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APOLOGIES Committee Services
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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

25 May 2018

Dear Councillor

You are summoned to attend the meeting of the;

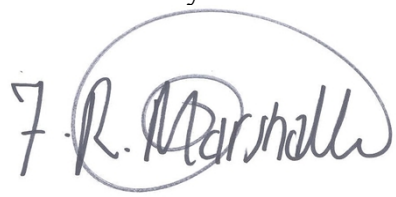
PLANNING AND LICENSING COMMITTEE

on **TUESDAY 5 JUNE 2018** 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	B S Beale MBE R G Boyce MBE M F L Durham, CC A S Fluker M R Pearlman R Pratt, CC S J Savage Mrs M E Thompson

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AGENDA
PLANNING AND LICENSING COMMITTEE

TUESDAY 5 JUNE 2018

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 96)

   To confirm the Minutes of the meeting of the Committee held on 17 April 2018, (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. **Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS) Update** (Pages 97 - 124)

   To consider the report of the Director of Planning and Regulatory Services (copy enclosed).

7. **Review of Performance 2017 / 18** (Pages 125 - 146)

   To consider the report of the Director of Planning and Regulatory Services (copy enclosed).

8. **Update on Appeal Decisions (October 2017 - March 2018)** (Pages 147 - 150)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed).

9. **Appointment of Representatives on Liaison Committees / Panels** (Pages 151 - 152)

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

10. **Burnham-on-Crouch Tourist Information Centre Provision Update** (Pages 153 - 158)

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

11. **Maldon District Statement of Community Involvement** (Pages 159 - 210)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed).

12. **Maldon District Self-Build and Custom House Building Register** (Pages 211 - 218)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed).

13. **Draft Maldon District Vehicle Parking Standards Supplementary Planning Document: Stakeholder and Public Consultation** (Pages 219 - 290)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed).

14. **Committee Terms of Reference and Scheme of Delegation Update** (Pages 291 - 300)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed).

15. **Licensing Act 2003: Draft Statement of Policy and Consultation** (Pages 301 - 366)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed).

16. **Gambling Act 2005: Draft Statement of Policy and Consultation** (Pages 367 - 422)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed).

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

18. **Exclusion of Public and Press**

To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

19. **Preferred Site Options for Maldon Enterprise Centre** (Pages 423 - 512)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed).

Reports for noting

In accordance with the recent Council decision (Minute No. 542 refers), the following reports are for noting and a copy has been placed in the Members' Room and on the I drive for Members' Information.

- Planning Policy Update
- Overview of the Government's 25 Year Environmental Plan

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

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MINUTES of
PLANNING AND LICENSING COMMITTEE
17 APRIL 2018

PRESENT

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

1000. CHAIRMAN'S NOTICES

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

1001. APOLOGIES FOR ABSENCE

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

1002. MINUTES OF THE LAST MEETING

RESOLVED

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

Minute 882 – Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS) Update
It was agreed that the 13th paragraph should be amended to read "…around tree *screening* planning and the fact that Northey Island was privately owned *and an important wildlife refuge*."

RESOLVED

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

1003. DISCLOSURE OF INTEREST

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

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

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

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

1004. PUBLIC PARTICIPATION

No requests had been received.

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

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

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

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

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

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

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

1006. ECONOMIC GROWTH UPDATE

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

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

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

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

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

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

RESOLVED

(i) that the contents of the report and appendix be noted;

(ii) that future Economic Development Updates be reported to the Planning and Licensing Committee on a six monthly and exception basis.

1007. PLANNING POLICY UPDATE

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

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

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

- Community Infrastructure Levy (CIL) – All Members had been invited to attend a workshop on 24 May to review the Infrastructure Delivery Plan. A report on CIL would be brought to the July meeting of this Committee and not June as detailed in the report.

- Recreational Avoidance and Mitigation Strategy (RAMS) - The Director of Planning and Regulatory Services reported that Mr Thomas, Head of Planning at Essex County Council would be attending the next meeting of this Committee to report back on RAMS. It was noted that the Director of Planning and Regulatory Services had requested regular meetings with Mr Thomas to discuss issues including concerns regarding the RAMS process to date. In response to a question, it was agreed that the Minutes of RAMS meetings would be placed on the I Drive for all Members to access.

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

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

RESOLVED

(i). that the contents of the report including the proposed changes at Stansted Airport, be noted;

(ii). that the updates on the following matters will be brought to a future meeting of the Planning and Licensing Committee:

- Community Infrastructure Levy (July meeting)
- Recreational Avoidance and Mitigation Strategy (June meeting)
- New licensing rules regarding Great Crested Newts

1008. RENEWABLE AND LOW CARBON TECHNOLOGY SUPPLEMENTARY PLANNING DOCUMENT

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

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

RESOLVED

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

RECOMMENDED

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1011. NATIONAL PLANNING POLICY FRAMEWORK AND OTHER POLICY DOCUMENTS

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

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

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

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

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

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

RESOLVED

(i) that the draft responses to the National Planning Policy Framework (NPPF) consultation are revised to take into account views of the Committee and approved by Officers in consultation with the Chairman of the Planning and Licensing Committee and submitted as the Council's formal response to the Consultations;

(ii) that Officers report on the final NPPF once published setting out any further changes made and the implications for the Maldon District Local Development Framework.

1012. RIVER BLACKWATER TASK AND FINISH WORKING GROUP UPDATE

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

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

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

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

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

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

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

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

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

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

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

RESOLVED

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

RECOMMENDED

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

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

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

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

MRS P A CHANNER, CC
CHAIRMAN

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Supplementary Planning Document

Draft Renewable and Low Carbon Technologies SPD

MALDON DISTRICT COUNCIL

Consultation document

DRAFT

January 2018

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1. Introduction

1.1.1 The Council has prepared this draft Supplementary Planning Document (SPD) to provide additional guidance to planning policies for renewable and low carbon technologies in the Approved Maldon District Local Development Plan (2014-2029) (LDP). The Council will seek to manage renewable and low carbon technology developments and seek to reduce carbon emissions in new developments in accordance with Policies D2 and D4. This document is not providing new policies, but offering additional guidance to the current policies of the LDP.

1.1.2 This SPD is intended to provide information to a number of users within the District including developers, voluntary organisations, businesses, residents, community groups and public sector bodies.

1.1.3 This SPD offers technical guidance to help applicants by providing advice on matters needing to be addressed in order for renewable and low carbon technology applications to be submitted successfully. The technical guidance is to be used also as a tool for decision makers when assessing the suitability of proposals.

1.2 Purpose of Supplementary Planning Documents (SPD)

1.2.1 The primary function of an SPD is to add further detail to specific policies contained within statutory planning policy documents, such as the Local Development Plan and national planning guidance. A SPD may cover a particular topic or theme, or it can be specific to certain places or developments.

1.2.2 An SPD should only be necessary where their production can help to bring forward sustainable development at an accelerated rate. They must not be used to add financial burdens on development. This SPD provides further guidance on how to deliver renewable energy and low carbon projects efficiently in a cost effective way.

1.2.3 Once the SPD has been adopted by the Council, its contents become a material consideration when making decisions on planning applications.

1.2.4 The role given to the Renewable and Low Carbon Technologies SPD will be that of technical guidance for planning applications to provide direction and clarity on delivering projects in accordance with Policies D2 and D4.

Consultation

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

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

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

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

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

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

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

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

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

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

Monitoring and Review

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

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

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

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

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

1.3 Scope and Objectives of SPD

Scope

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

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

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

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Objectives

1.3.4 The objectives of the SPD are:

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

Content

1.3.5 **Chapter 2:** summarises the national and local planning policy context, including an overview of the relevant LDP policies. This chapter will also provide an overview of renewable and low carbon technologies currently deployed with the Maldon District.

1.3.6 **Chapter 3**: directly concerns the planning considerations relating to sustainable building regulations, how non-residential development can achieve the required Building Research Establishment Environmental Assessment Method (BREEAM) standards, the benefits to achieving the voluntary WELL Building Standards and Passivhaus Standards for residential development, as well as to additional guidance contained within the Maldon District Design Guide. Sustainable building standards, will be analysed for resource efficiency as a way of identifying the most efficient and effective techniques for building sustainable homes within the Maldon District.

1.3.7 **Chapter 4:** will focus on the implementation of renewable and low carbon technologies into new developments, as well as the procedures and regulations surrounding retro-fitting technologies into existing buildings.

1.3.8 **Chapter 5**: provides planning and technical guidance relating to renewable and low carbon technologies that are considered appropriate within the Maldon District. The technical guidance reflects the unique opportunities and challenges for the deployment of renewable and low carbon technologies that exist in the District and it will consider the District's features and characteristics and will also include the potential impacts that may arise at different stages, for example at deployment or in-design stage. Information regarding community ownership initiatives and national incentive schemes will also be available to view within this section.

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1.4 Context and Content of the SPD

Context

1.4.1 Renewable and Low Carbon Technologies have the ability to reduce the levels of greenhouse gases that are present in the atmosphere. These technologies also have the potential to overcome the dangers that climate change poses on our planet. The Intergovernmental Panel on Climate Change (IPCC)[1] recognises that 'these technologies not only have the potential to mitigate climate change but can help improve energy security, reduce negative impacts on the environment and health and contribute to social and economic development'.

1.4.2 The Government has pledged that the United Kingdom will reduce its level of emissions to contribute towards limiting global warming to below 2 Degrees Celsius, in light of the most recent Climate Change Summit, COP21. It will be the responsibility of Local Planning Authorities to help achieve these objectives through planning policies and guidance.

1.4.3 Policy D4 of the LDP identifies that renewable and low carbon energy projects have the potential to reduce greenhouse gases. But, the LDP also recognises that it is essential that the benefit of optimising renewable and low carbon technologies should be balanced with the need to protect the local and natural environments that surround our communities, and the amenity of local residents.

1.4.5 The natural biodiversity and geodiversity sites that are featured within the Maldon District include internationally, national and locally protected Ramsar sites, Special Areas of Conservation and Special Protection Areas as well as SSSI's, National Nature Reserves and Marine Conservation Zones. Interspersed within this landscape are numerous national and locally protected heritage assets including Scheduled Monuments, Listed Buildings, Registered Parks and Gardens and Conservation Areas. These pose one of many challenges for the deployment of renewable and low carbon technologies within the District.

1.4.6 The District's sensitive landscape is encapsulated by the two estuaries and the associated extensive flat and gently undulating alluvial plain, to which their presence and distribution are strongly characterised by geology and landform. In a local context, there is an increasing awareness of the importance of the natural landscape and biodiversity which is under threat from development pressures and the impacts of climate change. It is imperative that these sites of local ecological significance are protected against development that would have detrimental impacts.

1.4.7 This SPD includes information on a range of technologies; however it will not contain guidance on offshore wind energy. Although part of the District

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

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

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

1.5 Defining Renewable and Low Carbon Technologies

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

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

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

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

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

2. Policy Framework

2.1 The Planning System and Policy Framework

2.1.1 The national planning system, directly concerning the District of Maldon and its Local Planning Authority, is orchestrated by the Department for Communities and Local Government. The National Planning Policy Framework (NPPF) is a fundamental tool in reducing the complexities associated with the planning system and in addition, allows the system as a whole to be more accessible. It provides a framework within which local communities and local authorities can plan and produce unique and distinctive local and neighbourhood plans, which reflect both the needs and priorities of their communities.

2.1.2 Written Ministerial Statements, which feed into the NPPF, enable Ministers to bring important matters to the attention of the House of Commons. Ministerial Statements can be issued to support or supplement existing policy guidance or to provide amendments and updates to current national policies set out by Government. The guidance provided in Ministerial Statements is channelled through sources shared with the NPPF and PPG.

2.1.3 Figure 2.1 illustrates the framework that encompasses Development Plan Documents and the Supplementary Planning Documents of Maldon District Council and the influence of the NPPF and PPG.

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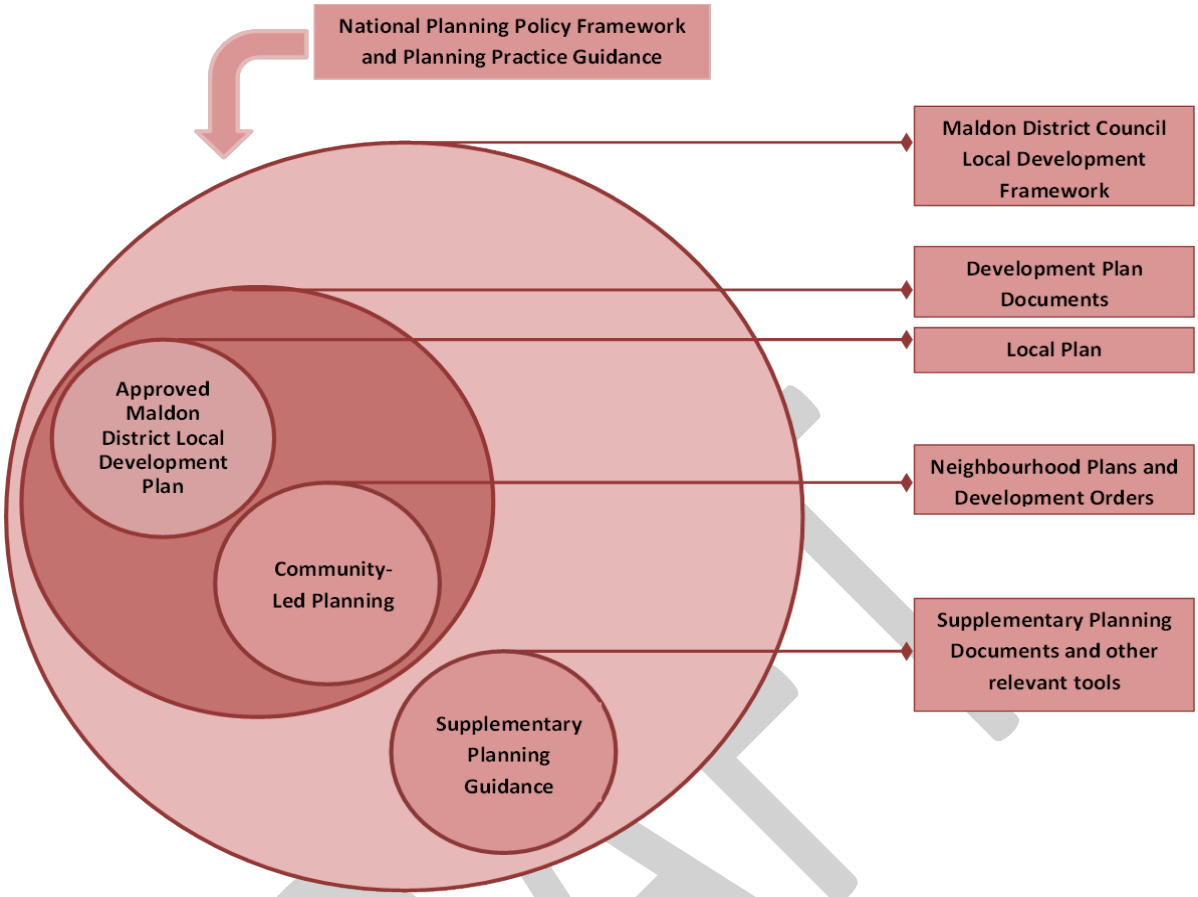

2.1.4 The NPPF sets out the Government's planning policies for England and how these are then applied to the policies of Local Planning Authorities in Local Development Plans. Within the NPPF there are a number of guidelines concerning both sustainable building standards and renewable technology deployment.

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

Actively support energy efficiency improvements to existing buildings.

Plan for new developments in locations and ways which reduce greenhouse gas emissions.

When setting any local requirement for a building's sustainability, do so in a way consistent with the Government's zero carbon buildings policy and adopting nationally described standards.

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

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

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

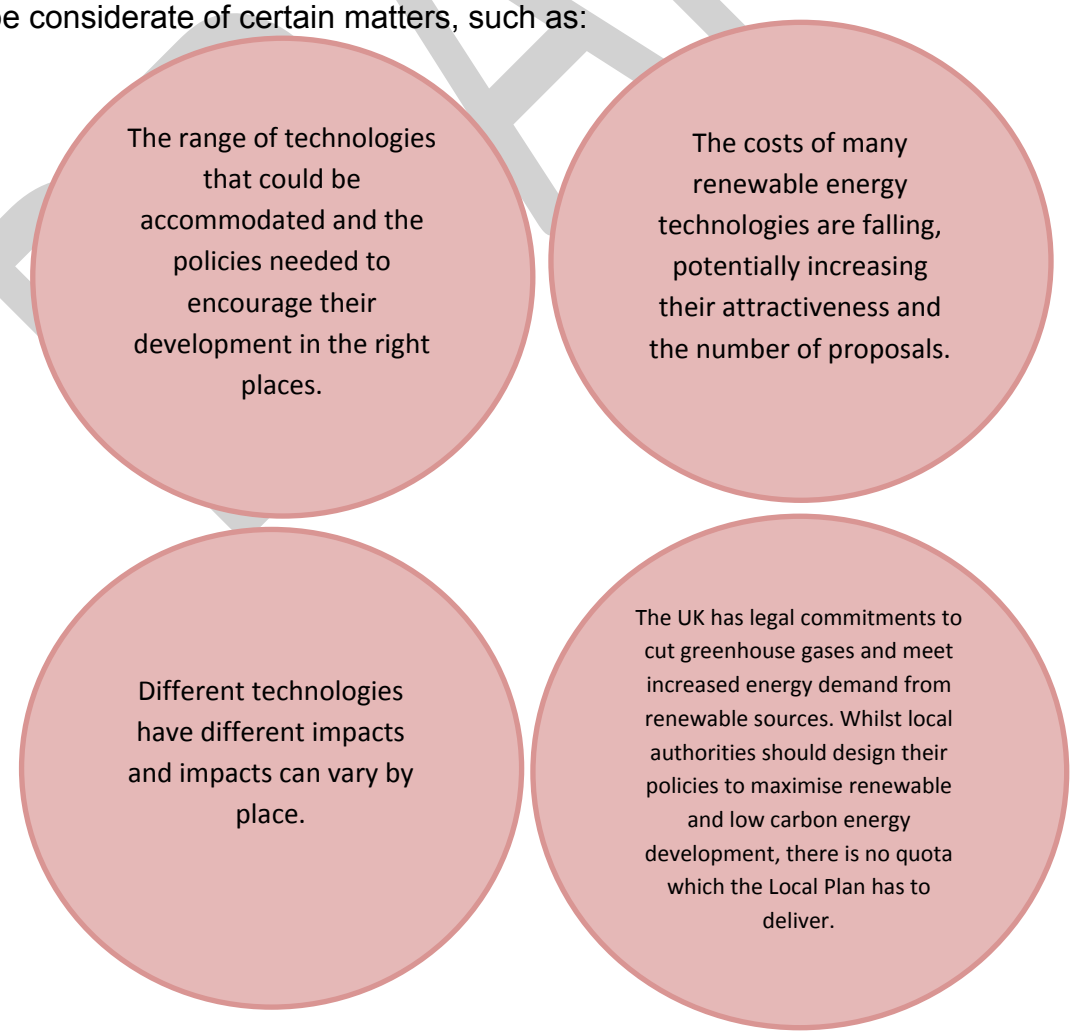
2.1.9 Local and Neighbourhood Plans provide a legitimate platform for the delivery of renewable and low carbon technologies with the engagement and support

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

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

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

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



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

2.2 Maldon District Local Development Plan Policy and Documents

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

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

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

Policy S1 **Sustainable Development**
When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply the following key principles in policy and decision making:
1) Ensure a healthy and competitive local economy by providing sufficient space, flexibility and training opportunities for both existing and potential businesses in line with the needs and aspirations of the District;
2) Deliver a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations;
3) Promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;
4) Support growth within the environmental limits of the District;
5) Emphasise the importance of high quality design in all developments;
6) Create sustainable communities by retaining and delivering local services and facilities;
7) Enable and adapt to the effects of climate change by limiting greenhouse gas emissions through the efficient use of energy and use of renewable alternatives, coastal management, and mitigating against flooding;
8) Ensure new development is either located away from high flood risk areas (Environment Agency defined Flood Zones 2 and 3) or is safe and flood resilient when it is not possible to avoid such areas;
9) Conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network;
10) Conserve and enhance the historic environment by identifying the importance of

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local heritage, and providing protection to heritage assets in accordance with their significance;
11) Identify the capacity and constraints of local infrastructure and services, and seek to mitigate identified issues through developer contributions including Section 106 agreement and / or Community Infrastructure Levy and other funding sources;
12) Maintain the rural character of the District without compromising the identity of its individual settlements;
13) Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community; and
14) Support the expansion of electronic communications networks, including telecommunications and high speed broadband.
The Council will always work proactively with applicants jointly to find a solution which means that development proposals can be approved wherever possible, and to secure sustainable development that improves the economic, social and environmental conditions in the area.
Planning applications that accord with the policies in this LDP and, where relevant, with polices in the District's neighbourhood plans, will be approved, unless material considerations indicate otherwise.
Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, the Council will grant permission unless material considerations indicate otherwise. Account will be taken if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate that development should be restricted.

Table 2.1 Policy S1: Sustainable Development

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

Policy D2 **Climate Change & Environmental Impact of New Development**
All development must minimise its impact on the environment by incorporating the following principles:
1) All non-residential development should achieve a minimum of BREEAM 'Very Good' rating or be supported by a bespoke assessment that demonstrates appropriate environmental performance results above current Building Regulation requirements;
2) Development should seek to maximise the use of building materials from sustainable sources and apply sustainable construction methods where appropriate;
3) Incorporating recycling facilities having regard to the Council's adopted waste strategy and current or planned waste collection methods;
4) Development will contribute towards making the most efficient use or re-use of existing resources and reducing the lifecycle impacts of materials used in

construction. The Council may require large scale development proposals to be supported by a Site Waste Management Plan;
5) Green infrastructure should be incorporated as a way of adopting and mitigating for climate change through the management and enhancement of existing habitats and the creation of new ones to assist with species mitigation, to provide shade during high temperatures and for flood mitigation. Negative impacts on ecology, landscape and green infrastructure should be minimised;
6) Minimising all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures;
7) Where appropriate, development will include measures to remediate land affected by contamination and locate development safely away from any hazardous source;
8) Where appropriate, development will include measures to address land instability issues where identified;
9) Maintain and enhance local air quality in accordance with national objectives;
10) Seek to reduce the need to travel, particularly by private vehicle, by encouraging sustainable transport methods, and providing flexibility in the development to enable home working or similar facilities; and
11) Development must take into account and other benefits of preserving the best and most versatile land. Where possible poor quality land should be prioritised over higher quality land.

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

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

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

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

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

Policy D4 **Renewable and Low Carbon Energy Generation**
In principle, support will be given for the delivery of large-scale renewable and low carbon energy projects, excluding wind energy, provided adverse social, economic and environmental impacts have been minimised to an acceptable level.
Suitable areas for wind energy development may be identified through the preparation of Neighbourhood Plans and proposals for wind energy developments will be determined in accordance with national planning policy and practice guidance.
Development proposals will be approved where it can be demonstrated, to the Council's satisfaction, that the development will not have an adverse impact, either individually or cumulatively, on the following:
1) The purpose or function of internationally, nationally or locally designated sites of protected wildlife or landscape areas;
2) Heritage assets and the setting of heritage assets within the landscape;
3) Landscape and the character of the undeveloped coast and areas, which by nature of their topography, are sensitive to development;
4) Neighbouring amenity, in respect to visual impact, flicker, vibration, glare, overshadowing, active or background noise levels and any other emissions;
5) The safety of public footpaths, bridleways, highways, avian wildlife and aviation;
6) Telecommunications including those used by the police and emergency services and navigational equipment; and
7) The best and most versatile agricultural land.
Proposals must have full consideration of individual impact or cumulative impact where there are more than one existing or proposed renewable energy projects.
The Council will strongly support the principle of the development of a new nuclear power station at Bradwell-on-Sea.

Table 2.3 Policy D4: Renewable and Low Carbon Energy Generation

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

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

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

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

Burnham-on-Crouch Neighbourhood Development Plan

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

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

Policy EN.4 – Renewable Energy
Proposals for the development of renewable energy proposals will be supported in the Plan area subject to the following criteria:
• They preserve or enhance the character and appearance of the conservation area;
• They take account of the setting of the Town within the Dengie Peninsular;
• They do not have an unacceptable detrimental effect on the integrity of a listed building or its setting; and
• They do not have an acceptable detrimental effect on the amenities or residential or other properties in the site's locality.

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

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

2.2.15 For further clarification regarding the specified Policies of the Neighbourhood Development Plan, see Burnham Neighbourhood Plan.

Maldon District Design Guide

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

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

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

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

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

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

2.3 National Energy Strategy and Targets

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

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

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

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

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

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

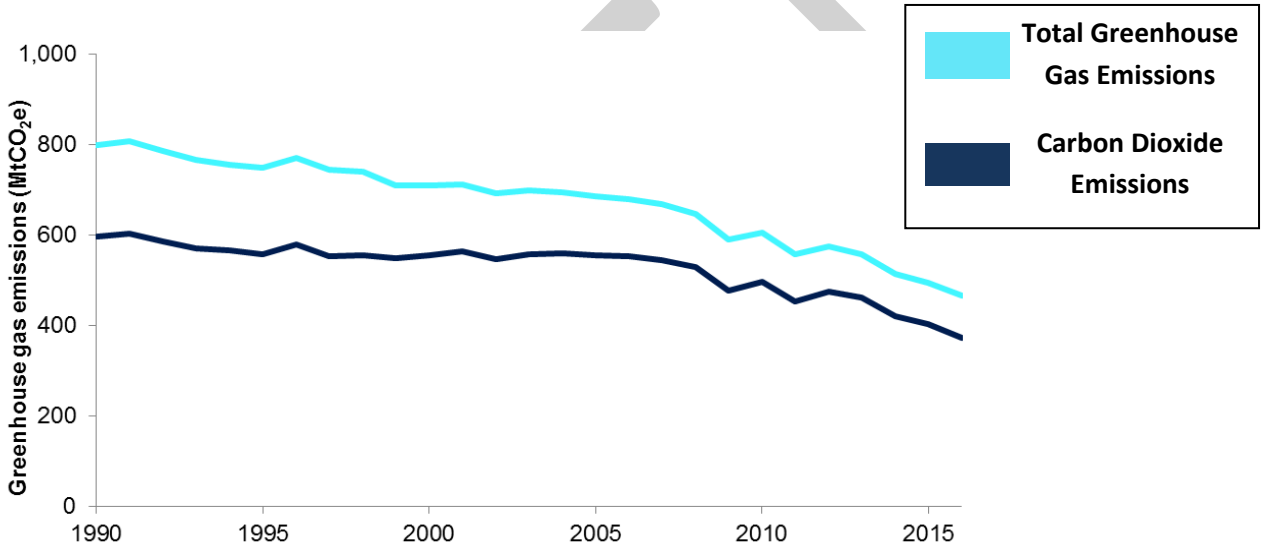
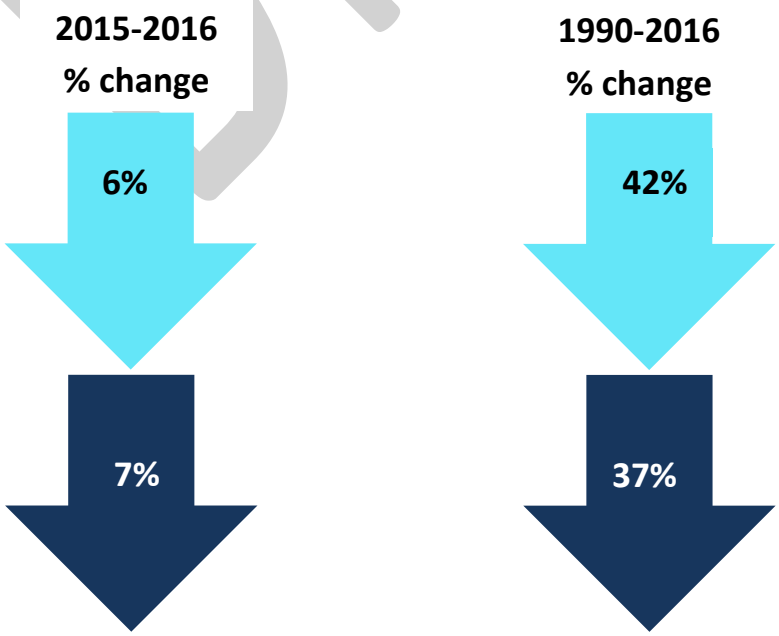


Figure 2.1: UK greenhouse gas emissions 1990-2016



Source: Department for Business, Energy and Industrial Strategy (2017)[7]

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

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

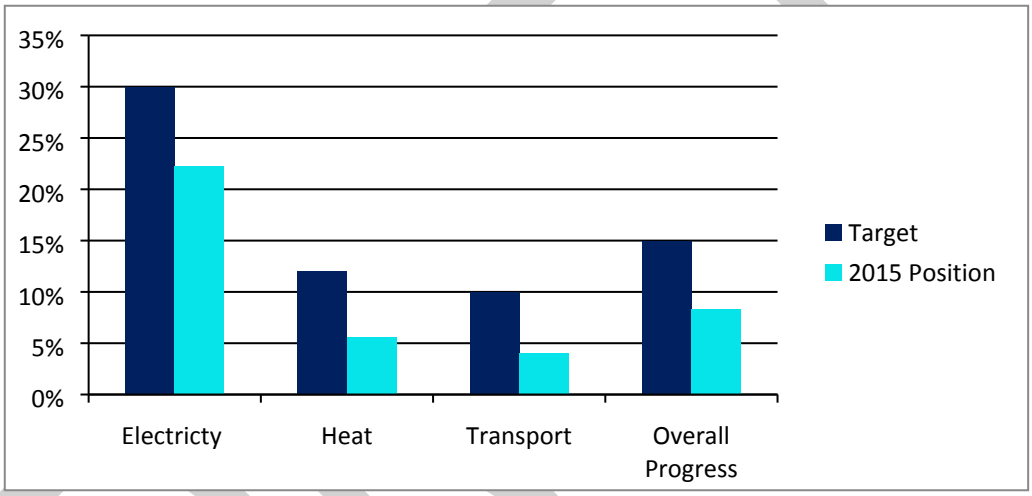


Figure 2.2: Renewable Energy Directive Targets and Progress in 2015

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

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

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

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

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

2.4 Regional Overview of Renewable and Low Carbon Technologies

East of England Renewable and Low Carbon Energy Capacity Study

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

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

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

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

Table 2.4 Resource Observation within the East of England Region

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

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

Table 2.5 Technology Capacity within Essex County 2011

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

Renewable and Low Carbon Technologies within the Maldon District

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

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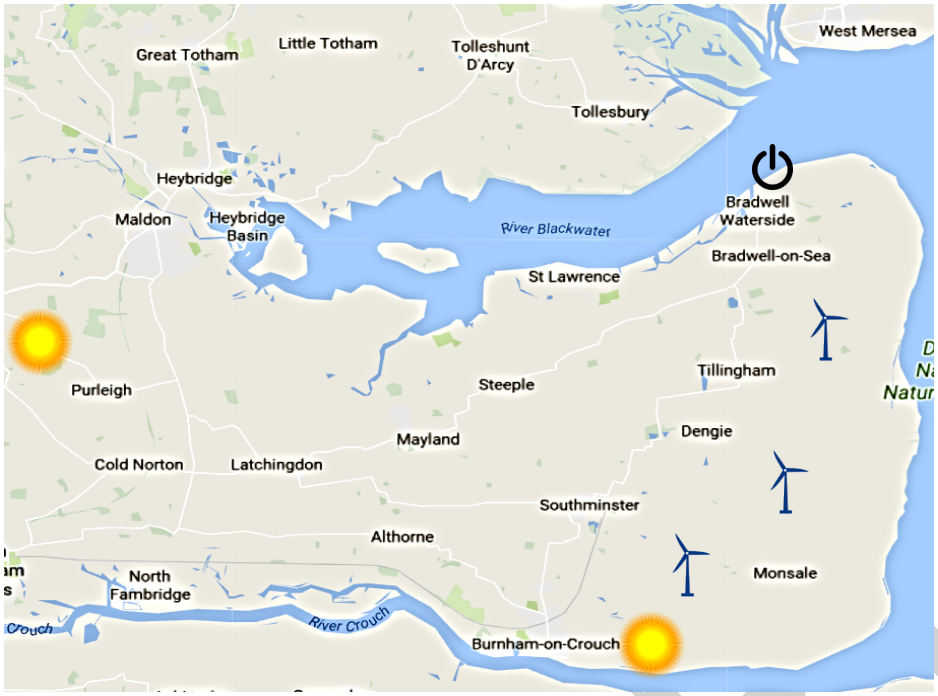

Figure 2.3: Illustration of Large-Scale Renewable and Low Carbon Energy Schemes within the Maldon District (Google Maps)

2.4.6 Two large-scale solar farms are situated in the District, one to the east of Burnham-on-Crouch and one to the south-west of Purleigh. Each scheme generates a peak electricity generation of 5MW or the potential to provide electricity to power over 3000 homes.

2.4.7 Three large-scale wind farms are distributed across the Dengie peninsula, ranging from 17.5MW of peak electricity generation to 20.7MW. Collectively these three wind schemes have the ability to generate electricity to power over 40,000 homes per annum.

2.4.8 Figure 2.3 includes the decommissioned nuclear power station at Bradwell-on-Sea. The power station produced a peak electricity generation of 242MW before being decommissioned in 2002. The Council will strongly support the principle of the development of a new nuclear power station at Bradwell-on-Sea as it has the ability to help deliver a low carbon future for the District.

3. Planning Considerations relating to Sustainable Buildings

3.1 Structure of Guidance

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

3.2 Sustainable Construction Practices

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

3.3 Statutory Building Regulations

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

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

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

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

Approved Document L1A – Conservation of fuel and power

Section 1 – The Requirements

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

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

Section 2 – Design Standards

3.3.6 Approved Document L1A defines 'energy performance of a building' as the calculated or measured amount of energy needed to meet the energy demand associated with a typical use of the building, which includes, inter alia, energy used for heating, cooling, ventilation, hot water and lighting'.

3.3.7 Minimum energy performance requirements are applied for new buildings, as outlined in section 2 of Approved Document L1A. The requirements specifically relate to emission targets and fabric efficiency targets. In effect, the regulation seeks a balanced contribution from sources of fuel and the materials used for the construction of a development.

3.3.8 The methodology outlining the calculation for energy performances of new buildings seeks to identify the Target CO2 Emission Rate (TER) and Target Fabric Energy Efficiency (TFEE) via Regulations 26 and 26A of Approved Document L1A.

3.3.9 The following technical standards consist of both statutory and voluntary requirements for those seeking to develop both residential and non-residential premises. The Council will require developers to adopt the mandatory standards, and exceed the minimum standards where possible to positively enhance the development, the District and the wider environment.

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

3.3.10 Policy D2 requires all non-residential developments to achieve a BREEAM standard of 'Very Good' or be supported by a bespoke assessment that demonstrates appropriate environmental performance results above current Building Regulation requirements. For clarity, non-residential development is defined as having a floor space greater than 1000sqm, including change of use.

3.3.11 Additionally, as a speculative development, it is not possible to determine an accurate baseline energy footprint for non-domestic proposals. Therefore the Council would require an Energy Statement be submitted that would account for typical building energy demands for the type of Use Classes being applied for.

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3.3.12 In the UK, BREEAM is currently the leading and most robust environmental assessment tool for buildings. The assessment had become a standardised measure for the environment performance of buildings in the UK. A minimum BREEAM rating is also an obligation for publically funded/procured non domestic building developments.

3.3.13 The technical standard 'BREEAM New Construction' is a performance based assessment method and certificate scheme for new non-residential buildings. The primary aim of BREEAM New Construction is to mitigate the life cycle impacts associated with new buildings on the environment in an efficient and cost effective way.

