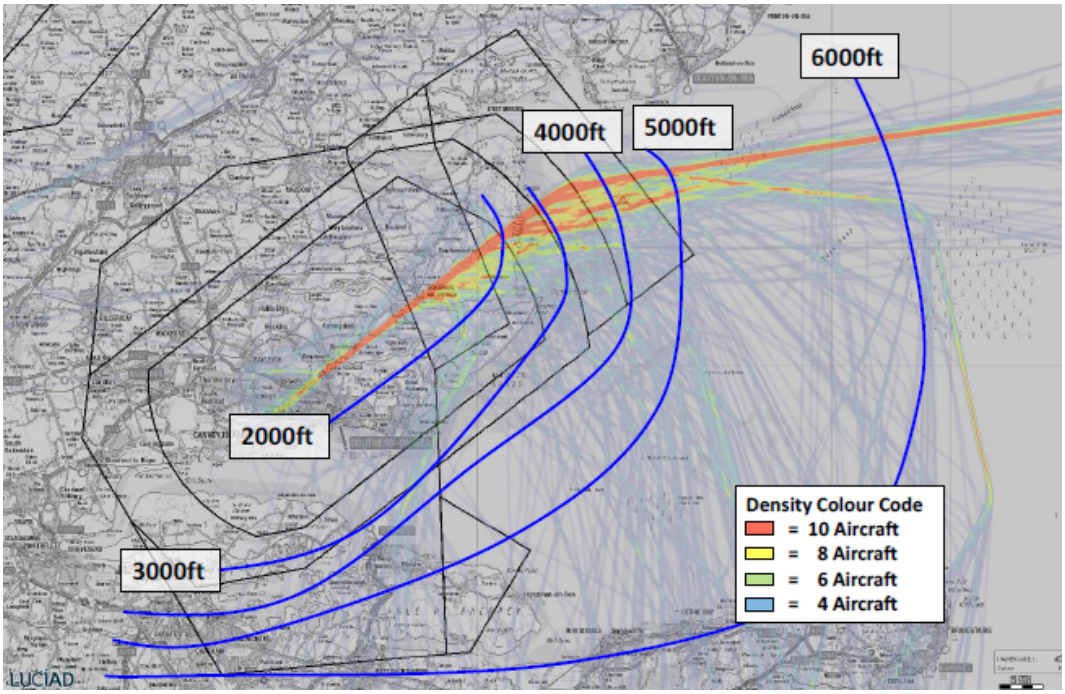


Map 1 Arriving flight tracks onto Runway 05
Source: LSA, Figure 12 on Page 26 of the Consultation Document

4.7 Map 2 shows the tracks for arrivals onto Runway 23 also in August 2016. This map does not include heights, but heights of aircraft are shown on the density map, Map 3.



Map 2 Arriving flight tracks onto Runway 23
Source: LSA, Figure 11 on Page 22 of the Consultation Document



Map 3 Runway 23 aircraft density, including heights
Source: LSA, Figure 15 on Page 31 of the Consultation Document

4.8 As can be seen from the maps above the prevailing tracks are, using Runway 05, over Kent, and, using Runway 23, over the North Sea. Neither of these prevailing tracks affects Maldon District other than the final approach line to Runway 23, and some commercial traffic overflying the District at between 6,000 and 3,000 feet before the turn over Thurrock and the Tames onto Runway 05.

4.9 As the maps above show, at present, relatively few commercial aircraft approach the final approaches over Maldon District. Arrival paths onto the runway 23 Final Approach tend to turn at a point known as Ray Sand to the east of the Dengie.

4.10 The airport company emphasises that the final approach procedure does not change, and that proposal introduces alternative approaches to the final approaches which *'are designed to replicate where possible the flight paths already flown today.'* (paragraph 2.1, page 8). Therefore, the final approach over the Dengie does not change.

5. PROPOSED PROCEDURES

5.1 The proposal from LSA is to introduce Performance Based Navigation (PBN) to the final approach points for both runways. This is part of a phased implementation of PBN across the UK and Europe, and is funded by the European Union (EU). PBN allows aircraft, which need to be equipped to use PBN, to better plan their descent, optimise fuel, and maximise the benefits gained by flying a pre-determined path.

5.2 Currently aircraft approaching the final approach rely on air traffic control to guide them. PBN *'gives aircraft the ability to follow a route with an even greater level of accuracy than they do today.'* (Para 1 on page 5 of the Consultation document). The proposals introduces PBN to complement existing arrival paths, so where possible, LSA aimed to follow existing paths to the final approach point. By following pre-

determined routes and with technology which allows air traffic control to better space aircraft, greater efficiencies and increased safety, together with less fuel burn and a lower impact on the environment are envisaged. PBN is being rolled out worldwide with a particular push within Europe, with some EU funding.

5.3 Whilst the use PBN is not compulsory, if all aircraft use PBN, rather than individual arrival paths determined by air traffic control, then there could be a greater concentration of aircraft on fixed routes and therefore, overflying Maldon District along the path of the Blackwater. It would be reasonable to also assume that air traffic control would vector aircraft along these routes irrespective of whether they have PBN or not

5.4 Map 4 below sets out the proposed BPN route into Runway 23. The route for aircraft approaching from the north/south west (from TOLNO along the red line) will follow the Blackwater before turning to join final approach to the east of Southminster. The proposal also includes a route (UPUDU) which turns aircraft approaching from the east. This does not mean that the approach from GEGMU (or Ray Sands) is abandoned, but LSA say that these arrival paths deliver greater accuracy for aircraft. The heights are the same as currently operated within the various zones around the airport.

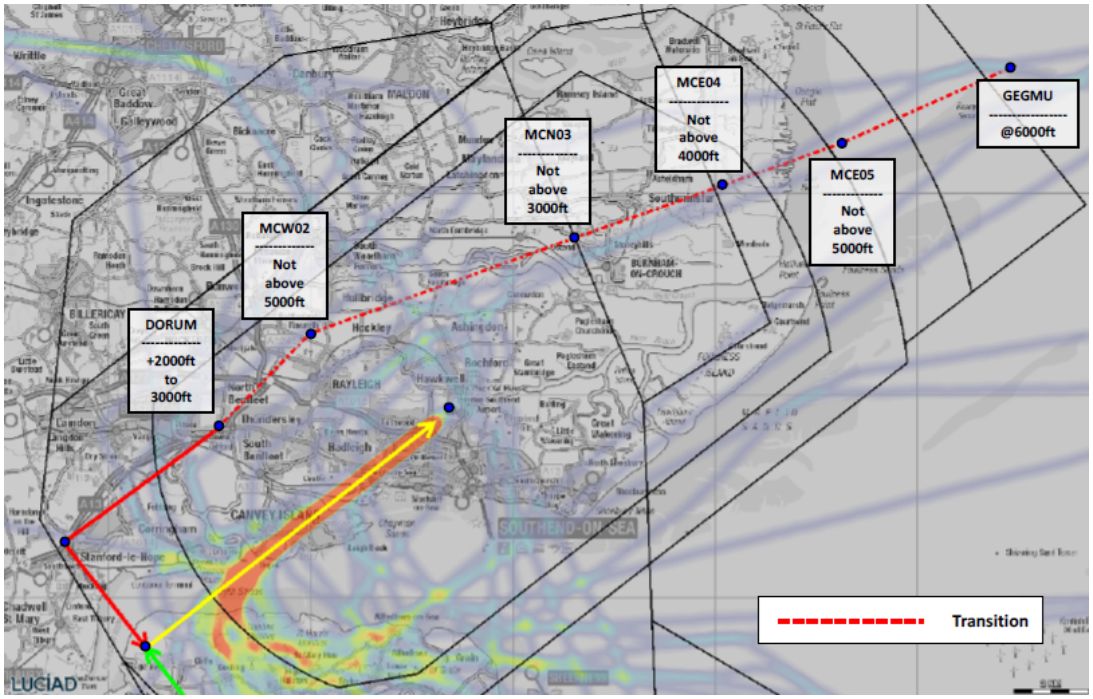


Map 4 Proposed PBN routes to joining final approach runway 23 with heights.
Source: LSA, Figure 28 on Page 56 of the Consultation Document

5.5 In paragraph 4.2.1 (Page 45) of the consultation document, LSA state that *'whether aircraft remain on the proposed new routes or are turning early for the runway their tracks would remain within today's swathes. There should, therefore, be no noticeable change to residents in the vicinity of the current tracks and the proposed routes.'*

5.6 As Map 3 shows, the majority of aircraft currently using Runway 23 tend to approach from GEGMU joining the final approach at Ray Sand. LSA except this to remain the case.

5.7 With regards to Runway 05, Map 1 shows that the majority of aircraft approach from the south. However, those approaching from the north east to land on Runway 05 would follow a path across the District before joining PBN over Bowers Gifford (DORUM) ahead of turning over Stanford Le-Hope and near Cliffe in Kent onto the final approach. Map 5 below details the transition from GEGMU (Ray Sand) to the PBN. The heights are similar to those currently operated.



Map 5 Transition from GEGMU to the PBN with heights
Source: LSA, Figure 27 on Page 55 of the Consultation Document

5.8 The report also highlights any changes to the missed approach procedures which where possible will follow the same approach lines.