3.3.14 Research[11] has shown a reduction in operational costs for office developments upholding higher BREEAM ratings. A 2% increase in developer investment has been recovered over a two to five year period in energy savings and reduced water consumption. Not only do BREEAM ratings offer energy efficiency savings, they help limit any risk that may affect both developer and investor. As BRE (Building Research Establishment) argue, many buildings not equipped for the future may devalue significantly or become isolated assets if regulations and legislation alter in a way that requires building efficiencies to become industry norms.

3.3.15 Technical content concerning the BREEAM UK Non-Domestic New Construction can be found at: http://www.breeam.com/new-construction.

When and how to engage with the BREEAM UK New Construction scheme

3.3.16 Timing the engagement with and use of the BREEAM UK New Construction scheme is important to ensure the efficient use of the methodology in the new build procurement process.

3.3.17 As BRE states, the assessment and accreditation process is best achieved through integration and use of the scheme by clients and their project teams at key stages in the design and construction process. The Council supports this approach and encourages developers to engage at an early stage in the planning process (see section 4.1)

3.3.18 This Renewable and Low Carbon Technology SPD discusses the relevant lifecycle stages: New Construction, In-Use and Refurbishment and Fit-Out lifecycles, as these will be relevant and practical to those aiming to uptake BREEAM standards within the Maldon District on a localised level. More information can be found in Appendix 1.

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

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

New Build Design Stage

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

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

Post-Construction Stage (PCS)

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

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

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

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

BREEAM Assessment and Rating Benchmarks

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

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

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

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

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

3.4 Voluntary Sustainable Building Standards

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

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

BREEAM

3.4.3 The key aims of BREEAM are:

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

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

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

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

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

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

Passivhaus

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

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

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

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

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

WELL Building Standards

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

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

Other Efficiency Measures

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

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

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

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

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

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Maldon Conservation and Design Awards: Sustainability Case Study

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

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

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

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

Figure 3.1: Maldon Conservation and Design Award for Sustainability

4. Implementing Renewable Energy into Current and New Developments

4.1 Permitted Development Rights for Renewable and Low Carbon Technology Developments

4.1.1 Certain types of development can be performed without needing to apply for planning permission. These are called permitted development rights. They derive from a general planning permission granted by Parliament, rather than a local authority.

4.1.2 Permitted development rights should be interpreted with caution as rights which may apply to many common projects may not apply to others. In England there are a range of exclusions that apply to permitted development rights such as to development in conservation areas.

4.1.3 Householder permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the Order"). Part 14 of Schedule 2 outlines all nationally recognised renewable energy resources and their permitted developments on both domestic and non-domestic premises. For the requirements set out under Part 14 of the rules on permitted development, please see http://www.legislation.gov.uk/uksi/2015/596/pdfs/uksi_20150596_en.pdf .

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

The Planning Application Process

4.2.1 The planning system is pivotal in not only minimising energy demand of current and new developments but also for the implementation of renewable and low carbon technologies in both the domestic and non-domestic sector. Due to the type and design of many renewable and low carbon technologies, careful consideration needs to be taken when exploring the possibilities in deploying these technologies.

4.2.2 Applications for onshore renewable and low carbon technologies of 50 megawatts and less installed capacity are processed and dealt with by the Council under The Town and Country Planning Act 1990.

4.2.3 Renewable and low carbon technology installations over 50 megawatts are considered and decided upon by the Secretary of State for Energy, under the Planning Act 2008. In these cases the Council is a statutory consultee.

4.2.4 Most micro-renewable and low carbon schemes, domestic and non-domestic, will not require planning permission as they will be classified as 'permitted development' under the Town and Country Planning Act 1990.

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

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

Cross-Boundary Communication – Duty-to-Cooperate

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

Pre-Application consultation process

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

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

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

Decommissioning and Reclamation

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

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

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

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

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

4.2.14 Potential impacts from these activities are;

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

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

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

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

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

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

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

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

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

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

5.2 Technical Guidance and Information

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

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

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

5.3 Onshore Wind Energy

Overview of technology

5.3.1 Wind turbines consist of pylon structures with the attachment of two or three blades to a rotor. Wind energy rotates the blades, which spins a shaft, which connects to a generator and produces electricity. The availability and affordability of wind energy generation in the UK has become increasingly more reasonable in recent years. The Feed-in Tariff financial incentive (see Section 5.10) available through government subsidies has contributed to the increasing attractiveness of wind energy use.

5.3.2 Onshore wind energy developments have been deployed in various locations around the Maldon District. Ranging from small schemes that are classified as 'permitted development' to large-scale turbines, each capable of producing up to 8MW. Schemes containing these scale of turbines are capable of generating electricity to power up to 55,000 domestic households per annum.

5.3.3 Wind turbines vary in size. Small-scale (microgeneration) wind turbines have a power output less than 50kW and are intended to provide electricity supply to domestic households or small-scale businesses. Their design allows them to be either mounted on a roof or stand-alone. Turbines mounted on roofs will have a blade diameter of less than 2 metres. Stand-alone turbines will typically have a blade diameter of less than 15 metres and be less than 30 metres in height.

Availability of resource

5.3.4 Wind speed is an important issue when identifying a suitable site for a wind turbine. A minimum wind speed of 3.5 metres per second is required for a small wind turbine to start generating power. A wind speed of 10 – 15 metres per second will produce the maximum amount of energy generation of a wind turbine. For wind energy generation to be effective and efficient, wind speeds must have consistency without hindrance from any turbulent air, and other obstructions such as trees and buildings. When wind speed is too high, for safety reasons the blades will cease rotation.

5.3.5 Evidence[12] has indicated that there are very few areas within the District suitable for wind farm development, when wind speeds are taken into

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

Landscape and visual impact

5.3.6 Visual changes upon landscapes can have a negative impact on societal understanding and acceptance of wind power developments. This is important in the District, which benefits from a range of international, national and locally designated sites. The potential impacts of wind energy can be a direct concern in areas of highly sensitive landscapes. Effects will vary depending on the size and number of turbines in a development, its placement within the landscape, or the number of visual receptors.

5.3.7 Landscape impacts include the effect of a wind turbine on the fabric, character and quality of the landscape and the degree to which it will become a defining characteristic. Visual impacts concern the extent to which the wind turbine will become a feature in particular views and the impact upon people experiencing those views. Both must be considered individually and cumulatively with other existing and proposed turbines (those with planning permission but not constructed) as part of the application process.

5.3.8 All developments will require a Landscape and Visual Impact Assessment as part of the planning application to assess the likely landscape and visual impacts of the proposal. This should be proportionate to the scheme proposed.

Ecological considerations

5.3.9 In the District there are a range of international, national and local environmental designations such of Ramsar sites, National Nature Reserves (NNR) and Specific Sites of Scientific Interest (SSSI). Wind turbines and associated infrastructure can have a significant impact on the setting of these designations and the quality of the designation itself. Therefore, the following environmental issues must be taken into consideration when devising a wind energy development strategy:

5.3.10 If a proposal for a wind turbine lies within or is considered to have an adverse impact upon a Ramsar, NNR or SSSI an Environmental Impact Assessment (EIA) may be required upon request. The Council will provide a Screening Opinion advising whether an EIA is required. EIA is a form of assessment that assesses the impacts of a proposal on the surrounding environment, including the perspectives of environmental, social and economic.

5.3.11 Approved LDP: Policy N2, states that a Phase 1 Ecological Survey may be required to identify the likelihood of protected and/or priority habitats and species or where other areas of known ecological importance may be

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

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

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

Culture and heritage impacts

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

Green infrastructure

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

Air traffic issues

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

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

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

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

Operational considerations

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

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

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

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

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

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

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

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

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

Decommissioning and site restoration

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

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

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

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5.4 Solar Energy

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

Solar Photovoltaic Energy

Overview of technology

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

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

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

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

Availability of resource

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

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

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

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

5.4.9 Advances in solar energy technology in recent years have enabled increased compatibility of these products for homeowners. For those who previously were unable to accommodate solar energy on their roof, ground mounted solar products are now becoming a viable option, in part due to the development in tracking mount technologies.

5.4.10 Trackers allow solar panels to maximise electricity production by following sun movement throughout daylight hours. PV tracking systems tilt and shift the angle of a solar array, making it suitable to adopt this particular technology where roof options are not available or alternative spaces are deemed more suitable than roof installations. In addition, if roof capacity is not adequate in meeting electricity demands, ground mounted solar energy systems can be suitably matched to electricity consumption without space restrictions of a rooftop system.

5.4.11 Dual-axis Rooftop tracking systems, specifically designed for roofs, have the ability to boost commercial uptake of solar power. Tracking systems of this sort are being designed, specifically to fit the roofs of commercial and industrial buildings and can boost energy output by up to 30 percent compared to fixed-tilt trackers and 40 percent compared to solar panels without trackers. On average, the hardware adds 10 percent onto the budget of a solar project, and can improve the economics of a solar installation by 20 percent.

Solar Thermal Energy

Overview of technology

5.4.12 Solar thermal (also known as solar water heating) systems absorb the heat emitted by the sun and use it to heat water for domestic use. This simple process involves solar thermal flat plate collectors or evacuated tube collectors, placed on a roof which absorbs heat from the sun.

5.4.13 Flat plate collectors consist of a dark flat-plate absorber of solar energy, a transparent cover that allows solar energy to pass through but reduced heat losses, a heat-transport fluid (air, antifreeze or water) to remove heat from the absorber, and a heat insulating backing.

5.4.14 Evacuated tubes use heat pipes for their core instead of passing liquid directly through them. These collectors are composed of multiple evacuated glass tubes each containing an absorber plated connected to a heat pipe. The heat from the hot end pf the heat pipes is conducted to the transfer fluid and circulated to a domestic hot water tank heat exchanger.

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

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

Availability of resource

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

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

Landscape and visual impacts

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

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

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

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

Ecological considerations

5.4.22 The construction of solar facilities can be placed, either on buildings or on large areas of land such as fields. In the case of solar farms careful consideration needs to be given to site selection to minimise adverse impacts upon the environment. If agricultural land is selected, the proposal should allow for the continued agricultural use of the land.

5.4.23 Solar energy schemes can have numerous environmental impacts; such as by fragmenting biodiversity and natural habitats.

5.4.24 To minimise environmental impact, vegetation and hedgerows should be maintained and enhanced where possible. Security fencing surrounding the development should enable access for species, such as badgers to continue to access the area. Lighting will only be permitted where absolutely necessary, and must be kept to a minimum where allowed and should not adversely impact upon protected species such as bats.

5.4.25 A Phase 1 Ecological Survey will be required as part of any planning application to identify any potential impacts and recommend mitigation. Developers should consult with the Council in relation to impacts upon protected species in and around the application site.

5.4.26 The use of large areas of land for solar farms and any subsequent soil compaction may alter the way surface water flows. Development in areas at risk of flooding may also increase the risk.

5.4.27 A Flood Risk Assessment (FRA) must be submitted with all planning applications for solar power that cover an area greater than 1ha or are outside Flood Zone 1. The FRA should identify and assess the risk on all forms of flooding and demonstrate how these risks will be managed or mitigated in conformity with Policy D5: Flood Risk and Coastal Management of the Approved LDP.

Culture and heritage impacts

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

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

Green infrastructure

5.4.30 Solar farms are usually a larger scale covering a large land area, so are usually found in rural areas, and use agricultural land. Policy D4 requires that impacts upon the best and most versatile agricultural land are considered through the planning application process. Therefore applications for solar farms on Grade 1, 2 and 3a agricultural land must be accompanied by an appropriate assessment which sets out why the development needs to be located on this land and not on lower grade agricultural land and the benefits the development would have that would outweigh the loss of the agricultural land.

5.4.31 All solar developments must conform to Policy N1 and N3 of the Approved LDP, whereby there is a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure. Therefore cycle paths and/or Public Rights of Way such be maintained: if this is not practicable an application should be made to divert the route.

Aviation issues

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

Operational considerations

5.4.33 Site access will be required for the construction and maintenance of the development. In addition, security fencing and lighting may be required. If any works are required to the highway or any other land this should be identified in the planning application.

5.4.34 Noise can arise from larger operational solar PV systems. Consideration must be given to this when identifying a site for development, particularly upon noise sensitive developments, such as residential properties that are nearby. A noise assessment may be required to address any impacts identified. This will be determined on a site-by-site basis.

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

Decommissioning and site restoration

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

5.4.37 It is proposed that the main planning considerations when determining an application regarding solar energy developments are:

- Cumulative landscape and visual impacts;
- Ecology;
- Heritage asset impacts;
- Noise impacts;
- Air traffic and safety;
- Transport and access;
- Infrastructure design and implementation; and
- Decommissioning and site restoration.

5.5 Biomass and Energy Crops

Overview of technology

5.5.1 Biomass can be either used directly or indirectly to create energy. A direct source of energy would be burning biomass products, such as wood, energy crops or animal waste to produce heat. Indirect forms of energy production via biomass are created through the conversion of various forms of biomass into electricity at a combustion plant.

5.5.2 The domestic use of a biomass system (wood-fuelled heating systems) provides a direct source of energy to households by burning wood pellets, chips or logs. Adaptive to suit the needs of each individual household, biomass systems can heat a single room via a log-burning stove or heat multiple spaces and appliances via a biomass boiler. The cost of wood burning stoves and boilers are relatively low, therefore biomass has one of the lowest costs of all the low carbon technologies. Wood burning stoves can create smoke unless chimney/flu filters are installed (See 5.5.24).

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5.5.3 Larger biomass systems used to heat commercial premises or large buildings will require planning permission if the boiler is to be sited outside the building, or in a new building or extension.

5.5.4 Wood fuel boiler systems are subsidised by the UK Government under the Renewable Heat Incentive (RHI). Information regarding this scheme can be found in Chapter 5.10 National Incentive Schemes (Domestic and Non-Domestic).

5.5.5 Non-domestic biomass systems and energy crop operations are predominantly used to indirectly produce electricity and biofuels for domestic purposes. Specifically, biomass products are formed by solid, gas and liquid state.

5.5.6 Industrial biomass sources for mass energy production include plant matter and a variety of tree species. These energy production units are either self-serving to a business's needs or produce energy on a large-scale for input into the national grid.

5.5.7 Biomass heating from burning wood is considered to be a low carbon energy source, as only the carbon that has been absorbed by the wood is released. If the trees are replanted, the use of wood as a fuel is almost carbon neutral as the new trees will absorb the equivalent amount of carbon released.

5.5.8 There is high potential for biomass and energy crop production within the District. The large amount of agricultural land available offers the potential for an array of uses; from the production of crops needed to be used for biomass consumption to the siting of biomass plants themselves.

5.5.9 Biomass from forestry harvesting, agricultural sources and energy crops require local input due to the short lifespan of biomass materials. Therefore logistics must be thoroughly planned, with the aim of locating the production plant and generation plant in close proximity of each other.

Availability of resource

5.5.10 Biomass production comes from crop and livestock sources, it is also indigenous meaning it can be produced at a local scale.

5.5.11 Biomass for fuel can be gathered or grown. Common biomass fuels sources include:

- Biodegradable waste: municipal and agricultural;
- Forestry residues and timber processing waste;
- Crop residues, such as straw, leaves and seed pods; and
- Energy crops: specifically grown on demand to be used as a biomass energy source.

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5.5.12 The District is predominantly rural and has the potential to provide for all of these sources, therefore assessing the availability of this resource should be based around an evaluation of viability to the energy market rather than its physical availability.

Landscape and visual impacts

5.5.13 Domestic biomass systems are unlikely to have visual or landscape issues unless external flues are required. If required they should be designed and sited to have the minimum effect on the appearance of the building. In this regard, it will be beneficial to the applicant if discussions take place with the Council's Environmental Health department. If new-builds are required to house a boiler or store fuel, they should be located close to the existing building and be designed with consideration to the surrounding area.

5.5.14 Large-scale, non-domestic biomass systems would however have a larger impact on their surrounding area due to their industrial-like aesthetics and should be appropriately placed within an industrial setting. A landscape and visual impact assessment may be required by the Council, in order to understand all cumulative impacts created by the development.

Ecological considerations

5.5.15 Siting proposals for larger schemes must outline designated areas and habitats within the vicinity of the proposed development, and would have to comply with national and local policies regarding natural environments, geodiversity and biodiversity. Specifically within the Approved LDP: Policy N2, whereby developments should seek to deliver net biodiversity and geodiversity gains where possible.

5.5.16 Considerations must be given to the possibility that development may negatively impose flood risk to potential sites. Legitimate assessment methods must be outlined if there is evidence to suggest there is a flood risk and must conform to Policy D5: Flood Risk and Coastal Management of the Approved LDP.

Culture and heritage impacts

5.5.17 The District has a number of designated heritage and cultural assets, both nationally and internationally recognised, such of those include Ramsar Convention Designation for Wetlands, National Nature Reserves and Specific Sites of Scientific Interest (SSSI). Siting considerations must include the observation of these important sites and methods of mitigation must be adhered to.

5.5.18 If an applicant wants to deploy a biomass system with a flue in a Listed Building or within a Conservation Area then planning permission and/or listed

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building consent might be required. The flue should be designed to have minimal effect on the appearance of the listed Building and Conservation Area otherwise planning permission will not be granted.

Green infrastructure

5.5.19 All developments must conform to Policy N1 and N3 of the Approved LDP, whereby there is a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure. Thus meaning no development shall inhibit current or new infrastructure facilities such as cycle paths or Public Rights of Way. Non-domestic schemes will need to take these factors into consideration at the planning stage in order to avoid complications that may arise at a later stage if due diligence is not conformed to.

Operational considerations

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

5.5.21 Larger biomass systems should be located in close proximity to a fuel source if possible and should plan for sufficient storage facilities on site so that fewer deliveries are required. This will minimise transport movements and the impact upon the environment.

5.5.22 The potential noise impacts throughout construction, operation (including fuel deliveries) and decommissioning stages of the development life cycle, particularly for larger systems will need assessing as part of the planning application. Applications should include a noise assessment demonstrating that the noise will not cause an unacceptable degree of disturbance to local amenity. Therefore the assessment must identify mitigation to address any impacts identified.

5.5.23 Biomass systems can create odour, particularly in larger systems. The impacts of odour and mitigation controls must be detailed in the planning application to ensure there is no undue harm to residential amenity.

5.5.24 Domestic scale biomass boilers may require a flue which can be fitted to existing chimneys. Careful consideration should be given to the type and

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scale of system to suit the applicant's needs. Wood burning stoves should be correctly sized for the room it will serve.

Decommissioning and site restoration

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

5.5.26 It is proposed that the main planning considerations when determining an application relating to biomass and energy crops include:

- Cumulative landscape and visual impacts;
- Ecology;
- Heritage asset impacts;
- Noise impacts;
- Environmental impacts;
- Emissions;
- Transport and access;
- Infrastructure design and implementation; and
- Decommissioning and site restoration.

5.6 Small Hydro

Overview of technology

5.6.1 Hydro-power uses flowing water from a higher to a lower level to drive a turbine, thus producing mechanical energy. This mechanical energy is then converted via a generator to form electricity. A domestic hydro power unit is illustrated below.

Domestic small hydro power unit installation (Source: Google)

5.6.2 The energy generated from a hydro-power generator is proportionate to the volume of water and the vertical distance it falls. Therefore the potential for hydro power in the Maldon District will be mostly limited to small-scale river schemes with low energy production, typically ranging between 10kW and 50kW. For domestically viable sites, the minimum requirements are outlined in Table 5.1.

	Maximum Power Output (kW)				
	5	10	25	50	100
Head (m)	Flow required (m3/sec)				
2	0.340	0.680	1.699	3.398	6.796
5	0.136	0.680	0.680	1.359	2.718
10	0.068	0.272	0.340	0.680	1.359
50	0.014	0.136	0.070	0.136	0.272
100	0.006	0.014	0.340	0.068	0.136

Table 5.1: Minimum flow rates required for a range of (gross) heads

5.6.3 In the UK there are two main methods for generating hydroelectricity:

- Storage schemes – where a dam collects water in a reservoir, then releases it to drive turbines, producing electricity.
- Run-of-river schemes – where the natural flow of the river or stream is used to drive a turbine.

5.6.4 The benefits of hydro-electric power generation schemes must be balanced against all other uses of the river to ensure exploitation is not the outcome from the development. The scheme must work in harmony with all other functions that might come as a result of the river. The design specification must ensure that the local ecosystem or the quality of the water source is not adversely affected.

5.6.5 Hydropower is reliable and predictable and if installed correctly can produce electricity all year round. Over time, it is one of the most efficient forms of renewable energy. However, the upfront costs for hydropower can be high, but the payback of a scheme would be long-term as installations have a lengthy life-cycle. Maintenance requirements and costs are usually low. Available government subsidies can be applied to the uptake of small-hydro schemes under the Feed-in Tariff. Information regarding this scheme can be for in Chapter 5.10 National Incentive Schemes (Domestic and Non-Domestic).

5.6.6 In addition to the requirement of planning permission, small hydropower schemes require specific licenses, consents and approvals in order to operate. The Environment Agency will determine which authorisations will be required. For more guidance regarding these approvals, please visit:

https://www.gov.uk/guidance/new-hydropower-scheme-apply-to-build-one#apply-for-licences-consents-and-approvals

Availability of resource

5.6.7 Hydroelectric power is the energy derived from flowing water; therefore it is usually only possible to exploit this resource where it occurs. This can be from rivers or man-made installations, where water flows from a high-level reservoir down through a tunnel and away from a dam. The availability of the water resource does not only depend on whether it is physically available, but also whether the use of the river for electricity conflicts with other functions related to the river.

5.6.8 Access to the National Grid is required. Discussions with the relevant electricity company should take place to identify if there are any connectivity issues to the grid and assess whether it will be cost effective. Evidence of this should be included in the planning application.

Landscape and visual impacts

5.6.9 Considerations must be given to integrating the scheme into the landscape as far as possible. Sites on hillsides and in open landscape are likely to have more visual impact: such schemes should be sensitively sited and designed so that they integrate into the landscape through the careful use of landform, materials, vegetation and tree cover. Where possible, existing buildings should be used to house machinery. Placement and design of pipes and power lines should also be considered carefully at the planning stages of the scheme for minimal visual impact.

5.6.10 The Council will require all hydropower applications to assess the landscape and visual impacts of a proposal through a Landscape and Visual Impact Assessment

Ecological considerations

5.6.11 Changes in river flow fluctuations and water quality will need to be assessed in order to fully understand the risks associated to the environment and on wildlife, particularly fish. It is possible to mitigate such issues if they arise by implementing flexible programming, both in the short and long term. The Environment Agency will advise whether the scheme should include structures such as fish passes to protect fish and other freshwater animals from the turbines. In setting targets, development should take into consideration; the protection of vegetation and forestry, soil erosion and the protection of habitats and species.

5.6.12 In accordance with Policy N2, proposals must ensure designated areas and habitats within the vicinity of the proposed development are not adversely

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affected. Developers should consult with the Council regarding the presence of important habitats or protected species in and around the proposed scheme. An ecological survey must be submitted with all planning applications assessing any potential impacts and identifying appropriate mitigation. Developments should also seek to deliver net biodiversity and geodiversity gains where possible.

5.6.13 If the proposal lies within or close to a sensitive area such as SSSI, an EIA may be required. If this applies the Council will provide a Screening Opinion which will advise the applicant as to whether an EIA is required. EIA assesses the possible impacts that a proposed project may have on the environment, including environmental, social and economic impacts. Where EIA is required, an Environmental Statement will be also needed to accompany the planning application, which assesses the impact a project will likely have on the local environment.

5.6.14 Where an EIA is not required the Council may still request certain issues are addressed, such as the cumulative impacts of the proposal or the impact of the proposal on nearby designations if the application site is adjacent but not within a designation. An Environmental Statement will be required if this is the case.

5.6.15 Some hydropower schemes can lead to reduced flows in rivers which can increase flood risk or affect land drainage. A flood risk assessment must be submitted to the Council with every planning application. It must identify and assess the risks on all forms of flooding to and from the development and demonstrate how the flood risks will be managed or mitigated so that the development remains safe throughout its lifetime.

Culture and heritage impacts

5.6.16 The District has a number of designated heritage and cultural assets, both nationally and internationally recognised, such as Scheduled Monuments, Registered Battlefields, Registered Parks and Gardens, Listed Buildings and Conservation Areas. Consideration must be given to the impact of hydropower on these important sites. If proposals are proposed within the setting of, or near to the setting of one of the above types of heritage asset, an assessment of its impact on the heritage asset are required along with details of how any negative impacts will be mitigated. Further details are found in Policy D3: Conservation and Heritage Assets.

Green infrastructure

5.6.17 All proposals must not inhibit existing functions of a river. In accordance with Policies N1 and N3 of the Approved LDP, development should not lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green

infrastructure. Thus meaning no development shall inhibit current or new infrastructure facilities such as cycle paths or Public Rights of Way.

5.6.18 Hydro power systems can create conflicts relating to ownership and access rights for both water and land including for agriculture and social activities such as fishing and walking. It is vitally important that all issues are thoroughly examined as early as possible to ensure that all potential conflicts can be resolved.

Operational considerations

5.6.19 All small hydropower systems require routine maintenance to ensure reliable operational function. The frequency of servicing depends on the scale, complexity and type of scheme in operation. Whilst it is considered that development and construction costs are high, operating costs are much lower. With the added knowledge that the life-cycle of hydropower systems exceed 50 years, investment costs are recovered once the system is in operation.

5.6.20 The operational activities of a hydropower system can produce noise via number of processes. This type of impact can have a detrimental effect if residential areas are located in the vicinity of the development. In these cases, the Council may require a noise assessment to be submitted with the planning application, demonstrating that the scheme will not have a negative impact on local amenity. In addition, design and mitigation strategies will further reduce noise pollution to levels required by national legislation. Noise limits can be imposed if necessary as a condition on the planning permission.

Decommissioning and site restoration

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

5.6.22 It is considered that the main planning considerations when determining a planning application for hydro-electric power generation are:

- Cumulative landscape and visual impacts;
- Water supply and discharge/flow rates:
- Ecology;
- Heritage asset impacts;
- Nosie impacts;
- Environmental impacts;

- Fisheries interests;
- Construction disturbances;
- Operational disturbances;
- Transport and access;
- Infrastructure design and implementation; and
- Decommissioning and site restoration.

5.7 Micro Combined Heat and Power (CHP)

Overview of technology

5.7.1 Micro-Combined heat and power (CHP) enables one single fuel to be converted into both electrical and heat energy in a single process at the point of use. Micro-CHP is highly efficient due to its use of thermal energy as a source of productive energy use as well as generating electricity. By generating heat and electricity simultaneously, micro-CHP can reduce carbon emissions by up to 30% in comparison to alternative means such as the use of a conventional boiler and power station.

5.7.2 Micro-CHP or micro cogeneration is most commonly used by domestic households, shared living spaces such as residential flats or by small businesses to support individual energy requirements. Instead of burning fuel to boil water or heat space, surplus energy is converted into electricity in addition to heat. CHP achieves combined efficiencies in the region of 80% through thermal recovery and the generation of electricity.

5.7.3 The financial incentives available for this particular technology ensure a sufficient rate of return for consumers and businesses as micro-CHP is eligible for the Feed-in Tariff incentive, setup and subsidised by the UK Government. Users will receive a tariff for each kWh of electricity generated and an additional tariff for each kWh generated and exported to the national grid. Information regarding this scheme can be for in Chapter 5.10 National Incentive Schemes (Domestic and Non-Domestic).

Availability of resource

5.7.4 Micro-CHP technologies can use conventional fuels such as gas or biomass in order to cogenerate both heat and electricity. Instead of using fuel to heat water or space separately, micro-CHP efficiently converts energy that would have been lost into electricity, in addition to heat. There are opportunities to implement a hybrid system whereby small-scale CHP systems can operate in combination with renewable technologies such as solar PV or micro wind power schemes.

5.7.5 When there is little heat demand and in the summer, CHP boilers in theory will not generate adequate electricity for domestic use as the boiler will not be operating at sufficient capacity. Therefore it is beneficial to combine a

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domestic CHP unit with other renewable energy sources such as solar PV. This will ensure electricity generation can optimise heat and electricity throughout the year rather than on a seasonal basis.

5.7.6 CHP is adaptable and can be considered at any site where there is sufficient energy demand in the form of heating and cooling, particularly if the demand is for long periods. The scale of the scheme will depend on the energy demand and availability of space.

Landscape and visual impacts

5.7.7 As Micro-CHP systems are located within a building systems will not pose any landscape and visual impacts unless an external flue is required. If required they should be designed and sited to have the minimum effect on the appearance of the building. If new buildings are required to house the CHP unit and related equipment they should be located close to the existing building and be designed sensitively to complement the adjacent buildings and surrounding area.

5.7.8 The installation of a CHP unit in a Listed Building or in a Conservation Area will require planning permission and Listed Building Consent if a flue is required outside. The flue should be designed to have minimal effect on the appearance of the heritage assets otherwise planning permission will not be granted.

5.7.9 Micro-CHP systems may require a flue which can be fitted to existing chimneys. Careful consideration should be given to the type and scale of system to suit the applicant's needs. Wood burning stoves should be correctly sized for the room it will serve. Considerations should also be given to the impacts of any plumes that are emitted from chimney stacks.

Ecological considerations

5.7.10 CHP systems are highly efficient in comparison to alternative and separate methods of heat and electricity production, there are however environmental impacts that relate to flue-gas emissions and by-products, such as ash. Micro-CHP systems can reduce the output of Greenhouse gas emissions as it can sustain its own generation of electricity which would otherwise be generated via conventional power plants, therefore should be classified as a low carbon energy source.

Culture and heritage impacts

5.7.11 The District has a number of designated heritage and cultural assets, both nationally and internationally recognised, such as Scheduled Monuments, Registered Battlefields, Registered Parks and Gardens, Listed Buildings and Conservation Areas. Consideration must be given to the impact of

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hydropower on these important sites. If proposals are proposed within the setting of, or near to the setting of one of the above types of heritage asset, an assessment of its impact on the heritage asset are required along with details of how any negative impacts will be mitigated. Further details are found in Policy D3: Conservation and Heritage Assets.

Operational considerations

5.7.12 Micro-CHP systems require a similar level of maintenance as a conventional boiler, with an annual inspection including a change of the engine oil in the case of internal combustion engines.

Decommissioning and site restoration

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

5.7.14 It is considered that the main planning considerations when determining a planning application for micro CHP are:

- Visual impacts;
- Heritage asset impacts;
- Emissions:
- Infrastructure design; and
- Relevant building standards and regulations.

5.8 Ground and Air Source Heat Pumps

Overview of technology

5.8.1 Ground source heat pumps consist of pipes being laid underground to extract heat from the ground. This heat can be used to heat radiators, underfloor heating systems and hot water. Circulating a mixture of water and antifreeze around a loop of pipe called a ground loop, this loop is buried underground and absorbs heat from the ground into the fluid and passed through a heat exchanger into the heat pump. They can also be used in reverse to cool a building in summer.

5.8.2 Air source heat pumps absorb heat from the outside air. Similar to ground source heat pumps, this heat can then be used to heat domestic heating air to air systems. Air source heat pumps can extract heat from temperatures as low as -40 degrees with the use of refrigerant R410a. They can also be used for cooling, and work in a similar way to air conditioning. They are considerably

cheaper to install than ground source heat pumps but are not usually as efficient. This is because they use the heat from the air, which in the UK is colder in the winter when heating is needed.

5.8.3 Ground and air source heat pumps do have impacts on the environment as they need electricity to operate the pumps. However, the heat extracted via the air or ground is abundant. The consumption of electricity can be mitigated by the use of solar PV panels or other renewable energy source that generates electricity. This can enable heat pump users to become self-sustaining with their energy demands.

5.8.4 Heat pumps work most effectively where the temperature of the air/ground is higher. In the summer, an air source heat pump will take in warm air and therefore the heat pump itself will operate at minimal operational capacity in order to generate heat. Conversely, in the winter season, when there is a higher demand for heat generation, the heat pump will have to operate at an increased rate. With the contribution of colder air temperatures, air source heat pumps will need to work near, or at, full operational capacity to meet demand.

5.8.5 Ground source heat pumps, on the other hand, do not experience extreme fluctuations in temperatures unlike air source heat pumps. Ground temperatures are fixed, on average, at 10 degrees Celsius annually. Comparatively, in relation to air source heat pumps, ground source heat pumps provide the same hot water requirements with a lower electricity consumption rate.

5.8.6 Ground and air source heat pumps operate at maximum efficiency when supplemented by additional renewable and low carbon technologies such as solar photovoltaics and wind energy. Additionally, supplementary technologies will reduce reliance on the national grid to supply heat pumps with electricity.

5.8.7 Heat pumps (Ground to water and Air to water) are currently subsidised by the UK Government under the Renewable Heat Incentive (RHI) scheme. Information regarding this scheme can be for in section 5.10 National Incentive Schemes (Domestic and Non-Domestic).

5.8.8 Planning permission may be required when fitting a heat pump, most commonly when development takes place in a conservation area or on listed buildings.

Availability of resource

5.8.9 Heat pumps require a small amount of electricity to operate; this can be sourced from either the national grid or renewable sources. Heat pumps are considered highly efficient as they do not source heat from combustion

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methods and can operate throughout the year, even at temperatures of -40 degrees Celsius/Fahrenheit with the use of refrigerant R410a.

Landscape and visual impacts

5.8.10 Heat pumps are usually placed on the outside of buildings and therefore will have a physical presence and can affect the appearance of a building. Similar in design as an air conditioning unit, the placement of heat pumps should be so that they limit their visual impact and appearance.

5.8.11 Dependant on the scale of development, heat pumps may need planning permission if their prominence does not meet the conditions set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 Part 14. This would include the installation of a heat pump system on a Listed Building or in a Conservation Area.

5.8.12 Ground source heat pumps require the installation of pipes beneath the ground. During the construction phase there may be landscape and visual impacts. The ground must be restored following installation to ensure there are no permanent landscape and visual impacts.

Ecological considerations

5.8.13 For the deployment of ground source heat pumps, drilling and excavation will need to be undertaken which can cause risks of pollution to groundwater, if the land or soil is contaminated. Before submitting a planning application, the site must be assessed in order to determine if there is land contamination via a Groundwater Risk Assessment.

5.8.14 Ground disturbances has the potential to impact habitats and wildlife. Considerations should be given to the extent of those impacts and whether the site has ecological value. The Council will request, where necessary, the appropriate assessments to determine the impacts of a development on habitats.

Culture and heritage impacts

5.8.15 All proposals should be consistent with Policy D3: A planning application for an air source heat pump on a Listed Building will be assessed against the extent to which it would interfere with the appearance, structure, design or character of the Listed Building, Should a proposal have a negative effect on a Listed Building or a Conservation Area, Listed Building Consent and planning permission will not be granted.

5.8.16 Furthermore, heat pump systems will not be considered permitted development (Town and Country Planning (General Permitted Development) (England) Order 2015 Part 14) if it is proposed on land within a conservation area.

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5.8.17 When excavating trenches for pumps outside the curtilage of a dwelling, considerations must be given to archaeological interests on the land. Before any work takes place, the applicant must identify whether there are any archaeological interests on site and mitigation required if so.

Operational considerations

5.8.17 Ground source heat pumps can be installed in most locations but may not be suitable for every building. Pumps can vary in size but are often a similar size to a domestic fridge freezer, therefore sufficient space must be available.

5.8.18 Heat pumps do not work well with conventional central heating systems that use radiators as they will not heat the water high enough for the radiators or provide enough heat, so a new system may be required. They work best with underfloor heating systems.

5.8.19 Heat pumps need an electrical supply in order to operate, this can be provided via conventional fuels sourced from the national grid, or alternatively via supplementary renewable resources, thus developing a hybrid system whereby both heat and electricity are created sustainably.

5.8.20 Air source heat pumps are fitted to a wall or on the ground outside a building and need sufficient surround space to allow good air flow.

5.8.21 Air source heat pumps can generate noise via the external fan. Applicants will need to demonstrate that noise will not be an issue for the surrounding vicinity.

5.8.22 Maintenance is ongoing once the scheme is set up, services are most commonly on an annual basis but would be determined by the installer. This is an important process as, although the system is efficient and environmentally sound in comparison to alternative non-renewable sources of heat, some of the fluids used for the transfer of heat pose significant dangers to the environment. Therefore to remove any risk that might present itself to the environment, correct maintenance procedures should be applied when using a heat pump.

Decommissioning and site restoration

5.8.23 The applicant should outline, at the pre-application stage, the post-operational and decommissioning activities for the scheme. A decommissioning plan should accompany the application: this enables the developer to proactively outline the steps necessary for either site restoration or alternative land use scenarios. The decommissioning plan should build in flexibility to reflect the

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length of time between the application stage and implementation at the end of the development life cycle.

5.8.24 It is considered that the main planning considerations when determining a planning application for heat pumps are:

- Cumulative landscape and visual impacts;
- Ecology;
- Heritage asset impacts;
- Noise impacts;
- Construction disturbances;
- Operational disturbances;
- Geotechnical
- Transport and access; and
- Decommissioning and site restoration.

5.9 Community Ownership Schemes (Community Energy)

5.9.1 Community ownership or 'community energy', defined by the government, focuses on community projects or initiatives for; reducing energy consumption, managing energy more efficiently, generating energy and securing energy through purchase. The SPD will look at these four pathways of community involvement in more detail.

5.9.2 Community ownership covers aspects of collective action to reduce, purchase, manage and generate energy. Community energy projects have an emphasis on local engagement, local leadership and control and the local community benefiting collectively from the outcomes.

5.9.3 Community-led action can often tackle challenging issues around energy; local knowledge and common goals can often bring communities together with aspirations to deliver a more sustainable community.

5.9.4 The Community Energy Strategy: Full Report[13] (2014), aims to help both existing groups form decentralised energy strategies and inspire more communities to set up and expand. The potential for communities to take control of their own energy resources would provide profound benefits, whether it be securing energy for those who are vulnerable or reducing a community's carbon footprint and offering a more sustainable path to decarbonisation.

5.9.5 The report also found that communities are more effective in reaching the vulnerable in society and may be more trusted by sceptical consumers. Also, best placed to maximise the benefits of certain renewable technologies, such as district heating, communities can opt for those technologies that are

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favoured by all. Wider benefits can be felt by the strengthening of local economies and a greater sense of community.

Partnerships

5.9.6 The ability for the private, public and third sector to work in partnership together, aiming towards a common goal can be an effective way for communities to achieve their objectives. Not only would community aspirations align with organisation investment opportunity, but local interest and reach would enable the correct development to be situated in the preferred locations, with the support of the community.

5.9.7 The uptake in community-led ownership schemes is low; transforming local ambition into purposeful development is a difficult task when organisation and resourcefulness need be voluntary. But collaborating organisations would benefit most groups aiming to achieve their goals.

5.9.8 The challenge therefore is being able to identify the correct methods of communication and connection between community and organisation. Organisations include renewable energy developers, other energy and non-energy businesses, local enterprise partnerships (LEPs), housing associations, third sector organisations, farmers and other landowners.

5.9.9 However, the NPPF (2012) states that Local Planning Authorities should recognise the responsibility on all communities to contribute to energy generation from renewable and low carbon sources, and support community-led initiatives for renewable and low carbon energy sources.

5.9.10 Neighbourhood plans are a real opportunity for communities to engage with their Local Planning Authority and actively plan for community-led developments. Specifically within Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build Orders can be used to grant planning permission for renewable and low carbon energy development. In addition, as part of a Neighbourhood Plan, communities can initiate the development of a community energy plan to underpin the Neighbourhood Plan.

5.9.11 For more information about Neighbourhood Plans and/or community-led planning initiatives, please go to the Maldon District Council website: https://www.maldon.gov.uk/info/20048/planning_policy/8112/community_led_planning_and_neighbourhood_plans/2

Collating an evidence base for community energy

5.9.12 A sound and robust evidence base is important for any community energy strategy.

5.9.13 At a local level, the ability to evaluate and compare different community-led energy initiatives can help maximise the chances of a successful programme

and produce maximum efficiency. Although there are no such initiatives in Maldon at the moment examples exist elsewhere in Essex, and interested local organisation would benefit from gaining knowledge relating to both successful as well as unsuccessful projects.

5.9.14 For more information and guidance regarding Community Energy, please visit: https://www.gov.uk/guidance/community-energy

5.9.15 As with all renewable energy projects, monitoring and evaluation of community projects is important, and can also help inform other interested groups about the benefits of schemes. Simple measures can include: power output of chosen technology, income generated, expenditure on the project and number of community members that participated in the engagement process. Social impacts are more difficult to calculate but are most commonly sought through surveys with local residents. Feedback can prove invaluable when aiming to identify the positive and negative social impacts of each scheme.

5.9.16 Similarly, it is difficult to measure the environmental impacts of community energy projects. A brief description of how a community-led scheme may impact its surrounding environment can be viewed with value.

5.9.17 Whilst monitoring and evaluation can be sought immediately after a scheme is fully operational, it is also as important that a review of the scheme is undertaken over a longer period of time. This is so the benefits and output data can be collected and validated over a longer timescale.

Accessing channels of investment

5.9.18 Access to investment is a fundamental factor in the success of community energy projects. The feasibility and planning stage, the initial starting point for any project, is the most difficult stage of the entire project as it is at this point communities must attract financial investment that is usually entirely 'at risk'. This means if the project does not move past the planning stage, all investment is lost.

5.9.19 It may be difficult for communities to source finance due to the limited number of project financiers for the community energy sector, however there are government schemes[14] in place to help smaller projects that might not be able to source funding via alternative means.

5.9.20 Community share offers are the most recognised approach to securing finance for community-led ownership schemes. Investment through a community share offer can vary from project to project, but can have a profound effect on enabling community members to feel more involved in the process as they actively seek to gain from their investment. Although entry levels of investment can be difficult for less affluent members of the

community, many projects develop creative approaches to addressing these issues so social exclusion does not occur.

5.9.21 Alternatively, there are also opportunities for groups to work with other partners and funders to offer instalment schemes, and equity-matching products to help boost social inclusion within communities.

Generating energy

5.9.22 The opportunity to generate electricity and heat on a local level, with the added ability to supply the national grid with surplus energy poses many advantages for community-led initiatives whereby sustainability is achieved on many levels. There are however fundamental differences in how the generation of electricity and heat can be optimised at a local level.

5.9.23 The ability for community energy schemes to optimise electricity generation within a community and the ability to transfer additional supply to the national grid for a specified tariff fee allows communities to collectively make returns on their investments. Section 5.10 will focus specifically on electricity generation tariff schemes that are available for both individual and community-led renewable energy projects.

5.9.24 Unlike generating electricity, generating heat is most commonly distributed at a local level only as it is difficult to distribute over larger distances. Therefore, in regards to community energy schemes, there is great potential for a cost effective and quick implementation of renewable heat.

5.9.25 However, as with all renewable and low carbon technologies, there are certain barriers that must be overcome in order for their expansion amongst communities and domestic households. Renewable heat technologies are very much in the early phase of their roll-out in domestic markets. Low awareness levels can make it hard for communities to engage in discussion, especially without some form of leadership of incentive.

5.9.26 The benefits of renewable heat strategies are plenty:

- Developing community heat networks can enable efficient methods of heat sharing amongst a collective;
- Reduces energy costs for individual households with the generation of heat energy from one source;
- Helps identify and support vulnerable people within communities that might not be able to access adequate heating or be recognised as living in fuel poverty.

5.9.27 Communities can generate renewable heat through a variety of means, the most common include:

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- The development and installation of renewable heating systems on communal premises, such as community centres or library's;
- The installation of individual renewable heating systems, such as biomass boilers, heat pumps or solar thermal systems;
- The development of community heating systems, providing shared heat to individual households within a community from a fixed source.

5.9.28 There are certain barriers inhibiting investment in community ownership programmes. Enabling the development of renewable energy schemes on a community level requires collective engagement and realistic ambition. Creating an awareness of the opportunities available on a local level is the most realistic route towards an increased uptake in community ownership schemes such as district heating.

5.10 National Incentive Schemes (Domestic and Non-Domestic)

5.10.1 Alone, energy markets cannot deliver the desired level of renewable energy uptake. As a result of market and regulatory inefficiencies such as low levels of competition internally and unfair competition with other fuels externally, national incentive schemes are required in order to encourage market growth.

5.10.2 There are currently a variety of initiatives available within England, these vary on a regional and local level. The three most prominent schemes available are:

- Domestic Renewable Heat Incentive (DRHI)
- Non-Domestic Renewable Heat Incentive (NDRHI)
- Feed-in Tariff (FIT)

Domestic Renewable Heat Incentive (DRHI)

5.10.3 The DRHI is a government financial incentive that promotes the production and use of renewable heat via specific renewable and low carbon technologies. The use of such technologies can help contribute towards reducing the UK's dependence on non-sustainable heating fuels and as a result reduce its carbon emissions whilst meeting renewable energy targets.

5.10.4 Launched in April 2014, DRHI provides financial support to owners of renewable heating systems for seven years. The amount received by participants varies, dependant on the technology installed and the latest tariffs available for each technology. The Department for Business, Energy and Industrial Strategy is responsible for the overall budget and the tariffs.

5.10.5 The renewable and low carbon technologies available under the DRHI scheme are:

- Biomass (wood fuelled) boilers
- Ground to water heat pumps

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- Air to water heat pumps
- Solar thermal panels (for solar thermal panels to be eligible for the scheme, they can only provide hot water for the domestic household, not space heating).

5.10.6 Those eligible for DRHI include:

- Those applying within one year of commissioning their renewable heating system;
- Single domestic dwellings; and
- Owner-occupiers, self-builders, private landlords and registered providers of Social Housing.

5.10.7 Section 5 of the Renewable and Low Carbon Technology SPD provides further guidance on each of the technologies identified above, enabling users to choose the right method of renewable energy.

5.10.8 For more information regarding the Domestic Renewable Heat Incentive, please visit: https://www.ofgem.gov.uk/environmental-programmes/domestic-rhi

Non-Domestic Renewable Heat Incentive (NDRHI)

5.10.9 The NDRHI is similar to the DRHI, a governmental initiated financial incentive inclined to increase uptake of renewable heat. The NDRHI however is for businesses, public sector and non-profit organisations, rather than domestic schemes which are solely supplied by the DRHI. These two schemes, although under one title: Renewable Heat Incentive, have separate tariffs, joining conditions, rules and application processes.

5.10.10 This scheme offers financial support to those eligible over a 20 year period based on the amount of heat generated. The amount received by participants of the scheme varies, dependant on the technology installed and the latest tariffs available for each technology. The Department for Business, Energy and Industrial Strategy is responsible for the overall budget and tariffs.

5.10.11 The renewable and low carbon technologies available under the NDRHI scheme are:

- Biomass (solid fuel) boilers
- Heat pumps (ground source, water source and air source)
- Deep geothermal
- Solar thermal panels
- Biomethane and biogas
- Combined heat and power (CHP) systems

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5.10.12 The NDRHI is available to industrial, commercial, the public sector and non-profit organisations. Specifically, such organisations include schools, hospitals and small businesses, as well as district heating schemes where one development or installation can supply multiple homes.

5.10.13 Section 5 of the Renewable and Low Carbon Technology SPD provides technical guidance on the above technologies.

5.10.14 For more information regarding the Domestic Renewable Heat Incentive, please visit: https://www.ofgem.gov.uk/environmental-programmes/non-domestic-rhi

Feed-in Tariff Scheme (FIT)

5.10.15 A tailored government initiative designed to promote renewable and low carbon electricity generation technologies, the FIT scheme requires participants to produce electricity via renewable and low carbon technologies and feed surplus electricity into the national grid for an agreed tariff rate.

5.10.16 Participants of the FIT scheme receive quarterly payments for electricity generated and then exported to the national grid from their renewable and low carbon technology. Payments are based on the meter reading that equates to a fixed rate set out in the tariff, paid to consumers by energy suppliers enlisted on a government register.

5.10.17 The renewable and low carbon technologies available under the FIT scheme are:

- Solar photovoltaic (Solar PV)
- Wind
- Micro combined heat and power (CHP)
- Hydro power
- Anaerobic digestion (AD)

5.10.18 FIT support is provided via two support streams, dependant on size and type of installation:

- For small installations (<50kW) such as domestic or small business set-ups, applications are made to an energy supplier under the title Microgeneration Certification Scheme (MCS). Technologies of particular relevance to the MCS include Solar PV, Wind and Micro Combined Heat and Power (CHP). Statistics from Ofgem indicate that the average home-scale Solar PV installation is 4kW.
- For large installations greater than 50kW and a total installed capacity up to and including 5MW pertaining Solar PV and wind power technologies, applications must be submitted under the scheme ROO-FIT directly to Ofgem.

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5.10.19 Support is available for up to 20 years dependant on which technology is chosen by prospective applicants. Applicants that choose to install CHP will be supported through the FIT scheme for 10 years. For more information regarding the Feed-in Tariff Scheme and the available tariff rates, please visit: https://www.ofgem.gov.uk/environmental-programmes/fit

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Appendix 1

BREEAM UK Non-Domestic New Construction

BREEAM Assessment

To achieve a particular BREEAM rating, the minimum overall percentage score must be achieved and the minimum standards, detailed below in Table 3.1, applicable to that rating level complied with.

Minimum standards by BREEAM rating level					
BREEAM issue	**Pass**	**Good**	**Very Good**	**Excellent**	**Outstanding**
Man 01: Project brief and design	None	None	One credit (stakeholder consultation (project delivery)	One credit (stakeholder consultation (project delivery)	One credit (stakeholder consultation (project delivery)
Man03:Responsible construction practices	Criterion 2 None	Criterion 2 None	Criterion 2 None	Criterion 2 One credit (considerate construction)	Criterion 2 Two credit (considerate construction)
Man 04:Commissioing and handover	None	None	None	Criterion 9	Criterion 9
Man05: Aftercare	None	None	None	One credit (Seasonal commissioning)	One credit (Seasonal commissioning)
Ene01: Reduction of energy use and carbon emissions	None	None	None	Five credits	Eight credits
Ene02: Energy monitoring	None	None	One credit (First sub-metering credit)	One credit (First sub-metering credit)	One credit (First sub-metering credit)
Wat01: Water consumption	None	One credit	One credit	One credit	Two credits
Wat02: Water monitoring	None	Criterion 1 only	Criterion 1 only	Criterion 1 only	Criterion 1 only
Mat 03: Responsible sourcing of materials	TBC	TBC	TBC	TBC	TBC
Wst 01: Construction waste management	None	None	None	None	One credit
Wst 03: Operational waste	None	None	None	One credit	One credit
LE03: Minimising impact on existing site ecology	None	None	One credit	One credit	One credit

Table 3.1: Minimum standards by BREEAM rating level

Environmental

A BREEAM Assessor must determine the BREEAM rating using the appropriate assessment tools and caluclators.

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Appendix 2

BREEAM UK Domestic New Construction– Home Quality Mark

The Home Quality Mark (HQM) is a voluntary and customer focused assessment and certification scheme, having been created to serve the UK's house builders and the householders who buy and rent new homes. HQM enables house builders to demonstrate high quality builds, differentiating them within the marketplace. For house buyers, they can be confident that the houses they buy are well designed and built, and cost effective in the long term.

The Home Quality Mark will do this by providing impartial information from independent experts on a new home's quality, recognising where performance meets best practice standards that are often significantly above that required by regulation.

Developed and operated by BRE and part of the BREEAM series of quality and sustainable development, HQM has been developed using 25 years of specialised knowledge and skills within a continually developing industry.

What can HQM assess?

The Home Quality Mark can be used to assess the life cycle environmental, social and economic impacts of new builds in the United Kingdom. A new-build itself is one that is a new standalone structure or a part of one that will come into operation and is for the first time after its completion.

The HQM is not appropriate for the refurbishment of existing homes or for new build projects containing rooms for multiple residential purposes such as student and key worker accommodation, care homes, sheltered housing or other multi-residential building types. The BREEAM UK Domestic Refurbishment and BREEAM UK Non-Domestic New Construction schemes can be used to assess these types of project respectively.

When does the HQM assessment take place?

Timing is key for any HQM assessment to be conducted successfully. It is essential that there is a seamless process of integration between the period of construction and the assessments that take place by HQM. This is to make sure any issues summoned by the relevant stakeholders are taken into consideration and addressed without impacting on costs or performance in other areas of the development.

An HQM assessment is a two stage process to ensure that opportunities are identified during the design stage (initial assessment and certificate) and implementation is confirmed during construction (conclusive assessment and certificate).

If you wish to understand, in greater detail, the technical content concerning the Home Quality Mark, you can find more information at: http://www.homequalitymark.com/filelibrary/HQM-Beta--England--2015_SD232_r1.0.pdf.

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BREEAM New Construction is a performance based assessment method and certificate scheme for new buildings. The primary aim of BREEAM New Construction is to mitigate the life cycle impacts associated with new buildings on the environment in an efficient and cost effective process. As BRE states, this is predominantly achieved through integration and use of the scheme by clients and their project teams at key stages in the design and construction process.

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

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

New Build Design Stage

The Design Stage assessment and interim BREEAM rating confirms the proposed new building's performance during the construction period of the life cycle. This stage of assessment and certification would take place ideally at the beginning of the construction stage.

For any assessment to be complete at this stage, the design must be presented before a BREEAM assessor for verification and evaluation of the buildings performance against a criteria based document set out in the BREEAM UK New Construction Technical Manual.

Post-Construction Stage (PCS)

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

As stated by BREEAM, there are two alternative approaches to assessment at the post-construction stage:

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

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

When and how to engage with the BREEAM UK New Construction scheme

As with all schemes, timing the engagement with and use of the BREEAM UK New Construction scheme via BREEAM assessor is most important to ensure efficient transition of methodology in the new build procurement process.

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If you wish to understand, in greater detail, the technical content concerning the BREEAM UK Non-Domestic New Construction, you can find more information at: http://www.breeam.com/new-construction.

BREEAM In-Use International Technical Standard

BREEAM In-Use International is a universally recognised assessment method which assists property investors, owners, managers and occupiers to drive sustainable improvements through operational efficiency, including how to continually manage the operation of their building effectively.

All existing commercial building types are suitable for the BREEAM In-Use scheme, however the standard does not apply to residential dwellings.

The primary aim of BREEAM In-Use is to mitigate the operational impacts of existing assets on the environment in a robust and cost effective manner. The scheme provides a holistic approach which enables assets to be assessed and benchmarked across a large range of environmental issues (management, health and wellbeing, energy, transport, water, materials, waste, land use and ecology, and pollution).

The BREEAM In-Use assessment process is broken down into three parts:

- Part 1 – Asses Performance: the performance of the asset's built form, construction, fixtures, fittings and installed services.
- Part 2 – Building Management: the management of the asset.
- Part 3 – Occupier Management: the management of building users and services.

Part 1 and 2 of the assessments can be conducted in separate isolation, however it is recommended that part 2 be conducted in combination with Part 3 as the score for Part 2 feeds into the score for Part 3. It is advised that all 3 Parts are assessed in combination to provide an accurate understanding of the overall environmental impact of their asset.

Using an online rating tool, BREEAM In-Use allows users to register buildings, assess and certify the building performance. A dynamic scoring platform and reporting section allows the user to track and improve the performance of their building or portfolio of buildings.

If you wish to understand, in greater detail, the technical content concerning the BREEAM In-Use International Technical Manual, you can find more information at: http://www.breeam.com/filelibrary/Technical%20Manuals/SD221_BIU_International_2015_Re-issue_V2.0.pdf.

BREEAM UK Domestic Refurbishment & Fit-Out

BREEAM Domestic Refurbishment is a performance based assessment method and certification scheme for domestic buildings undergoing refurbishment. The primary aim of the Domestic Refurbishment & Fit Out scheme is to improve environmental performance of existing dwellings in a robust and cost efficient way. The performance of domestic buildings is assessed against a number of individual measures and associated criteria covering a range

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of environmental issues. This assessment results in a single certified BREEAM rating awarded to the refurnished dwelling.

The BREEAM Domestic Refurbishment & Fit-Out scheme has been developed in accordance with the following principles:

- Promote low cost, sustainable refurbishment
- Recognise the limitations of existing buildings including their inherent built form and location
- Drive market transformation by promoting best practice and innovation in the refurbishment of existing buildings
- Provide a holistic environmental assessment that works effectively across different building and project types
- Recognise the different starting points of our existing building stock

There are two routes to certification depending on the type of project and stage of certification required:

Third party assessment certification:

Third party certification is delivered through licensed BREEAM Domestic Refurbishment Assessors and enables interim and final certification to be obtained through BRE Global Ltd at the design stage (pre-refurbishment) and post refurbishment stages respectively. BREEAM Domestic Refurbishment Assessors can carry out assessments for both small and large scale refurbishments which may be carried out across a site (e.g. a street or an estate).

Self-declaration assessment certification:

A self-declaration assessment is delivered through licenses BREEAM Domestic Refurbishment Assessors who hold a self-declaration certification (referred to as tier 2 license within the scheme) are authorised under the terms of the license to issue self-declaration certificates, for small projects, at the post refurbishment stage only. Design stage certification is not available through self-declaration however a design stage assessment is recommended in order to guide the project specification.

The BREEAM Domestic Refurbishment 2012 scheme can be used to assess the environmental life cycle impacts on refurbishment projects including existing dwelling undergoing refurbishment, extensions, domestic conversions and change of use projects. Table 3.1 outlines two categories under which domestic refurbishments are scoped by BREEAM:

- Category 1: Alterations to existing dwellings and extensions
- Category 2: Domestic conversions and change of use projects

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Category 1	Category 2
Alterations to existing dwellings and extensions Where at least one thermal element (walls, roof or floor) undergoing major alteration (internal/external insulation etc) plus a change to building services such as a new boiler, or internal refit of a room. Refurbished dwellings are within the scope of the scheme where the refurbishment results in an improvement to the dwellings Energy Efficiency Rating (EER).	**Domestic conversions and change of use projects** The scheme can also be applied to domestic conversions and change of use projects. This is where a new dwelling is formed by change of use from a building which was not previously used for domestic purposes. This may also include change of use through conversion of a single dwelling into multiple dwellings, or where several dwellings are converted into a single dwelling. Change of use is further detailed by Regulations 5(a), (b) and (g) of the Building Regulations 2000 for England and Wales.
Extensions Whilst existing dwellings that are being extended can be assessed under the scheme, as the scheme is a whole house assessment methodology, it would require both the extension and the existing dwelling to be included as part of the assessment. This means that in order to achieve credits under the scheme as well as the minimum standards, improvements will be required to the existing dwelling in order to achieve a rating under the scheme.	**Newly constructed dwellings** The scheme cannot be used for newly constructed dwellings. Newly constructed dwellings come under the scope of the Department of Communities and Local Government (DCLG), Replacement national technical standards to the now withdrawn Code for Sustainable Homes.

If you wish to understand, in greater detail, the technical content concerning BREEAM UK Domestic Refurbishment & Fit-out standards, you can find more information at: http://www.breeam.com/bre_PrintOutput/BREEAM_Domestic_refurb_manual_2012.pdf.

BREEAM UK Non-Domestic Refurbishment & Fit-Out

The BREEAM UK Non-Domestic Refurbishment and Fit-Out scheme can be used to assess and determine the environmental impacts associated with non-domestic buildings at the refurbishment and fit-out stages.

The BREEAM UK Non-Domestic Refurbishment and Fit-Out scheme provides a modular set of criteria that are applied depending upon the scope of works for a particular project type including:

- Part 1: Fabric and Structure
- Part 2: Core Services
- Part 3: Local Services
- Part 4: Interior Design

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The scheme is split into these assessment parts to allow the scheme to reflect the aspects of a building that are tenant or landlord responsibilities, as well as the varied life cycle stages that each component or element is upgraded. For commercial buildings, parts 1 and 2 typically reflect the aspects of a building that are landlord responsibilities, with parts 3 and 4 typically being aspects of the building that are tenant responsibilities although this will vary between specific projects.

Assessment Scope

Having been developed to allow a flexible approach to assessments to fit the needs of a project, this approach also allows the client/developer/assessor to select the parts of the assessment that are relevant to the scope of work being carried out. The following assessment scope provides details of when it may be appropriate to conduct an assessment against each part, depending on the nature of the refurbishment or fit-out works that are being carried out.

Part 1: Fabric and Structure

A part 1 assessment is appropriate where a refurbishment project includes one or more of the following alterations to the building fabric and where the area to renovate is greater than 50 percent of the surface of the individual element or 25 percent of the total building envelope:

- Building façade: where the external façade of the buildings is being upgraded/ refurbished such as new cladding, rendering, façade system, internal dry lining etc.
- Roof: where a new roof is being installed or where significant changes are being made to the roof structure or the replacement/refurbishment of roof coverings.
- Windows: where changes are being made to the windows such as replacement, upgrade/refurbishment of existing windows with new glazing or the specification of secondary glazing.

Part 2: Core Services

A Part 2 assessment may be appropriate where at least two of the following are being installed or upgraded to a level that requires compliance with the Building Regulations Compliance Guide:

- Central air handling unit
- Heating boiler
- More than 50% of heat distribution
- Chiller plant
- More than 50% of chiller distribution
- Water services (sanitary fittings in core)
- Building management system
- Community heating system (e.g. CCHP)
- Low and zero carbon technologies.

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A Part 2 assessment does not include the full scope of a category A fit-out, due to the fact that the specification of items such as ceiling finishes, raised floors and the zoning of local services about the lettable flood area and other Category A works are not typically finalised until the space undergoes final fit-out (often referred to as Category B fit-out) according to the tenant's specification and liable to change. These items are excluded from a Part 2 assessment with local services assessed under Part 3 and interior finishes assessed under Part 4, which covers the typical scope of a Category B fit-out. Therefore, where category A works include local service provision (e.g. lighting) it may be appropriate to also assess the project against Part 3: Local Services.

Part 3: Local Services

A Part 3 assessment may be appropriate where at least two of the following fixed local building services are being installed or upgraded e.g. a replacement or new installation of local heating/cooling units.

- Replacement of more than 50% of light fittings, system and controls
- Upgrade of zone controls
- Local ventilation
- Local heating units (including sources not connected to core services)
- Local cooling units (including sources not connected to core services)
- Point of use water heaters.

Local services are defined as services that supply a specific area and may connect into the distribution systems from the core services within the tenanted area.

Part 4: Interior Design

A Part 4 assessment may be appropriate where the refurbishment or fit-out works involve changes to the layout and/or redecoration of the refurbishment or fit-out area, including:

- Remodelling/changes to interior spaces including two or more of the following:
    - Wall coverings (alterations to at least 50% by area)
    - Floor coverings (alterations to at least 50% by area)
    - Ceiling covering or systems (alterations to at least 50% by area)
    - Partitions (alterations to at least 50% by area)
    - Raised floor system (alterations to at least 50% by area)
    - Furniture and fittings e.g. office furniture, retail display furniture and fittings etc. (alterations to at least 50% by area)
- AND at least one of the following:

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- Sanitary fittings e.g. tea/coffee points, kitchenette and washrooms (alterations to at least 50% of fittings)

- Equipment e.g. Office equipment, display lighting, display chillers/freezers (alterations to at least 50% of equipment)

- Local electrical installations e.g. sub-metering

Part 4 is broadly in line with a Category B fit-out and where the fit-out works also include changes or additions to local services, a Part 3 assessment may also be relevant.

If you wish to understand, in greater detail, the technical content concerning BREEAM UK Non-Domestic Refurbishment & Fit-out standards, you can find more information at: http://www.breeam.com/ndrefurb2014manual/#02_scope_refurb/buildings_not_covered_scope_rfrb.htm%3FTocPath%3D_____8.

Appendix 3

Pre-Application Advice

Pre-application advice will include a written response, in detail, considering the primary planning issues for the proposed application. The level of detail provided in the response will reflect the level of accuracy and detail provided in the information given to the Council by the applicant. A wider and more detailed scope of information provided to the Council regarding the proposal will result in a more accurate and in-depth analysis, allowing for positive feedback to be given.

Pre-application advice is encouraged as it can:

- Verify all local and national requirements, set out in both the Approved Maldon District Local Development Plan and the National Planning Policy Framework.
- Allow for constructive and open dialogue with interested partied from an early stage to identify, understand and seek to resolve issues associated with the proposed development.
- Provide tools for mitigation if the proposed development would produce any impacts on the surrounding environment, including any planning conditions.
- Reduce the likelihood of submitting an invalid application.
- Help the applicant understand how planning policies and other requirements affect a proposal.

It is also important that applicants emphasise why the proposed development should be allowed to progress and gain planning permission. The planning application will be held against the relevant policies within the Local Development Plan, therefore justification will be required for any proposal if it constituted to be an exception to the plan.

The nature of pre-application engagement allows for a collaborative process that involves not only the prospective applicant and the Local Planning Authority, but also statutory and

non-statutory consultees, elected members and local people. It is recognised that the parties involved at the pre-application stage will vary on a case by case basis.

All parties involved have an important role to play in ensuring the efficiency and effectiveness of pre-application engagement. Cross-party engagement will legitimately seek to identify all possible planning issues that may affect particular stakeholders or the environment.

For pre-application advice, there may be a fee applied. Please visit the Maldon District Council website for more detail at: https://www.maldon.gov.uk/info/20046/development_management/9227/planning_advice_and_information

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REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES

to
PLANNING AND LICENSING COMMITTEE
5 JUNE 2018

ESSEX COASTAL RECREATIONAL AVOIDANCE AND MITIGATION STRATEGY (RAMS) UPDATE

1. PURPOSE OF THE REPORT

1.1 This report provides an update on the Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS). The matters in this report may affect the Council's planning policies and decision-making. Therefore, further reports will need to be made to this Committee for decision as the Strategy progresses.

2. RECOMMENDATIONS

2.1 That the Committee receives the Recreational Avoidance and Mitigation Strategy (RAMS) update outlined in this report. Comments from the Committee are sought as there are matters in this report which may affect future planning policies and procedures. Matters for decision will come back to the Committee as required.

3. SUMMARY OF KEY ISSUES

3.1 Background

3.1.1 There are ten international and nationally protected wildlife sites on the Essex Coast. This includes four wholly, or partly within the District at:

- Blackwater Estuary: Special Protection Area (SPA) and Ramsar
- Dengie: SPA and Ramsar
- Crouch and Roach Estuaries: SPA and Ramsar
- Essex Estuaries: Special Area of Conservation (SAC)

3.1.2 These sites are protected by the Conservation of Habitats and Species Regulations 2017 for their exceptional wildlife including large numbers of wintering water birds, a range of breeding species and habitats.

3.1.3 These birds, other coastal species and habitats can be vulnerable to disturbance from recreation so there is the potential for conflict with people. This issue is particularly acute along coasts and estuaries which have a strong draw for visitors. In general, the areas attractive to people and wildlife coincide along a narrow strip of land along the water's edge adding to the potential severity of the impacts.

3.1.4 The Regulations were originally published in 2010, but were updated and consolidated into the Conservation of Habitats and Species Regulations 2017 which came into effect on 30 November 2017. Both sets of Regulations require Local Planning Authorities (LPA) to demonstrate that their Local Plans will not adversely affect the integrity of a protected site(s) through a Habitats Regulations Assessment (HRA). Similarly, the Regulations require the Council as a 'competent authority' to ensure that planning permission is not granted for development that will have an adverse impact upon a protected site in the District, unless appropriate mitigation is sought. Any mitigation is a requirement of legislation so must be delivered.

3.1.5 A significant amount of housing is being proposed by the other Essex Local Plans. Of the seven in the public domain at present (Basildon, Braintree, Brentwood, Chelmsford, Colchester, Rochford and Tendring) approximately 94,500 dwellings are identified. Natural England expects this to increase recreational activity in or near the Essex coast, including impacting on the integrity of Maldon's protected sites, which is contrary to national legislation.

3.1.6 The seven Local Plans are being produced with broadly similar timeframes. This provides a significant opportunity to deliver a comprehensive, strategic solution to recreational impact on the Essex Coast and influence planning policy which can inform these Plans (and other future plans) and ensure the most appropriate policies are in place to protect areas, understand the likely impact and secure funding and resources to mitigate impacts. Natural England have identified that a Recreation Avoidance and Mitigation Strategy (RAMS) will provide the necessary confidence that mitigation will be delivered in the right places to address the impacts identified, at the right time, as a consequence of new development.

3.2 **Progress to date**

3.2.1 Timetable

3.2.1.1 At the meeting of this Committee on 17 April 2018 Members sought further details on the timetable, particularly in relation to the key outputs of the RAMS project. Officers asked that the timetable be re-considered in places to take into account each participating authorities reporting processes, including those of this Committee, to ensure that all Members are engaged at key milestones, such as to consider the draft RAMS evidence report and the draft Supplementary Planning Document (SPD). The revised timetable identifying key milestones is attached as **APPENDIX 1**. Implications for future Committee reports are also set out.

3.2.1.2 The draft RAMS evidence report is a technical document and is expected to be brought to this Committee in September 2018: this is expected to be a lengthy and detailed report, but where possible, key sections will be brought to this Committee for information prior to September to aid Members understanding of the process and provide the basis for the draft RAMS SPD that will follow.

3.2.1.3 A key output of the evidence report will be the draft SPD. The timetable indicates that this will be available for consideration by this Committee in November. Although Essex County Council (ECC) Place Services are producing the SPD, and will coordinate the consultation and undertake any subsequent re-drafting, the approach taken to the SPD will be the same as that for Council-produced SPD's. The

draft SPD will be brought to this Committee prior to public consultation, and again post consultation to identify any changes made as a result of the consultation, as well as to highlight the comments made and the officer response. The SPD will need to be adopted by the Council before it can be used as a SPD. The Council's project lead will be responsible for co-ordinating officer and Member responses to any draft documents to ensure that the final documents address the District's needs. These will be reported to the EPOA Officer Project Group and submitted to ECC.

3.2.1.4 The SPD also needs to go through each partner authority's relevant Committee cycle prior to consultation being undertaken.

3.2.2 Zones of influence

3.2.2.1 Each protected site currently has a Zone Of Influence (ZOIs) which is the likely distance visitors are prepared to travel to reach that site. The zones of influence vary significantly (from, for example, 8km to 24km) and overlap. The purpose of the surveys is to confirm the zones of influence of each protected site. Therefore, the questions being asked are around where visitors have travelled from, how frequently they travel and for what purpose. It is important that the zones are robust as they will provide the basis for determining which development contributes to mitigation at which sites. The winter survey data for nine sites (excluding the Blackwater Estuary where summer surveys are taking place – see paragraphs 3.2.3.1 and 3.2.3.2 below) are currently being analysed by Natural England to inform the new zones of influence for those protected sites. These will be based on the 75th percentile of postcode data taken from the winter surveys (only winter surveys were undertaken for these nine sites to reflect their protected characteristics) – officers are advised this is best practice and Natural England use the 75th percentile for all the ZOIs currently in place across England.

3.2.2.2 Once the summer surveys for the Blackwater Estuary have been completed and assessed, Natural England will combine the data with that from the winter surveys to produce its zone. The same process will be used as for the other sites.

3.2.3 Summer surveys

3.2.3.1 Summer visitor surveys need to be carried out for the Blackwater Estuary as this site has breeding bird features which could be disturbed by recreational activities during the summer months. The Royal Society for the Protection of Birds (RSPB) and Natural England advise that the species most likely to be affected are the Little Tern and Ringed Plover, so the survey locations will be based on recent nesting sites for these species at Tollesbury Wick and Bradwell Marina.