5.9 Section 5.1.3 of the report focusses on noise. LSA have used to illustrate noise levels a ATR-52 turbopropo, or similar aircraft) and a Airbus/Boeing 125 to 180 seat 2-engine jet or similar. The predicted noise levels produced by the aircraft in a direct overflight at certain heights are:

Height (ft)	Turbo-prop (Lmax dBA)	50 seat regional jet (Lmax dBA)	70-90 seat regional jet (Lmax dBA)	125-180 seat single-aisle 2-eng jet (Lmax dBA)
1,000 - 2,000	79 - 70	73 - 63	77 - 67	77 - 69
2,000 - 3,000	70 - 66	63 - 56	67 - 61	69 - 64
3,000 - 4,000	66 - 64	56 - 55	61 - 57	64 - 61
4,000 - 5,000	64 - 62	57 - 56	61 - 59	
5,000 - 6,000	62 - 61	56 - 55	59 - 57	
6,000 - 7,000	61 - 59	57 - 56		

5.10 These aircraft currently use the airport and therefore the noise levels are currently experienced.

5.11 Section 5.2 of the LSA report focusses on the Uptake of Performance Based Navigation (PBN) and Consequent Track Concentration. LSA envisage that the uptake of PBN will be gradual and even with PBN in place aircraft and air traffic control may not wish to use the routes. They state in the second para to 5.2 that *'in the short to medium term we expect that there will be little discernible difference to the tracks over the ground, Those aircraft that use the new procedures will be tactically directed by air traffic control to take tactical shortcuts top the runway as they do today, to minimise track mileage where possible and to de-conflict from one another.'*

5.12 In the next paragraph in 5.2 the airport concludes that '*over time it is expected that an increased number of aircraft will use the PBN routes without ATC [Air Traffic Control] intervention, resulting in increased traffic concentration along the new designed routes. However the rate at which this may occur is not something that LSA can quantify.*'

5.13 In para 5.3 of the consultation document, LSA state that the 'proposed PBN routes have been designed to follow current aircraft track concentrations as closely as possible. This should reduce additional noise for people not already subject to it. However, in some instances the route has been repositioned in order to avoid over-flight of populated areas.'

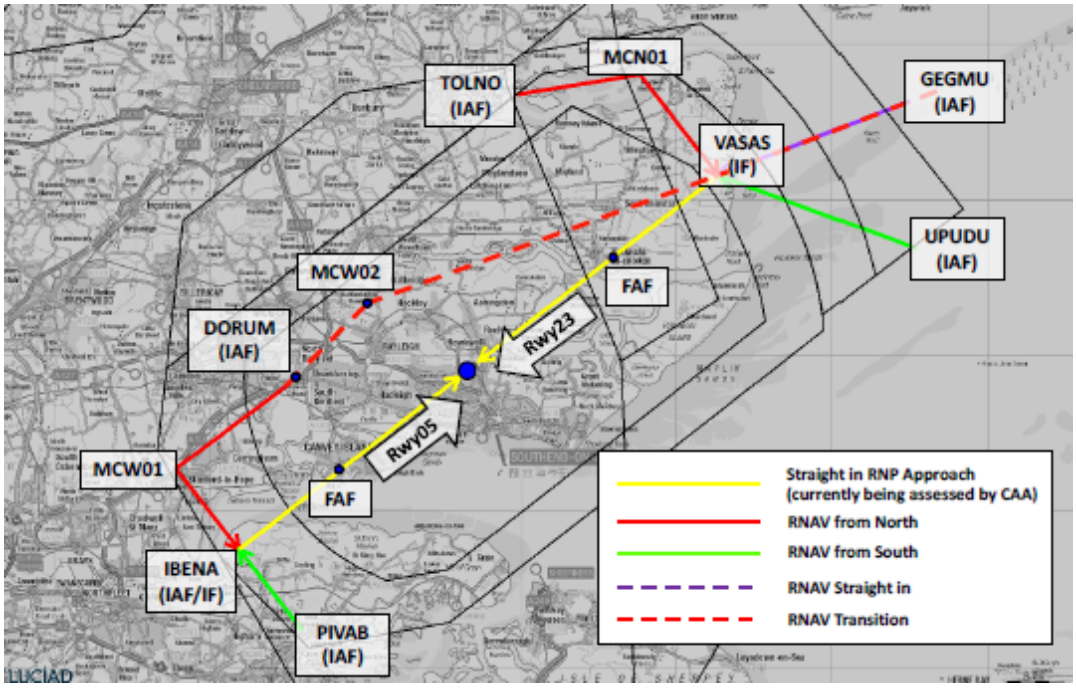
5.14 With regards specifically to the arrival transition route onto Runway 23 from the west, LSA state in 5.3.1 that the route was carefully designed to track along the Blackwater estuary and makes at right turn at the point which *'threads through the villages in the area, to the southwest of Bradwell on Sea and to the northeast of Tillingham'* after which it joins the final approach path. Furthermore, LSA make it clear that the final approach path replicates almost exactly the path flown by aircraft today both vertically and horizontally.

5.15 Therefore, it can be concluded that those living under the final approach will notice no difference, other than any future increase in traffic. However, as the VBN route formalises the transition phase onto the final approach path, there may be some change over time that will affect residents.

5.16 Similarly in paragraph 5.3.2 with regards to the approaches to runway 05, the transition route form the east and north east of the Dengie has also been designed to follow existing paths and to avoid populated areas where possible.

5.17 With regards to missed approach, the report does consider this and it is the intention to settle aircraft onto the standard approaches as soon as possible, so a conventional approach can be achieved, but also keep the aircraft as close as possible to the airport and avoid urban areas.

5.18 The two PBN routes are illustrated together on Map 6 below:



Map 6 New VBN routes (used for aRea NAVigation and Required Navigation Performance) for runways 23 and 05
Source: LSA, Figure 41 on Page 84 of the Consultation Document

6. CONCLUSIONS

6.1 The proposals of these new transition path to final approaches at LSA are part of a worldwide, European and UK roll out of performance based navigation designed to make the control of airspace around airports more efficient and safe. LSA have opted for routes which where possible mirror those currently used, and that at minimise urban area over flight.

6.2 The consultation does not consider future growth at the airport and the increase in commercial traffic as the airport growth towards its 2 million passengers per annum capacity will impact on those living under flight paths.

7. IMPACT ON CORPORATE GOALS

7.1 Changes in landing procedures into LSA will have an impact on the corporate goal of Protecting and shaping the District and in particular the impact the aircraft and any concentration of aircraft along prescribed routes will have on the quiet enjoyment of the District.

8. IMPLICATIONS

(i) **Impact on Customers** – Any concentration of aircraft movements along prescribed corridors will have an noise impact on residents along those routes, although the routes have been designed to minimise urban area overflight.

(ii) **Impact on Equalities** – None.

(iii) **Impact on Risk** – The new procedures are designed to improve air safety.

(iv) **Impact on Resources (financial)** – None.

(v) **Impact on Resources (human)** – None.

(vi) **Impact on the Environment** – The new procedures are designed to improve flight efficiency and reduce fuel consultation, which would have a positive impact on the environment. However, any concentration of aircraft along particular approaches onto final approach would have a negative impact in terms of noise.

Background Papers:
London Southend Airport – Consultation Concerning the Introduction of New Approach Procedures (http://southendairport.com/corporate-and-community/proposed-arrival-routes)

Enquiries to: Ian Butt, Planning Policy Manager (Tel: 01621 876203).

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REPORT of
CHIEF EXECUTIVE

to
PLANNING AND LICENSING COMMITTEE
14 SEPTEMBER 2017

CODE OF GOOD PRACTICE AND GUIDANCE ON THE CONDUCT OF PLANNING MATTERS

1. PURPOSE OF THE REPORT

1.1 To seek endorsement of the Code of Practice and Guidance on the Conduct of Planning Matters (**APPENDIX 1**) for recommendation to the Council for adoption as part of its Constitution in the light of further revision.

2. RECOMMENDATIONS

To the Council:

(i) that the Code of Practice and Guidance on the Conduct of Planning Matters (**APPENDIX 1**) is endorsed and the Council is recommended to adopt it as an annexe to the Constitution;

(ii) that the changes to constitutional arrangements as set out in paragraph 3.10 of this report, be agreed.

3. AREA FOR DECISION / ACTION

3.1 This matter was considered by the Committee at its meeting on 13 June 2017 (Minute No. 141 refers). The draft Guidance document was generally well received, although in response to some comments made at the meeting, particularly in relation to Member Training, it was agreed that the Chairman and Vice-Chairman of the Committee together with the Leader and Deputy Leader of the Council in consultation with the Planning Consultant meet to agree the final version of the Code of Good Practice / Guidance document. It was further agreed that the updated document be brought back to the Committee for endorsement and recommendation to the Council for adoption.

3.2 Given that the Planning Consultant subsequently left the Council, the appointed Members met with the Group Manager (Development Management) and the Corporate Governance Project Officer to take this matter forward. The updated document incorporating their agreed changes is now attached at **APPENDIX 1**. The various appendices referred to in it will be added when published.

3.3 As stated before, it is common practice now for local authorities to establish and publish as part of their constitutional documentation guidance on the conduct of planning matters. Alongside the need to ensure greater consistency and understanding of the various Planning processes, there is good reason to demonstrate to the public how the Council goes about fulfilling this role.

3.4 The intention of a Code of Good Practice / Guidance document is not only to set the scene but also to provide a framework for drawing together all relevant guidance, advice and adopted protocols relative to the Planning function. It is a reference document for both Members and Officers and will sit above the Manual / Toolkit being developed as an internal service document, the concept for which was established in the previous Planning Services Improvement Plan.

3.5 The updated draft document addresses the issue of Member Training and includes the expectation that it will become mandatory for all Members who sit on a Planning Committee. It is not for the document to detail how and when such training will be delivered. What is envisaged however is that in preparation for and consequent upon a newly-elected Council coming into office, a comprehensive training programme will be in place as part of the induction arrangements. This would be refreshed as necessary throughout Councillors' terms of office, and supplemented by briefings at Committee meetings on key topics such as new policy, guidance and legislation. As identified by the Committee at its last meeting, the sanction for not having undergone the fundamental training once it is introduced will be that although a Councillor may attend a meeting and speak, he or she would not be able to vote. This can be reinforced through an addition to the Council and Committee Procedure Rules.

3.6 Given that the present Council is halfway through its term of office, it is proposed to deal with training in a positive way in the interim and Officers will be looking to work with the Chairman and Vice-Chairman, Leader and Deputy Leader to agree a programme in September for early delivery.

3.7 Another proposed change consequent upon is how applications by the Council and affecting Council-owned land are dealt with. On the basis that the Guidance document lays emphasis on the fact that these applications will be treated no differently to any other, it is proposed to delete the current provision that requires such applications to be referred to the Council where there is a recommendation or a Committee inclination to refuse.

3.8 At the last meeting also, the Committee supported the introduction of a provision that unless a Member has been present for the entire debate on a planning application he/she should not vote on the matter. The Committee, if endorsing this, may wish to recommend to the Council that this provision is strengthened by a reference in Procedure Rules.

3.9 The final proposed consequential change seeks to improve clarity of process around finalisation of the terms of reasons for refusal or conditions of approval after the meeting. It has been highlighted that on occasions there can be the need to review the precision of conditions agreed by a Committee in the event of the passage of time between the Committee decision and the issue of a decision notice consequent upon the completion of a Section 106 agreement (planning obligation). A suitable

provision to cover these circumstances is proposed to be included in the Scheme of Delegation.

3.10 The actual proposed changes to the Constitution arising from the issues covered in paras. 3.5 – 3.9 above are as follows:

Procedure Rule 13 – Voting

Add to (1) – If a Member has not been present at the meeting for the whole of the consideration of a planning application or related matter, or has not undergone fundamental induction training once such a programme has been introduced he/she shall not vote on the matter.

Planning and Licensing Committee Scheme of Delegation

To the Chief Executive (Director) –

In consultation with the Chairman of the Committee, to review the accuracy of agreed planning conditions due to the passage of time between the Committee decision and the issue of a decision notice consequent upon the completion of a S106 planning obligation.

Terms of Reference of Area Planning Committees

Delete provision (a) – To consider and report to the Council
Amend existing para. (b)(i)11 by the deletion of "The approval of"

3.11 In the further discussions Members also discussed arrangements for site visits and the updated Guidelines, which include provision for an organised site visit to take place between publication of an agenda and the actual meeting date is attached as **APPENDIX 2** as background information.

4. IMPACT ON CORPORATE GOALS

4.1 The updating of the corporate governance and associated arrangements underpins the decision making processes of the Council, is in part a matter of compliance with the law and is also linked to the Corporate Goal of aiming to be an organisation that delivers good quality cost effective and valued services in a transparent way.

5. IMPLICATIONS

(i) **Impact on Customers** – This documentation will help demonstrate how the Council's planning processes operate and how decisions are taken.

(ii) **Impact on Equalities** – None identified.

(iii) **Impact on Risk** – None identified.

(iv) **Impact on Resources (financial)** – None identified.

(v) **Impact on Resources (human)** – None identified.

(vi) **Impact on the Environment** – None identified.

Background Papers: None.

Enquiries to: Stuart Jennings, Corporate Governance Project Officer, (Tel.01621 875745).

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MALDON DISTRICT
COUNCIL

ANNEXE TO CONSTITUTION

Part __

CODE OF GOOD PRACTICE AND GUIDANCE ON THE THE CONDUCT OF PLANNING MATTERS

DRAFT

Draft June 2017

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1 BACKGROUND AND INTRODUCTION

1.1 This document sets out the way in which the Maldon District Council ("the Council") will discharge its planning functions and responsibilities, in particular the determination of planning applications and related matters. In this document, the term "Planning Committees" means the Area Planning Committees and/or the Planning and Licensing Committee. It will also apply to extraordinary meetings of the Council called to deal with defined strategic planning applications.

1.2 This document applies to Members and Officers at all times when involved in the planning process. (This includes, where applicable, when part of decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers, the public and consultative meetings). It applies as equally to planning enforcement matters as it does to planning applications.

1.3 This Guidance supplements the Members' Code of Conduct. It is unlikely that there will be any conflict between the two documents but, if there is, the provisions of the Members' Code of Conduct will take precedence.

1.4 One of the key purposes of the planning system is to manage development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. It is important, therefore, that the local planning authority, both planning officers and the planning committee, make~~,~~ planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons. The process should leave no grounds for suggesting that a decision has been partial, biased or not well founded in any way.

1.5 An important reference document is Probity in Planning for Councillors and Officers (April 2013) issued jointly by the Local Government Association and the Planning Advisory Service.

2 COUNCILLORS AND OFFICERS – ROLES, RELATIONSHIPS AND CONDUCT

2.1 The successful operation of the planning system relies on mutual trust between Members and Officers, and an understanding of each other's roles. It also relies on each ensuring that they act in a way which is not only fair and impartial but is also clearly seen to be so. Councillors and Officers have different but complementary roles. While both serve the public in different ways, Councillors are elected and therefore have a responsibility towards the electorate. Officers are employed by and therefore responsible to the Council as a whole. It follows that although Officers will advise Councillors, both individually and collectively, they may only take instructions from the Council or a Committee. Officers are responsible for the implementation of decisions of the Council and its Committees.

2.2 Both Councillors and Officers are guided by codes of conduct. Councillors have signed up to the Council's own Local Code of Conduct and must have regard to and follow this in all their official actions. Breaches of the Code may result in complaints to the Council's Monitoring Officer who may decide to refer the matter to the Standards Committee. Should a breach of the Code be found, sanctions may be imposed on the Councillor concerned. Breaches of the code may also result in complaints of maladministration to the Local Government Ombudsman.

2.3 Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of this Code may result in disciplinary action by the Institute. The Council also has in place a Code of Conduct for its staff. In addition to these Codes, its Council and Committee Procedural Rules govern the conduct of Council business, and the Protocol on Member/Officer Relations sets out in greater detail and provides guidance on how the working relationship between Councillors and Officers should operate.

2.4 Councillors must not instruct officers to make a particular recommendation nor to take a particular course of action other than through a decision of the Council or one of its committees. Officers must give objective, impartial planning advice, based on their professional judgement and not be compromised or influenced by political considerations. Chartered Town Planners may only advocate their own professional view. Under the Local Government and Housing Act 1989 the Council is able to place restrictions on the outside activities of senior and other designated Officers, particularly in relation to membership of political parties and other Councils.

2.5 The Council's Local Development Plan is adopted in the interests of the whole community, following public consultation. It therefore reflects the overall public interest, rather than those of individuals or organisations. Councillors and Officers must support the Council's planning policies and make decisions in accordance with them, unless there are sound planning reasons for not ~~doing~~ so doing.

2.6 In dealing with planning applications, Councillors will be acting both as representatives of the people and also as decision makers, objectively considering all relevant issues and deciding upon them. Councillors will justifiably take into account matters of public concern, representations they have received and an assessment of what may or may not be appropriate for the area.

2.7 Not all planning decisions are a matter of planning law or policy. Many decisions require~~d~~ an element of judgment, and therefore Councillors need to retain a fair and open-minded approach to the decision making process. So too will Officers in determining applications under delegated powers. In addition, Officers through their professional responsibilities will be involved in the processing of planning applications including negotiating with and

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providing assistance to applicants and their agents and also members of the public.

2.8 While Councillors may sense a particular responsibility to serve their Ward electors, they have an overriding duty to the people of the Maldon District as a whole. It follows that since planning decisions are being taken on behalf of the Maldon District Council they must be reflective of the interests of the District community as a whole. The decision making process is covered in greater detail in section 6 of this document.

3 COUNCILLORS' TRAINING

3.1 Planning is a complex area, and planning decisions are open to challenge both on appeal and in the courts. It has long been a constant theme of national advice, that all Councillors regardless of their experience should receive adequate training to assist them in the performance of their duties.

3.2 By 01.12.17 aAll Councillors will be required to have completed anthe agreed programme ofof training prior to being able to take part in decision making in planning applications and related matters. Once this training has been completed, it will remain valid for a period of three years, and then refreshed. Any new Councillors who have not undertakenwill be required to undertake the agreed training programme will be able to participate in the discussion but not vote on planning applications and related mattersbefore taking part in decision making in planning matters.

3.3 The training programme in planning will be determined by the Director of Planning & Regulatory Services, in consultation with the Leader and Deputy Leader and the Chairman and Vice-Chairman of Planning & Licensing Committee.

3.42 In addition, all Councillors will be given regular updates to keep them informed of important changes in legislation, procedures or practices, mainly through briefing presentations by Officers at committee meetings. Officers will also arrange training on more specialised planning issues and all members of the Council will be strongly encouraged to attend.

4 PROBITY IN THE PLANNING PROCESS

4.1 Involvement in the planning process creates considerable potential for conflicts of interest, whether it is through an issue directly affecting a Councillor or an Officer, or indirectly in terms of family, friends or possibly an organisation with which he or she is associated. It is a fundamental principle that decisions should not be made by those who have a pecuniary interest in the outcome. This is vital to avoid public confidence in the planning system being eroded.

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4.2 The general rule is that a Councillor or Officer should not use his or her position to further a private or personal interest, rather than the general public interest, or give grounds for any suspicion. The key issue is whether a member of the public would reasonably think that they might be influenced by their interest.

4.3 Councillors engaged in the determination of planning applications must ensure that they do not use their position improperly to confer on or secure for themselves or any other person, an advantage or disadvantage.

Pre-determination/Pre-disposition

4.4 Councillors taking planning decisions are required to have an 'open mind' and listen to all the evidence before taking a decision. The Localism Act 2011 (S25) provides Members with a degree of assurance should they wish to indicate their views in advance without fear of being regarded as having pre-determined the issue and subsequently excluded from the decision making. To do so may still indicate pre-judgment of the application and expose the Council to the possibility of legal challenge.