3.2.3.2 ECC will use the same format as for the winter surveys: a digital questionnaire (inputted directly onto an iPad) to capture postcode data. To reflect comments made by the Vice Chairman of this Committee at the first stakeholder workshop, and Officer concerns relating to the ability to record water and air based activity in the Estuary, a separate section has been added to allow the surveyor to record any other disturbance from water based / air based activities which is more noticeable in the summer months. While it may not be possible to speak to those involved, recording these activities can help inform future mitigation. Surveys are expected to take place from the 19 May for two weeks and will include the Spring Bank school holidays.

Surveys will take place at each location on two weekend days and two week days, 7.30am - 5pm. All surveys will take place within the Council's identified budget.

3.2.4 Stakeholder workshops

3.2.4.1 To provide a greater insight into the impacts the coast and its environs face, a series of workshops have been arranged for those stakeholders who manage or impact on the protected sites. The first workshops (one for the North of Essex, including Maldon, and one for the South of Essex) were held in February / March – the outputs are attached as **APPENDIX 2.** Those who were not able to attend are being contacted separately to ensure that the evidence base is as robust as possible. This includes the National Trust, an important landowner in the Blackwater Estuary – officers have met them separately to ensure they are fully engaged in the process. The evidence base will therefore continue to evolve over the next month or so.

3.2.4.2 A second North workshop will be held on the 15 June 2018 (at Colchester Borough Council) and a second South workshop will be held on the 12 June 2018 (at Wat Tyler Country Park). The Vice Chairman of this Committee will be invited to the North workshop. The focus of the second workshops will be to identify appropriate and effective mitigation to address the impacts identified from the first workshops and from the survey data, as well as from other evidence base work undertaken to date.

3.2.5 Elected Members Forum

3.2.5.1 In response to Members request at 17 April 2018 Committee, Officers confirmed that a Members Forum had been requested to ensure that Members from the participating authorities had the opportunity to have meaningful engagement in the RAMS process. This would be undertaken as part of each Council's Duty to Cooperate requirements. Partners were supportive of the principle - the draft Terms of Reference for the Forum and the governance structure for the project is attached as **APPENDIX 3**. It is intended that these will be formally agreed by the Forum at its first meeting. The first Forum is to be in late June / early July. This is timed to enable Members to discuss the emerging RAMS evidence report. Forums are likely to take place at other key milestones, such as when the draft SPD is being finalised. This will ensure the outputs from the Forum are meaningful and add value to the RAMS process. The Forum will be able to request additional meetings if required. Maldon Council will host and administer the Forum meetings.

3.2.6 Chargeable development

3.2.6.1 Once the zones of influence have been identified, the number of dwellings proposed in each Local Plan, within each zone will be identified. These will be the dwellings that may be subject to a developer contribution. For all the other authorities the number of dwellings will be the housing target from their emerging Local Plans. Because Maldon Council has an approved LDP, and the majority of the allocations have planning permission, the approach taken in Maldon will need to be different. Officers have been clear that the Council would only be able to seek developer contributions for the LDP allocations that do not have planning permission i.e. Heybridge Swifts and land west of Burnham on Crouch, the neighbourhood plan allowance and windfalls, from the date the RAMS SPD is adopted.

3.2.6.2 Project level Habitats Regulations Assessments have been undertaken for the allocations with planning permission – as a result mitigation to address recreational impacts has already been agreed with Natural England. To apply a developer contribution retrospectively to allocations with planning permission (and with agreed mitigation), could be unlawful and the Council would not be able to adopt the SPD. To provide certainty and transparency to those making applications for residential development Officers recommend that a formula setting out the mechanism for the calculation of the charge, and to whom it applies, will need to be identified in the draft SPD.

3.2.6.3 In accordance with the Community Infrastructure Levy Regulations 2010 all developer contributions must be necessary, directly related and fairly and reasonable related in scale and kind to the development. It would be unreasonable for the cost of all mitigation to be borne by new development that comes forward after the SPD has been put in place. Similarly under the legislation, developer contributions can only be used to help mitigate the impacts of new development, although existing issues may be addressed where they are impacted on by the new development.

3.2.6.4 Officers have had initial discussions with the Council's Legal Services about RAMS, but a priority is for RAMS and its approach to securing developer contributions to be discussed with legal services from each authority. An update will be brought to this Committee in future reports.

4. CONCLUSIONS

4.1 The Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS) is a joint initiative between 11 Essex authorities to identify the recreational impacts new homes will have on the international and nationally protected sites along the Essex Coast.

4.2 The project is moving towards the end of the evidence gathering stage: the second stakeholder workshops are due to take place shortly, the analysis of the summer surveys for the Blackwater Estuary are taking place so that the zones of influence for each site can be identified. The next key milestone is the publication of the RAMS evidence report in September 2018. Prior to this the Members Forum will be able to consider the emerging report in early summer.

4.3 Further discussion needs to take place on a range of issues, particularly relating to the number of dwellings expected to be charged in the District, the best way to secure financial contributions from new development, the impact upon the viability of new development and how the contributions should be managed and distributed. Further reports will be brought back to this Committee to provide information updates and also for decision-making.

5. IMPACT ON CORPORATE GOALS

5.1 The Recreation Avoidance and Mitigation Strategy will have a positive impact on the corporate goals which underpin the Council's vision for the District, in particular protecting and shaping the District and balancing the future needs of the community.

6. IMPLICATIONS

(i) **Impact on Customers** – This report provides customers with the most up-to-date progress on RAMS. Clear strategy working with other authorities in Essex provides certainty to residents and businesses in the District.

(ii) **Impact on Equalities** – The SPD will be subject to an Equalities Impact Assessment.

(iii) **Impact on Risk** – A RAMS is required in accordance with national legislation. The Council is a competent authority and must ensure that new development does not adversely impact upon protected sites in the District. The RAMS will provide greater certainty to the Council, developers and the local community in relation to the costs associated with development.

(iv) **Impact on Resources (financial)** – The summer surveys are being undertaken within the Council's identified budget. RAMS is expected to generate financial contributions from new development to help deliver mitigation projects in the District. This resource is not known at this point. Being involved in a strategic project is cost-effective and means that the cost of the project is shared between 11 authorities rather than being funded solely by the Council.

(v) **Impact on Resources (human)** – Project management of the RAMS is by Essex County Council: Place Services. The Council's project lead is in-house. The SPD will provide a robust and transparent process within which to negotiate financial contributions from new development. The SPD will enable the development management process to be streamlined and be more efficient and effective.

(vi) **Impact on the Environment** – RAMS promotes sustainable development and safeguards the character and distinctiveness of the District. A SEA Screening Report will be undertaken for the SPD. By securing financial contributions to deliver mitigation for recreational impacts could generate significant positive impacts for the District's environment.

Background Papers:
Local Development Plan 2014-2029
Maldon District Local Development Plan Post Examination Sustainability Appraisal Report incorporating Strategic Environmental Assessment and Habitats Regulations Assessment, 2017
Conservation of Habitats and Species Regulations 2017

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

APPENDIX 1

TIMETABLE

Task	Start date (week commencing (w/c))	End date (w/c)	Comments
Officer technical meeting	23/4/18		
Summer surveys	7/5/17	30/6/18	
Drafting Recreational Avoidance and Mitigation Strategy (RAMS) evidence (excluding Blackwater)	23/4/18	20/5/18	
Officer technical meeting	23/5/18		
Review RAMS evidence	23/5/18	25/6/18	
June Planning and Licensing Committee (P&L)	**7/6/18**		**Report is likely to include:** information on RAMS evidence report, update on summer surveys, details on Members Forum, stakeholder workshop 1 outputs, timetable update
Stakeholder workshop 2 - North	15/6/18		
Stakeholder workshop 2 - South	12/6/18		
Drafting mitigation for RAMS report & Blackwater evidence	21/5/18	2/7/18	
Officer technical meeting	20/6/18		
Supplementary Planning Document (SPD) drafting	18/6/18	2/7/18	
Review draft RAMS mitigation and Blackwater evidence	3/7/18	20/7/18	
July P&L	**19/7/18**		**Report is likely to include:** information on RAMS evidence report, outputs from 2nd stakeholder workshop, outputs from 1st Members Forum, update on SPD
Officer technical meeting	24/7/18		
Update RAMS	25/7/18	4/9/18	
September P&L	**6/9/18**		**Report is likely to include:** final RAMS evidence report, update on SPD
Officer technical meeting	7/9/18		
RAMS sign off	8/9/18	1/10/18	

Task	Start date (week commencing (w/c))	End date (w/c)	Comments
Review SPD	8/10/18	5/11/18	
Finalise SPD	5/11/18	19/11/18	
November P&L	**15/11/18**		**Report is likely to include:** outputs from 2nd Members Forum, approval for consultation draft SPD
SPD Consultation	November 2018 – January 2019		Six week consultation – dates to be agreed – to reflect all authorities reporting cycles
Revise SPD in response to consultation	February-March 2019		
March P&L OR **April P&L**	**7/3/19** OR **11/4/19**		Dates depend on consultation period above. **Report would include:** responses to consultation process, seek approval for Council to adopt
March Council OR **April Council**	**28/3/19** OR **TBC**		Dates depend on consultation period above. Report would recommend Council adopt as SPD.

STAKEHOLDER WORKSHOP OUTPUTS

ESSEX COAST RAMS STAKEHOLDER WORKSHOP OUTPUTS (NORTH)

Introduction

The second stakeholder workshop was held on the 23rd March 2018 at Colchester Borough Council offices. The outcomes from the event are recorded here.

The workshop drew upon local and specialised knowledge from a wide range of organisations and individuals involved in the management of the Natura 2000 sites and with local expertise in relation to ecology, habitat management, visitor management and education/interpretation of visitors. Outputs from the workshop will be used to help inform the Strategy in terms of implementable measures for avoidance of impact and mitigation of impact.

The workshop results, as summarised here, are not complete record of mitigation work that is required, merely a record of information that will help shape the Strategy and that will provide a useful reference and starting point for defining particular mitigation measurements required for each site. The workshop focussed on the northern sites in Essex, with discussion groups covering the Stour and Orwell Estuaries, Hamford Water, Colne Estuary, Blackwater Estuary and the Dengie. The workshop was not limited to northern sites as some outputs for south Essex Natura 2000 sites were recorded.

Attendees

Name	Organisation
Sue Hooton	Place Services
Lois Crisp	Place Services
Hamish Jackson	Place Services
Jack Haynes	Natural England
Roy Read	Natural England
Chris Keeling	Natural England
Michael Parkin	Natural England
Heather Read	Natural England
Charlie Williams	Natural England
Zoe Ringwood	Natural England
Gavin Rowsell	Farmer
David Eagle	Farmer
Cllr Andrew St Joseph	Maldon DC
Shirley Anglin	Essex Highways – PROW
Mark Nowers	RSPB
Beverley McClean	Colchester BC

Discussion 1: What information exists currently on visitor activities and disturbance at Natura 2000 sites?

Information	Includes	Source
Assessments that have been conducted as part of the coast path work	Documents for the Jaywick to Harwich stretch	Natural England https://www.gov.uk/government/publications/england-coast-path-from-jaywick-to-harwich-comment-on-proposals
Assessments that have been conducted as part of the coast path work. This includes all coast path documents so Essex specific information has to be selected separately.	Sensitive areas and small parking areas/access points to the coast	Natural England https://www.gov.uk/government/publications/england-coast-path-from-burnham-on-crouch-to-maldon-comment-on-proposals

Discussion 2: What measures are currently in place or planned which may help to avoid or mitigate disturbance?

Stour and Orwell Estuaries

- There is visual screening and a bird hide on the southern shore of the estuary. This ensures that an area looks more important for over wintering birds, with the aim of causing a better public attitude on how the area is used.

Hamford Water

- Bramble Island has no access and is a quiet area as it is a known area for sensitive wintering and breeding birds.

Colne Estuary

- None

Blackwater Estuary

- Old Hall Marshes has a Little Tern colony but is managed by restricted access by boat in the summer.

Dengie

- Not so much a mitigation measure but as access to the coast in the south-east Dengie area is poor it means that it is isolated and quiet with only occasional dog walkers, anglers and birdwatchers.

All Natura 2000 sites

- Stationary electronic people counters have been used by Essex County Council (Highways) to determine visitor numbers to areas in Essex e.g. Maldon. Could it be possible that this data could be used to determine possible impacts? Could people counters be a viable way of determining visitor numbers to sensitive areas?
- Essex Wildlife Trust has been training volunteers (Coastal Guardians) to promote visitor awareness by talks and management of signs.

Discussion 3: What further measures are required?

Stour and Orwell Estuaries

- Saltmarsh is driven over and trampled at Jacques Bay (accessed via Shove Lane, Bradfield), possible reduction in access to avoid habitat erosion.
- Water skiing is common and speed limits are not kept to at Jacques Bay. This should be enforced to reduce disturbance.
- Unauthorised access along sea wall in front of screen should be managed; this could be through better screening or wardening.
- There are bait diggers at Jacques Bay which should be made seasonal and have location restrictions.
- Access along outer edge of saltmarsh to high tide roosts at Wall Lane causes disturbance as well as recreational water craft particularly kayakers and paddle boarders. Access and locations of activities should be restricted.
- There is easy access to the foreshore at Mistley Walls which impacts the birds that sit close to the path. Possibly reduce the ease of access or divert access point elsewhere.

Hamford Water

- Enforcement should be made to unauthorised quadbikes and motorbikes.
- A bridle path should be created at the western side of Hamford Water, this will draw horses away from the seawalls and give landowners income stream through stabling and grazing.
- Create shorter circular paths off coastal path with particular access from car parks.
- Promote alternative sites for wind surfers and canoeists away from The Naze such as St. Osyth Lake/Jaywick/end of Clacton beach.
- The Naze should have seasonal access rather than 365 day access.
- A main car park on public open space away from The Naze may encourage people to walk their dogs there instead of sensitive areas.
- Need to engage with developers especially national/big developers to see conservation areas as an attraction for selling houses and developers taking responsibility for conservation management.
- Post Brexit bring access habitat management into subsidy schemes for farmers.
- Consider ideas for the environment bank.
- Walking on the saltmarsh is disturbing birds on the south easterly side of Hamford Water.

Colne Estuary

- Habitat creation is needed bringing birds away from the coast.
- Keep shingle recharge out of spreading room at all times.
- Strandline/sand/shingle vegetation along the south side of Mersea and Cudmore Grove is currently being damaged by trampling and fires, mitigation is required to reduce impact. Current access levels at Cudmore Grove already cause some damage to veg and reducing breeding success for ringed plover.
- Power gliders currently take off from a field in Mersea which affects a large area, these occasionally fly low and fly over the Colne and Blackwater SPAs.
- Jet skis and canoes disturbing wader high tide roosts in main channel of the Colne Estuary and Strood Channel.
- Breeding ringed Plover and potentially Little Tern are heavily disturbed by the ferry passenger route from Mersea to Brightlingsea.

- Colne Point is by far the most important area for sand/shingle veg and breeding ringed plover so should be protected. Saltmarsh is vulnerable to increased visitor pressure from the Essex Wildlife Trust (EWT) and National Nature Reserve (NNR).
- Natwurst beach - dune vegetation badly damaged in places.
- The poplar beach by Point Clear commonly has kiteboarding which is disturbing terns and ringed plovers.
- The new play area at Cudmore Grove has increased visitor numbers significantly and in turn increased recreational disturbance, possibly look at ways of reducing numbers by creating large, high quality play areas away from the coast.

Blackwater Estuary

- Maldon DC jet ski patrols should be supported.
- Keep Northey Island free of spreading room.
- Goldhanger had a former Little Tern colony.
- East Osea is a very popular picnic area which is un-authorised.
- Flying paramotors at Tollesbury.
- Keep shingle spit free from public access at Tollesbury Wick.

Dengie

- Canoeists disturb high tide roosts on the River Blackwater.
- There is often illegal off-roading of motorcycles and quadbikes on the seawalls and saltmarsh beach by Bradwell PowerStation.
- The north east Dengie area is too disturbed for high tide roosts.
- Othona Community and St Peters Church area is known to have walkers cross the saltmarshes in all directions.

All Natura 2000 sites

- Access can be reduced to some sites by ensuring that access to car parks, in known sensitive areas, is limited. In addition, car parks in non-sensitive areas could be created or promoted to increase visitors to these areas. Natural England would be able to supply a parking map to identify known car parks.
- Habitat Creation could be undertaken if a suitable site was considered appropriate. This should be considered if high visitor pressure to over wintering birds is determined and if managed retreat of saltmarshes or natural buffers to public would be possible. All stakeholders to be able undertake such a scheme would have to be considered.
- Traffic light systems of dog footprints on paths for dog walkers were raised as a possible mitigation option during the workshop. This would involve green (Dog off lead area), orange (Coming up to a dog on lead area) and red (Dog on lead area) footprints to inform dog walkers when they are in sensitive areas.
- Essex Highways highlight that permanent closing of walkways could also be an option if visitor pressure is particularly impacting to over wintering birds. Encouragement to use screening lower pathways during high tide could also be undertaken.

Stakeholder Information Forms

The following table was filled out by attendees, as a means of capturing any additional issues/opinions that were not covered during discussions.

	Currently available information on visitor activities and disturbance (include measures in place/ planned which may help to avoid/mitigate disturbance)	Suggestions for any future measures required, including management and mitigation	Other comments
1		**Governance** We understand that the Solent RAMS has a Project Board, Steering Group and a number of Task/Finish Groups (covering ranger, dog issues etc). We would recommend that governance of this kind is followed in Essex. **SANGS** SANGS – whilst we welcome this concept as part of the solution to alleviate pressure on coastal sites, it does have to be recognised that the coast is a draw to people in itself and SANGS within developments or elsewhere away from the coast will, by their very nature, not have the same draw as the coast itself. Parking at SANGS – we understand charging for parking at SANGS has been a contentious issue and lead to a lack of take up. This should be taken in to consideration in Essex. **Rangers** These need to be full-time: a) because the presence of designated features of the SPAs around the Essex coast overlap: breeding [March to September]: Ringed Plover, Little Tern, Avocet non-breeding [July to May]: Redshank, Black-tailed Godwits (autumn), through to May for Dark-bellied Brent Geese b) due to the difficulty of retaining seasonal staff and the knock on effect of repeated	**Visitor surveys** we would appreciate early sight of the results from the visitor surveys and a better understanding that the information gathered is robust and will stand up to scrutiny from developers/other parties.

	Currently available information on visitor activities and disturbance (include measures in place/ planned which may help to avoid/mitigate disturbance)	Suggestions for any future measures required, including management and mitigation	Other comments
		training/skilling up c) The pre-requisite of ranger recruitment should be the ability to develop a quick, friendly rapport with people, **not** bird ID skills **Branding** The Solent strategy has evolved since its inception and now has a *BirdAware* brand. It would be sensible if all strategies of this scale aligned to ensure consistent messaging. If someone visited Bradwell one week, then a beach on the south coast the next, the positive messages would be the same and hopefully resonate accordingly. It could also recognise the fact that certain birds will be using a number of sites around our coast much as we do. **Monitoring** It is important that surveys continue through the programme period to monitor effectiveness and behaviour change **Signage** Develop a programme of seasonal signage which is site specific and put in place/removed as appropriate.	

ESSEX COAST RAMS STAKEHOLDER WORKSHOP OUTPUTS (SOUTH)

Introduction

The first stakeholder workshop was held on the 26th February 2018 at Wat Tyler Country Park. The outcomes from the event are recorded here.

The workshop drew upon local and specialised knowledge from a wide range of organisations and individuals involved in the management of the Natura 2000 sites and with local expertise in relation to ecology, habitat management, visitor management and education/interpretation of visitors. Outputs from the workshop will be used to help inform the Strategy in terms of implementable measures for avoidance of impact and mitigation of impact.

The workshop results, as summarised here, are not complete record of mitigation work that is required, merely a record of information that will help shape the Strategy and that will provide a useful reference and starting point for defining particular mitigation measurements required for each site. The workshop focussed on the southern sites in Essex, with four discussion groups covering the Crouch and Roach Estuaries, Foulness Estuary, Southend and Benfleet Marshes and Thames Estuary and Marshes. The workshop was not limited to southern sites as some outputs for north Essex Natura 2000 sites were recorded.

Attendees

Name	Organisation
Mark Summer	MOD / DIO
Jamie Melvin	Natural England
James Stack	QinetiQ
Charlie Williams	Natural England
Phil Sturges	Natural England
Paul Woodford	Farmer
Lynne Main	Basildon Borough Council
Annie Gordon	Essex Wildlife Trust
Rachel Langley	Essex Wildlife Trust
Claire Stuckey	Chelmsford City Council
Mike Sharp	Motor Cruising Club
Steve Plumb	Thurrock Council
Mark Nowers	RSPB
Josey Travell	Southend Borough Council
Paul Jenkinson	Southend Borough Council
Jack Haynes	Natural England
Amanda Parrott	Basildon Borough Council
Sue Hooton	Place Services
Lois Crisp	Place Services
Luke Pidgeon	Place Services
Maria Hennessy	Place Services

Discussion 1: What information exists currently on visitor activities and disturbance at Natura 2000 sites?

Information	Includes	Source
Footprint Ecology Report 'Distribution of key bird species and access infrastructure along the Essex coast SPAs' May 2016 Unpublished report for Natural England.	Summary information on roost sites, breeding locations 'access to water' locations, housing density etc for Essex coast.	Natural England (Jack Haynes)
BTO Webs Low Tide Count Map.		BTO Webs data on B TO website.
Sensitive bird data	Key roosts and feeding locations for all SPAS.	RSPB
Harwich Area Sailing Association (HASA)	Marinas throughout Essex	HASA Brenda Read via Mark Nowers

Discussion 2: What measures are currently in place or planned which may help to avoid or mitigate disturbance?

Crouch and Roach Estuaries

- Chelmsford Parks such as Fenn washland and Saltcoats Park are alleviating pressures on Natura 2000 sites. These provide good facilities such as dog walking, car parking, sports facilities, good access points and no access to the sea wall.
- Currently there is signage on the sea walls and public rights of way (PROW).

Foulness Estuary

- Currently 31 SSSI areas that are not touched, so will cause little disturbance.
- No public access at MD land in Shoebury and roughly 3km east of Sutton has no public access to the coastline.
- Foulness Island is roughly 8km long, if a zone of influence (ZOI) of 13km was imposed this would mean little contributions from developers as there is little to no residential development on the MOD land.

Thames Estuary and Marshes

- Thameside Nature Park is set to extend further.
- East Tilbury Quarry is anticipated to restore biodiversity and provide recreational facilities/areas away from the coast.
- Lower Thames Crossing and adjacent Nationally Significant Infrastructure Projects (NSIPS) could close the most southerly part of the cpast for a few years. This will encourage more people north from Coalhouse Fort to Thameside Nature Park or other areas that may not be on the coast.

Discussion 3: What further measures are required?

Crouch and Roach Estuaries

- Use the foreshore department to enforce byelaws and speed limits for water sports such as jet skis. If this is an option journey times to the coast will need to be considered.

- Encourage more people to use Chelmsford Parks for their recreational activities.
- Increase signage to inform the public.

Foulness Estuary

- Currently there is access to jet skis in the north of Shoebury, this causes disturbance. Possible restrictions to be put in place.

Southend and Benfleet Marshes

- Jet skiers and kite surfers north of Gunners Park are supposed to be ¼ mile out of coast but it is common that they are not. Enforcement should be considered to ensure they stay within their boundary.

Stakeholder Information Forms

The following table was filled out by attendees, as a means of capturing any additional issues/opinions that were not covered during discussions.

	Currently available information on visitor activities and disturbance (include any measures in place or planned which may help to avoid or mitigate disturbance)	**Suggestions for any future measures required, including management and mitigation**	**Other comments**
1	Chelmsford Parks does not have visitor numbers for its sites in South Woodham Ferrers.	There are several former landfill sites being restored at present eg. Thameside Nature Park, East Tilbury Quarry and Pitsea. Most have schemes involving restoration of wildlife and recreation. Review and make sure they address todays recreation issues. Use CCC open space and EWT reserves to try and develop alternative routes to keep people away from seawall in South Woodham Ferrers. Use new development to north of town as a way to encourage people in land.	
2		**Jet skis** – harbour officer enforcement to avoid sensitive areas and observe local speed limits. **Dog off lead** – local wardening and provision of specific "dogs welcome" provision (green space and water) Interpretation (avoid / mitigate) at	

	Currently available information on visitor activities and disturbance (include any measures in place or planned which may help to avoid or mitigate disturbance)	Suggestions for any future measures required, including management and mitigation	Other comments
		key car parks / visitor attractions (eg. Southend). Wardening at Nature Reserves can help people feel better informed over less damaging activities. **Positive message critical** – people will respond more sympathetically if told why there is a restriction in place and where they can go. **Trampling of saltmarsh** – many people are unaware of damaging footfall and hidden dangers (deep mud, rising tide, creeks)	
3		Wardens could help by speaking to both landowners and the public about wildlife issues. The only person that tries to control dogs off lead are farmers. This causes conflict, but a warden may be listened to. Boating, skiing and wash from big/high hulls cause erosion and disturbance to salt marsh and wildlife. Speed limits could help as well as time limits to help roosting birds.	Perhaps farmers could be considered as partners.
4		Identify key stakeholders wo have specialised site or partners who have existing sites that could be further developed to off-set impacts eg. MOD via Defence Infrastructure Organisation and NB. Identify areas that are sacrificial for recreational use by the public. Possible ULS and TLS Agri-scheme enhancements for farmers in affected areas.	Please pass on details for all future elements to Sarah Jupp of DIO.

	Currently available information on visitor activities and disturbance (include any measures in place or planned which may help to avoid or mitigate disturbance)	Suggestions for any future measures required, including management and mitigation	Other comments
5	Need to understand the potential scale / scope there will be from the occupants of the 180,000 homes for waiting to access the coast to jet ski / paddleboard / microlight / drone-fly / bait dig / paraglide – those impact activities may fall outside traditional monitoring / management.	River baliffs – look at Maldon's model particularly with reference to jet skis. Speak to Matt Wilson (Maldon DC). Monitoring – explore behaviour change models to ensure what mitigation put forward is effective. Wardening!! Comms plan for getting positive behaviours advertised, promoting codes of conduct. Ensure Essex tourism is entwined / made aware of the RAMS to ensure inappropriate ventures are not put forward. SANGS – make it attractive and high quality and maintain it. If it is close to home it will get used.	Keep functionally linked in the equation.
6	No comments further to those already supplied on the maps.	I am involved in site management so others are better placed to advise.	Is Holehaven Creek (considered functionally linked land) being considered? I would advise that it ought to be. There may be other no designated sites that I am unaware of that are of similar value. Whilst HRA concerns need to be addressed separately the NPPF requires that developments and plans seek net gain. Opportunities to provide this should not be ignored if they emerge doing this project and a net gain strategy could be delivered

	Currently available information on visitor activities and disturbance (include any measures in place or planned which may help to avoid or mitigate disturbance)	Suggestions for any future measures required, including management and mitigation	Other comments
			alongside the mitigation strategy underpinned by the Local Plan.
	Foulness Island / Shoeburyness / Fingringhoe are subject to military Byelaws that restrict access across the site. MOD provide access information panels on sites, predominately around Colchester – to advise on access available and restrictions. MOD provide leaflets for dog walkers on military land advising on dangers they may encounter – steers away from general Countryside Code and relates specifically to MOD land and military training. There is a Byelaw review across the country to look at existing Byelaws and whether updates / renewal or revoking of Byelaw is required. Long term process over 20 years+. Routing of coastal path away from coastline on line firing sites.	Avoiding pushing visitors to MOD land as part of mitigation strategy. New home owner packs attached to website. Local dog walking group ____ - Peer monitoring. Consider how new developments promote themselves ie. living in 'this' community or 'new home' offers access and undisturbed walks to the coast etc.	
7	Responsible dog owners campaign throughout Borough, but limited results. Pier foreshore inspectors – focusing more on anti-social	Gunners Park and Two Tree Island are probably main hotspot areas for wildlife mitigation. A huge issue is illegal oyster diggers.	

	Currently available information on visitor activities and disturbance (include any measures in place or planned which may help to avoid or mitigate disturbance)	Suggestions for any future measures required, including management and mitigation	Other comments
	behaviour, focuses in tourist area. Dog-free beaches – albeit in summer months only. Most measures currently in place focus more on people rather than wildlife and wildlife measures are generally very diluted.	**Wish List** Warden to cover area between Two Tree Island and Gunners and to provide support to existing EWT wardens. Some interpretation to visitors within the area regarding wildlife use of structures to have wildlife / use of structures to have wildlife info to show how important area is to wildlife. Support to our responsible dogs campaign and increasing its reach. Working with water-sport activities and clubs to see no. of members and users and seeing if this is a sustainable level or if not a policing use with sea wardens? Advice on cats? Their affect on ground-nesting birds.	
8		Wardening is key as it is one of the effective measures. Integrated hides – indicate that an area is important / sensitive for wildlife if effectively located can have a big impact in changing behaviours. In a lot of instances the disturbance comes from ignorance of the issue rather than the deliberately of causing it. Dog owner behaviour – ie. Dorset dogs – linked apps? Self-policing. Signage – QR codes for more info = interaction.	
9		Complete coastal path between Benfleet and Leigh – clear	

	Currently available information on visitor activities and disturbance (include any measures in place or planned which may help to avoid or mitigate disturbance)	Suggestions for any future measures required, including management and mitigation	Other comments
		distinction as to where people should (and should not) be – preventing wider trampling. Restoration of landfill and Pitsea (use by wildlife or is an alternative for recreation) – H&S consideration. Kite surfing restrictions – seasonal (speed, low depth – not just at high tide)	

APPENDIX 3

ELECTED MEMBERS FORUM: DRAFT TERMS OF REFERENCE

Essex Coast RAMS Elected Members Forum
DRAFT Terms of Reference

Introduction

The Essex Coast Recreation Avoidance Mitigation Strategy (RAMS) is being prepared in partnership by 11 participating Councils (Basildon, Braintree, Brentwood, Castle Point, Chelmsford, Colchester, Maldon, Rochford, Southend, Tendring and Thurrock).

Essex Place Services (the consultancy arm of ECC) are providing consultancy services, including project management resource.

To ensure that all Local Plans and new development are compliant with the Conservation of Habitats and Species Regulations 2010 and deliver positive outcomes for the natural environment, Natural England recommend that a strategic approach is the most effective way of mitigating recreational disturbance impacts from residential growth (identified by the participating authorities Local Plans). A Recreation Avoidance and Mitigation Strategy (RAMS) will ensure that new development does not have a significant effect on the 10 internationally and nationally protected wildlife sites on the Essex Coast. The Essex Coast RAMS is an important strategic document, covering the 11 local authority areas.

The Localism Act 2011 requires local authorities and certain public bodies *'engage constructively, actively and on an ongoing basis'* on key strategic matters which includes *'sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic'* under a Duty to Co-operate when preparing Development Plan Documents.

The Duty to Co-operate is a legal test when Local Plans are examined and LPAs will need to provide evidence at examination to demonstrate that they have undertaken the duty. Local Plans are also examined for their overall soundness. To discharge the soundness test work undertaken under the Duty to Co-operate must be effective and as a minimum this will require:

- A continuous process of co-operation throughout the plan preparation;
- Co-operation across all cross boundary strategic issues; and
- Genuine Member level co-operation.

Emerging national policy, in the revised Draft National Planning Policy Framework (March 2018, paragraphs 28 - 29) reinforces this Duty through the requirement for a Statement(s) of Common Ground. This is amplified in the revised draft Planning Practice Guidance:

> *'a written record of the progress made by strategic plan-making authorities during the process of planning for strategic matters across local authority boundaries. It documents where effective co-operation is and is not happening, and is a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries. In the case of local planning authorities (including County Councils), it is also evidence that they have complied with the duty to cooperate' (draft revised PPG, p38).*

The Forum will formalise the approach to Elected Member involvement by each Council in the RAMS process to promote genuine Member level co-operation on a key strategic issue.

All participating authorities have signed a Memorandum of Understanding which includes the following Governance arrangements:

- Each partner is responsible for:
  - seeking necessary approvals for participation;
  - securing key project decisions including approval of the final RAMS report and support for consultation and adoption of the SPD as per their own schemes of delegation and governance arrangements;
  - securing financial contributions;
  - involving Members appropriately through their local plan reporting committees or member briefing forums to ensure formal approvals later in the timetable can be achieved in a timely manner.

A flow chart showing the governance arrangements for the project are at the end of this paper.

Place Services will:

- provide support for individual governance arrangements by providing template reports for individual partners;
- seek to meet reporting deadlines and update the project plan to reflect such matters during the course of the project;
- project manage the delivery of RAMS; and
- to report progress to Essex Planning Officers Association (EPOA) as necessary, or at the request of the EPOA Chair.

The EPOA is the Essex-wide sponsor for the project, championing the delivery of the RAMS as evidence to support sustainable local development and inform strategic planning decisions in Essex. No direct input into the Project is anticipated from EPOA, but individual Partners are encouraged to report updates to their EPOA representative as necessary.

Natural England has consented to support the project, provide guidance and technical advice throughout the process, attend the steering group meetings and workshop sessions. Although not a Partner, their input will be recognised through the RAMS, and SPD where their formal advice will build upon their interim advice to the Authorities (December 2017) and best practice.

Purpose of the Forum

The purpose of the Essex Coast RAMS Members Forum is to:

- establish a collaborative process whereby Members of each participating authority can inform the development and delivery of the Essex Coastal Recreation Avoidance Mitigation Strategy and SPD. Specifically, it will provide an opportunity to:
  - Discuss key issues relating to the preparation, approach, content and implementation of the Strategy and the SPD;
  - Understand relevant mitigation projects and their prioritisation;
  - Consider all relevant methods of securing developer contributions for the SPD; and
  - Unblock delivery issues relating to the Strategy and the SPD, where appropriate.

- ensure that the requirements of the Duty to Co-operate for Development Plans is discharged in a way which enhances the planning of strategic issues and minimises the risk of unsound Plans. It will provide the political input and steerage necessary to discharge the duty;
- ensure that Members provide a coherent and coordinated 'one team' response to the RAMS process;
- recognise and take account of the interests, rights and responsibilities of landowners, users and other stakeholders;
- maintain liaison with other organisations which are undertaking related activities in order to exchange information and avoid duplication of work; and
- make recommendations to the RAMS Officer Steering Group insofar as this is necessary to discharge the Duty and aim where possible to reach agreement in relation to strategic cross boundary land use issues.

Terms of reference

- This is an engagement Forum to secure the timely and joined-up delivery of the RAMS;
- This is not a planning decision group: the Forum cannot exercise any of the functions of a planning authority or competent authority, such as setting formal planning policy or exerting control over planning decisions or adopting the SPD; nor can it fetter any decisions made by such authorities, nor the rights and responsibilities of the landowners within the protected sites;
- Membership will be limited to Members of the participating authorities involved in the delivery of RAMS;
- The Forum will be focussed on co-ordinating delivery and unblocking hurdles to achieve delivery of a RAMS;
- The Forum will investigate all potential sources of securing developer contributions to secure the timely delivery of mitigation;
- The Forum will meet at key milestones initially likely to be at draft Strategy stage and draft SPD stage, although the Forum can set additional meetings as required;

Governance

- The Forum will comprise of one Elected Member from each of the following participating local authorities:
  - Basildon District Council
  - Braintree District Council
  - Brentwood Borough Council
  - Castle Point Borough Council
  - Chelmsford Borough Council
  - Colchester Borough Council
  - Maldon District Council
  - Rochford District Council
  - Southend on Sea Borough Council
  - Tendring District Council
  - Thurrock Borough Council
- The membership of this Forum will be determined by each authority via nomination. Each authority should also nominate substitutes should the nominated Member not be able to attend a particular meeting.
- Chairmanship and vice chairmanship will be determined by the Forum.