4.5 The intended effect of the Localism Act provision has still to be determined in the courts, but even if it were held to reduce the prospect of or prevent a legal challenge to the validity of a decision it offers no protection against allegations of maladministration or a breach of the Local Code of Conduct. Members should not make up their minds until they have read the relevant committee reports, heard the evidence and considered the representations, including any public speakers. It is important that Members hear all the evidence and representations prior to reaching a decision.

4.6 The concept of pre-determination is different to that of pre-disposition. While carefully wishing to avoid any show of bias of view, it is acceptable for a Member to indicate a view, and ~~-~~even campaign, on planning issues in a general way. This is relevant where Members of a Planning Committee are also Parish/Town Councillors and where they may wish to contribute to a particular discussion at a more local level. Members must still avoid specific statements on how they will vote on individual planning applications or types of planning application prior to the relevant District Council Planning Committee meeting to avoid any impression of bias and pre-determination. I~~f~~ such statements have been made, they should declare an interest, withdraw from the Chamber and not take part in the debate or vote.

4.7 Councillors on a Planning Committee who are also members of Town or Parish Councils may speak and vote at Town or Parish and District levels if they are genuinely willing to listen to the later debate and weigh the considerations material to the later decision.

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Interests and the Local Code of Conduct

4.8 Membership of another body would constitute a non-pecuniary interest, particularly if it is an organisation whose primary purpose is to lobby to promote or oppose planning proposals. Depending on the degree of involvement there is the prospect of fettering a Councillor's discretion and limiting the ability to participate in the consideration and determination of a planning application.

4.9 Members of Planning Committees who are also Parish/Town Councillors should be aware of the potential repercussions of their involvement in the consideration of planning proposals at Parish/Town Council level. They should make it clear at that time that any views they may express, including the exercise of a vote, on the comments to be made to the District Council, can only be based on the information available to the Parish/Town Council at thate time.

4.10 Members of Planning Committees not affected by an interest through being Parish/Town Councillors are equally advised to take great care about responding to local opinion and publicly declaring a firm view on a proposal at an early stage. It is important that they do not 'fetter their discretion', but rather leave themselves free to reach a view at District Council level, based on all the facts and information.

4.11 The Local Code of Conduct sets out requirements and guidance for Councillors, for the registration and declaration of interests. These must be followed scrupulously and Councillors should review the situation regularly. It must be borne in mind that not only should impropriety be avoided but also any appearance, or grounds for suspicion, of improper conduct.

4.12 It is for the individual Councillor to decide whether he or she has an interest in any matter considered by a Planning Committee, and if so whether that interest is a pecuniary or non-pecuniary or other one. Councillors with a pecuniary interest must not speak or vote in the decision making process. The Local Code of Conduct explains the effect of interests on participation.

4.13 When declaring an interest at a committee meeting this should be done at the relevant point in the meeting or as soon during the consideration of the matter that the interest becomes apparent. Councillors should be clear and specific in identifying the item on the agenda in which they have an interest and, if so, the nature of that interest. Councillors do not need to declare interests that are not covered by the Code of Conduct, e.g. that they know the applicant, agent or an objector, or that they use the premises the subject of the application. If they feel that such an interest is material they should explain the nature and relevance of it.

4.14 Officers must declare any personal or financial interest in any planning matter before the Council, must not deal with such matters on behalf of the Council and must not give advice to Councillors or other Officers on them. An Officer with a personal or financial interest in a planning matter must withdraw from

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any relevant committee meeting whilst that matter is discussed. Planning Officers must maintain their professional integrity and should avoid becoming associated in the public mind with representatives of the development industry or environmental or other pressure or amenity groups.

Gifts and Hospitality

4.15 Councillors and Officers should be very cautious about accepting gifts and hospitality and must follow their respective Codes of Conduct.

5 PRE-DISCUSSION AND LOBBYING

5.1 This theme is closely linked to issues covered in the previous Probity section. It is inevitable that Councillors will be subject to lobbying, particularly on planning applications. Again, it is emphasised that great care needs to be taken to maintain the integrity of the planning process, the Council, and the Councillor concerned. Lobbying can lead to the impartiality of a Councillor being called into question and could even cause public mistrust of the Council.

Lobbying

5.2 Lobbying is an attempt to influence Councillors' views in order to achieve a particular decision. It can be by applicants, agents or objectors or by other Councillors. Lobbying may be verbal or by the circulation of letters or documents to all or some Councillors. Planning decisions must be made strictly on the facts and policies relating to each application. Lobbying can, unless care and common sense are exercised by all parties concerned, lead to the impartiality and integrity of a Councillor being called into question.

5.3 Notwithstanding the provisions of s.25 of the Localism Act 2011 (as mentioned in 4.2 above) when being lobbied, Councillors, and members of a Planning Committee in particular, should take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such circumstances they should restrict themselves to giving procedural advice, including suggesting to those who are lobbying that they should speak or write to the relevant Officer in order that their opinions can be included in the Officer's report to the Committee. If they do express an opinion they should make it clear that they will only be in a position to take a final decision after having received and considered all the relevant evidence and arguments at the Committee meeting.

5.4 A Committee member who represents a ward affected by an application is in a difficult position if it is a controversial application around which a lot of lobbying takes place. If a Member responds to lobbying by deciding to go public in support of, or against, a particular outcome it would be very difficult

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for that Member to argue convincingly when the Committee takes its decision that he has carefully weighed the evidence and arguments presented at committee. Although not amounting to a disclosable or other pecuniary interest according to the Code of Conduct the proper course of action for such a Member would be to make an open declaration not to vote. However, this is a severe restriction on the Member's wish - duty, even – to represent the views of the electorate. Councillors should therefore generally avoid organising support for or opposition to a planning application and avoid lobbying other Councillors. Such actions can easily be misunderstood by parties to the application and by the public.

5.5 Councillors should not excessively lobby fellow Councillors regarding their concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

5.6 Individual Councillors should avoid visiting application sites upon the request of applicants or objectors as this may result in those parties attempting to unduly influence the views of Councillors and give the impression of bias.~~may often be asked by both applicants and objectors to visit application sites. Such visits may be valuable in gaining an understanding of the implications of proposals~~. It is important however that the parties are clear in the understanding that the reason for Councillors' involvement in this way is purely to gather information. Where this occurs, Councillors should advise the Director of Planning and Regulatory Services~~Planning Director~~ and make known their involvement at the relevant Committee meeting at which the application is considered. An approved protocol for site visits organised by a Planning Committee is at Appendix 1.

Pre-application discussion

5.7 It is likely that in certain cases discussions will take place between potential applicants and Officers prior to the submission of a planning application. Such discussions may be beneficial in terms of applications being prepared for submission which can then proceed without undue delay to determination. Potential appeals may be avoided by good communication at an early stage of the process. Advice given should be consistent and based on the development plan and material considerations. An approved protocol for Pre-Application Discussions is at Appendix 2.

5.8 If Councillors receive information that is relevant to a prospective planning decision they must declare that information to the relevant planning officers and to the committee. Discussions with applicants, agents or objectors should be reported and any correspondence made available to officers before the committee meeting. Where information has been provided to Councillors or Officers on a confidential basis, it shall not be disclosed to third parties.

5.9 Where Councillors are acting as agents for people pursuing a planning matter with the Council or submitting planning applications on behalf of their

employers as part of their job, they should make it clear to their clients that they cannot and will not use their position as a Councillor to influence the outcome of an application.

5.10 Councillors should not meet applicants or agents or third parties in connection with a current ~~or proposed~~ application. If Councillors do agree to meet they should only do so in the presence of a planning officer~~. In exceptional circumstances, where it is not possible to arrange a meeting in the presence of a planning officer without causing undue delay, Councillors should notify the relevant planning officer of the proposed meeting beforehand and the notification recorded in the application file.~~ Councillors should listen and may ask questions but should not comment nor seek to negotiate. They must make clear that any views they express are personal, rather than those of the Council. A note should be taken of the meeting and placed on the application file. The fact that a Councillor has discussed any proposal with the applicant, agent, supporters or objectors must be made clear when the application is before the Committee for determination.

Planning Enforcement

5.11 Councillors may also become involved in matters that are the subject of a complaint or investigation, and on which enforcement or other legal action may be under consideration. In these circumstances, Councillors are strongly advised to ensure that any action on their part does not prejudice the Council's position, that any enquiries on specific issues are restricted to matters of fact or general case progress, and acknowledge that enforcement cases will be dealt with in accordance with the Council's Planning Enforcement Policy (see Appendix 3).

Contact with Application Case Officer

5.12 Councillors will often need to contact the Planning Case Officer on development proposals. Contact should however be limited to requests for factual information and the seeking of advice on progress and the nature of consultation responses received. While Councillors are encouraged to discuss their concerns with Officers, they must ~~should~~ not attempt to influence or pressure Officers in the making of particular recommendations. If a Councillor is unhappy with the way in which a case is progressing, the matter should be discussed with a senior officer of at least Team Leader level.

5.13 Officers should remain free of any outside influence to make recommendations on planning matters based on their own professional judgements and having regard to all material and other considerations. Councillors should not put improper pressure on Officers for a particular recommendation and, as required by the Code of Conduct, should not do anything which compromises, or is likely to compromise, their impartiality.

Availability and Veracity of Information

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5.14 Planning applications must be determined on the basis of the documents and information formally submitted. Any submissions from applicants' agents or objectors which are formally received by the Council can properly be taken into account in making a decision. It can cause problems if Councillors are given information or assurances by applicants which are not part of the formal application and which are not, therefore, enforceable. Problems can also arise if Councillors are given information by objectors which may be misleading, untrue or irrelevant. It can be problematical if officers are unaware of submissions by applicants and objectors and are therefore unable to consider them and advise the Committee about their relevance or enforceability. Councillors should forward such information to the officers for consideration prior to the Committee meeting.

6 PLANNING DECISION MAKING AND RELATED PROCESSES

Committee Decisions

6.1 All planning applications to be determined by a Committee will be the subject of comprehensive, written reports from Officers. These reports will describe the site and the proposal, relevant planning history, development plan policies and other material considerations including, where appropriate, national or local guidance, and also representations made by statutory consultees, local residents and other interested parties. They will also contain an assessment of the proposal against those considerations and a reasoned recommendation. Reports will contain all the relevant material known at the time when produced and published as part of the Agenda for a particular meeting. Councillors should endeavour to obtain factual information from officers prior to the meeting. This can assist in reducing delays which may be caused by deferment to obtain further information.

6.2 Sometimes applicants and objectors write directly to Committee Members, after the report has been published, commenting on the report or providing further material. If Planning Services have not been copied into the correspondence, Committee Members should forward any correspondence to the Case Officer as soon as possible.

6.3 Any information material to the decision-making process that is received subsequent to the publication of the Committee Agenda and no later than noon on the last working day prior to the meeting will be reported to the Committee at its meeting. At the meeting, the Planning Officer will advise if the late material raises any matters which should be taken into account by the Committee. The Officer report and last-minute papers should be read and plans/photographs seen before decisions are made. Councillors will also have

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an opportunity to put questions to Officers and hear the views of their fellow Councillors, the Applicants and other third parties during the course of the debate.

6.4 The law requires that where the Development Plan is relevant to a decision, then that decisions should be taken in accordance with it, unless material considerations indicate otherwise (s54A, Town and Country Planning Act, 1990). The Development Plan is therefore the starting point of the decision making process. Proposals having been identified as amounting to a departure from the Development Plan need to be advertised as such. An Officer recommendation to approve contrary to the Development Plan would need to be justified in the most careful terms, and if the Committee is mindful to approve then the application may then need to be referred to the Secretary of State.

6.5 Planning decisions will not always be dictated by planning law or policy. They will sometimes be matters of fine judgment where the balancing of considerations may be difficult. The Officer's report and recommendation will be founded on adopted planning policy and guidance. Planning Committee Members should take care, if expressing any opinion on the planning applications before them, that they confine their comments to matters which are material planning considerations. Regardless of any political group discussion prior to the Committee meeting, Committee Members must consider applications on their merits and not simply feel bound by decisions made at group meetings. Committee Members cannot be "whipped" to vote in a particular way; this advice is supported by the Local Government Ombudsman. Any decisions taken in this way may be viewed as maladministration and could be subject to legal challenge.

6.6 Where Councillors disagree with the Officer recommendation, a proposition can be made to overturn that recommendation. The Committee remains bound by law to make decisions in accordance with the Development Plan and all other material planning considerations. It will therefore need to demonstrate that this requirement has been met in its deliberations, making clear what material considerations are leading it to a decision contrary to professional advice. Failure to do so could result in an appeal against the decision, with potential for an award of costs against the Council in the event that unreasonable behavior on its part is found. It could also render a decision subject to legal challenge (judicial review).

6.7 A proposition contrary to an Officer recommendation, together with the reasoning behind it, needs to be clearly presented and will be recorded in the Minutes. It must then be seconded. Before any debate, the Chairman shall afford the Officers an opportunity to respond to the proposition by way of advice on the implications in terms of risk. Depending on the circumstances and complexity of the case it may be that Officers will need to consider those implications in greater detail and report back. Any proposal for deferment must be disposed of ahead of any conclusion being reached on the decision itself. The Chairman will summarise, or cause to be summarised, the salient

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points of the debate and will seek to ensure the terms of the proposition are clearly understood before putting the matter to the vote.

6.8 Whilst the Committee must clearly set out the reasons for its decisions contrary to Officer recommendation, ~~s~~ the final drafting of conditions and reasons will normally be carried out by Officers. Reasons for refusal must be clear, unambiguous and justified by the evidence of the case. Conditions attached to permissions should be necessary, relevant to planning and the proposed development, enforceable, precise and reasonable in all other respects. The text of non-standard conditions and reasons will be determined by the Director of Planning and Regulatory Services in consultation with the Committee Chairman (or Vice Chairman in his/her absence) following the meeting. The same mechanism will be used for the updating of any planning conditions agreed by a Committee which may be required through the passage of time between the ~~a~~ Committee decision and the issue of a decision notice consequent upon completion of a S106 agreement/planning obligation.

6.9 During Committee Meetings, everything said may be scrutinised by Applicants, objectors, legal advisers and the Press, so Councillors and Officers should be circumspect. Councillors who serve on a Planning Committee should ensure they do not speak to members of the public, or pass or accept notes from them, during the course of a meeting. Councillors who leave the room during the Meeting should avoid speaking to any Applicants or objectors/supporters who may be waiting outside the room. Councillors who leave the room during debate or whilst an application is before the Committee will not take part in the debate or vote on that application.

6.10 Given the nature of the decisions to be taken, it is vital that the means by which decisions are reached are clear and understood by everyone present. The role of the Chairman is therefore important. Although the Council's Procedure Rules allow decisions to be reached through general assent of the Councillors present at a meeting, best practice with regard to decisions on Planning Applications suggests that a show of hands is far preferable.

Decisions delegated to Officers

6.11 Not all decisions on planning applications and related matters will be taken by a Committee. The Council has agreed, and will keep under review, a Scheme of Delegation (alongside the Terms of Reference of Committees) which enables decisions to be taken by responsible Officers. Decisions taken under delegated powers will be subject to the same process and analysis of the facts and all material considerations, as if they were referred to a Committee for determination. A statement to support each delegated decision will be produced and placed on the case file as a matter of record and also for the benefit of interested Councillors and the public.

6.12 Officers take instructions from Councillors only through a decision of the Council or one of its Committees. In the exercise of delegated powers, Officers may in certain cases be required to consult with individual Councillors, and take the views of those individual Councillors into

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consideration. Officers must always act impartially and advise the Council according to their own professional opinion.

Deferments

6.13 A decision on an application should not be deferred without proper justification. For example, the justification might be to ensure that all the proper information is to hand and this might include a site visit. The reason for requesting a deferment must be clearly set out by the proposer and recorded in the Minutes.

Public Attendance at Committee Meetings

6.14 All planning applications referred to a Committee for determination will be considered in public session and all background information will be made available for public inspection upon publication of the agenda papers, unless there are specific reasons for not disclosing or publishing 'exempt information' in accordance with the Local Government Act 1972. Applicants, agents and members of the public, representatives of Parish/Town Councils may speak on planning applications being considered at the meeting. The Council's public participation scheme is at Appendix 5.

7 DEVELOPMENT PROPOSALS BY THE COUNCIL, COUNCILLORS AND OFFICERS

7.1 Committee Terms of Reference provide for the determination of planning applications for the District Council's own development or affecting Council land and applications submitted by Council Members or Officers, by a Planning Committee rather than under delegated powers.

7.2 Such applications will be processed and handled~~treated~~ no differently to any other application and the requirements of the Town and Country Planning legislation and ministerial guidance will be followed in the usual way. Officer recommendations and Committee decisions will be made strictly on planning merits without regard to any financial or other gain which might accrue to the Council if the development is permitted, or to other issues which may need more properly to be considered by another Committee of the Council. It is important that the Council not only treats, but is seen to treat such applications the same as any other.

7.3 Councillors or Officers proposing to submit a planning application should notify the Monitoring Officer. If a Councillor or Officer submits a planning application, they should take no part in its processing by the authority at any point. It is important that neither Councillors nor Officers take any part in the preparation of Local Development Plan policy or supplementary planning guidance they may influence, or be seen as influencing, with a view to future planning proposals they may wish to submit.

8 PLANNING APPEALS

8.1 A Planning Appeals Protocol has been approved and is at Appendix 6. In the event of a decision taken to refuse contrary to the recommendation of the Director of Planning and Regulatory Services, the Committee may nominate a Member to assist in agreeing the precise reasons for refusal and with the preparation and presentation of the Council's case should the decision be appealed.

8.2 As referred to earlier, Officers must always act impartially and advise the Council of their professional opinion. Chartered Town Planners are obliged to follow the Royal Town Planning Institute's Code of Professional Conduct. Whilst Chartered Town Planners appearing as the Council's expert witnesses at planning inquiries and hearings have a duty to set out the Council's case, they must, if asked, give their own professional view in accordance with that Code.

8.3 The Council is at risk of an award of costs against it if the Planning Inspector finds that there has been unreasonable behaviour. Common examples of unreasonable behaviour are failure to comply with procedural requirements for inquiries or hearings, failure to provide planning evidence to support reasons for refusal, and failure to take into account relevant policy statements in departmental guidance.

9 COMMITTEE SITE VISITS

9.1 Committee ~~S~~site visits can cause delay and additional costs and should only be used when the expected benefit is substantial. A site visit is only likely to be necessary if the impact of the proposed development is difficult to assess from the plans and any supporting material, including any photographs taken by Officers. Site visits may be arranged following publication of the agenda but before the actual meeting. Where requested at the actual meeting, t~~T~~he reason ~~for requesting a site visit~~ must be clearly set out by the proposer and recorded in the Minutes. All site visits must be carried out in accordance with the Council's agreed guidelines set out in Appendix 1 to this document.

9.2 Site visits are not part of the formal committee proceedings and are not a forum for debate or making planning decisions. Site visits are not open to the public and should not be used to canvass local opinions or as an opportunity for lobbying or advocacy. Councillors should not express personal opinions during site visits.

10 PLANNING OBLIGATIONS

10.1 Under section 106 of the Town and Country Planning Act 1990, the Council as local planning authority may seek planning obligations in connection with grant of planning permission. Planning Obligations may be given by way of unilateral undertaking or agreement, and for the most part will regulate the use

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or development of land as distinct from the controls that may be available through the imposition of planning conditions. In addition, they may be used to secure off-site improvements or financial contributions towards local infrastructure provision.