- Members of the Forum will respect the confidential nature of the issues raised and discussed at the Forum.

Format of Meetings

- Meetings will be held in private and will comprise the Members and officers from each authority;
- Others (consultants, representatives of other organisations) may attend and present at the meetings by invitation.

Frequency of meetings

- The Forum will meet at key milestones initially likely to be at draft Strategy stage and draft SPD stage, although the Forum can set additional meetings as required;
- Requests for additional meetings will be in consultation with the Chairman;
- The Forum will not commence until June 2018 to take account of local government elections;
- Venue is to be decided, but will be hosted by Maldon District Council.

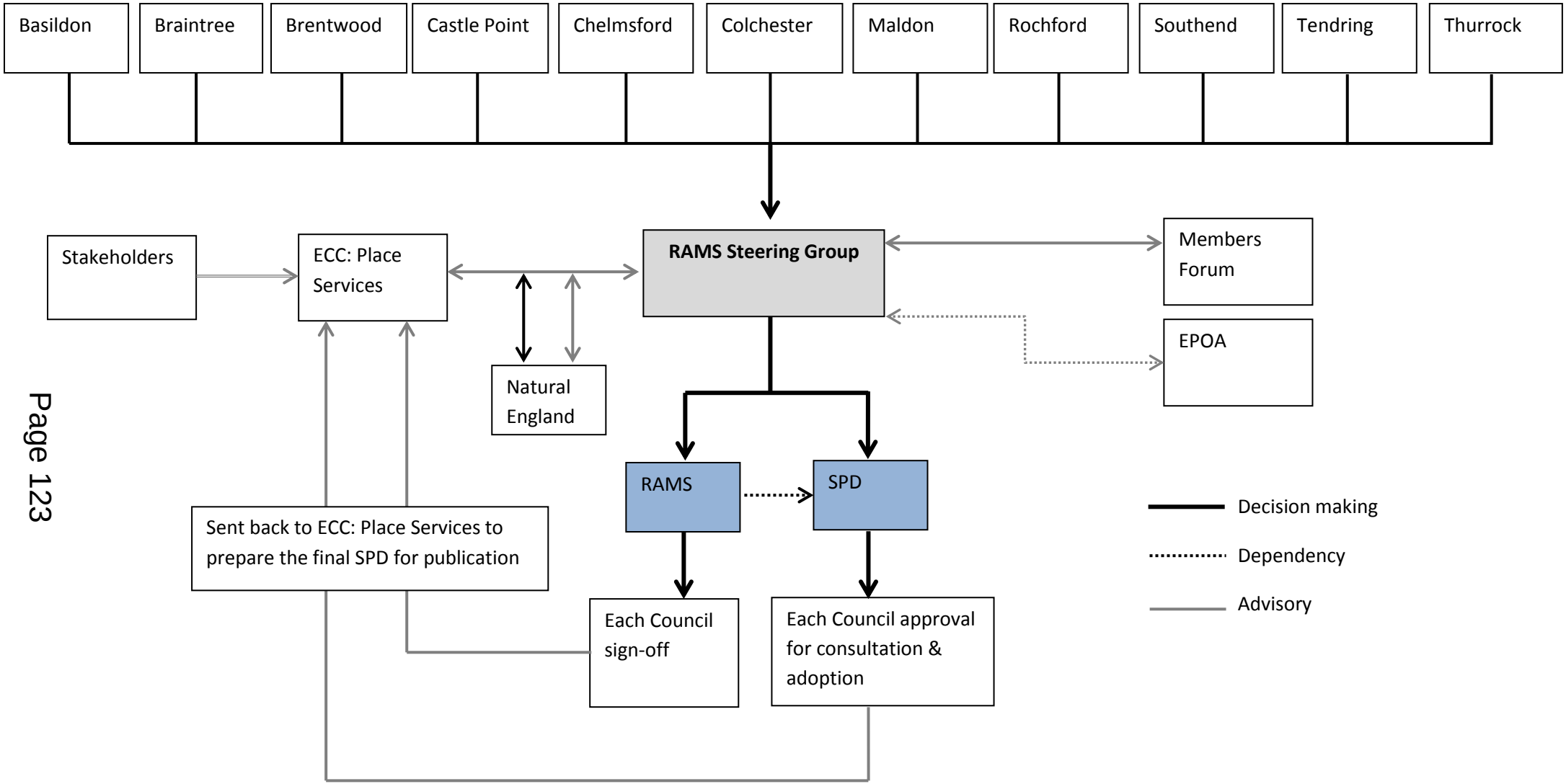
Secretariat

- Maldon District Council will hold secretariat responsibilities for the Forum;
- An Agenda and papers will be circulated in advance of each meeting. Minutes will be taken and circulated prior to the next meeting;
- Minutes will be considered at the RAMS Officer Steering Group.

Decision making

- The Forum is not a decision making body. It will aim to reach a consensus where possible. Its recommendations are not binding on the actions of any of the partners;
- Officers and Members of each participating authority will determine the extent of information reported to each Council's relevant Committee(s).

Terms Of Reference: Governance



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REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES

to
PLANNING AND LICENSING COMMITTEE
5 JUNE 2018

REVIEW OF PERFORMANCE 2017 / 18

1. PURPOSE OF THE REPORT

1.1 The purpose of this report is to supply Members with details of performance against targets set for 2017 / 18 and to ensure that progress is being achieved towards the corporate goals and the objectives detailed in the Corporate Plan 2015-19 adopted by Council in February 2015 (Minute No. 828 refers) with the 2017 / 18 annual update approved by Council in April 2017.

1.2 Where performance or progress is behind schedule or at risk, the reasons why need to be fully understood and decisions taken on what, if any, action is required to bring performance back on track.

1.3 Quarterly reviews of performance are undertaken by the Overview and Scrutiny Committee and the position as at the year-end was reviewed at the meeting on 6 June. An annual performance report will also be submitted to Council on 28 June.

1.4 All of the performance information contained within this report is recorded on the Council's Performance and Risk Management system (TEN) to which all Members have access.

2. RECOMMENDATION

That Members review and comment on the information as set out in this report and **APPENDIX 1**.

3. SUMMARY OF KEY ISSUES

3.1 The format of the half yearly performance reports to this Committee is on an "exception" basis i.e. only those activities and indicators that are behind schedule, at risk or where targets have not been achieved are included. This will ensure the focus is on those areas requiring attention and assisting Members to challenge performance or allocation of resources where the Council's corporate goals may not be achieved.

3.2 **APPENDIX 1** to this report details for each of the corporate goals:

- The key corporate activities which are assessed as being "behind schedule" or "at risk of not being achieved"
- Indicators which have not achieved the end of year target.

3.3 The activities/indicators aligned with this Committee have been marked ➔ to provide easy identification by Members.

3.4 **Complaints Received**

3.4.1 132 complaints and 11 compliments about services that report to this Committee were received between 1 April 2017 and 31 March 2018.

Service Area	Total complaints 15/16	Total complaints 16/17	Total complaints 17/18	Total compliments 15/16	Total compliments 16/17	Total compliments 17/18
Environment Services	**3**	**7**	**51***	**1**	**2**	**4**
Housing	**8**	**1**	**4**	**7**	**7**	**4**
Planning	**37**	**25**	**77***	**2**	**6**	**12**
Total	**48**	**33**	**132**	**10**	**15**	**20**

* 50 of the complaints received for Environmental Services and Planning related to one specific planning enforcement issue.

3.4.2 All complaints received are investigated and action taken to improve service delivery where learnings are identified.

4. CONCLUSION

4.1 Good progress has been made on a number of activities which will contribute to the Council's corporate goals and objectives. However, there are key corporate activities at risk or behind schedule and performance indicators which did not achieve the end of year target. The reasons why need to be fully understood and decisions taken on what, if any, action is required to bring performance back on track.

5. IMPACT ON CORPORATE GOALS

5.1 The Council stated its corporate goals and objectives in the Corporate Plan for 2015-19.

5.2 In turn, the services agreed actions (Key Corporate Activities) that they would take forward in 2017 / 18 to contribute to the achievement of these objectives. Performance indicators and measures were established to monitor the impact of these actions and to provide evidence of achievements.

5.3 To ensure that Maldon District Council progresses towards or achieves the goals stated in the Corporate Plan, it is important that performance is monitored and managed against targets and milestones.

5.4 It is also important as the Council is accountable to the community that it is able to demonstrate it is monitoring and managing performance effectively.

6. IMPLICATIONS

(i) **Impact on Customers** – Performance Management is about agreeing and achieving objectives and priorities, monitoring our performance against agreed targets and timescales, identifying opportunities for improvement, making necessary changes and ultimately delivering quality public services.

(ii) **Impact on Equalities** – For the Council "Equalities" means understanding our staff and customers and making sure that our policies and services are designed to meet their needs and implemented appropriately.

MDC is committed to providing equal opportunity of access to services, and level of service provided, and to work towards developing communities that are free from discrimination.

(iii) **Impact on Risk** – If performance is not managed effectively by the Council at both Committee and management level, there is a risk that the Council will not achieve its stated priorities and outcomes.

(iv) **Impact on Resources (financial and human)** – If action is needed to bring key activities or indicators back on track to meet the targets set, a reallocation of resources may be required to ensure that objectives and priorities are achieved.

(v) **Impact on the Environment** – None.

Background Papers: None.

Enquiries to:
Paul Dodson, Director of Planning and Regulatory Services, (Tel: 01621 875756).

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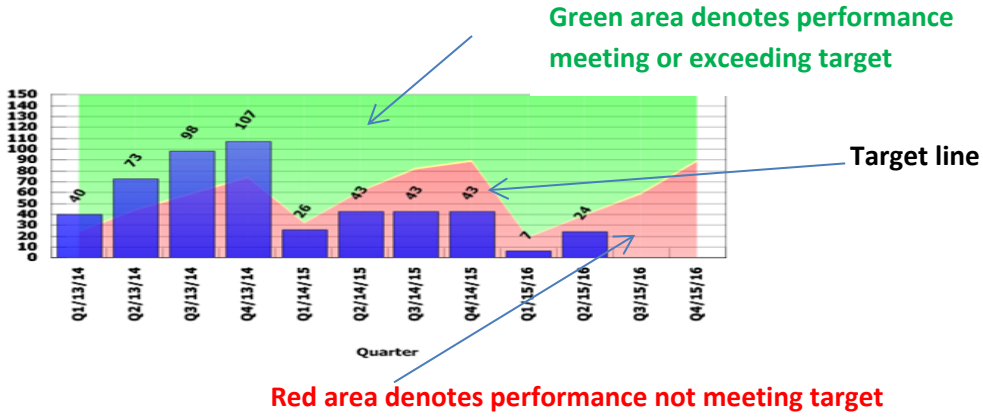
Review of Performance 2017-18

PLANNING & REGULATORY SERVICES COMMITTEE

REVIEW OF PERFORMANCE 2017-18

The performance reports are produced on an "exception" basis; full details will only be included for those activities and indicators which are behind schedule, at risk or not on target

Example Performance Indicator Graph



Status Definitions for Key Corporate Activities

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

Review of Performance 2017-18

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

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

Key Corporate Activities designated as "At Risk" or "Behind Schedule"	Target Date	Status	Comments
None			

Review of Performance 2017-18

Indicators

For comparison purposes, where available, the figures for the previous two years are provided.

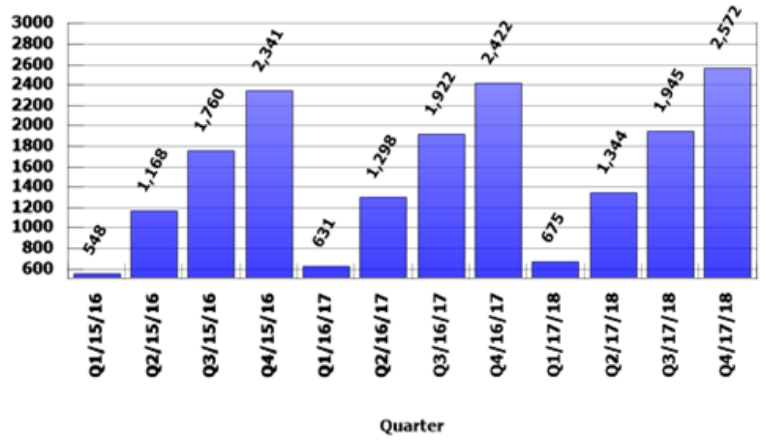
Indicator	15/16 Actual	16/17 Actual	17/18 Target	17/18 Actual	Annual target achieved
Level of reported crime Low performance is good	**2,341 Incidents of all crime**	**2,422 Incidents of all crime**	**Fewer reported incidents than in previous year**	**2,572 Incidents of all crime**	**No**
	1,087 ASB incidents	**1,000 ASB incidents**		**987 ASB incidents**	**Yes**
	Sanctioned detection rate 12.5%	**Sanctioned detection rate 12.5%**	**No target**	**Sanctioned detection rate 9.5%**	**N/A**

Comment on current performance

Whilst Maldon District has seen an increase in crime it has been much lower than the County average increase of 13% and those figures highlighted in the National Crime Survey for England and Wales.

Some of the increases can be seen in a positive light, particularly those around domestic abuse and hate crime whereby people feel more confident to report crimes and better mechanisms are in place for doing so. However, violence with injury and violence without injury continue to be a concern although the latter offence does include crime types which were previously unrecorded such as offensive social media posts and malicious texts.

There is a national concern about the criminal and sexual exploitation of young people and the violence associated with organised crime and gangs. There are early signs of this type of activity in Maldon, but not as prevalent in the more urbanised districts of Essex.



Offences which have a real impact on the victim such as burglary and theft continue to be addressed by the Partnership. Overview and Scrutiny Committee (sitting as the Crime and Disorder Committee) provides an opportunity for Members to scrutinise the work of the Community Safety Partnership and Essex Police. Officers have arranged additional presentations at these Committee meetings (Nov/March) to address concerns in relation to the above offences by having Detective Inspector Rob Kirby speak on improved performance on burglary detection and Chief Inspector Ian Gennery present on the new Essex Police Rural Crime Strategy.	

Review of Performance 2017-18

Corporate Goal - Protecting and shaping the District

Key Corporate Activities contributing to this goal – 12				
Activity not being taken forward	At Risk	Behind Schedule	On Track	Completed
1	1	3	5	2

Key Corporate Activities designated as "At Risk" or "Behind Schedule"	Target Date	Status	Comments
➔**Work in partnership to deliver/ensure management/maintenance of strategic infrastructure as per Local Development Plan (LDP)**	**Ongoing**	**South Maldon Garden Suburb On track** **North Heybridge Garden Suburb Behind schedule** **Rest of the District On track**	**North Heybridge Garden Suburb** - work is on-going to facilitate the delivery of a flood alleviation scheme. (See also update for Key Corporate Activities (KCA) re flood relief projects below). Maldon District Council (MDC) is working with the developer on a revised scheme. Any revised scheme must continue to provide the same level of infrastructure as per the Local Development Plan and the Infrastructure Delivery Plan and adequate flood and drainage mitigation measures. Developers' contributions have been received for infrastructure from the Persimmon scheme to the west of Broad Street Green Road. Work has started on the Bellway site, in Holloway Road, which is also subject to a Section 106 (S106) agreement.
Establish management plans with existing and new community groups regarding the management and maintenance of open spaces For 2017/18: - **Riverside Park, Burnham-on-Crouch** - **Cemeteries**	**Ongoing**	**Behind schedule**	Operational priorities have meant that it has not been possible to conclude the first drafts of the management plans for Riverside Park and Cemeteries. A revised timescale for this work has been agreed with the Director of Customers and Community and it intended that drafts will be considered by Community Services by the July meeting.

Review of Performance 2017-18

Key Corporate Activities designated as "At Risk" or "Behind Schedule"	Target Date	Status	Comments
➔ **Work with partners to seek funding/bring forward flood relief projects for identified surface and coastal flooding risk areas in the District**	**March 2018**	**At risk** **North Heybridge Flood Alleviation Scheme (FAS)** **Behind schedule** **CDA 2 Scheme Brickhouse Farm** **On track** **CDA1 West Maldon Limebrook Way** **On track** **CDA3 Causeway and Masterplan Area**	**North Heybridge Flood Alleviation Scheme (FAS)** A review was undertaken by RPA and a draft report produced in February 2018 identifying a benefit cost ratio above 1. The document was subject to technical scrutiny and the final report has now been received and is currently being reviewed. However, the developer has since confirmed they are withdrawing the FAS as part of their scheme. Discussions are now underway with the relevant partners to seek to continue working together to review alternative options to improve the existing drainage provision in the area. In the event that the current funding opportunity is not forthcoming through Government grant, the Council is continuing to work with partners on an alternative mechanism for receiving funding towards flood alleviation in Heybridge. **CDA2 – Brickhouse Farm** This scheme has been deferred to 18/19 Capital works. Essex County Council (ECC) has completed the further assessment and provided another drainage option which will enable the allotments to remain at the location. However, this will rely on either ECC Highways adopting a new drainage system or MDC completing a Section 50 License and taking long term maintenance responsibility for the new highway asset. A report will be submitted to Members. As a result this is considered to be "behind schedule" albeit this is outside of our control.

Review of Performance 2017-18

Key Corporate Activities designated as "At Risk" or "Behind Schedule"	Target Date	Status	Comments
➔**Work with partners to deliver the new Maldon Health Hub**	**Ongoing**	**Activity not being taken forward**	Following debate at the Council meeting on 8th February 2018, it was agreed that MDC can no longer commit resources and officer time to the project. The Council will monitor future progress and at such time as the NHS confirms their commitment to a clear outcome, Members will be able to decide on the scale of its involvement.

Review of Performance 2017-18

Indicators

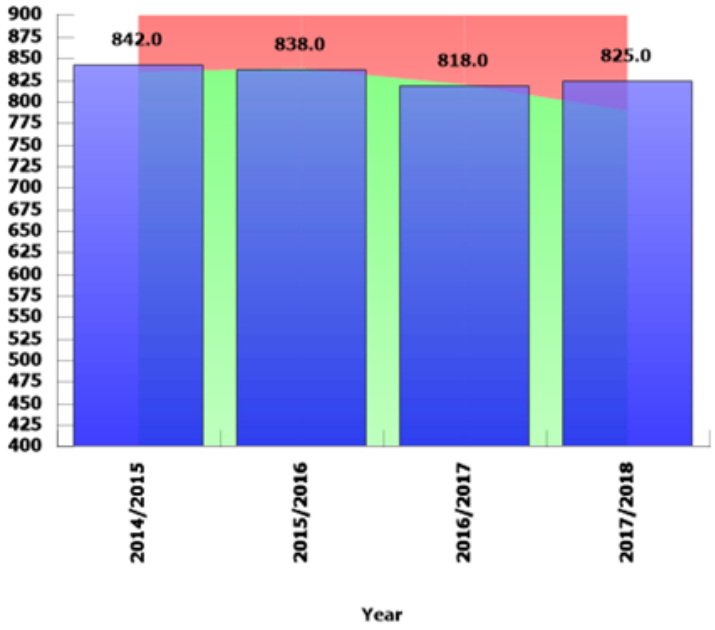
For comparison purposes, where available, the figures for the previous two years are provided.

Indicator	15/16 Actual	16/17 Actual	17/18 Target	17/18 Actual	Annual target achieved
Total household waste arising per household Low performance is good	**838 kgs. per household**	**818 kgs. per household**	**790 kgs. per household**	**825 kgs. per household (provisional)**	**No**

Comment on current performance

For 2018/19 there has been an increase in the tonnage for recycling, food and garden waste while there has been a decrease in the total refuse collected.

The increase in the total waste is not something that the Council can control or affect. The 2018/19 target agreed for this indicator is 750 kgs. which may need to be reviewed during the year in the light of data available.



Review of Performance 2017-18

Indicator	15/16 Actual	16/17 Actual	17/18 Target	17/18 Actual	Annual target achieved
Average number of justified missed collections per collection day Low performance is good	**New indicator 17/18**	**New indicator 17/18**	**<10 per collection day**	**10.22**	**No**
Comment on current performance Performance is slightly over target due to the disruption as a result of the snow and catch up period during Q4. If the post snow disruption figure is excluded, the average figure for the year would be 9.7 and within target.					
➔Total number of open market homes delivered High performance is good	**248**	**243**	**180**	**Figures available in September 2018**	
➔Total number of affordable homes delivered (through legal agreements and other means) High performance is good	**45**	**21**	**130**	**Figures available in September 2018**	

APPENDIX 1

Review of Performance 2017-18

Indicator	15/16 Actual	16/17 Actual	17/18 Target	17/18 Actual	Annual target achieved
Total number of long term (i.e. longer than 6 months) empty homes in the District	**195** as at 31/03/16 (of which 41 empty in excess of 5 years)	**219** as at 31/03/17 (of which 39 have been empty in excess of 5 years)	**194** as at 31/3/18 (of which 29 have been empty in excess of 5 years	**N/A**	**N/A**
Number of long empty homes returned to use High performance is good	**98**	**78**	**80**	**63**	**No**

Review of Performance 2017-18

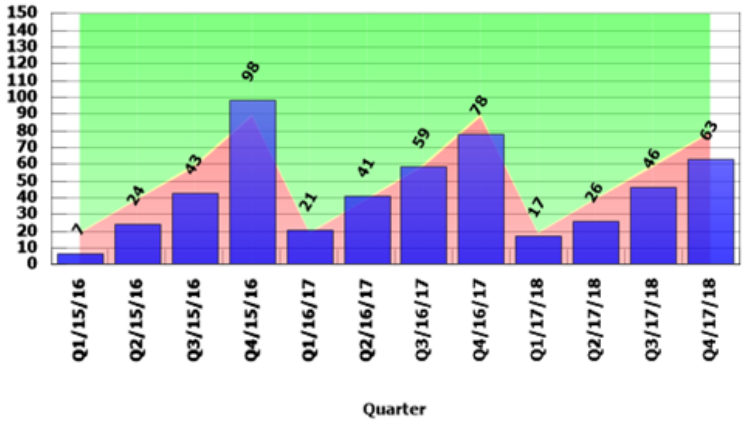
Comment on current performance

The Council has made good progress in tackling empty homes over the last decade.

Officers have looked at recent performance and reviewed recent studies and good practice to see if there is more that could be done. Experience of the Council reflected by regional trends is that the number of empty properties has reduced throughout the East of England with the exception of some local 'hot spots'. In comparison with other areas, the Maldon District has below average numbers and percentages of empty and long-term empty homes according to the Empty Homes Agencies report from 2016/17. Although the number of homes being brought back into use has declined from year to year recently, looking at this current year, so too has the number of empty properties. It is therefore misleading to see a reduction in the number of homes being brought back into use as the complete picture of activity and level of empty homes in the District.

Officers will continue to work with owners of homes that remain empty beyond six months; targeting advice and support to those where they remain unoccupied beyond a year as in practice we have found that this is the sector where early intervention can be most effective. Preparing to take enforcement action against those buildings that have been empty for the longest periods would also send a clear signal to all owners that the Council is prepared to take action should owners fail to take responsibility for their property in the longer term. This may help encourage some other owners to take more seriously the Council's requests to cooperate in making best use of existing properties and accept offers of help and advice.

For 2018/19, the method of reporting will change to the number of long term empty properties as a percentage of total stock alongside the national/regional averages, giving a better indication of performance.



Review of Performance 2017-18

Corporate Goal - CREATING OPPORTUNITIES FOR ECONOMIC GROWTH AND PROSPERITY

Key Corporate Activities contributing to this goal - 12				
Not started	At Risk	Behind Schedule	On Track	Completed
		2	6	4

Key Corporate Activities designated as "At Risk" or "Behind Schedule"	Target Date	Status	Comments
➔**Develop and implement a strategy to meet the skills need within the District**	**March 2018**	**Behind schedule**	The first draft of the Maldon District Skills Strategy has been prepared and input from external partners such as the Essex Skills Board (ESB) and Haven Gateway Partnership is being sought. Once this is received a final draft will be prepared and shared.
➔**Promote and support improved Broadband connectivity**	**Ongoing**	**Behind schedule**	A Superfast Essex Steering Board meeting was held on in March 2018. The focus is now moving away from delivery towards realising the benefits of the superfast infrastructure being installed. MDC has committed to provide £45,000, paid over three years of the duration of Phase 2a, as part of the Essex wide programme to meeting the requirements of what it originally set out to achieve: reaching 95% of Essex addresses with superfast broadband (Phase 2). Phase 2a was initiated in May 2017 but to date the funds have not been disbursed as there is a lack of evidence that the objectives of the programme are being met in the Maldon District. Some additional work is being conducted to gather statistical evidence in order to test whether broadband speeds experienced by businesses are meeting the objectives of the programme and whether this is due to inadequate implementation or other factors.

Review of Performance 2017-18

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

Key Corporate Activities contributing to this goal - 10				
Activity not being taken forward	At Risk	Behind Schedule	On Track	Completed
2		4	4	

Key Corporate Activities designated as "At Risk" or "Behind Schedule"	Target Date	Status	Comments
Implement Workforce Development Plan projects for 17/18: **a) Monitor / review use of the Performance Review System and transfer it onto Human Resources Information System (HRIS)** **b) Develop a recruitment strategy** **c) Introduce a Total Reward Policy** **d) Conduct a Council-wide skills audit**	**March 2018 (skills audit 18/19)**	**Performance Review/HRIS** **Activity not being taken forward** **Recruitment Strategy** **Behind schedule** **Total Reward Policy** **Behind schedule** **Skills Audit** **Activity not being taken forward**	**Monitor / review use of the Performance Review System and transfer it onto Human Resources Information System (HRIS) -** At this point the Council is still using the Word document based appraisal system until the costs and benefits of transferring the Performance Review system have been ascertained**.** **Recruitment Strategy -** The Recruitment Strategy has been drafted and will be presented to the Corporate Leadership Team (CLT) in Q1 2018/19. **Total Reward Policy -** The first draft has been presented to CLT and will be re-submitted in Q1 2018/19 incorporating CLT feedback. **Conduct a Council-wide skills audit** - the methodology and documentation for the Skills Audit was presented to CLT in January 2018. At the current time this is being held pending a decision to be taken on Organisational Change by Members in June 2018 which will assist in determining the skills that the Council needs in the medium term.

Review of Performance 2017-18

Key Corporate Activities designated as "At Risk" or "Behind Schedule"	Target Date	Status	Comments
Agree the vision for the Council's Transformation Strategy and a programme of transformation projects for implementation	**March 2018**	**Behind schedule**	Ignite are currently working on a whole Council Transformation project to be presented to Members in May 2018 for consideration.
Develop and implement an income generation programme	**Ongoing**	**Behind schedule**	Since March 2018 officers have presented a list of pipeline projects for income generation to the Corporate Projects Working Group. All projects have been worked up to Project Initiation Document level and financial viability assessment in the main has been completed. The projects include: 1. Leisure projects(social infrastructure) 2. Council Offices 3. Employment Land 4. Housing Development.

Review of Performance 2017-18

Indicators

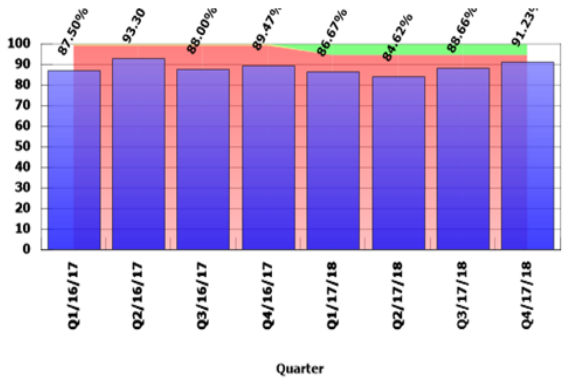
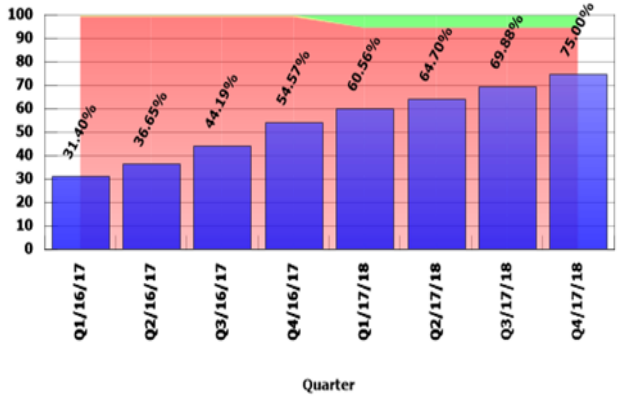
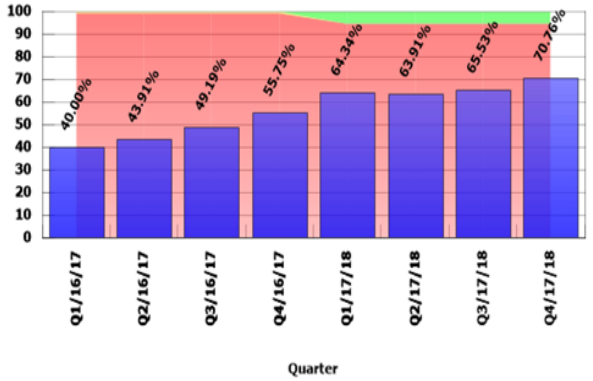
For comparison purposes, where available, the figures for the two previous years are provided.

Indicator	15/16 Actual	16/17 Actual	17/18 Target	17/18 Actual	Annual target achieved
➔ % of major planning applications acknowledged within 10 working days High performance is good	New indicator 2016/17	89.47%	95%	91.23%	No
➔ % of minor planning applications acknowledged within 5 working days High performance is good	New indicator 2016/17	54.57%	95%	75%	No
➔ % of other planning applications acknowledged within 5 working days High performance is good	New indicator 2016/17	55.75%	95%	70.76 %	No

Comment on current performance

It was agreed due to a lack of funding that the Administration Team will not be undertaking validation of planning applications. Whilst a number of internal improvements have been undertaken it is considered that the target will not be met within the current service provision.

Review of Performance 2017-18

% of major planning applications acknowledged within 10 working days	% of minor planning applications acknowledged within 5 working days	% of major planning applications acknowledged within 10 working days
		

Indicator	15/16 Actual	16/17 Actual	17/18 Target	17/18 Actual	Annual target achieved
Average number of days lost per (Full Time Equivalent) FTE due to sickness Low performance is good	**12.42 days** • 4.54 days short term absence • 7.88 days long term absence	**12.4 days** • 5.32 days short term absence • 7.08 days long term absence	**8 days**	**10.86 days** • 5.23 days short term absence • 5.63 days long term absence	**No**

Review of Performance 2017-18

Comment on current performance

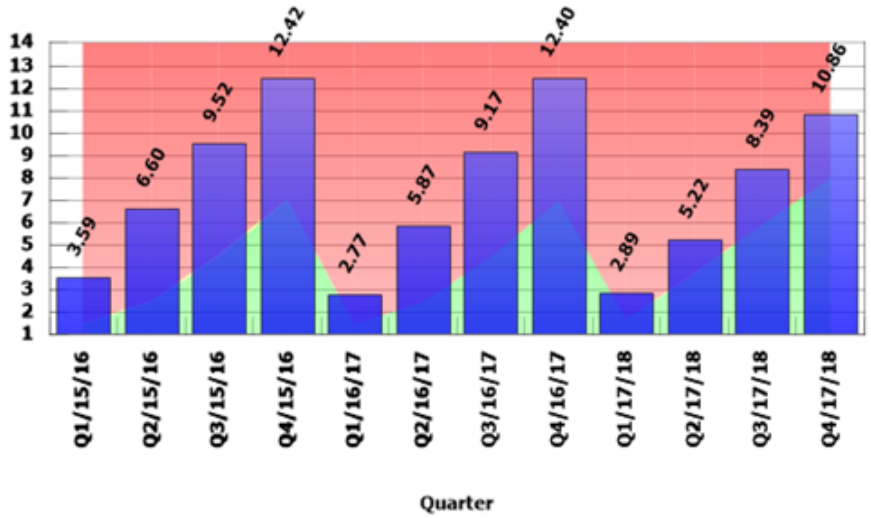
The Q4 overall sickness figures decreased by 20% to 498.86 total FTE days lost or 2.47 days total days lost per FTE (1.49 days per FTE short term absence and 0.98 days per FTE long term absence) compared to Q3. Short term sickness decreased by 7% from Q3 despite the high number of staff being off sick due to cold, flu and infectious diseases. The figures with regard to long term absence showed a notable decrease of 34% from Q3. Further information on this topic will be provided to Overview and Scrutiny Committee in June 2018.

The annual total days lost per FTE for 17/18 is 10.86 compared to 12.4 for 16/17 - a reduction of 1.54 total days lost per FTE - and the lowest seen since 2013/14.
The reduction in long term absence is as a consequence of the revised Attendance Management Policy and HR and management implementing interventions, supported by Occupational Health that facilitate a return to work for staff.

Internal audit recently audited the Attendance Management policy and procedure and assessed the control design as providing 'significant assurance' and the operational effectiveness assessed as providing 'moderate assurance'. Areas of non-compliance with the Managing Attendance policy and procedure across the Council were identified, with key requirements such as self-certification, return to work meetings and formal 'stage' meetings not being completed by managers or within an appropriate timeframe. Recommendations will be progressed and monitored to improve these areas.

Management and HR continue to work together in order to make interventions to help staff manage health conditions through a more flexible working agreement, which avoids staff taking sick days which could lead to a longer period of absence and maintains productivity.

There has been positive progress in improving this year's attendance figures. However, progress in achieving change following policy implementation does take time. Continuing to manage attendance as a priority coupled with greater manager compliance should further improve overall figures over the coming year.



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REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES

to
PLANNING AND LICENSING COMMITTEE
5 JUNE 2018

UPDATE ON APPEAL DECISIONS (OCTOBER 2017 – MARCH 2018)

1. PURPOSE OF THE REPORT

1.1 The purpose of this report is to inform the Committee of planning appeal performance on appeal decisions from October 2017 to March 2018.

2. RECOMMENDATION

Members are asked to note the content of the report and provide comment on the performance of the Local Planning Authority at appeal.

3. SUMMARY OF KEY ISSUES

3.1 This report is for Members' information only but particular attention is drawn to the Council's current performance of all appeals.

3.2 This report provides information by the relevant committee or officer delegated decision, overall performance and performance measured against the Department of Communities and Local Government (DCLG) performance figure for major application appeals.

3.3 Appeal results by application decision type: Quarter 1 and 2 2017/18 are as follows:

Application decision type	**Allowed by the Planning Inspectorate (PINS)** (i.e. the applicant was successful)	**Dismissed by PINS** (i.e. the Council was successful)
1. Appeals against **Officer Delegated** decisions	6	16
2a. Appeals against **Central Area** Planning Committee decisions as per report recommendation	0	0

Application decision type	Allowed by the Planning Inspectorate (PINS) (i.e. the applicant was successful)	Dismissed by PINS (i.e. the Council was successful)
2b. Appeals against **Central Area** Planning Committee decisions where decision made contrary to the report recommendation i.e. member overturn	0	0
3a. Appeals against **South Eastern** Area Planning Committee decisions as per report recommendation	0	1
3b. Appeals against **South Eastern** Area Planning Committee decisions where decision made contrary to the report recommendation i.e. member overturn	0	0
4a. Appeals against **North Western** Area Planning Committee decisions as per report recommendation	0	1
4b. Appeals against **North Western** Area Planning Committee decisions where decision made contrary to the report recommendation i.e. member overturn	0	0
5. Appeals against **non-determination** i.e. where the Council did not make a decision within the statutory time period and the applicant exercised the right of appeal	0	1
6. Appeals against **Full Council** decisions as per report recommendation	0	0
7. Appeals against **Full Council** decisions where decision made contrary to the report recommendation i.e. member overturn	0	0
Numbers Total	6	19
Decisions as a %	24%	76%

3.4 **Appeal by type of appeal**

1. Appeal type (Planning applications)	
Fast Track appeals (including Householder appeals)	10 (7)
Written Representation	14
Hearing	1
Public Inquiry	0
Total appeals	25

2. Appeal type (Appeals against Enforcement Notices)	
Written Representation	0
Hearing	0
Public Inquiry	0
Appeals withdrawn/Turned Away	1
Total enforcement appeals	1

3.5 **Costs awarded against the Council in** October 2017 to March 2018

None.

3.6 **Costs awarded for the Council in** October 2017 to March 2018

Site address	Partial or full award allowed of costs	Delegated/Committee decision in accordance with recommendation/Committee decision overturn
Land at Poultry Sheds, Moors Farm	Partial Award	Delegated

3.7 **Costs paid out by the Council in** October 2017 to March 2018

Site address	Date of award of cost	Figure paid out	Delegated/Committee decision in accordance with recommendation/ Committee decision overturn recommendation
Tolleshunt Wood Within Chantry Wood	23/11/2016	£500	Enforcement Appeal

3.8 Members will also be aware that since 2012 Councils that do not reach specific performance targets on major applications and major appeals may be considered as a 'designated authority' by the Secretary of State. In terms of major planning appeals this is measured over a two year period and the target threshold is currently 10%.

3.9 The Council's performance against the government target is 6.15%. There are still a number of appeals awaiting determination by the Secretary of State. If the Council was unable to successfully defend any of these appeals the Council performance would be around 9.2%.

4. CONCLUSION

4.1 The general performance at appeal was relatively consistent over the previous 18 months. However, over the last six months this has continued to grow and it is considered that the adoption of the LDP put the Council in a stronger position when defending appeals.

4.2 It is considered necessary to continue to monitor the Council's performance at appeal in relation to major appeals. However, it is envisaged that by the Council should remain in a strong position in the near future.

5. IMPACT ON CORPORATE GOALS

5.1 Having an effective and planning service contributes to two Corporate Goals i.e. 'Protecting and shaping the district' and, 'Delivering good quality, cost effective and valued services'.

6. IMPLICATIONS

(i) **Impacts on Customers –** The Councils' resources are being used effectively within the democratic process.

(ii) **Impact on Equalities** – None.

(iii) **Impact on Risk** – In the context of the increasing tendency to challenge Council decisions, it is necessary to maintain flexibility in how the authority responds to planning appeals. The Council is committed to embedding sound operational, financial and legislative internal controls and to ensuring that good corporate governance arrangements are in place to assist the Council with meeting its aims and objectives. In the light of the change in government's threshold on performance for major planning appeals from 20% allowed to 10% this presents an increased risk to the Council and will be reflected as part corporate risk management particularly as the likelihood of exceeding the 10% is high.

(iv) **Impact on Resources (financial)** – Decisions with regard to potential awards of costs can incur the Council in extra expenditure and need to be considered carefully. This has been covered in previous reports to Members. The resourcing levels required to manage appeals requires further review.

(v) **Impact on Resources (human)** – The number of appeals has grown in the past three years and the resourcing appeals puts additional strain on the existing resources. Public Inquiries also require the assistance of barristers which add to the cost of defending appeals. This matter will need monitoring and reviewing.

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

Background Papers: None.

Enquiries to: Matt Leigh, Group Manager - Planning Services, (Tel: 01621 875870).

REPORT of
CHIEF EXECUTIVE

to
PLANNING AND LICENSING COMMITTEE
5 JUNE 2017

APPOINTMENT OF REPRESENTATIVES ON LIAISON COMMITTEES / PANELS

1. PURPOSE OF THE REPORT

1.1 The purpose of this report is to remind Members of the existing representatives on Liaison Committees / Panels and for new appointments to be made for 2018 /19.

2. RECOMMENDATION

That the Committee appoints representatives to the bodies detailed below, for the ensuing municipal year.

3. SUMMARY OF KEY ISSUES

3.1 Members are asked to nominate representatives to serve on the following Working Groups / Panels for the ensuing municipal year.

Body	2017 / 18 Representative(s)
Blackwater River Member Task and Finish Working Group	Councillors H M Bass, B S Beale MBE, R G Boyce MBE CC, S J Savage, A K M St. Joseph and Mrs M E Thompson
Bradwell Power Station Working Party (politically balanced)	<u>Conservative Group:</u> Councillors H M Bass, R G Boyce MBE, CC, P G L Elliott and Mrs M R Lewis <u>Independent Group:</u> Councillor B S Beale MBE Chairman and Vice-Chairman of the Planning and Licensing Committee and Ward Member for Bradwell-on-Sea
Maldon and Blackwater Estuary Coastal Community Team (Management Team)	Chairman and Vice-Chairman of the Community Services and Planning & Licensing Committees *Substitutes: Councillors E L Bamford and P*

Body	2017 / 18 Representative(s)
	G L Elliott
Member representative for Heritage and Design	Chairman of the Planning and Licensing Committee (or their substitute)
Place Board (Minute 704 – 17/12/15)	Chairman of the Planning and Licensing Committee
River Crouch Coastal Community Team (Management Team)	Chairman and Vice-Chairman of the Community Services and Planning & Licensing Committees *Substitutes: Councillors E L Bamford and P G L Elliott*

3.2 Members' attention is drawn to the following Member Task and Finish Working Groups whose work has concluded and therefore been deleted:

- Building Control;
- Economic Prosperity and Tourism;
- Gypsy and Travellers;
- Heybridge and Maldon Central Area Masterplan;
- Rural Employment;
- Rural Housing
- Strengthening Community.

Background Papers: None.

Enquiries to: Tara Bird, Committee Services Officer, (Tel. 01621 875791).

REPORT of
DIRECTOR OF CUSTOMERS AND COMMUNITY

to
PLANNING AND LICENSING COMMITTEE
5 JUNE 2018

BURNHAM-ON-CROUCH TOURIST INFORMATION CENTRE PROVISION UPDATE

1. PURPOSE OF THE REPORT

1.1 To update Members on the performance of the Burnham-on-Crouch Tourist Information Centre (TIC) and to seek agreement to operate for a further two years.

2. RECOMMENDATION

(i) That Members review and make comment on the contents of the report;

(ii) That Members endorse a continuation of the service for a further one year.

3. SUMMARY OF KEY ISSUES

3.1 Background

3.1.1 Members will be aware that until 2015 the Dengie Project Trust, through *One Place*, provided Tourist and Community Information services on behalf of the Council.

3.1.2 In late 2015 the Dengie Project Trust gave notice to withdraw from the agreement and Officers put forward a proposal to operate a TIC as a satellite to the Maldon District TIC, sharing resources and expertise (Minute No. 126 refers).

3.1.3 Members considered the proposal and agreed that a two year trial be undertaken to demonstrate the sustainability and viability of an alternative service model. The trial was funded through the existing tourism budget with Burnham-on-Crouch Town Council contributing £5,000 per year to cover a small shortfall. Paragraph 6.5 of the report provides a financial overview of the service.

3.1.4 A new retail premises was found in a High Street location and 1.1 full time equivalent staff were appointed on fixed term contracts to provide the service.

3.1.5 The new Information Centre opened in September 2016 and has been open five days a week (Tues, Thurs, Fri, Sat and Sun) from 10am till 3pm. The centre is also open on bank holidays.

3.1.6 All TIC staff are multi-disciplined and required to work across both sites to ensure there is a consistent level of service between Maldon and Burnham-on-Crouch.

3.2 **Performance**

3.2.1 **APPENDIX 1** of this report details key statistics that have been recorded at the Burnham and Maldon TICs. A total of 6,029 customers have made use of the Burnham-on-Crouch offices, either face to face, on the phone or via email. Whilst the levels of footfall are moderate, the member of staff based there is busy working on additional tourism project areas, such as the online and social media presence promoting the District, guide production and partnership working with local businesses.

3.2.2 The number of customers visiting the centre has stayed consistent across the period but with a predictable drop in footfall during the winter months. As with most tourism businesses, weather conditions impact on visitor numbers. The wet and cold winter has meant a general drop in footfall into the TIC in comparison to the first year of operating. This is consistent with the Maldon Office but could also be linked to an increasing web presence.

3.2.3 Overseas visitors have been significant over the whole year with a good number of those from the USA and Canada researching family history amongst other things. These links are going to be further developed by the team over the next few months in partnership with Visit Essex and their 'Friendly invasion' campaign to be sold to American tour operators.

3.2.4 Retail sales have also been on trend with expected increases during the summer months and in the run up to Christmas. Conversion rates are healthy for this type of business and footfall, averaging 29% and an average £9.47 per transaction (gross). Now the service has been operating for over a year the team have a good understanding on what sells well and what further merchandising opportunities there might be in the future, including bespoke Burnham souvenirs.

3.2.5 The service has been delivered on budget for the trial period and subject to the continuation of the partnership with the Town Council and retail sales, it is set to continue as such without the need for further investment. The current financial year 2018 / 19 contribution has been agreed with Burnham Town Council at the same rate.

3.3 **Visit Maldon District Website**

3.3.1 Since its launch in 2016 traffic to the Visit Maldon District website is increasing with on average over 14,000 unique users a month and over 74,000 page views. The Burnham-on-Crouch Town page is consistently the third most popular page viewed every month after the homepage and events calendar. This relates to an average of over 1,000 views a month.

3.3.2 A significant proportion of officer time is invested in developing and maintaining the website, to ensure it is kept dynamic and relevant.

4. CONCLUSIONS

4.1 The Burnham-on-Crouch TIC trial has demonstrated that a satellite facility can be operated within existing tourism budgets but with a contribution from Burnham-on-Crouch Town Council.

4.2 In light of the positive impact the facility is having on the local economy and promoting Burnham-on-Crouch, it is recommended that a further two year extension be agreed to enable the further development of the service.

4.3 A two year extension would enable staff to be retained and the lease to be extended on existing terms.

5. IMPACT ON CORPORATE GOALS

5.1 The Council has a corporate goal to create opportunities for economic growth and prosperity. Tourism is a major contributor to the local economy and the sector employs 3,500 people across the District. The Districts TICs promote the area to visitors and residents to encourage spend within the local economy.

6. IMPLICATIONS

(iii) **Impact on Customers** – The Provision of an information service in Burnham-on-Crouch has had a positive impact on customers visiting the town. Great efforts have been made to improve the amount of information provided via the visit Maldon district website to supplement face to face service provision. Should the service be stopped customers would have to access information via an alternative provision or be unable to access information. This may have a negative impact on the local economy.

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

(v) **Impact on Risk** – There are no corporate risks associated with this report.

(vi) **Impact on Resources (financial)** – The Burnham-on-Crouch TIC operates within existing budgets but receives a financial contribution from Burnham Town Council. The following sets out headline budget figures

Staffing Costs	£18,800
Rents	£5,200
Supplies and services	£400
Financial Contribution BTC	-£5,000

(vii) **Impact on Resources (human)** – If Members do not wish the service to continue then it would have an impact on staffing levels currently employed.

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

Background papers: None.

Enquiries to:
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Alexis Brown, Tourism and Events Manager, (Tel: 01621 854477).

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Key Performance Statistics

	Burnham-on-Crouch (BOC) (opened August 2016)		Maldon	
	2016 / 17	2017 / 18	2016 / 17	2017 / 18
Customer visits	1,944	3,713	25,995	25,946
Telephone enquiries	47	125	2,653	2,010
Emails	27	125	662	669

BOC	Trading days	Entrance Footfall	Personal enquiries	Tel	Email	Residents	Tourists	Number of Transactions
Sep-16	22	498	386	8	2	213	217	121
Oct-16	22	386	238	11	3	155	203	106
Nov-16	21	230	192	8	0	161	74	81
Dec-16	21	233	209	6	0	190	39	101
Jan-17	21	199	180	7	3	127	61	64
Feb-17	20	192	174	6	11	134	57	47
Mar-17	22	259	231	2	3	156	80	72
Apr-17	23	408	347	9	9	184	173	97
May-17	23	339	301	6	2	154	161	77
Jun-17	22	490	436	13	4	191	255	132
Jul-17	20	434	357	27	21	146	219	99
Aug-17	23	547	472	7	5	209	267	121
Sep-17	22	371	314	13	11	153	164	107
Oct-17	22	285	184	12	4	93	94	71
Nov-17	21	229	139	10	13	112	30	74
Dec-17	22	64	54	4	5	50	2	144
Jan-18	21	228	175	12	10	145	30	61
Feb-18	19	173	125	4	15	86	41	52
Mar-18	22	145	111	8	25	83	29	50
Totals	409	5,710	4,625	173	146	2,742	2,196	1,677

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REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES

to
PLANNING AND LICENSING COMMITTEE
05 JUNE 2018

MALDON DISTRICT STATEMENT OF COMMUNITY INVOLVEMENT

1. PURPOSE OF THE REPORT

1.1 To seek the Committee's approval for the draft Statement of Community Involvement (SCI) (**APPENDIX 1)** to go out to public consultation. The current adopted SCI needs to be updated to take into account changes to national legislation and planning practice guidance and to reinstate the Council's commitment towards transparency and engagement with the community it serves.

2. RECOMMENDATIONS

2.1 That the draft Statement of Community Involvement (SCI) be approved for 6 weeks' public consultation starting in June 2018.

3. SUMMARY OF KEY ISSUES

3.1 Section 18 of the Planning and Compulsory Purchase Act 2004 requires all Local Planning Authorities to prepare a Statement of Community Involvement (SCI). The SCI is a document which sets out how the Council will engage with the community in the delivery of its planning functions: for planning policy and development management.

3.2 The previous SCI was adopted in 2007, with an addendum approved in 2011. Since its adoption there have been major changes to the planning system including the publication of the National Planning Policy Framework (NPPF) and the publication of the revised draft NPPF, and the introduction of neighbourhood planning. Due to the significance of these changes an updated SCI is required.

3.3 Since 2007 the Council's approach to engaging the community and stakeholders has changed: new methods and channels of communication are used to provide access to information and to make commenting on planning policy documents and planning applications more efficient and effective. This needs to be reflected in the draft SCI. In addition, The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 require Local Authorities to update their SCI every five years. As the current SCI was approved in 2007, a review is considered to be timely. In the future, the Council will need to undertake an assessment of the SCI in five years' time (from the date of approval) to determine whether a full or partial review is required to ensure its approach to community involvement remains both

efficient and effective. Undertaking a full review now should ensure that the SCI has longevity for the future.

Community Involvement in Planning Policy

3.4 The 2007 Maldon District Statement of Community Involvement contained detailed guidance on how the Council will prepare its programme for preparing all future policy documents, which is set out within the approved Local Development Scheme (LDS). The draft SCI maintains this information.

3.5 The Council aims to ensure all groups within the community have the opportunity to participate in planning policy consultations, in particular 'hard to reach' groups. The Home Office Development and Practice Report 15[1] identified minorities, those slipping through the net and the service resistant as hard to reach groups. The draft SCI adds that under the Equality Act 2010 the Council is required to undertake an Equalities Impact Assessment on all of its policies to ensure that all community groups are treated fairly in the preparation and implementation of policy, as part of the Public Sector Equality Duty.

3.6 The Town and Country Planning (Local Planning) (England) Regulations 2012 requires Local Planning Authorities to consult "specific consultation bodies" (statutory consultees) and other interest groups which cover a variety of voluntary, community, special interest, Non-Governmental Organisations (NGOs), amenity groups, local business interests and other bodies, referred to as "general consultation bodies". The draft SCI provides information on when and how the Council will consult both statutory and voluntary consultees.

3.7 A key area of change is the methods of communication to be used by the Council during public consultation - these take into consideration advancing electronic communication and engagement capabilities. The internet is an important communicational tool between the Council and consultees, allowing a wide range of people to be reached easily and effectively, in an efficient way. The Council's website has a dedicated consultation webpage and portal, designed for ease of access and usability for those wishing to submit representations to planning policy document consultations. Social media platforms are now being used by the Council, such as Twitter and Facebook, to promote awareness of public consultations and encourage participation in giving feedback to consultations that are taking place. These can be particularly useful in reaching hard to reach groups such as younger people. These platforms will not be a source of providing feedback but will guide users to the Council's website and specifically, the consultation landing page, where comments and feedback can be submitted. Guidance is provided within the draft SCI on how these communicational tools will be used to full effect in reaching and engaging with members of the community.

3.8 The process of engagement and involvement of the local community and statutory consultees during the preparation of Local Development Documents, such as the Local Development Plan or Supplementary Planning Documents varies dependant on the type of planning policy document being produced. The SCI outlines and updates this process for each type of document and also identifies how the participation can be

[1] The Home Office. 2010. *Delivering services to hard to reach families in On Track areas: definition, consultation and needs assessment.* Available at: http://webarchive.nationalarchives.gov.uk/20100612150419/http://rds.homeoffice.gov.uk/rds/pdfs2/dpr15.pdf

used to help influence and shape the policy documents as the planning process evolves.

3.9 Consulting neighbouring authorities on planning policy documents is not a new issue. But the duty to cooperate has become a requirement of planning policy document preparation in recent years (in the Localism Act 2011). The draft SCI sets out the legal duty placed on the Council to engage constructively, actively and on an on-going basis with planning authorities and other public bodies to secure the necessary cooperation on strategic cross boundary matters throughout the preparation of the Local Plan and other planning policy documents as they evolve. Requirements are different for a Local Plan to other documents; the SCI makes the Council's responsibilities clear.

3.10 The draft SCI provides information on how the Council will process and analyse all representations made during formal consultation periods, how the Council will hold all data, in line with GDPR. It also clarifies the role Members have, particularly through the Committee process.

Community Involvement in Neighbourhood Planning

3.11 An important addition to the SCI is that of neighbourhood planning. Neighbourhood planning was introduced in the Localism Act 2011, the draft SCI makes sure that communities are made aware of the opportunities neighbourhood planning offers and the type and level of support guidance about how the Council will provide to all communities involved in the neighbourhood planning process. The draft SCI outlines the stages of development and the roles of both the community and the Council in their preparation.

3.12 Maldon District Council's statutory support for neighbourhood planning is clearly stated, as well as additional support that is offered. The basic conditions set include a provision of up to 10 days of support time and attendance at a maximum of 4 meetings for each Neighbourhood Plan. The level of additional support will vary dependant on the types of proposals in a Plan, and the requirements of the community group.

Community Involvement in Planning Applications

3.13 The Town and Country Planning (Development Management Procedure) (England) (Order) 2015 sets out the approach that must be taken by Local Planning Authorities with regard to involving the community in the consideration of planning applications. The draft SCI reinforces this by setting out the extent to which the Council involves statutory bodies and community groups in each stage of the planning application process, the type of information that will be required to accompany different types of planning applications, how the Council will consider representations made and the timescales involved at each stage. The SCI also sets out the appeals procedure as defined by the Town and Country Planning Act 1990.

Pre-application stage

3.14 In addition, the draft SCI provides information with regard to the Council's Pre-Application Service, outlining the benefits of early discussion between applicants and the planning authority. This pre-application process between the applicant and the Council is **confidential** in its entirety. There are various mechanisms in place to make the pre-application process straightforward and effective both to applicants and the

Council. By highlighting these in the SCI the community and stakeholders will be aware of the various services offered by the Council and how these can help the consideration of their application. In many cases, this can make the process more efficient both in terms of time and cost, for applicants and the Council.

3.15 The Council offers householder application planning advice via a Duty Planning Officer as part of its Pre-Application service. The draft SCI sets out what informal advice the Duty Planning Officer will be able to provide. The draft SCI encourages potential applicants to make best use of this service so that their application is considered in a timely manner.

3.16 The Localism Act 2011 requires all applicants who seek to submit proposals for large-scale development to undertake pre-application consultation with the community. The draft SCI sets out the criterion for defining large-scale development and the type of consultation the Council would consider appropriate.

3.17 Planning Performance Agreements (PPAs) are an increasingly important part of the development management process. PPA's are used as an alternative to the pre-application process and provide an agreed level of service between the applicant and the Council. This a relatively new initiative – the draft SCI sets out the level of service the applicant will receive from the Council, which Officer(s) they will deal with and which Officer will coordinate the Council's and partners activities as well as the length of time that the PPA will apply and the fees involved.

3.18 An essential Member role is as a voice of their constituents. The draft SCI refers to the Development Management Protocol for Member engagement in Pre-Application discussions. This ensures that the community are aware of the role their Members play in the planning process, and provides transparency in terms of the way Members operate at pre-application stage.

3.19 Making sure information on planning applications is available to the community can help with the preparation of a planning application. It can also help the community understand why a particular scheme was approved or refused. Since 2007 more information is publicly available to a wider audience than before: the draft SCI sets out where planning applications and weekly lists (from 2004) are available to view in the public domain on the Council's planning application search facility. Information is also provided on how to view planning application dated pre-2004.

3.20 Planning application, once submitted to the Council, will be verified and validated as required by The Town and Country Planning (Development Management Procedure) (England) Order 2015. To make a valid application, both statutory and local requirements must be met and will not be validated until completed.

Material considerations

3.21 Representations made about planning applications must relate directly to planning matters known as material considerations. This is an important part of the planning application process – the draft SCI stipulates what is considered as a material consideration, such as harm to amenity of residents, visual impact and impact on the appearance of the surrounding area, and how these will be taken into account in the planning application process.

Other Matters

3.22 Once approved, the use and implementation of the draft SCI will be monitored as part of the Authority Monitoring Report (AMR) each year. Section 113 of the Localism Act 2011 requires local authorities to produce reports which monitor the progress of their Local Plan documents, including the SCI; therefore the AMR is published annually and will provide a monitoring framework to assess the effectiveness of the SCI and policies within the Local Development Plan.

3.23 The draft SCI has been produced in conformity with the General Data Protection Regulations (GDPR). The Council's Data Protection Officer confirms the approach is appropriate.

3.24 The draft SCI has been distributed to the relevant Council departments and has incorporated the views and expertise of Maldon District Council Officers to ensure a coordinated and collaborative approach to its production. All comments and opinions have been incorporated into the document, making it a more rounded and concise engagement tool, specific to the issues and priorities of Maldon District.

4. CONCLUSION

4.1 The existing Statement of Community Involvement was approved in 2007 and provides guidance on how the Council will engage with and involve local communities and stakeholders, as well as statutory consultees, on planning policy and development management matters within Maldon District. Since then there have been several changes to national legislation and national and local planning policy relating to engagement in the planning process, as well as many technological advances relating to how the Council communicates and engages with the community on a wide range of planning matters. With proposed changes to the NPPF subject to consultation, in considering responses to consultation to the SCI, the Council will also need to consider the final revised NPPF which is due to be published in the summer 2018.

4.2 SCI consultation is a regulatory requirement. The stakeholder and public consultation will be for 6 weeks and the outcomes will be reported back to this Committee in autumn 2018.

4.3 Once approved, the draft SCI will replace the approved 2007 SCI and its 2011 addendum.

5. IMPACT ON CORPORATE GOALS

5.1 The draft SCI will have a positive impact on the corporate goals of protecting and shaping the District.

6. IMPLICATIONS

(i) **Impact on Customers** – The draft SCI will assist users of the document by containing the most relevant and up-to-date information. Proposed improvements set out within the updated SCI will improve the accessibility of information.

(ii) **Impact on Equalities** – The draft SCI aims to create an equal platform for all members of the community to contribute effectively in planning matters by creating a framework that engages with and involves all community groups.

(iii) **Impact on Risk** – The draft SCI has been prepared in accordance with The Town and Country Planning (Local Planning) (England) (Amendments) Regulations 2017, which requires a review of the SCI to be completed every five years. As the existing SCI was approved in 2007, a review is essential to minimise challenge.

(iv) **Impact on Resources (financial)** – The costs related to the public consultation will be met through the community engagement resource for the LDP.

(v) **Impact on the Environment** – The draft SCI will enable the engagement and involvement of community groups, as a result this will promote the most sustainable and positive forms of development within the District.

Background Papers:
National Planning Practice Guidance, Before submitting an application, February 2018
National Planning Practice Guidance, Neighbourhood planning, February 2018
National Planning Practice Guidance, Consultation and pre-decision matters, July 2017
National Planning Policy Framework 2012 - https://www.gov.uk/government/publications/national-planning-policy-framework--2
Draft for Consultation NPPF 2018 - https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework

Enquiries to: Sam Connolley, Planning Policy Officer, (Tel: 01621 876226)

Maldon District Council Statement of Community Involvement

2018

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List of Acronyms

AMR – Authority Monitoring Report

BREEAM – Building Research Establishment Environmental Assessment Method

CIL – Community Infrastructure Levy

DPD – Development Planning Document

GDPR – General Data Protection Regulation

HRA – Habitats Regulations Assessment

LDD – Local Development Document

LDF – Local Development Framework

LDP – Local Development Plan

LDS – Local Development Scheme

NDP – Neighbourhood Development Plan

NGO – Non-Governmental Organisation

NHS – National Health Service

NPPF – National Planning Policy Framework

PPG – Planning Practice Guidance

SA – Sustainability Appraisal

SCI – Statement of Community Involvement

SEA – Strategic Environmental Assessment

SPD – Supplementary Planning Document

DRAFT

1. Introduction

Background

1.1 This Statement of Community Involvement (SCI) provides a comprehensive vision and commitment that seeks to ensure that communities and stakeholders are consulted in planning and development matters. The planning system within the UK, which aspires to balance the need for providing homes, employment and transport under the principles that encompass sustainable development, affects all communities and individuals in one way or another. It is therefore crucial that local people are given the ability to understand the planning process and also the opportunity to participate in the decision making process, offering their ideas and influencing the path of development.

1.2 The SCI aims to ensure a continued commitment towards the engagement and involvement of local communities and stakeholders by being active, positive and consistent in its approach throughout the planning process. In addition, it is vital that developers and investors know what to expect when they engage with Maldon District Council so that they are reassured of what service they will receive, how the Council will engage with the local communities and what is expected from them.

1.3 Maldon District Council adopted its first Statement of Community Involvement in 2007, and an addendum approved in 2012. This document has been produced to comply with new regulations and align with updated channels of communication between the Council and the residents of the District it serves.

1.4 The Town and County Planning (Local Planning) (England) (Amendment) Regulations 2017 requires Local Authorities to update their SCI every five years. Therefore, Maldon District Council will review the SCI on a regular basis to ensure its approach to community involvement remains both efficient and effective.

Setting the Context

1.4 The planning system will not achieve sustainable development without effective engagement and involvement of the local community, development industry and interested parties and organisations throughout the planning process. Community and stakeholder involvement is an essential requirement in shaping and steering the District's unique identity and legacy, thus an underlying principle to sustainable development.

1.5 This SCI will enable efficient engagement with community groups and stakeholders on a wide range of local planning matters as a partnership which benefits all which is transparent, accountable and clear.

1.6 Specifically, the community can get involved in local planning matters via the following:

- Planning applications;
- During consultation periods on Planning Policy documents of the Local Development Framework; and
- Contributing towards the creation of a Neighbourhood Plan.

1.7 The SCI will be used as a framework for consultations by the Council to help guide approaches to consultation for the production of documents within the Local Development Framework (LDF) and planning applications as well as on other non-planning matters. The LDF is a non-statutory term used to describe a portfolio of policy documents, which include the Local Development Plan (or Local Plan), Supplementary Planning Documents (SPD), this SCI, the Local Development Scheme (LDS) and other guidance.

Our Vision and Standards for Public Consultation

1.8 The benefits of consultation and involvement are a better informed Council and community, leading to healthy and open relationships. Decision making should become more relevant, as a result there will likely be resource savings as the correct services become more frequently targeted and precise approaches are taken.

1.9 The Council will seek to work to high standards of public consultation by committing to the following vision and principles outlined below.

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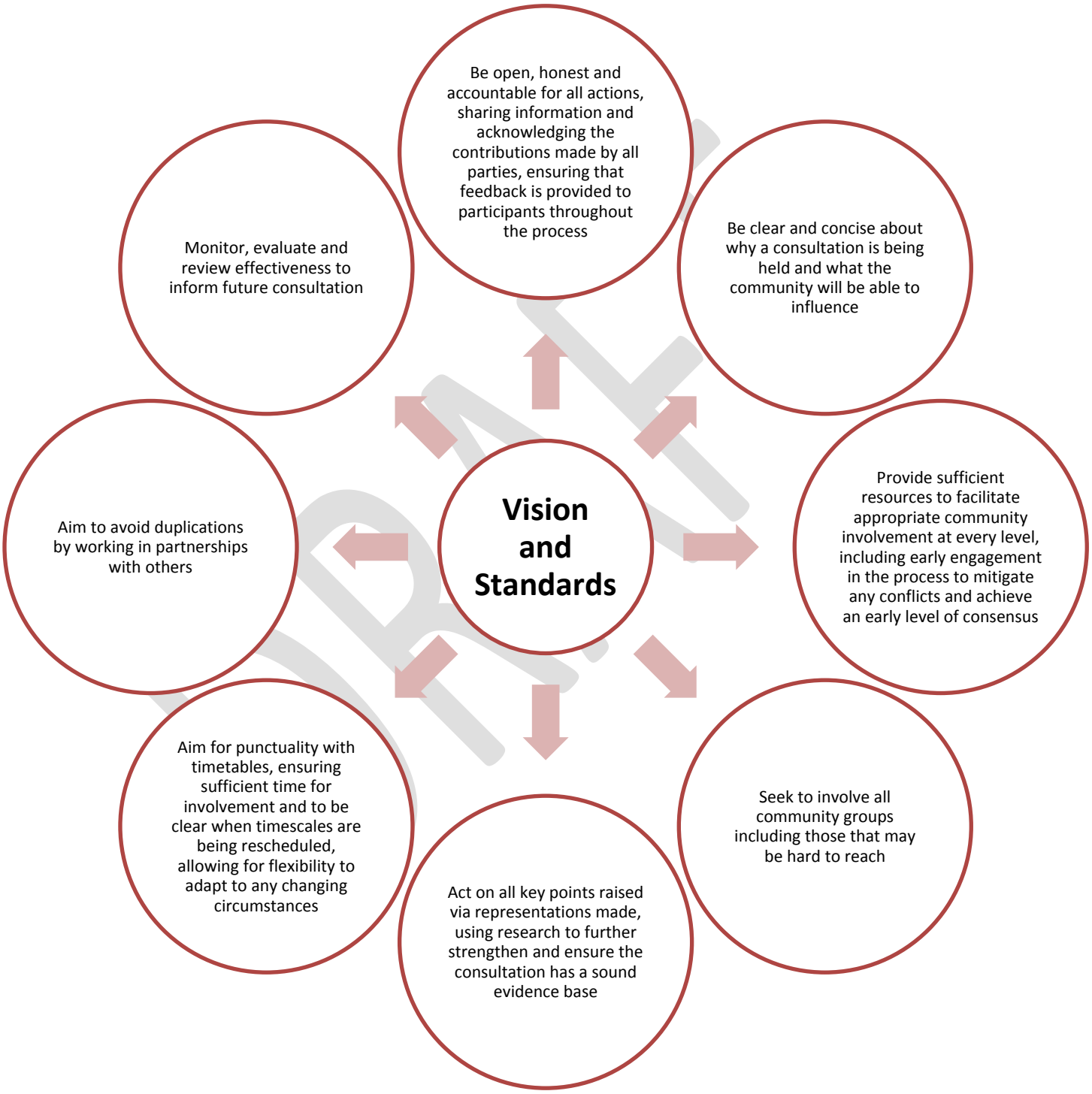
Vision and Standards
Be open, honest and accountable for all actions, sharing information and acknowledging the contributions made by all parties, ensuring that feedback is provided to participants throughout the process
Be clear and concise about why a consultation is being held and what the community will be able to influence
Provide sufficient resources to facilitate appropriate community involvement at every level, including early engagement in the process to mitigate any conflicts and achieve an early level of consensus
Seek to involve all community groups including those that may be hard to reach
Act on all key points raised via representations made, using research to further strengthen and ensure the consultation has a sound evidence base
Aim for punctuality with timetables, ensuring sufficient time for involvement and to be clear when timescales are being rescheduled, allowing for flexibility to adapt to any changing circumstances
Aim to avoid duplications by working in partnerships with others
Monitor, evaluate and review effectiveness to inform future consultation

2. The Planning System and Policy Framework

2.1 The Planning and Compulsory Purchase Act 2004 introduced the system of Local Development Frameworks (LDF) and within that, Development Plan Documents (DPDs), such as the Local Plan and supplementary guidance.

The National Planning Policy Framework (NPPF) was created following the introduction of the Town and Country Planning (Local Planning) (England) Regulations 2012. The national planning system, directly concerning Maldon District and its Local Planning Authority, is orchestrated by the Ministry of Housing, Communities & Local Government. The NPPF is a fundamental tool in reducing the complexities associated with the planning system and in addition, allows the system as a whole to be more accessible. It provides a framework within which local communities and local authorities can plan and produce unique and distinctive local and neighbourhood plans, which reflect both the needs and priorities of their communities. Planning Practice Guidance (PPG) provides additional guidance on key topics within the planning system. More information can be found at:

https://www.gov.uk/government/collections/planning-practice-guidance.

2.2 Written Ministerial Statements enable Ministers to bring important matters to the attention of the House of Commons. Ministerial Statements can be issued to support or supplement existing policy guidance or to provide amendments and updates to current national policies set out by Government. The guidance provided in Ministerial Statements is channelled through sources shared with the NPPF and PPG.

2.3 Figure 2.1 illustrates the different planning policy documents within the LDF for the District.

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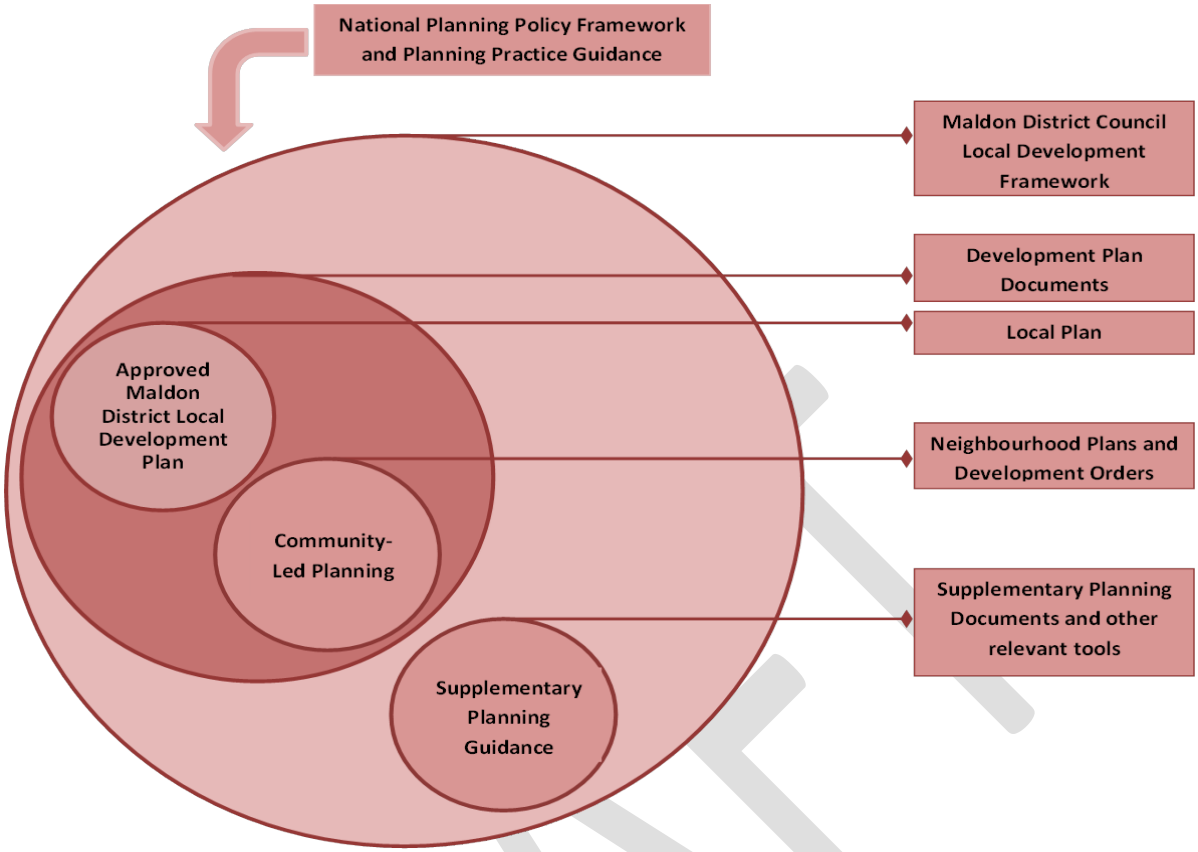

Figure 2.1: Maldon District Council Local Development Framework

2.4 The LDF encompasses all Local Development Documents and is based on the objectives of the local community through a Local Development Framework Core Strategy. Within the LDF, the Council has adopted a number of DPDs and Supplementary Planning Documents (SPD), all of which have undergone community and stakeholder consultations. The elements that form the LDF are outlined below.