10.2 To avoid any public mistrust or suspicion, it is important that arrangements in connection with planning obligations are operated in accordance with the principle that planning permission may not be bought or sold. The Council must conduct any negotiations and arrangements in a way which is seen to be fair, open and reasonable.

10.3 If a planning obligation is created in isolation or before a planning application is determined, a copy will be placed as required in Part 1 of the statutory Planning Register and therefore made available for public inspection. Similarly, if a planning obligation is created following determination of an application, a copy will be placed in Part 2 of the Register.

11 ADMINISTRATION

Monitoring of Decisions

11.1 The Council should monitor planning decisions taken, on an annual basis, both in terms of quality and consistency. Annually, Councillors will visit a sample of implemented planning permissions to assess the quality of the decisions. The committee should formally consider the annual report and decide whether it gives rise to the need to review any policies or practices. The review may include information identifying the number of cases where Officers' recommendations were not accepted and the outcome of any related appeal decisions. The results of the monitoring will be reported to Councillors along with any recommendations to improve quality, consistency or performance.

Records management

11.2 The planning application files should be complete and accurate containing sufficient information and a record of events so that the decision and the process leading to it can be easily understood. Only "background papers" as defined in the Local Government Act 1972 (and listed in committee reports) are automatically available to the public. These would include, in addition to the application document, associated letters and supporting information, replies from consultees and letters from supporters and objectors. The same principles apply to applications determined under Officers' delegated powers. Such decisions should be as well documented and recorded in the same way as

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those taken by Committees. These principles apply equally to enforcement and development plan and associated policy matters.

Complaints

11.3 Any complaints received about the way in which a planning application or other planning matter has been dealt with in terms of procedures or fairness will be investigated under the Council's complaints procedures. The fact that someone may disagree with the decision the Council has reached is not a complaint which will normally necessitate investigation, although Officers will explain the reasons for the Council's decision in such a case.

12 INTERPRETATION

12.1 The Chief Executive, Legal and Democratic Services Manager and Director of Planning and Regulatory Services, as appropriate, will provide advice or clarification on any matters of a planning nature contained within this document or otherwise. Issues of probity or otherwise requiring interpretation should be referred to the Monitoring Officer.

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MALDON DISTRICT COUNCIL
Planning Services

GUIDELINES FOR COMMITTEE SITE VISITS

1) Committee site visits may be arranged following publication of the Committee report but prior to the meeting following consultation between the Director of Planning and Regulatory Services and the Chairman of the relevant Committee and the Ward Member(s). Site visits will otherwise only be arranged when the Committee at the meeting cannot fully assess the implications of a development proposal on the basis of the information provided at the Committee meeting and individual Members' informal inspections of the site.

2) The time and date will be agreed with Members at the meeting of the Committee or otherwise with the Chairman of the relevant Committee.

3) The applicant / agent will be contacted to obtain permission to enter the land and to ensure that the time proposed is convenient. The applicant / agent will be advised of the purpose of the visit and the way in which the visit will be conducted.

4) Having confirmed the time and date all Members and ex Officio Members of the Committee will be advised in writing of the time and date of the visit together with a note (or map) of the suggested assembly point. In the case of a site visit by the Planning and Licensing Committee, the Ward Member(s) if not members of the Committee will also be invited.

5) Upon arrival at the site the visit will be led by the Chairman or the Vice-Chairman of the Committee. A Planning Officer will be present with the case file and necessary drawings to illustrate the proposal.

6) In the event of the applicant, agent or land owner being present the purpose of the visit will be explained and the Committee will request that it be allowed to conduct its visit unaccompanied.

7) At no time during the Committee site visit shall the merits of the proposal be discussed with either the applicant, agent, landowner or any third party who may have an interest in the proposal.

8) After the site visit, a note of the Members' attendance will be placed on the file.

9) The application will be referred direct to the next available meeting of the appropriate committee for determination.

(Approved by the Planning and Licensing Committee – 22 August 2002 - Minute No.222 refers.) (Updated January 2017)

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REPORT of
CHIEF EXECUTIVE

to
PLANNING AND LICENSING COMMITTEE
14 SEPTEMBER 2017

APPROVAL OF THE MALDON DISTRICT HERITAGE AT RISK REGISTER 2017

1. PURPOSE OF THE REPORT

1.1 This report seeks the Planning and Licensing Committee's approval for the publication of the Maldon District Heritage at Risk Register 2017.

2. RECOMMENDATION

That the publication of the Maldon District Heritage at Risk Register 2017 (**APPENDIX 1**) is approved.

3. SUMMARY OF KEY ISSUES

3.1 Since 2008 Historic England has maintained a national database of heritage that is at risk. For many years Essex County Council (ECC) coordinated and published a Heritage at Risk Register for the whole of the county with input from Maldon District Council. ECC are no longer providing that service and it now falls to the district councils to publish their own heritage at risk registers. This is a vital piece of work which helps the Council to identify the risks associated with its heritage, work with landowners and support any applications for planning or grant, and monitor our heritage and measures taken to address a heritage assets decline.

3.2 Policy D3 of the recently adopted Maldon District Local Development Plan states:

The Council will monitor heritage assets at risk from neglect, decay or other threats by maintaining an up-to-date 'heritage at risk register', and working proactively with owners, building preservation trusts and other stakeholders to help protect and preserve the district's most vulnerable historic buildings and areas.

3.3 The draft Maldon District Heritage at Risk Register 2017 is produced as **APPENDIX 1** to this report. The document is in two sections. The first section provides an overview of the efforts over recent years to secure the future of our most vulnerable historic buildings. The second part is an inventory of each of the historic buildings currently regarded as 'at risk'.

3.4 The primary aim of the register is to highlight the plight of these buildings to current owners and local communities and encourage immediate care and their future

conservation. The register will be published on the Council's website and will be reviewed on an annual basis.

4. CONCLUSION

4.1 Maldon District Council has a commitment to protect and enhance the natural and built heritage of the district now and for the enjoyment of future generations. Policy D3 of the Maldon District Local Development Plan sets out this Council's objective of 'safeguarding, enhancing and promoting the historic environment'. An up-to-date Heritage at Risk Register, which highlights and promotes the district's most vulnerable heritage assets, is an essential tool in meeting these objectives.

5. IMPACT ON CORPORATE GOALS

5.1 The recommendations of this report will support Corporate Goals by helping to preserve the District's most vulnerable heritage assets.

6. IMPLICATIONS

(i) **Impact on Customers –** The goal of the register is to encourage measures which secure the future of heritage assets which, for many local residents, are a source of local distinctiveness and pride.

(ii) **Impact on Risk** –The register enables the Council to most effectively monitor risks to the Districts heritage, spot risks earlier and advise on measures to address the decline in a heritage asset.

(iii) **Impact on Resources (financial)** – The register is maintained within existing budgets.

(iv) **Impact on Resources (human)** – The register is maintained within existing resources.

(v) **Impact on the Environment** – Positive, due to the way in which the register will encourage the survival of valuable historic buildings and sites.

Background Papers: None.

Enquiries to: Tim Howson, Conservation Officer, (Tel: 01621 875725).

Maldon District Heritage at Risk Register 2017



August 2017

Planning Policy

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MALDON DISTRICT COUNCIL

Introduction

Policy D3 of the Maldon District Local Development Plan sets out the Council's commitment to maintaining an up-to-date 'heritage at risk register'. This register contains the details of historic buildings known to be at risk of survival through neglect or decay, and those vulnerable to future deterioration.

The first section of this document provides an update on some of the efforts that have been made in recent years to improve the fate of our most vulnerable historic buildings. While there have been several notable successes, certain buildings remain at risk of deterioration.

The second section of this document is an inventory of each of the historic buildings currently regarded as 'at risk'. The primary aim of the register is to highlight the plight of these buildings to current owners and local communities and encourage immediate care and their future conservation. In some cases long term conservation may be instigated by a new owner, however inclusion on the register does not imply that a building is for sale. Buildings are not open to the public unless stated.



Fig. 1 – Gorwell Hall Barn in 2006



Fig. 2 – Gorwell Hall Barn in 2016



Fig. 3 – Interior of Southminster Hall Barn, restored and converted to a brewery in 2015-16



Fig. 4 – a new house at Noaks Cross, Great Braxted. A legal agreement between the owner and the Council requires the repair of the adjacent barn within one year of the completion of the house. The repair of the barn is currently underway.

Heritage at risk update

Looking back over the past few years at the fate of historic buildings at risk, we find a mixed picture. Several heritage assets in the Maldon District remain vulnerable to deterioration, but there have also been some notable success stories.

For many years, redundant farm buildings have made up a large proportion of the District's 'heritage at risk'. Changes in agricultural practice have left numerous historic farm buildings in a vacant and vulnerable condition. The late-Georgian threshing barn at Gorwell Hall in Tollesbury is an example that had deteriorated to the extent that it was at serious risk of collapse (Fig. 1). This barn was rescued by converting it to a house (Fig. 2). While residential conversion can save a barn from decline, it can also have a considerable impact upon the building's character. The complete replacement of external weatherboarding, the insertion of windows, the interruption of a barn's open internal volume by mezzanine floors and partitions, and the domestication of the surroundings are all works that, cumulatively, can undermine the qualities which make historic farm buildings special. The conversion of the 18th-century barn at Southminster Hall Farm to a brewery was in many ways more sympathetic than a residential conversion, and this was acknowledged by an accolade in the 2016 Conservation and Design Awards (Fig. 3). At Noak's Cross, Great Braxted, permission was granted for a new house adjacent to the grade II listed redundant barn, subject to a legal agreement between the owner and the Council ensuring that the barn is repaired following completion of the house (Fig. 4). The benefit of this approach is that the barn itself is subject to minimal alteration, but the new house has caused a marked change to the listed building's setting.