- Development Plan Documents – DPDs are planning policy documents which outline the key development goals of the LDF. See 3.15.

- Supplementary Planning Documents – SPDs add further detail to the policies of the LDP. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. See 3.16

- Sustainability Appraisal (SA) and it's incorporating Strategic Environmental Assessment (SEA) – These will appraise the social, environmental and economic effects of the strategies, policies or proposals within the document and will be subjected to consultation. These will usually only be required for DPDs. SEA screening opinions will be sought for SPDs.

- Local Development Scheme – A project plan setting out the timetable for work to be undertaken in relation to the LDF. See 3.14.

- Statement of Community Involvement – Sets out how the community will be engaged in the preparation of the planning policy documents and in determining planning applications in the District.

- Authority Monitoring Report – Monitors the implementation and performance of policies and proposals in the LDP and will inform whether a LDP review is necessary. See 3.18.

- Community Infrastructure Levy (CIL) – CIL is a locally set charge on new development that the Council will implement across the District based on size and type of development. Once set in an area it is mandatory to be paid and non-negotiable. Funds raised will be used to provide infrastructure which is required to support new development across the area. See 3.17.

- Neighbourhood Plans – Introduced through the Localism Act 2011, communities can shape development in their areas through the production and preparation of Neighbourhood Development Plan, Neighbourhood Development Orders and Community Right to Build Orders. See Chapter 4.

Maldon District Local Development Documents

Maldon District Approved Local Development Plan (2014-2029)

2.5 The Secretary of State approved the Maldon District Local Development Plan on 21 July 2017. The Local Development Plan (LDP) has been prepared under the legislative provision of the Planning and Compulsory Act 2004 and the Localism Act 2011 and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

2.6 The LDP sets out the planning strategy for future growth of the District over the 15 year period between 2014 and 2029. It sets out local ambitions, aspirations and priorities for the District over that period. The LDP was developed following consultation and dialogue with a wide range of individuals, organisations and interest groups. Consultation began in 2006 as part of the Local Development Framework Core Strategy process. Whilst the Council had decided not to pursue a Local Development Framework Core Strategy, the outcomes of these consultation stages had been important in developing a spatial vision and strategy and development management policies within the LDP.

2.7 The key stages of the plan preparation process are outlined in Figure 2.2.

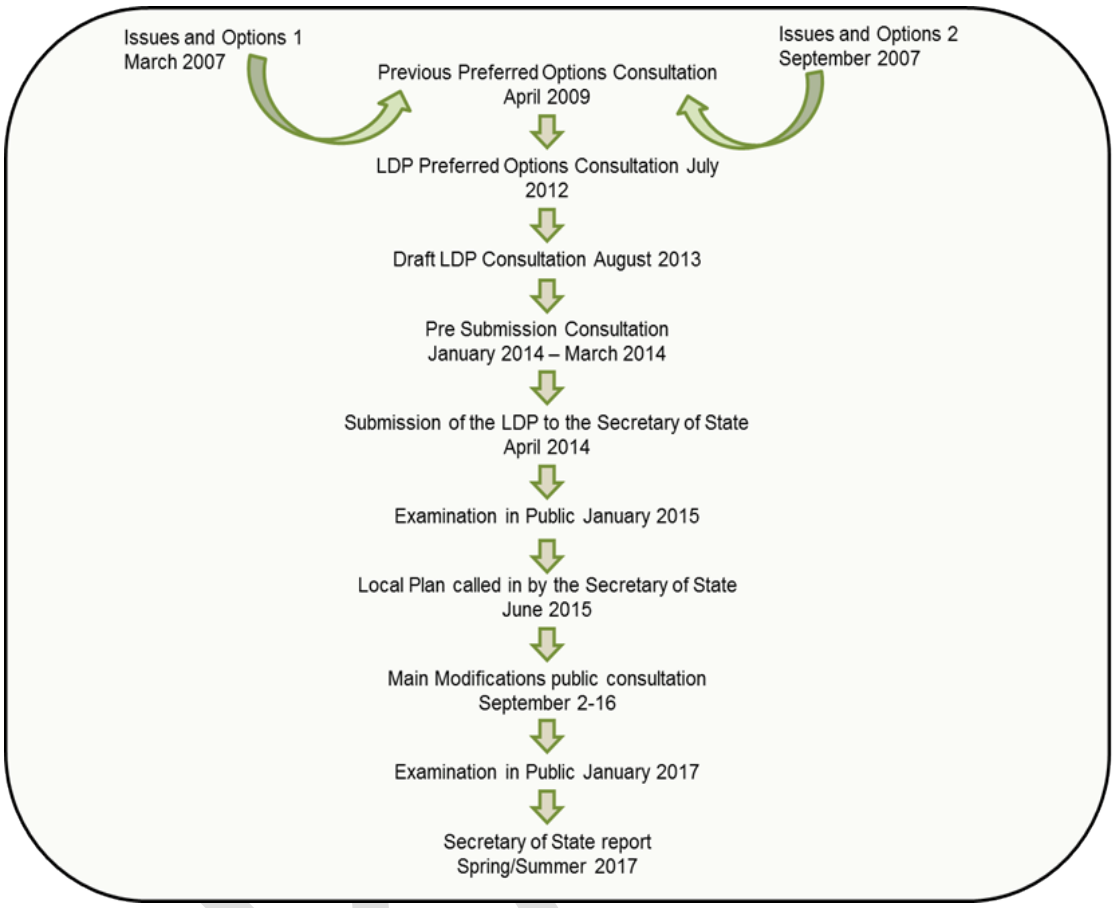

Figure 2.2: Local Development Plan Preparation Process

Burnham-on-Crouch Neighbourhood Development Plan

2.8 The Localism Act 2011 has enabled local people to establish their own plans for their communities by writing Neighbourhood Development Plans (NDP) that can include a wide range of topics, and address a variety of issues and opportunities. However, there are limits on what NDPs can do and it must be 'in broad conformity' with the adopted strategic policies of the Local Planning Authority's Development Plan.

2.9 The Burnham-on-Crouch Neighbourhood Development Plan was made by Maldon District Council on 7 September 2017, following community engagement activities, consultation periods, an Independent Examination and a local referendum. The Burnham-on-Crouch Neighbourhood Plan ("the Plan") is now part of the Maldon District Local Development Plan, in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

2.10 The Neighbourhood Development Plan (NDP) covers the whole of the Burnham-on-Crouch Parish and provides guidance for the future of the town, for the plan period 2014 to 2029. The NDP addresses future changes in the Town of Burnham-on-Crouch and its surrounding settlements within the Parish Boundary.

Adopted Supplementary Planning Documents

2.11 The Council has produced and published a range of SPDs. Those adopted from 2005-2007 were approved under the Replacement Local Plan and remain a material consideration. Those adopted from 2017-onwards supplement policies within the current Local Development Plan (2014-2029).

2.12 The Council has adopted the following SPDs:

- Vehicle Parking Standards (2006) - The application of car parking standards to new or extended development is a key tool to contributing to reduced levels of traffic.

- Children's Play Spaces (2006) – Sets out a formula that allows a developer contribution to be calculated for new housing development.

- Accessibility to Buildings (2006) – Encourages all parties involved in the planning and development process to recognise the benefits of inclusive design.

- Sadd's Wharf (2007) – Prepared for the regeneration of Sadd's Wharf, Maldon for mixed office, residential and leisure uses.

- Heybridge Basin Timber Yard (2007) – Provides guidance for the District Council to assist in the determination of any future planning application at this site.

- Maldon District Design Guide (2017) – Provides guidance to delivering high quality design in the District and with regard to the principles of sustainable

design in all development. The Design Guide supplements Policy D1 Design Quality and Built Environment in the LDP.

- Maldon and Heybridge Central Area Master Plan (2017) – The document supplements Policy S5 The Maldon and Heybridge Central Area Master plan area and sets out a spatial framework for development and regeneration in the Master plan Area.

- South Maldon Garden Suburb Strategic Master Plan (2018) – This document sets out the strategic master plan framework and design parameters for the garden suburb within Maldon.

- Maldon District Renewable and Low Carbon Technologies (2018) – This document offers technical guidance to help applicants by providing advice on matters needing to be addressed in order for renewable and low carbon technology applications to be submitted successfully. The technical guidance is to be used also as a tool for decision makers when assessing the suitability of proposals.

SPDs in Preparation

- Maldon District Affordable Housing (2018) – The Maldon District Affordable Housing and Viability SPD provides further detailed guidance to support the delivery of Policies H1, H2 and H5 of the Approved Maldon District Local Development Plan 2014-2029. It sets out the Council's approach to the securing affordable housing through new development in the District.

- Maldon District Specialist Needs Housing (2018) – The Maldon District Specialist Needs Housing SPD provides information about the Council's approach to delivering specialist housing, such as for older people and those with disabilities, through Local Development Plan policies H1, H2 and H3. This includes clarifying the different types of specialist housing required in the District, the locational and accessibility requirements for specialist housing schemes and what supporting information will be required.

- Maldon District Vehicle Parking Standards (2018) – The key objective of these standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

Other Documents

- North Heybridge Garden Suburb Strategic Master Plan
- Design Codes

- Conservation Area Appraisals
- Village Design Statements

3. Community Involvement in Planning Policy

3.1 This section will set out how Maldon District Council involves the community in preparing planning policy documents, based on the vision and standards outlined in Section 1 in addition to the statutory requirements for consultation.

3.2 Information on the Council's programme for preparing all future policy documents is contained within the latest approved Local Development Scheme (LDS) which is available online or can be requested by contacting Maldon District Council. Details can be found at:

https://www.maldon.gov.uk/info/20048/planning_policy/8110/evidence_base

Who Will We Consult

3.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 requires Local Planning Authorities to consult "specific consultation bodies" and other interest groups which cover a variety of voluntary, community, special interest, Non-Governmental Organisations (NGOs), amenity groups, local business interests and other bodies, referred to as "general consultation bodies".

3.4 "Specific consultation bodies" (or statutory consultees), as stipulated within the regulations, include:

- Essex County Council
- Neighbouring Authorities
- Local Parish and Town Councils (including those adjoining the District, but in neighbouring Districts)
- Local Enterprise Partnerships
- Relevant utilities companies

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- Relevant sewage and water undertakers
- Relevant telecommunications companies
- The Coal Authority
- Homes and Communities Agency
- Primary Care Trust (NHS Mid and South Essex Sustainability and Transformation Partnership)
- Network Rail Infrastructure Ltd
- Local Policing body
- Marine Management Organisations
- Government bodies; Environment Agency, Historic England, Natural England and Highways England.

3.5 The Council is committed to comprehensive and thorough consultation, involving as many people and organisations as possible. "General consultation bodies" will include:

- Voluntary bodies who have an interest or whose activities benefit any part of the local planning authority's area; Community transport services;
- Special interest groups representing the interests of different racial, ethnic, religious and national groups and disabled groups in the District;
- Non-Governmental Organisations including wildlife groups and environmental organisations;
- Local business groups which represent the interests of the business community in the area;
- Developers, landowners and professional planning organisations such as BREEAM.
- Other bodies, including; educational providers, health organisations and so forth;
- The general public;
- Council elected members who provide important channels of communication to and advocate on behalf of their local communities.

'Hard to Reach' Groups

3.6 Community involvement is essential to the planning system and its processes and whilst the Council attempts to engage with the entire community, there are groups that have been traditionally under-represented. The Home Office Development and Practice Report 15 identified minorities, those slipping through the net and the service resistant as hard to reach groups. The Council must ensure that all groups within the community have the opportunity to participate, in particular 'hard to reach' groups. It may be easier for us to reach some such groups by working with representative organisations. Hard to reach groups are more likely to be engaged if more 'proactive' measures are taken to improve levels of involvement. We will therefore be positive in our approach to ensure everybody has the opportunity to be involved and encourage their participation.

3.7 As a Local Planning Authority, Maldon District Council must comply with the Public Sector Equality Duty under Section 149 of the Equality Act 2010. The three aims of the general equality duty that Maldon District Council will have due regard to include:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

3.8 The Council has a legal obligation to undertake an Equalities Impact Assessment (EqIA) on all of its policies to ensure that all of the community is treated fairly in the preparation and implementation of the policy. In addition, all LDF documents are or can be made available in large copy print, audio cassette, braille or languages other than English on request. If you require the document in one of these formats please contact the Planning Policy Team: 01621 876278 via email: Policy@maldon.gov.uk.

Methods of Communication

3.9 The Council intends to maintain a level of continuity with regard to all aspects of community involvement and aims to encourage early engagement in the preparation of every document, in line with the vision and standards of public consultation set out by the Council.

3.10 The channels of communication to be used by the Council during public consultation are set detailed below. The different engagement methods used will determine whether the level of community involvement is for information, consultation, participation or feedback.

	Engagement Method	Description
Information	Local media (Newspaper/Press Releases, paper and electronic)	Wide reaching, local media resources such as Newspapers and press releases are an effective method of communication and provide information within the District. There is only a requirement by legislation to publish notices for DPDs, however the Council intends to ensure that information regarding public consultations is as far reaching within the District as possible. Therefore all appropriate resources will be utilised in order for that to happen.
	Letters/E-mails to specific and general consultation bodies	The Town and Country Planning (Local Planning) (England) Regulations 2012 states that, as a minimum requirement, Local Planning Authorities must notify the relevant consultation bodies, both statutory and general.

	Posters, leaflets and displays in public locations	Public displays and leaflets will enable information to be targeted locally and offer direct interaction with the reader. Additionally, the information is publically available on a continued basis and therefore provides flexibility on behalf of those that may not have the ability to use alternate channels.
	Inspection points	The Town and Country Planning (Local Planning) (England) Regulations 2012 state that, as a minimum requirement, Local Planning Authorities provide available copies of planning documents for public view at the Council Offices and all local libraries within the District (please check Essex County Council's website www.essex.gov.uk for opening hours). The Council will, in every instance, provide both electronic and hard copies of any consultation document. The location of those hard copies will always be indicated prior to consultation via letter, email or through the Council's website.
	Social media platforms	Maldon District Council will use social media platforms such as Twitter and Facebook to promote awareness and encourage participation in giving feedback to consultations taking place.
	Engagement Method	**Description**
Consultation	Parish and Town Council Meetings	Maldon District Council officers are able to attend Parish and Town Council meetings or a collective on request, such as the Dengie Hundred meeting. Additionally, Officers attend Parish Clerk Forums for the dissemination of information.
	Stakeholder meetings	Stakeholder meetings will enable the engagement of experts and the sharing of unique and alternative insights that benefit the document and its content. Meetings can range from group meetings to one to one meetings
	Public meetings	Public meetings provide the opportunity to inform, promote and debate any particular issues that arises through representations made during a public consultation exercise.
	Council meetings	Council meetings will provide an appropriate opportunity for Councillors to give their view with regard to planning documents that are taken through the consultation process.

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	Response form	Some consultation exercises will provide response forms to provide representations. These provide the opportunity for responses to be detailed into a legible format that benefits both the respondent and the Council.
	Questionnaires	Questionnaires provide a method of data collection where representations can be made on specific planning issues.
	Internet	Maldon District Council has a dedicated consultation webpage and portal, designed for ease of access and usability for those wishing to submit representations to planning applications and planning policy documents. All consultation exercises will be advertised on the Council's website throughout the consultation period.
Participation	Local drop-in sessions	Public exhibitions and displays can be placed in locations that are easily accessible for participation. Considerations will be given to the time of display and location to maximise inclusivity. This method of consultation can however be resource intensive.
	Workshops	Workshops provide a means to bring together relevant stakeholders and discuss key thematic topics and allows for sharing of identified key issues. Additionally, workshops can allow for specific groups to be engaged such as 'hard to reach' stakeholders.

Consultation Variance within Local Development Framework

3.12 How the Council involves the local community and statutory consultees during the preparation of the LDF varies dependent on the type of planning policy document being produced.

3.13 This section will outline the process of engagement and involvement used at each stage of the Local Plan process and how the participation of community stakeholders will help influence and shape policy documents.

3.14 Local Development Scheme

As the first stage in undertaking an LDF, Maldon District Council prepares a Local Development Scheme (LDS), which in essence is a project plan setting out the timetable for work to be undertaken on an annual basis. It sets out details of the

documents that will be given priority during this period. The LDS is prepared having regard to the Localism Act 2011, the Government's National Planning Policy Framework (NPPF) 2018, and the Town and Country Planning (Local Planning) (England) Regulations 2012 and the town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017.

The Council will prepare an LDS annually. However, there is no requirement for the Council to consult on the LDS. It is a starting point for the preparation of policies and plans.

The LDS is available at:

https://www.maldon.gov.uk/info/20048/planning_policy/9311/approved_local_development_plan_21_july_2017

3.15 Local Plans

The preparation of a Local Plan (or Local Development Plan) is governed by The Town and Country Planning (Local Planning) Regulation 2012. These set out the legal requirements of the Council which must be followed. There are two principle consultation stages, although this does not prohibit the Council undertaking more if it feels it should do so.

Stage 1 'Preparation of Local Plan (Regulation 18)'

Community engagement is vitally important to the plan preparation process. Participation will be encouraged and extensive consultation be conducted to identify and understand the issues relating to the future of the District. Once identified, considerations will be given to an alternative range of policy options through 'Issues and Options' consultation exercise which will run for a minimum of 6 weeks.

The Council may also consult under Regulation 18 of a Preferred Options draft of the Plan. This will take account of the representations made during the Issues and Options stage and establish the Council's preferred approach for consultation before it commits to that approach at the next stage. A Preferred Options consultation will last for a minimum of 6 weeks.

Stage 2 'Publication of proposed Local Plan (Regulation 19)'

The Council will undertake a final consultation exercise of the draft Local Development Plan before submitting the Plan (the Pre-Submission Plan) and the representations made to the Secretary of State for examination, who will then appoint a Planning Inspector. Following the consultation exercise, representations will be published and responses provided. All responses will be considered and where appropriate amendments to the document will be recommended to the Inspector. A Statement of Consultation will also be published on the Council's website outlining the representations received and any response from the Council to recommend to the Inspector.

Stage 3 Examination

Following the Pre-Submission consultation, the Council will submit the Local Plan to the Secretary of State who will appoint an Inspector to hold an Examination. Once the Planning Inspector has reviewed the submitted Plan, questions in relation to the Plan will be put to the Council and sent to everyone who has made a representation. The Inspector may give all parties time to respond to these matters, issues and questions (MIQs) in the form of a pre-examination statement which are sent to the Inspector. All pre-examination statements are published on the Council's website.

The Examination will take into account the submitted Local Development Plan, representations and written statements, enabling the Inspector to make judgement if the Plan meets the legal and procedural requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 and associated Regulations and whether it is sound in accordance with the NPPF.

The Inspector has the right to call respondents to give evidence at the Examination. Examinations are not subject to cross examination by barristers and questions are asked by the Inspector to the Council and other representatives and discussions held. If you are invited to attend, advice on the Examination will be provided by the Council or the Programme Officer, who represents the Inspector.

To be sound the Plan must be:

- **Positively prepared**: based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified**: the most appropriate strategy when considered against the reasonable alternatives and based on proportionate evidence;
- **Effective**: deliverable over the plan period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy**.

Stage 4 Adoption

The recommendations of the Inspector are set out in their Report to the Secretary of State. The recommendations are to be considered, and provided that the Inspector finds the Plan sound, the Council will be able to adopt the Local Plan. However, the Inspector may also make recommendations for further modifications to the Plan (in their report of at the Examination) to make the Plan sound. If substantial and raised matters not previously considered at the Examination, these will be subject to 6 week consultation. Any representations made will be considered by the Inspector in their final Report.

As soon as reasonably possible once the Council adopts the Local Development Plan, an adoption statement, sustainability appraisal report and notification of adoption shall be published (Regulation 26).

In respect of the Local Development Plan, a review must be completed every five years, starting from the date of its adoption, in accordance with section 23 of The

Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017.

Consultation on neighbouring authority plans

Each Local Planning Authority is responsible for undertaking consultation on their development plan documents and supplementary planning documents, plus any other guidance. This includes consultation with adjoining District Councils, the County Council and Parish and Town Councils.

Maldon District Council cannot be held responsible for consultation undertaken by other Local Planning Authorities.

3.16 Supplementary Planning Documents

These documents supplement policies within the Local Plan and other Development Plan Documents. They provide more detailed advice and guidance on policies in the local plan, covering a range of issues, specific subjects or individual sites. SPDs are not subject to independent examination, but are subject to public consultation lasting a minimum of 6 weeks. Once the consultation exercise has finished, the Council will consider all responses, provide feedback and where appropriate amendments will be made to the document.

On adoption, the Council will make available as soon as reasonably possible an adoption statement and notification of adoption. Once adopted, SPDs will have material weight in decision-making on planning applications.

The Council may also prepare other planning guidance such as master plans, design codes, planning and development briefs. In some instances these may be prepared in consultation with the local community or be subject to public consultation. Where the local community is to be engaged in the preparation this could be in the form of a collaborative workshop, for instance.

3.17 Community Infrastructure Levy

National Planning Practice Guidance on CIL, paragraph 16 states that 'information on the charging authority area's infrastructure needs should be drawn from the infrastructure assessment that was undertaken as part of preparing the relevant Plan [i.e. local plan]. This is because the plan identifies the scale and type of infrastructure needed to deliver the area's local development and growth needs.'

Local Planning Authorities must prepare a Draft Charging Schedule and Infrastructure Delivery Plan, which under CIL Regulations (as amended) require two stages of consultation to be undertaken before the Draft Charging Schedule can be submitted to government. The first stage of CIL consultation (the Preliminary Draft Charging Schedule) will take into consideration of all representations made, amendments will be made to the charging schedule accordingly. The second stage, (the Draft Charging Schedule), presents the CIL rates which the Local Planning Authority will submit for Examination-in-Public. Once the consultation stages have been completed, the examination will test for soundness.

3.18 Authority Monitoring Report

The Council monitors the effectiveness of the policies within the LDP annually through the Authority Monitoring Report (AMR). This document is publicly available and reports on the delivery of key targets, including a statement relating to the Council's annual Five Year Housing Land Supply. The Council aims to publish the Authority Monitoring Report in September each year.

The AMR will include:

- A statement on the progress of each document in the LDS project plan;
- An analysis of how or whether the policies of the LDP are delivering their objectives, including key targets, such as the number of net additional dwellings, the number of net additional affordable dwellings for the last monitoring year, and since 21 July 2017 (the date the LDP was approved);
- Details relating to any neighbourhood plans that have been made in the last monitoring year; and
- Progress on the Community Infrastructure Levy and other planning documents.

Duty to Co-operate

3.19 Created through the Localism Act 2011, Duty to Co-operate requires local planning authorities and other public bodies to engage constructively, actively and on an on-going basis to maximise the effectiveness of strategic development. There are a number of strategic matters that have impacts that cross boundaries, including housing, transport, education and waste management. The Council will secure the necessary cooperation on strategic cross boundary matters before they submit their Local Development Plans for examination and seek a statement of common ground with neighbouring authorities.

An annual Statement of Common Ground will outline how the Council has actively and positively sought to comply with the duty to cooperate with the neighbouring authorities on all strategic cross boundary matters.

Using the results of consultation and feedback

3.20 All responses will be analysed carefully. Using the local knowledge, experiences and views of respondents will enable more effective and efficient policy. All representations will be considered and used to inform decisions and/or shape the documents, alongside Government legislation, planning policy and other evidence.

3.21 Representations made during formal consultation periods will be acknowledged, recorded and summarised on our consultation database. All representations will be published on our website once the consultation exercise has ended. All representations made must include contact details. Representations that are marked confidential, anonymous or late in submission cannot be accepted.

Council Committees and Procedures

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3.22 Council decisions and recommendations on planning policy documents, including consultation documents, the results of formal consultation and documents for adoption are considered by the Members of the Council at the following Council committees:

- Planning and Licensing Committee
- Full Council

3.23 The Council's core values include a commitment to transparency and accountability in decision making, therefore access to council meetings and meeting documents are publically available. This enables the workings of the Council, its committees and sub committees to be transparent and accessible to the communities it serves.

3.24 In addition, the Council's Overhead and Scrutiny Committee provides opportunities for appropriate review and challenge.

Availability of Documents

3.25 Adopted Statutory Development Plan Documents, Supplementary Planning Documents and other documents such as the Local Development Scheme and SCI will be made available on the Council's website at www.maldon.gov.uk.

4. Community Involvement in Neighbourhood Planning

4.1 Neighbourhood planning, which was introduced by the Localism Act 2011, enables communities to develop a shared vision through collective decision making for their neighbourhood. A fundamental element of localism, neighbourhood planning addresses future opportunities and challenges that local residents believe are most significant to the areas they live in. Neighbourhood Plans can focus on a wide range of topics, tailored to the aspirations and concerns of the communities it will serve. It is vital that all Neighbourhood Plans are in general conformity with the Local Plan.

4.2 Local Planning Authorities recognise the important role of neighbourhood planning and will support communities throughout the development of Plans. This section will outline the stages of development with regard to Neighbourhood Plans and the roles of both the community and Maldon District Council in their preparation.

4.3 It is the parish/town council's responsibility to ensure that the local community is kept informed of progress on the Plan. This may require a combination of paper and electronic materials to ensure that the whole of the community can access the information. As part of this, it is recommended that a Neighbourhood Plan section is created on the parish/town council's website, or a standalone Neighbourhood Plan website is set up.

4.4 Early engagement with relevant stakeholders, particularly the District Council, is important throughout the Plan's preparation, to ensure the plan meets the 'Basic

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Conditions'. The 'Basic Conditions' are a set of legal requirements which a Neighbourhood Plan must meet if it is to be successful at the Independent Examination, set out within The Neighbourhood Planning (General) Regulations 2012.

4.5 Throughout the Plan's preparation, each consultation event or activity needs to be summarised and included in the 'Consultation Statement'. This is a key document for the Neighbourhood Plan, and will demonstrate to the Examiner that the Plan has been prepared with a good degree of community involvement.

4.6 Maldon District Council has produced a guidance note for parish and town councils (https://www.maldon.gov.uk/info/20048/planning_policy/8112/community_led_planning_and_neighbourhood_plans/2), outlining the process for undertaking a Neighbourhood Plan and the various stages which need to be completed for a Neighbourhood Plan to be effectively and efficiently created.

4.7 The preparation of Neighbourhood Plans is governed by The Neighbourhood Planning (General) Regulations 2012. Maldon District Council has outlined eight key stages in producing a Neighbourhood Plan, designed to provide a comprehensive step-by-step guide. This can be located in Appendix 1.

Maldon District Council statutory support for Neighbourhood Plans

Publication of proposals and final decision on applications for the designation of a Neighbourhood Area

4.8 Before a Neighbourhood Plan can be produced, the group proposing the production of a Plan must apply to the local authority for designation as a Neighbourhood Area. . If the Neighbourhood Area is the same as the parish/town area, the District Council must designate the Area. If the Neighbourhood Area is not the same as the parish/town area, the District Council will publicise the application for 6 weeks and make a decision on the appropriateness of the proposed Neighbourhood Area having considered any consultation responses received. The District Council will publicise the decision made on the application.

Provide comments and advice as a consultee in the production of a Neighbourhood Plan.

4.9 The neighbourhood planning group must undertake a consultation on a draft Neighbourhood Plan with the local community, interested parties, and Maldon District Council (the Regulation 14 consultation). As part of this process, the District Council will provide advice on the conformity of the plan with local planning policy and the appropriateness of the plan in meeting its initial aims. On request, the District Council can arrange for the HRA (Habitats Regulations Assessment) screening opinion to be undertaken.

Publication and Examination of a Neighbourhood Plan

4.10 Following the submission of a Neighbourhood Plan, the Council will publicise the Plan to bring it to the attention of people that live and work in the area it applies to, for a six week consultation period (the Regulation 16 consultation). The Council will write a formal opinion on the consultation statement, as required by the Regulations and publish this alongside the submitted documents. The Council will consult with the statutory bodies on the HRA screening opinion on the Plan. The Council will collate the consultation responses, and in partnership with the parish/town council will produce a summary of the responses received for the Independent Examiner.

4.11 The Council will organise and finance the Neighbourhood Plan Examination. The District Council will jointly appoint an Examiner with the town/parish council. . The Planning Policy Team will act as liaison between the Examiner and parish/town council.

4.12 Following the completion of the Examination, the Council will publish the Examiner's Report and their recommendations. The District Council will follow the recommendations made by the Examiner and will modify the plan as required. The reasons behind any modifications will be explained to the parish/town council.

Referendum, publication of final outcome, and 'making' of a neighbourhood plan.

4.13 Following the Examination, the Neighbourhood Plan is subject to a local Referendum It is the responsibility of the District Council to finance, organise and manage the referendum process, and publicise the results.

4.14 Where a Neighbourhood Plan has gained over 50% of the votes cast, Maldon District Council will immediately give it full weight in the determination of planning applications within the Neighbourhood Area. The District Council will formally 'make' the Plan. The document will then have statutory status and form part of the Maldon District Development Plan. The District Council will publicise the making of the Plan.

Other support offered by the Council

4.15 In addition to the statutory requirements outlined above, the Council will provide up to 10 days of support time and attendance at a maximum of 4 meetings for each Neighbourhood Plan. The level of support provided will vary depending on the types of proposals in a Plan, and the requirements of the community group. Support provided during the production of a Neighbourhood Plan may include:

- Advice and assistance on the process of producing Neighbourhood Plans;
- Basic assessment and review of work produced by a neighbourhood group throughout the development of a Plan. This will include providing 'critical friend'

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assistance to ensure that the emerging work is in conformity with Maldon District Council planning documents and the National Planning Policy Framework;

- Written responses to community groups outlining assessment and review work undertaken on emerging Neighbourhood Plans; and
- Attendance at meetings with neighbourhood groups to present the views of the Council on an emerging plan, and provide advice and assistance as required.

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5. Community Involvement in Planning Applications

5.1 As a Local Planning Authority, Maldon District Council is responsible for the management of development within the District. Therefore, the SCI identifies how we will be involve the community in the consideration of planning applications, ranging from household proposals to major applications. The SCI will outline the Council's approach to involving statutory bodies and the community in the various stages of the planning application process.

5.2 This section will outline the existing procedures used by the Council, and specifically the Development Management team when advertising and consulting on planning applications.

5.3 For planning applications concerning 2 or more wind turbines or where the hub height of any turbine exceeds 15 metres, it is mandatory to carry out pre-application consultation with the local community. Planning Practice Guidance sets out the requirements that must be fulfilled in sections 61W and 61X of the Town and Country Planning Act 1990 and article 4 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015.

Pre-application

5.4 We are committed to providing an effective planning service which delivers good quality sustainable development within the District, in conformity with the policies and principles set out in the Local Development Plan and related policy. Early discussion

between applicants and the planning authority is a valuable and essential stage of the planning application process.

5.5 The NPPF stipulates:

188. *Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.*

5.6 The pre-application process between the applicant and the Council is confidential, and the Council will not undertake any public consultation at this stage. It may, however, consult with some of its partners, such as Essex County Council Highways team, for technical advice that feeds into the discussions with developers.

5.7 The development management process regulates development within the District in accordance with local and national planning policies. The local planning policy context is provided within the Maldon District Local Development Plan (2014-2029). The national planning policy context is set within the National Planning Policy Framework, Planning Practice Guidance and any other relevant national planning documents.

5.8 We will usually engage in pre-application discussions with developers through our Pre-Application Service. The purpose of such early discussion will be to inform and discuss, encourage agreement and aim to reach an early consensus on the type, design and form schemes might take. This will benefit the local community, by potentially influencing the design process and decisions made by applicants before they submit an application. It will also benefit developers, by ensuring local concerns are addressed at an early stage thereby saving time and expenditure later in the process.

5.9 The Council will provide a detailed response identifying the primary planning issues for the proposal. The level of detail provided in the response will reflect the level of accuracy and detail of the information that is provided by the applicant; the more information you can provide about your proposal, the more accurate and in-depth our feedback will be. The response will also provide a clear position on relevant planning policy issues and any other documents should it refer to, such as Masterplans or Neighbourhood Plans.

5.10 In relation to the scale and nature of development, in October 2011 the Council introduced a new procedure requiring pre-application engagement for the strategic development proposals which requires proposals to be presented to a meeting of both members and officers in order to commence early member engagement. Strategic development proposals comprise:

- Any mixed use tenure residential scheme of 50 plus dwellings;
- 100% affordable housing schemes of 6 or more dwellings;
- New build retail and food supermarket proposed for a site outside of the defined Town Centre;

- Non-residential development over 2500m^2 floor space or for sites 2 hectares or more;
- Residential and non-residential sites either in, or seeking to be promoted through any Local Development Document.

5.11 For the most significant major infrastructure projects which are of national importance, Maldon District Council is a statutory consultee rather than the Local Planning Authority. For these Nationally Significant Infrastructure Projects (NSIPs), Central Government will have an established infrastructure planning team placed within the Planning Inspectorate, who will be responsible for determining these applications. However, the pre-application process and planning application process remain vitally important to community engagement and consultation. It is important, in this regard, that the Council makes it clear that the standards of community engagement should apply to any NSIP that come forward within the District of Maldon.

5.12 There is a Development Management Protocol for Member engagement in pre-application discussions. This sets out a structured process that engages Members without prejudicing their decisions or the integrity of the planning process. All pre-application discussions will be held in private and therefore confidentiality will apply.

5.13 Members that attend the meeting will have an opportunity to ask questions and seek clarification. Members may alert the developer to what they perceive as the likely view of their constituents, but this must be in the context of the LDP or alternative policy framework.

5.14 Fees are applied for the Pre-application Service. These vary dependent on the application and type of advice being sought. The type of advice could be in the form of a single meeting, or multiple meetings, with or without follow up letters. Details of the fees can be found at:

https://www.maldon.gov.uk/info/20046/development_management/9227/planning_advice_and_information

Planning Performance Agreements

5.15 As an alternative to a pre-application fee an applicant may enter into a Planning Performance Agreement (PPA) with the Council. These set out the level of service the applicant will receive from the Council, who they will deal with and how that person will coordinate all of the Council's and partners activities, the length that the PPA will apply and the fee. They allow for a wider range of meetings, often topic based, so that the Council can provide maximum influence on the developers' scheme and ensure that it is as far possible policy compliant and deliverable.

5.16 PPAs are usually entered into before a planning application is submitted and last until the date of the applications submission. For strategic developments the Council will recommend that a long terms PPA is entered into which takes into account not only the initial planning application, but, any follow up applications such as reserved matters or discharge of conditions.

5.17 In all instances PPAs are clear in that they are entered into without prejudice to the formal consideration of all planning applications.