Throughout 2016 and 2017, Stow Maries Great War Aerodrome – one of the District's highest-profile heritage sites – has seen the repair and stabilisation of several of its grade II* listed buildings. This work has been enabled by grant funding from WREN and Historic England, and has been made easier through a Heritage Partnership Agreement between Maldon District Council and the Trust which manages this site. The Royal Engineers' Workshop, the Motor Transport Shed, the Fuel Store and the iconic Water Tower have all recently been completely repaired and can now be removed from the at-risk register (Fig. 5).

Unlike Stow Maries Aerodrome, most privately owned buildings are not eligible for grant funding and sometimes alternative, inventive means of financing essential repair are required. The estimated cost of repairing the 4 mile-long, early 19th-century wall which surrounds Braxted Park was over a million pounds. Following negotiation with the Council this work is currently being funded by a scheme of enabling development in the form of 14 houses on the edge of the village. Already over a third of the wall's length has been repaired and is set to be completed well ahead of the target date. The repairs carried out so far, using traditional hot-lime techniques, are of an exemplary standard (Fig. 6).



Fig. 5 – The Water Tower at Stow Maries Aerodrome was repaired in 2017



Fig. 6 – The repair of Braxted Park Wall is being funded by enabling development

Regrettably, there are instances where efforts to rescue historic buildings have not been successful. The detached Victorian conservatory at Down Hall, Bradwell-on-Sea – which had been on the at-risk register since 1991 – has now almost completely collapsed (Figs 7 and 8). This building was in a poor condition when it was first designated a listed building, and despite the efforts of the Mid-Essex Building Preservation Trust a viable new use has never been found for the buidling. The conservatory is now being considered by Historic England for de-listing. The collapse of one of the Women's Hostels at Stow Maries Aerodrome during the strong winds of November 2015 was particularly disappointing, although it served to highlight the fragility of these buildings (which, of course, were never intended to last as long as they have) and galvanised the Trust to install structural shoring throughout the site. It is intended to rebuild this collapsed building in replica using the salvaged material as part of the overall restoration of the Aerodrome.

There remain buildings which are stubbornly problematic. The location of the Waterside Granary at Tollesbury has made finding a viable new use for this grade II listed building very difficult. The locally listed Victorian former United Reform Church in Heybridge Basin remains empty and increasingly dilapidated; the option of residential conversion is complicated due to flood risk and a restaurant use has been refused permission because of the nuisance this would cause neighbouring residents. Even where permission is granted for residential conversion, there is no guarantee it will be implemented, as in the case of the locally listed Peculiar People's Chapel which remains empty despite permissions for residential conversion granted in 2010 and 2015.



Fig. 7 – Down Hall Conservatory, Bradwell-on-Sea, in 2002



Fig. 8 – Down Hall Conservatory, Bradwell-on-Sea, in 2017

There are, however, cases where – against the odds and in spite of the lack of grant availability – owners will go above and beyond to ensure the sympathetic restoration of a building largely because they have been inspired by its importance. A devastating fire in late 2014 revealed that the King's Head in Bradwell-on-Sea is much older than previously thought. Although it is not listed, the new owner has

restored this medieval building to an exceptionally high standard. This is a building which could so easily have been lost and it is thanks to the commitment of the owner that so much of its ancient fabric has been saved (Figs 9 and 10).

Proactive measures are being taken to secure the future of grade II* listed Creeksea Place, which has been on the 'at risk' register since 1993. With financial assistance from Historic England the owners have now employed a heritage consultant with whom they are developing a strategy to fund the necessary repairs and finally get the building removed from the 'at risk' register.

Five new properties are being added to the register, bringing this year's total to 21. The aim is that, through close monitoring of these sites and dialogue with owners and stakeholders, inventive solutions will be found to secure the future of our heritage at risk.



Fig. 9 – The King's Head, Bradwell-on-Sea, in September 2014



Fig. 10 – The King's Head, Bradwell-on-Sea, in April 2017

Inventory of Heritage At Risk in the Maldon District

Criteria for inclusion - condition and prioritisation

Buildings are considered to be at risk due to their physical condition, and in some cases, their use and occupancy. Priority depends on the rate of decay and potential loss of significant fabric. For instance a masonry building whose roof has collapsed many years ago is less of a priority than a timber framed building whose roof has recently failed.

Priorities

A - Immediate risk of further rapid deterioration. No solution agreed.

B - Immediate risk of further rapid deterioration. Solution agreed but not yet implemented.

C - Slow decay. No solution agreed.

D - Slow decay. Solution agreed but not yet implemented.

E - Under repair or in fair condition, but no user identified; or under threat of vacancy with no obvious new user.

F - Repair scheme in progress or to be implemented imminently.

Condition

Good - Structurally sound, weathertight, no significant repairs required at present.

Fair - Structurally sound, but needing minor repairs or lacking general maintenance.

Poor - Deterioration of building fabric, ineffective rainwater goods, vandalism.

Very bad - Structural failure, instability or loss of significant area of roof covering leading to major damage to the interior. Significant damage due to major fire or flood.



BRADWELL-ON-SEA

Bacons Barn, Bacons Chase

Designation:	Grade ll listed
Priority:	**A** - Immediate risk of further rapid deterioration. No solution agreed.
Condition:	**Very bad** – An adjoining cartlodge has collapsed. The gable-end tie beam has become so decayed that it has snapped in two. Areas of missing cladding mean that it is not satisfactorily weathertight.
Date registered:	2004
Ownership:	Private
For Sale:	No
Summary:	Redundant Georgian farm building. There have been discussions and written correspondence in 2017 between the owner and the conservation officer on how to best secure the future of the barn.



BURNHAM-ON-CROUCH

Creeksea Place

Designation:	Grade ll* listed
Priority:	**E -** This substantial house was derelict for many years, resulting in long-term deterioration of the building's structure. Localised leaks caused parts of the Tudor roof structure to decay. Following grant aid from English Heritage (now Historic England) the roof structure was supported by a system of timber shores and props which remain in place on each floor.
Condition:	**Poor** – The building is weathertight. But internally, historic panelling and plaster finishes remain in a decayed and vulnerable condition.
Date registered:	1993
Ownership:	Private
For Sale:	No
Summary:	This building incorporates the remains of an important 16th-century brick mansion. For the past decade the current owners have used the Victorian part of the building as a wedding venue with the aim of funding repair works to the Tudor ranges. This has enabled ongoing maintenance of the roof to prevent leaks and the restoration of a panelled room on the ground floor in 2008. However, the large cost of repairing the roof has meant that no progress has yet been made in this respect. The owners have now employed a heritage consultant with whom they are developing a strategy to fund the necessary repairs and finally get the building removed from the 'at risk' register. In 2017 positive meetings have taken place with Historic England, the Country Houses Foundation and subsequently with LEADER to assess potential grant funding.



GREAT BRAXTED

Wall surrounding the Braxted Park Estate

Designation:	Grade ll listed
Priority:	**F –** Currently undergoing repair
Condition:	**Poor** - The wall has suffered general deterioration, as well as occasional damage by vehicles on the road-side section.
Date registered:	2011
Ownership:	Private
For Sale:	No
Summary:	Early-19th century wall, approximately four and a half miles long, enclosing the Braxted Park Estate. The cost of repairing the wall (estimated at £1.25m) is being funded by a scheme of enabling development in the form of 14 houses on the edge of the village. The repair work – undertaken by Bakers of Danbury and overseen by Ed Morton – commenced in 2016, with a s.106 agreement requiring completion by 2021. Already over a third of the wall's length has been repaired and is set to be completed well ahead of the target date. The repairs carried out so far, using traditional hot-lime techniques, are of an exemplary standard.



HEYBRIDGE BASIN

United Reformed Church, Basin Road

Designation:	Within the Heybridge Basin Conservation Area and on the local list
Priority:	**A**
Condition:	**Very bad** - The building has been redundant for many years and is in an increasingly dilapidated state. There are signs that much of the timber-frame structure has become severely decayed.
Date registered:	2010
Ownership:	Private
For Sale:	No
Summary:	Dates from the mid-19th-century expansion of Heybridge Basin, annotated as a Wesleyan Chapel on the 1875 OS map. It is a good example of a vernacular weatherboarded chapel and a significant landmark in an important position within the conservation area. Planning applications in 2008 and 2017 to convert the building to a restaurant have been refused. Maldon District Council commissioned the Mid Essex Historic Buildings Trust to undertake a Condition Survey and Feasibility Study in 2012. The option of residential conversion is complicated by the fact the building is situated in a flood zone.



LANGFORD

Homestead, Maldon Road

Designation:	Listed grade II and within the Langford Conservation Area
Priority:	**D –** Severely decayed windows and doors, temporary repair to roof. Solution agreed but not yet implemented
Condition:	**Fair** – The building is structurally sound but lacks maintenance and redecoration. The windows are all very rotten. A temporary emergency repair carried out to the roof in 2015 is showing signs of deterioration. The building is an eyesore in the conservation area, but is currently occupied.
Date registered:	2017
Ownership:	Private
For Sale:	No
Summary:	The list description dates the house to the 18th century, but recent investigation has established that it incorporates the remains of a small late-medieval hall house. This means the house is the oldest in the centre of Langford, and of considerable significance. Listed building consent was granted in late 2016 to refurbish the house, including replacement windows and re-tiling the roof. The owner has been in ongoing dialogue with the Council's enforcement team and the conservation officer.



MALDON

1-3 High Street

Designation:	Listed grade II* and within the Maldon Conservation Area
Priority:	**D -** Slow decay. Solution agreed
Condition:	**Fair** - Ivy growth to the rear range has become excessive and risks causing this part of the building to deteriorate
Date registered:	2017
Ownership:	Private
For Sale:	No
Summary:	Nos. 1-3 High Street were first built as a hall house in the 14th century, making it the oldest timber-framed building on Maldon High Street. Ivy growth has become excessive on the rear range which dates from the 15th century. The new owner was alerted to the problem in July 2017, and subsequently met the conservation officer on site to discuss removal of the ivy.



MALDON

1-3 High Street

Designation:	Listed grade II and within the Maldon Conservation Area
Priority:	**E** – The building is weathertight but the windows, render and parts of the timber-framed structure require repair
Condition:	**Poor** -
Date registered:	1986
Ownership:	Private
For Sale:	No
Summary:	This is a medieval hall and crosswing, later altered by the heightening of the hall, the application of render and the insertion of sash windows. Most of the ground-floor rooms have been refurbished and are in use, but the first-floor rooms remain derelict and in a poor condition. In 2009 the owners removed the render and windows without consent. In 2011, lime render was re-applied to timber frame and Georgian sash windows were reinstated in accordance with an enforcement notice served by the Council. However, the render has not been applied very well, is cracking in places, and has not been lime-washed.



PURLEIGH

Eastcroft, Fambridge Road, Purleigh

Designation:	Listed grade II
Priority:	**A** - Immediate risk of further rapid deterioration. No solution agreed.
Condition:	**Very bad** – The building is derelict. There are some slipped roof tiles, the rainwater goods are not operating effectively.
Date registered:	2017
Ownership:	Private
For Sale:	Yes, at time of writing
Summary:	A timber-framed cottage, known from documentary evidence to have been built in 1799 on manorial waste. The lead-glazed windows on the front elevation are original and a rare survival. The building became derelict in 2013. It is is situated quite close to a busy road. In 2015 the current owner was dissuaded from submitting an application to demolish and rebuild the cottage. Ongoing discussions between the owner and the conservation officer about plans to refurbish and extend the building have become protracted and now the property has been put up for sale. The owner and the Conservation Officer are due to meet in August 2017 to discuss urgent works.



SOUTHMINSTER

Pandole Wood

Designation:	Scheduled monument
Priority:	**C** - Slow decay. No solution agreed.
Condition:	**Poor –** The monument is being gradually eroded by motorcyclists using the earthworks as a scrambling track.
Date registered:	2017
Ownership:	Private
For Sale:	No
Summary:	This scheduled monument comprises substantial earthworks thought to represent an enclosure of late Iron Age or Roman date. A management plan was developed in dialogue with Historic England and the landowner which would have addressed many of the problems, but was dependent for funding from a nearby housing development which was refused planning permission. The applicants for that development had appealed but have now withdrawn the appeal.



SOUTHMINSTER

Former grain-drying unit, Southminster Hall Farm

Designation:	Grade II listed
Priority:	**C** - Slow decay. No solution agreed.
Condition:	**Very bad** - Many years ago the main roofs were covered by a form of felt, which quickly failed and led to the deterioration of the timber structure.
Date registered:	2004
Ownership:	Private
For Sale:	No
Summary:	This redundant late-19th-century brick-built grain drying unit is situated in the middle of a working farmyard. Over recent years, there have been various efforts to find a new viable use for this building. A feasibility study was prepared by the Mid Essex Historic Buildings Trust, with financial assistance from Maldon District Council and input from students on the MSc Building Conservation Course at Anglia Ruskin University. A report by the structural engineer Edward Morton in 2013 found that, due to the extensive decay, little if any of the original roof or floor structures would now be salvageable.



STOW MARIES AERODROME

Night flying store

Designation:	Grade II* and in the Stow Maries Aerodrome Conservation Area.
Priority:	**C** - Slow decay. No solution agreed.
Condition:	**Very bad** – Following collapse of the roof structure the end walls have been shored up.
Date registered:	2012
Ownership:	Private
For Sale:	No
Summary:	One of twenty four original buildings remaining at Stow Maries World War One Aerodrome. Following collapse, the materials were recorded and the salvageable timber trusses put into storage. Funding is being sought to reconstruct the building.



STOW MARIES AERODROME

Officers' Mess

Designation:	Grade II* and in the Stow Maries Aerodrome Conservation Area.
Priority:	**F** - Repair scheme in progress
Condition:	**Fair** – Grant funding from Historic England and WREN has recently enabled the repair of the roof.
Date registered:	2012
Ownership:	Private
For Sale:	No
Summary:	This E-shaped complex is the largest original building to survive at Stow Maries World War One Aerodrome. Only two other Royal Flying Corps Offices Messes are listed in this country. The interior is remarkably unaltered with a good survival of internal fixtures and fittings.



STOW MARIES AERODROME

Officers' Quarters

Designation:	Grade II* and in the Stow Maries Aerodrome Conservation Area.
Priority:	**D** - The buildings have been stabilised by structural shoring. There are ongoing discussions about the best way to repair the structures
Condition:	**Poor** -
Date registered:	2012
Ownership:	Private
For Sale:	No
Summary:	Three of the twenty four original buildings remaining at Stow Maries World War One Aerodrome. Each of the three parallel ranges is connected at the southern end by a block for toilets and washroom which has partially collapsed.



STOW MARIES AERODROME

Women's Hostels

Designation:	Grade II* and in the Stow Maries Aerodrome Conservation Area.
Priority:	**D** - Slow decay. Solution agreed but not yet implemented.
Condition:	The western building is **very bad** and the other is **poor.** The western block collapsed during strong winds in November 2015. This event highlighted the fragility of the buildings on the site and galvanised the Trust to install structural shoring throughout the site.
Date registered:	2012
Ownership:	Private
For Sale:	No
Summary:	Two of the twenty four original buildings remaining at Stow Maries World War One Aerodrome.



STOW MARIES AERODROME

NCO Accommodation block

Designation:	Grade II* and in the Stow Maries Aerodrome Conservation Area.
Priority:	**D** - Slow decay. Solution agreed but not yet implemented.
Condition:	**Poor** – The building is derelict but has been stabilised by structural scaffolding. Minor repairs have recently been undertaken to the roof and guttering is soon to be installed.
Date registered:	2012
Ownership:	Private
For Sale:	No
Summary:	One of the twenty four original buildings remaining at Stow Maries World War One Aerodrome. A single building with a long corridor plan. Used for domestic purposes after the war.



TILLINGHAM

Peculiar People's Chapel

Designation:	On the local list and within a conservation area
Priority:	**D** – Derelict and deteriorating. The grounds are becoming overgrown.
Condition:	**Poor**
Date registered:	2017
Ownership:	Private
For Sale:	No
Summary:	Victorian timber-framed chapel built for the Peculiar People, a particular branch of non-conformity in Essex. Planning permissions were granted in 2010 and 2015 to convert the chapel to a house but these have not been implemented.



TOLLESBURY

Bourchier's Barns, Back Road, Tollesbury

Designation:	Grade II listed
Priority:	**D** - Slow decay. Solution only partly implemented
Condition:	**Poor**
Date registered:	2010
Ownership:	Private
For Sale:	No
Summary:	The site contains an attached pair of Georgian threshing barns, which are grade II listed, and five Victorian animal shelter buildings which are curtilage listed. The Georgian barns are the most significant structures on the site, but the Victorian buildings are also of considerable significance, as good quality examples of their type, reflecting the increased emphasis upon livestock in the later 19th century. Permission was granted in 2013 to refurbish all the historic buildings on the site, but four of the five Victorian buildings remain in need of repair, typically exhibiting slipped roof tiles, failed guttering and areas of decayed brickwork.



TOLLESBURY

Byre at Bohuns Hall, Church Street

Designation:	Grade II listed
Priority:	**A** – Areas of cladding are missing, ivy is beginning to invade the building, and parts of the timber frame are extremely decayed.
Condition:	**Very bad**
Date registered:	2004
Ownership:	Private
For Sale:	No
Summary:	Redundant Georgian timber-framed byre. A decision to refuse residential conversion was upheld at appeal in 2011. There are ongoing discussions between the owners and the Conservation Officer about the condition of the building.



TOLLESBURY

Granary at Woodrolfe Creek, Tollesbury

Designation:	Grade II listed
Priority:	**C** - Slow decay. No solution agreed.
Condition:	**Poor** -
Date registered:	1995
Ownership:	Private
For Sale:	No
Summary:	A 19th-century timber-framed granary / store. In the past, options for reuse of the building have been investigated by the Mid-Essex Building Preservation Trust. It also featured on the third series of BBC's Restoration. Temporary stabilisation works – in the form of internal shoring – were undertaken with grant assistance from Maldon District Council.



WICKHAM BISHOPS

Timber Trestle Viaduct at Wickham Place

Designation:	Scheduled Monument
Priority:	**A** - Immediate risk of further rapid deterioration. No solution agreed.
Condition:	**Very bad** – Extensive decay has led to structural failure of parts of the viaduct.
Date registered:	2007
Ownership:	Essex County Council
For Sale:	No
Summary:	Timber trestle viaduct built in 1847 as part of the now redundant Witham, Maldon and Braintree Railway Line.



WOODHAM MORTIMER

Obelisk opposite Woodham Mortimer Hall

Designation:	Grade II listed
Priority:	**C** - Slow deterioration. No solution agreed.
Condition:	**Poor**
Date registered:	2012
Ownership:	Private
For Sale:	No
Summary:	Erected in 1825 by the Coopers Company to commemorate William Alexander's bequest of his estate at Woodham Mortimer. The monument has suffered from a lack of general maintenance. The railings have rusted at their base and some of the stone plinths have split. The railings also appear to have been knocked and bent. The stone monument would also benefit from general conservation. The Conservation Officer has been in discussion with the land owner and the Coopers Company since 2012, but no solution has been agreed.

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