Planning Advice and Information

5.18 Maldon District Council offers householder application planning advice via a Duty Planning Officer, who will be available by telephone or in person at the Council offices. For times and availability, refer to the Council's website at www.maldon.gov.uk.

5.19 The duty planning officer will be able to provide informal advice:

- Whether planning permission is required or if permitted development rights apply (should you require a formal written response then you will need to apply for a Lawful Development Certificate); and
- General information and advice on national and local planning policy and processes.

They will not:

- Provide an opinion on whether planning permission would or would not be granted (this would be chargeable pre-application advice);
- Discuss the detail of current large or complex proposals (such enquiries should be referred to the case officer);
- Discuss the technical merit of applications, refusals or appeals;
- Agree to any minor amendments to planning permissions;
- Discuss enforcement enquiries (such enquiries should be referred to the Enforcement team);
- Discharge any planning conditions of a decision notice; and
- Grant immunity from enforcement.

Planning Application Stage

5.20 In addition to the specific consultation measures identified above for large-scale development proposals, all planning applications are recorded by the Council as the Local Planning Authority. Details of all planning applications from approximately 2004 are available to view via the Council's planning application search facility at:

https://publicaccess.maldon.gov.uk/online-applications/,

This includes the application documents, planning decisions, important dates and contact details. Decision notices from approximately 1992 are also available to view via this facility. Decision notices dated pre-1992 can be viewed upon request to the Council.

5.21 The Council's website also contains weekly lists of all planning applications and decisions made, committee agendas and reports, and a list of appeals and appeal decisions at:

https://publicaccess.maldon.gov.uk/online-applications/search.do?action=weeklyList.

5.22 Weekly lists of applications are provided for publicity purposes to:

- Amenity societies;
- Local newspapers;
- Local radio;
- Published on the Council's website (www.maldon.gov.uk)
- Parish and Town Councils

5.23 Once an application has been received by the planning service, it will be verified for validation purposes. To make a valid application, there are statutory and local information requirements which apply to each application type. A valid application must consist of:

- Information requested on the standard application form;
- Statutory national information requirements, including a design and access statement if required; and
- National and local application requirements.

5.24 Upon receipt of applications, the Local Planning Authority is obliged to undertake a publicly and statutorily required consultation. Statutory and specialist bodies are consulted as set out in Schedule 4 of The Town and Country Planning (Development Management Procedure) (England) Order 2015, such statutory consultees include neighbouring authorities, Natural England, Historic England and other organisations.

5.25 The Town and Country Planning (Development Management Procedure) Order 2015 sets out the publicity and notification requirements for planning applications and is supplemented by other legislation in some cases.

5.26 Statutory and local publicity requirements for planning and heritage applications include the following:

Type of development	Site notice	Site notice or neighbour notification letter	Newspaper advertisement	Website
Applications for major development as defined in Article 2 of the Development Management Procedure Order	-	X	X	X
Nationally Significant Infrastructure Projects (NSIPs) (to be determined at a Central Government level by the Planning Inspectorate)	-	-	X	X
Application subject to Environmental Impact Assessment which are accompanied by an Environmental Statement	X	-	X	X

Applications which do not accord with the Local Development Plan	X	-	X	X
Applications which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 applied	X	-	X	X
Applications for planning permission not covered in the entries above e.g. non-major development	X	-	X	X
Certain prior notification for telecommunication installations under the terms of Part 16 of the Town and Country (General Permitted Development) Order 2015 (as amended)	-	X	X (Only if Article 8 applies e.g. affects a public right of way or development exceeding 1 hectare)	X
Prior notification for larger householder extensions under the terms of Class A Part 1 of the Town and Country (General Permitted Development) Order 2015 (as amended)	-	X	-	-
Prior approval applications for the change of use of buildings under the terms of Part 3 of the Town and Country (General Permitted Development) Order 2015 (as amended)	-	X	-	-
Applications for listed building consent where works to the exterior of the building are proposed	-	X	X	X
Applications to vary or discharge conditions attached to a listed building consent or involving exterior works to a listed building	X	-	X	X
Applications for development which would affect the setting of a listed building, or affect the character or appearance of a conservation area.	X	-	X	X
Lawful Development Certificate, Works to Trees in Conservation Areas or covered by a Tree Preservation Order,	-	-	-	-

Certificates of Appropriate Alternative Development, Hazardous Substances Consent, Prior Notifications for Agricultural Works and Buildings, Demolitions or Railways and County Matters			

Table 5.1 Statutory and Local Notification Requirements for Planning Applications

5.27 Whilst the above represents the statutory requirement, the Local Planning Authority will normally notify all neighbouring properties by letter of planning applications where the neighbouring property abuts an application site, regardless of whether this is statutorily required or not. Additionally, other properties where development has potentially wider impacts may be notified, this will be dependent on the type and scale of development and its cumulative impact on the surrounding areas and will be applied at the discretion of the Local Planning Authority.

5.28 The Council will send notifications of planning applications via a letter, outlining the address of the development, a description of the proposed development, information on how to make a representation and the contact information and name of the planning officer in charge of the application. Representation will be accepted for 21 days after the date on which notice is given, although any representation received after this date will usually be accepted if received before the application is determined. Representations can be submitted by:

- Writing to us at: Planning Services, Maldon District Council, Princes Road, Maldon CM9 5DL;
- Email: Planning@maldon.gov.uk; or
- Online: https://publicaccess.maldon.gov.uk/online-applications

The use of the online facility is the preferred method of receiving representations with respect to planning applications. To be accepted, all representations made to the Council must include contact details of the respondent.

5.29 For representations to be given weight when an application is assessed they must relate directly to planning matters known as material considerations. For example, this might include:

- Any harm to the amenities of residents caused by noise, smell, loss of light and overlooking
- The visual impact of the proposed development
- The effect of the proposal upon the enjoyment of your home or garden
- The impact on the appearance of the surrounding area and upon highway safety

It should be noted that comments made in relation to property values are not able to be given weight and that the Local Planning Authority has no ability to act in relation to neighbour disputes or The Party Wall Act 1996.

5.30 All representations submitted will be kept as part of the public record and will be made available to view by any person on request. At the discretion of the Local Planning Authority may make representations available to view on the Council's website, either in full, redacted or summarised.

5.31 Under delegated powers, the Director of Planning and Regulatory Services is able to make decisions on certain categories of planning application. Additionally, Members can ask for particular applications affecting their Ward to be referred to a committee for decision.

5.32 Members of the public have the opportunity to put their views on planning applications direct to meetings of the Planning and Licensing Committee and three Area Planning Committees. For more information on public speaking at planning committee meetings, see:

https://democracy.maldon.gov.uk/documents/s4350/Public%20Speaking%20Guidelines%20-%20Planning%20Committee%20Meetings%20November%202106.pdf

Notification of a Decision

5.33 Unless agreed in writing by the Local Planning Authority, all non-major planning applications are to be decided within eight weeks, whilst major applications have an increased time frame of up to 13 weeks. Applications that are accompanied by an Environmental Statement as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 should be decided within 16 weeks.

5.34 Once a decision has been made on a planning application, an Officer's report will be published. The report will provide information on the following:

- A description of the application and site;
- A review of local and national planning policies, which the application has been held against;
- An analysis of representations made through public consultation; and
- The Officer's recommendation for approval or refusal.

5.35 When a decision is reached, those making representations are advised of the decision within 10 days by letter or email. This will state whether the application has been approved or refused and will advise that the full decision may be viewed on the Council's website.

Appeals

5.36 Only applicants may appeal against a decision made by the Local Planning Authority. Appeals can relate to a decision to refuse a planning application or against the non-determination of any application within 8 weeks (for minor applications) and 13 weeks for major applications. It is not possible for 'third party' observers to appeal a decision. Should an appeal be made against the decision, all representations are forwarded to the Planning Inspectorate.

5.37 All those making representations are advised of the appeal and that further representation may be made direct to the Planning Inspectorate. For further details, please consult the website (www.maldon.gov.uk) or seek advice from the Planning and Regulatory Services.

5.38 The Planning Inspectorate will consider all written evidence that is made available and a decision is expected to be made within 19 weeks from the date of the notice of the decision or determination giving rise to the appeal.

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6. Monitoring and Review

6.1 The SCI will be continuously monitored as part of the Authority Monitoring Report (AMR). The AMR monitors the progression of the Local Plan and tracks a set of indicators which evaluate the effect of current policies across five themes, Housing, Prosperity, Natural and Built Heritage, Accessibility and People and Communities.

6.2 The AMR is published annually and will provide a monitoring framework to assess the effectiveness of the SCI and policies within the Local Development Plan.

6.3 The Town and County Planning (Local Planning) (England) (Amendments) Regulations 2017 requires a review of the SCI must be completed every five years, starting from the date of adoption. Additional changes in national legislation or policies within the LDP may trigger an automatic review of the SCI.

Authority Monitoring Report

6.4 Section 113 of the Localism Act requires local authorities to produce reports which monitor the progress of their Local Plan documents and evaluate the effect of their polices.

6.5 Aforementioned, the Council will aim to publish the AMR annually, enabling decision makers and communities to gauge the wider social, economic and environmental issues affecting the District and the key drivers of spatial development.

Data Protection

6.6 Maldon District Council takes data protection seriously and takes all appropriate measures to protect your personal information and comply with data protection law, including the General Data Protection Regulations (GDPR). We do not share any personal data with marketing companies.

6.7 When we collect your data, we will provide you with a Privacy Notice which details the lawful basis that we will use to collect your data, who we will share it with (if appropriate), your rights, and how you can contact us about your data.

6.8 If you have any questions about how we use personal data, please contact our Data Protection Officer, dpo@maldon.gov.uk or see our website www.maldon.gov.uk/terms.

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Community-Led Planning Guidance

There are eight key stages in producing a Neighbourhood Plan:

1. Designating a Neighbourhood Area

The first formal step in neighbourhood planning is the submission of the proposed Neighbourhood Area to the local planning authority for designation. For town or parish councils, there is a strong presumption that the Neighbourhood Area will be the same as the town/parish boundary. However, they may choose a smaller and more focused area, such as a town or village centre, or adjacent parish/town councils may agree to work together to produce a joint Neighbourhood Plan. If the Neighbourhood Area is the same as the parish/town council area, it is designated without needing a public consultation. If the proposed Neighbourhood Area is not the same area as the parish/town boundary, then there will be a 6 week public consultation.

2. Neighbourhood Plan Steering Group

Due to the amount of work involved in producing a Neighbourhood Plan, parish/town councils are advised to set up a steering group to undertake the project. A successful steering group should question, provide ideas and have a useful distance and perspective to assist the community in preparing the Neighbourhood Plan.

There is no required size for a steering group but it is advisable for the group to include a wide range of people with different skills and experience from across the community, and may include local councillors, residents, local businesses and community organisations. The parish/ town council is ultimately responsible for the production of the Neighbourhood Plan and the steering group must report to the parish/town council on a regular basis and receive ongoing endorsement.

3. Gathering Baseline Information

Once the Neighbourhood Area has been designated, it is time to begin the initial research. It is important to be aware that in preparing the Plan, any planning policies and proposals need to be based on a proper understanding of the place and community they relate to, if they are to address local issues effectively. It is therefore important that Neighbourhood Plans are based on robust evidence.

The District Council has a number of evidence base studies for the Local Development Plan which may be useful for a Neighbourhood Plan, and can give advice on which documents would be relevant. A review of these documents and existing evidence should be undertaken at the beginning of the process as it may be necessary to develop new evidence (or update existing evidence) at the neighbourhood level. This could include:

- **Economic**: business surveys, viability, vacancy/floor space survey, available sites survey, land values, employment need survey, etc.
- **Social/Community**: housing needs survey, audit of community facilities, ‘Building for Life’ assessment of housing, etc.

- **Environmental**: heritage audit, conservation area appraisals, review of local heritage assets lists, urban design analysis, open space survey & analysis, etc.
- **Infrastructure**: transport linkages, schools' capacity, transport capacity analysis, traffic/ pedestrian flow surveys, etc.

After the evidence base is reviewed, parish/town councils can start to identify potential policy directions and issues for the Neighbourhood Plan to address. It is recommended at this stage there is an initial public consultation event to identify the issues the community would like to see included in the Plan. For this consultation, it may be useful to use the issues already identified to spark the discussion, as well as suggesting some options which the community can comment on and build on. This early engagement with the community will help to define an overall vision of the Plan, identify local issues and to start to create a sense of wider ownership for the Plan. It may also identify whether there is sufficient support locally for a Neighbourhood Plan.

Once this initial stage is completed, the information should be compiled into a Baseline Report which will show the consultation process to date and the issues identified through research and community consultation.

If the research identifies that the Neighbourhood Plan needs to allocate land for development, a 'call for sites' must be held. This is a local consultation that enables local landowners or developers with a land interest to put forward sites they wish to be considered for development in the future. The resulting list of sites can then be objectively assessed to identify which sites are appropriate for allocation. Maldon District Council can provide advice on the assessment process. The results of the call for sites consultation need to be collated and made publicly available. A summary of the call for sites consultation needs to be included in the consultation statement. Once the sites have been assessed, the results are collated into a report that is published with the draft Plan.

4. Ensuring that consideration of environmental effects are part of the process

Planning Practice Guidance makes it clear that a sustainability appraisal should be an integral part of the plan preparation process, including Neighbourhood Plans. This will form part of the evidence base supporting the policies and allocations in a Neighbourhood Plan.

A Habitats Regulations Assessment (HRA) screening opinion will need to be sought for an early draft of the Plan, as well as at the pre-submission and submission consultation stages. The screening opinion will establish, at an early stage of plan-making, whether any of the policies or proposals in the emerging Plan are likely to cause significant environmental effects. This exercise involves consulting the three statutory agencies (5 week consultation period) on the screening opinion and publicising its findings on whether or not a further environmental assessment is required. This consultation can be undertaken by the parish/town council, or on request, the District Council. If the District Council undertakes this, the outcome of the process will be reported to the steering group. The HRA screening opinion is a

key element that goes towards demonstrating that the Plan meets the basic conditions. Further information of the HRA process can be found at here.

5. Writing the plan

Policies in the Neighbourhood Plan must be planning related and should provide a practical framework within which decisions on planning applications can be made. It is important that any policies are local in nature, do not conflict with the District Council's Local Development Plan, are based on evidence and are able to be funded and delivered. The plan period will normally be 15 years.

If the parish/town council wishes to cover issues which are not planning related, such as speed restrictions, road widening and/or other more aspirational projects where no delivery mechanism can be identified at this stage, they can be included in a separate section in the Plan, but cannot form local policy.

There is considerable flexibility over how a Plan can be structured and written. The following are suggestions:

- **Vision and Aims** - These can relate to a wide range of planning and regeneration matters – social, economic and environmental. The vision and aims of the plan can then be translated into detailed policies, guidance and proposals
- **Planning Policies** – Planning applications will be determined in accordance with the Local Development Plan's policies unless material considerations indicate otherwise, for example, local evidence. The policies in the plan are usually supplemented by explanatory text. Illustrations can be used to help explain the policies and give the plan local context.
- **Site Allocations and Community Proposals** – Although not a requirement, Neighbourhood Plans are encouraged to identify key sites for specific kinds of new development, such as housing, community facilities, retail, employment or mixed uses.

It is strongly advised that an early draft is sent to the District Council's planning policy team who can provide advice and guidance regarding the policies. It is this point that a request for a screening opinion can be made.

6. Pre-submission (Regulation 14) consultation

It is a legal requirement that the proposed Neighbourhood Plan, as well as the screening opinion and an environment report (if required), are subject to a six week public consultation. It is recommended that the consultation statement is published alongside the draft Plan. It may be useful to produce a concise summary of the draft Plan for those who do not wish to read the full document.

After the consultation, a report must be produced summarising the comments received, issues raised by those comments and describing if and how the Plan has been modified in response to the issues raised. This information is added to the 'Consultation Statement' which is a legal requirement for all Neighbourhood Plans.

7. Submission, examination and modifications

Following any amendments resulting from the pre-submission consultation, the Neighbourhood Plan is submitted to Maldon District Council. This is the version of the Plan the parish/town council want to be adopted. The submission to the local planning authority must include:

- A map or statement, which identifies the neighbourhood area
- A consultation statement
- The proposed neighbourhood plan
- A statement on how the plan fulfils the basic conditions

The submission can also include any other supporting documents, such as the site assessment results, sustainability appraisal, etc, that the parish/town council want the Examiner to consider at the Examination.

The District Council, will consult the statutory bodies on the screening opinion for this version of the plan, and organise the six week Regulation 16 consultation. All the responses and a summary of the responses are collated for the Examiner.

An Independent Examiner will be appointed by the District Council, in agreement with the parish/town council, to undertake the Examination. The Examination will consider the submitted documents and any comments made during the Regulation 16 consultation. The Examiner will assess whether the Plan meets the 'basic conditions' and other relevant legal requirements (*e.g.* consultation). Neighbourhood Plan Examinations may need to have hearing sessions, although this is rare.

The Examiner will decide:

- whether the Plan can proceed to Referendum or not. If the Plan meets the basic conditions, the Examiner will recommend that the Plan proceeds to the Referendum;
- whether the Plan does not meet the basic conditions, but modifications can be made to rectify this, they will recommend that modifications are made, and once made, the Plan can proceed to Referendum: or
- whether the plan does not meet the relevant legal requirements, and these cannot be rectified through making modifications to the Plan, then they will recommend that it does not proceed to the Referendum.

If modifications are needed, the District Council must make modifications to the plan if it will enable the Plan would comply with the 'basic conditions'. The parish or town council may withdraw the Plan if it is unhappy with the modifications being made.

8. Referendum and adoption

If the plan complies with the key legal requirements, with modifications if necessary, then the District Council will arrange for a local Referendum to take place. At least 28 working days' notice of the Referendum will be given.

Good consultation in all Plan stages will ensure that the electorate know about the Plan and the Referendum and are able to make an informed choice on the day of the vote.

If more than 50% of those voting in the Referendum vote 'yes', then the Plan immediately comes 'into force' and will be used to determine planning applications and guide planning decisions within the Neighbourhood Area. Soon after the Referendum the District Council will 'make' the Plan, publishing it and any supporting documents as required by the Regulations. These will be provided to the parish/town council electronically for inclusion on the parish/town council or Neighbourhood Plan website. Once a Neighbourhood Plan is made it becomes part of the development plan for the District and has the same legal status as a Local Plan.

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Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

Title Maldon District Statement of Community Involvement	Date 16/04/2018	Officer Preparing Sam Connolley

1. Background

1.1 **Description of proposal / policy / service** (Including aims, outcomes and in the case of an existing service how long it has been delivered in its current format)

This Statement of Community Involvement (SCI) provides a comprehensive vision and commitment that seeks to ensure that communities and stakeholders are consulted in planning and development matters. The planning system within the UK, which aspires to balance the need for providing homes, employment and transport under the principles that encompass sustainable development, affects all communities and individuals in one way or another. It is therefore crucial that local people are given the ability to understand the planning process and also the opportunity to participate in the decision making process, offering their ideas and influencing the path of development. The SCI will be used as a framework for consultations by the Council to help guide approaches to consolation for the production of documents within the Local Development Framework (LDF) and planning applications as well as on other non-planning matters. The LDF is a non-statutory term used to describe a portfolio of policy documents, which include all Local Planning Authority Local Development Documents.

Maldon District Council adopted its first SCI in 2007, and an addendum approved in 2012. This document has been produced to comply with new legislation and align with updated channels of communication between the Council and the residents of the District it serves.

The Planning and Compulsory Purchase Act 2004 required Local Planning Authorities to prepare an SCI as a statement of the authority's policy as to the involvement in the exercise of the authority's function in planning matters relevant to the Planning and Compulsory Purchase Act 2004 and all those who appear to the authority to have an interest in matter relating to development in their area. This document therefore provides the continuity of a service that aspires to achieve positive engagement and involvement processes, whilst complying with amended legislation.

1.2 **Who are the users of the proposal / policy / service** (Refer to data held about the users of the service i.e. numbers of users, demographic breakdown. Having this information is important to understand which sectors of the community might be affected. If that is not available refer to the demographic data held on the intranet.)

- The Community
- Developers
- Those who engage in planning matters
- Statutory consultation bodies
- General consultation bodies
- Employees of the Council

Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

1.3 **Have users been consulted with?** (Have you carried out consultation with users or stakeholders while drawing up the proposal / policy / service? For example, have you carried out a formal consultation, discussed the issue with a Friends/User Group or consulted with stakeholders? If so, outline the results and how it has informed your plans. It's also important to show whether the target audience was reached during the consultation.)

Community engagement is a requirement of the SPD preparation process (in the Town and County Planning (Local Planning) (England) Regulations 2012.

The Council will undertake a formal 6 week consultation in the summer period of 2018. At the start of the formal consultation period, a letter/email promoting the Draft SCI and its consultation period will be delivered to all households, business and statutory consultees on the Consultation Database. The draft consultation documents will be available for inspection via the Council's website. Physical copies will be made available at specific locations within the District including all public libraries and at the Council's offices. Details on how to view the documents will also be outlined within the consultation letter. Consultation responses can be completed using a response form, to be returned by email, online or by post. The draft SCI will also be promoted in the local media, on the Council's website and other multi-media channels.

1.4 **If the analysis is regarding an existing Service, what are users' views of that Service?** (Base your view on evidence such as satisfaction surveys, levels of compliments and levels of complaints).

The existing service was first introduced in the Planning and Compulsory Purchase Act 2004 and provides a framework for the engagement and involvement of members of the community in planning matters. Respondents to planning applications are not monitored for equality purposes; however the Council is vigilant in recognising when respondents may have issues with the consultation process.

With regard to planning policy document consultations, the service is continually monitored and representations reviewed for quality purposes. Additionally, the consultation database undergoes a bi-annually data cleanse to identify who would like to receive notification of planning policy consultations.

2. Equality Aims – consider how the proposal / policy / service meets the three Equality Aims listed in the Equality Act.

Aim	How does the proposal / policy / service meet the equality aim?	Action or addition needed in order that the proposal / policy / service meets the aim?
2.1 **To eliminate unlawful discrimination, harassment and victimisation**	The SCI positively seeks to eliminate all impacts related to unlawful discrimination, harassment and victimisation by creating a framework that engages with and involves all community groups in planning matters.	None identified.
2.2 **To advance equality of opportunity between people who share a protected characteristic and those who do not**	The draft SCI is written in plain English to help ensure that all users have the ability to understand technical details. The draft SCI can be made available in a range of formats e.g. large print, Braille to address specific needs. Equally responses will be accepted in	None identified.

Maldon District Council Equality Analysis

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	a range of formatted to encourage responses from the widest possible group.	
2.3 **To foster good relations between those who share a protected characteristic and those who do not**	The SCI aims to create an equal platform for all members of society to contribute effectively in matters concerning planning. Therefore there are no identified negative impacts related to the fostering of good relations between those who share a protected characteristic and those who do not in relation to the SCI.	None identified.

3. Equality Impacts – examine how the proposal / policy / service impacts on the community. Base the analysis on evidence. Attach additional documents if necessary.

Impacts	Positive impact (X)	Could adversely impact (X)	No impact (X)	How different groups could be affected: Summary of impacts	Actions to reduce negative or increase positive impact
3.1 Age (What will the impact be on different age groups such as younger or older people?)	☒	☐	☐	The key objective of the SCI is to engage with and involve all community members in certain planning matters. The document explicitly outlines how the Council will attempt to engage with the entire community and recognises that certain groups within society have traditionally been under represented, known as 'hard to reach' groups. Potential 'hard to reach' community groups include both young people and vulnerable older groups. The document outlines the Council's commitment to ensure everybody has the opportunity to be involved in planning matter and encourages their participation.	As a result of the SPD, there will be a positive impact in this regard. No further action is required although the SCI will be subject to monitoring and review as needs be through the Authority Monitoring Report (AMR) in addition to the requirements of The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, which requires Local Authorities to update their SCI every five years.
3.2 Disability (Consider all disabilities such as hearing loss, dyslexia etc as well as access issues for wheelchair users where appropriate)	☒	☐	☐	The SCI identifies and promotes multiple access routes to being involved in planning matters, with the opportunity to use a range of platforms to gain access to planning documents and consultations. Additionally, all planning documents are or can be made	As a result of the SPD, there will be a positive impact in this regard. No further action is required although policies will be subject to monitoring and review as needs be.

Maldon District Council Equality Analysis

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				available in large copy print, audio cassette, braille or languages other than English on request.	
3.3 Pregnancy and Maternity (Think about pregnancy, new and breastfeeding Mums)	☒	☐	☐	The document aims to engage with all members of society. The Council recognises that it can be difficult for certain community groups, including mothers-to-be and new mothers, to actively engage in planning matters. Therefore the Council, with the use of the SCI, will make every endeavour to engage with and involve mothers-to-be and new mothers through all possible channels of communication.	As a result of the SPD, there will be a positive impact in this regard. No further action is required although policies will be subject to monitoring and review as needs be.
3.4 Sex (is the service used more by one gender and are the sexes given equal opportunity?)	☐	☐	☒	A wide variety of consultation methods have been detailed within the SCI and will be employed by the Council which will enable all sexes to participate equally.	As a result of the SCI, there will be a neutral impact in this regard. No further action is required although policies will be subject to monitoring and review as needs be.
3.5 Gender Reassignment (Is there an impact on people who are going through or who have completed Gender Reassignment?)	☐	☐	☒	The key objective of the SCI is to engage with and involve all community members on certain and relevant planning matters. It is considered the SCI will have a neutral outcome to all in regards to gender reassignment.	As a result of the SCI, there will be a neutral impact in this regard. No further action is required although policies will be subject to monitoring and review as needs be.
3.6 Religion or belief (Includes not having a religion or belief)	☒	☐	☐	The SCI includes consultation methods designed to reach all groups, including 'hard to reach' community groups such as those that have specific religious beliefs.	As a result of the SPD, there will be a positive impact in this regard. No further action is required although policies will be subject to monitoring and review as needs be.
3.7 Sexual Orientation (What is the impact on heterosexual, lesbian, gay or bisexual people?)	☐	☐	☒	The key objective of the SCI is to engage with and involve all community members on certain and relevant planning matters. It is considered the SCI will have a neutral outcome to all in regards to gender reassignment.	As a result of the SCI, there will be a neutral impact in this regard. No further action is required although policies will be subject to monitoring and review as needs be.

Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

Impacts	Positive impact (X)	Could adversely impact (X)	No impact (X)	How different groups could be affected: Summary of impacts	Actions to reduce negative or increase positive impact
3.8 Race (Includes ethnic or national origins including Gypsies and Travellers)	☒	☐	☐	The SCI includes consultation methods designed to reach all groups, including 'hard to reach' community groups such as Gypsy and Traveller communities within Maldon District.	As a result of the SPD, there will be a positive impact in this regard. No further action is required although policies will be subject to monitoring and review as needs be.
3.9 Socio-Economic Group (Will people of any particular socio-economic group be particularly affected?)	☒	☐	☐	The SCI outlines a variety of engagement methods that will enable all socio-economic groupings to actively engage and participate in planning matters put forward by the Council.	As a result of the SPD, there will be a positive impact in this regard. No further action is required although policies will be subject to monitoring and review as needs be.

4. Is there a Cumulative Impact? (If the same group is the subject of many changes or reductions the overall impact is much greater. Consider what else is happening within Maldon District Council that may have an impact and also what we know is happening elsewhere (such as Essex County Council). See Guidance for further advice.)

The impacts as identified above are largely positive or at worst case, neutral. No further change is needed at this stage although the document will be subject to monitoring and review.

5. Outcome

5.1 **Consider all the analysis and evidence above and indicate**

(1) No change needed ☒ **(2) Adjust** ☐ **(3) Adverse impact but continue** ☐ **(4) Stop, remove the proposal / policy / service** ☐

5.2 **Adjustments**

If option (2) above is selected please detail what adjustments are needed, who is responsible and how that will be reviewed. Also outline how that will be agreed (ie Committee, CMT).

Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

5.3 **Decision Making** (How will this equality analysis be taken into account during the decision making process? For example will it be included with a report to Committee/CMT? Will it be considered at department level or by a Head of Service? How will community/stakeholders views be taken into account?)

The EqIA will be reviewed and updated once the responses for the public consultation have been compiled and assessed. The public consultation will enable an understanding as to whether specific groups or demographic variables are discriminated against.

6.0 **Next Steps**

6.1 **If there was a lack of evidence or data held on which to base this assessment, how will that gap be addressed for the future?**

Not applicable

6.2 **Summary of actions highlighted within this analysis** (Include how this will be picked up within service/work plans)

No actions identified.

6.3 **Arrangements for future monitoring of equality impact of this proposal / policy / service**

The SPD and its equality impacts will be monitored though the Annual Monitoring Report. A review could happen should the SPD prove to be ineffective in providing a clear and constructive framework for the engagement with and involvement of community groups within the District.

It is a statutory requirement of The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 that Local Authority update their SCI every five years. Therefore, the Council will review the SCI on a regular basis to ensure its approach to community involvement remains both efficient and effective.

6.4 **Approved by (Manager or Head of Service signature and date)**

Once approved please forward this analysis to Cally Darby to arrange publication.

REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES

to
PLANNING AND LICENSING COMMITTEE
05 JUNE 2018

MALDON DISTRICT SELF-BUILD AND CUSTOM HOUSEBUILDING REGISTER

1. PURPOSE OF THE REPORT

1.1 This report provides a detailed explanatory note about the Self Build and Custom Housebuilding Register, as set out in The Self-Build and Custom Housebuilding Regulations 2015, amendments made by the Housing and Planning Act 2016 and further information set out in the Self-Build and Custom Housebuilding (Register) Regulations 2016.

1.2 To outline how the amendments to the 2015 Act and information contained in the Regulations 2016 will affect the Council's review of the Self-build and Custom Housebuilding Register.

1.3 To seek the views of Members on a proposed local connections eligibility test for applicants seeking entry on to the Self-build and Custom Housebuilding Register (the Register).

2. RECOMMENDATIONS

(i) That this Committee notes this report and supports the need for a review of the Maldon District Self-build and Custom Housebuilding Register.

(ii) That this Committee approves the addition of a local connections eligibility test for applicants seeking entry on to the Maldon District Self-build and Custom Housebuilding Register.

3. SUMMARY OF KEY ISSUES

3.1 Background

3.1.1 The Self-build and Custom Housebuilding Act 2015 ("2015 Act") requires relevant authorities, including Maldon District Council, to keep a register of individuals and associations of individuals who are seeking to acquire 'Serviced Plots' of land in the authority's area in order to build houses either as self-build or custom build.

3.1.2 For the purposes of the Register, the Self-build and Custom Housebuilding Act 2015 (Amended by the Housing and Planning Act 2016) defines "self-build and custom housebuilding" as the *'building or completion by –*

a) Individuals,
b) Associations of individuals, or
c) Persons working with or for individuals or associations of individuals,

- *Of houses to be occupied as homes by those individuals.'*

It does not include individual dwellings developed by developers or local builders for sale.

3.1.3 Self-build usually involves an individual or association of individuals directly organising the design and construction of their new home themselves. This can range from a traditional house build involving DIY resourcing or modern kit homes that feature tailored interiors. Custom building is usually when an individual or association of individuals commission a specialist developer to build a home with their involvement.

3.1.4 Self Build and Custom Housebuilding Planning Practice Guidance (PPG) defines a serviced plot of land as that which either has access to a public highway and connections for electricity, water and waste water, or, in the opinion of the Council, can be provided with access to those requirements within the duration of a development permission granted in relation to that land.

3.1.5 Since the legislation was enacted in 2015, the Council, like other authorities has maintained a Register of those who have expressed an interest in self build and custom build development in the District. However, until late Summer 2017 limited information was available in relation to the detailed implementation of the Register. Since then, officers have undertaken a review of the guidance, best practice from elsewhere, as well as the current demand for self and custom build in the District to inform the process moving forward.

3.2 Maldon's Self-Build and Custom Housebuilding Register

3.2.1 The legislation also places a duty on the Council to identify sufficient levels of suitable serviced plots of land to meet the demand for self-build and custom housebuilding in the area. The level of demand is established by reference to the number of entries added to an authority's register during a base year period.

3.2.2 The first base period begins on the day on which the register was established – in this case 31 October 2015 - so ends on the 30 October 2016. Subsequent base periods repeat this 12 month process from 31 October to 30 October each year. At the end of each base period, relevant authorities have 3 years in which to grant permission in principle (see paragraphs 3.6.2-3.6.3) for an equivalent number of plots of land which are suitable for self-build and custom housebuilding.

3.2.3 Table 1.1 below identifies all entries on the Council's Self-build and Custom Housebuilding Register and their associated base period.

Entries/Base Period	Register Year	Entries	3 Year Deadline
31/10/2015-30/10/2016	1	4	31/10/2019
31/10/2016-30/10/2017	2	15	31/10/2020
31/10/2017-30/10/2018	3	2	31/10/2021
Total Entries (2015-current)		**21**	

Table 1.1 Self-build and Custom Housebuilding Register Entries

3.3 Eligibility Test

3.3.1 The Self Build and Custom Housebuilding (Register) Regulations 2016 section 5 (1) stipulates that for applicants to be successfully entered onto the Register, each individual applicant and every member of an association of individuals that applies for entry on the register must be:

'(1) a) Seeking (either alone or with others) to acquire a serviced plot of land in the authority's area to build a house to occupy as that individual's sole or main residence.
b) Aged 18 or above
c) A British Citizen, a national of a European Economic Area (EEA) state other than the United Kingdom, or a national of Switzerland
(2) An association is eligible for entry in the register if each member of the association meets all of the eligibility requirements for an individual set out in paragraph (1).'

All of the 21 entries therefore are considered eligible for the Register.

3.4 Optional Local Connections Test and Financial Solvency Test

3.4.1 National legislation enables the Council to apply two additional optional local eligibility tests - a local connections test and a financial solvency test - any test must be a proportionate response to a recognised local issue and only introduced where there is strong justification to do so.

3.4.2 Introducing a local connections test will ensure that those with a local connection are prioritised on the Register for serviced plots. This will benefit local people who live and work in the District, including those who are unable to purchase a home on the open market and/or those that require a smaller home or a property designed to a particular specification. Given the aspiration to meet identified housing needs in the District and the significant affordability issues residents face the introduction of local connection eligibility criteria are deemed reasonable.

3.4.3 The time-scales sought for the local connection test reflect best practice and have been selected to comply with the Housing Act 1996 Part VI – the Allocation of Housing Accommodation. Therefore, applicants will need to demonstrate their eligibility through the following criteria:

- Applicants have been living in the District for at least five years prior to their application; or
- Applicants have been working in full-time employment (greater than 16 hours per week) in the District for at least three years and continue to do so; or
- Applicants have an immediate family relative residing in the local area for five years and more (immediate family is a parent/child or sibling).

3.4.4 Table 1.2 below outlines what evidence will be sought with regard to the local connection eligibility criteria.

Self-build and Custom Housebuilding Register Criteria	
Criteria	Evidence Sought
Age	Copy of passport, driving license, birth certificate or suitable equivalent
Nationality	Copy of passport, identify card or suitable equivalent
Local Connection	Historic (at least 5 years old) and current utility bill demonstrating name and home address(es) of the applicant; or Historic (at least 3 years old) and current P45 or Payslip demonstrating the applicant's address(es) of employment; or Historic (at least 5 years) and current utility bill demonstrating the address of the applicant's close relative; or Proof of historic (five years and less) employment in the armed forces; or Proof of current employment in the armed forces.

Table 1.2: Self-build and Custom Housebuilding Register Criteria

3.4.5 The Housing and Planning Act 2016 states that current or former armed services personnel (out of service less than the longest amount of time identified within the local connections criteria) will automatically satisfy the local connections test and be entered onto the Register.

3.4.6 Applying a local connections test would create 2 parts to the Register:

- Part 1: All applicants who meet the eligibility test and the local connections test; and
- Part 2: All applicants who meet only the eligibility criteria.

3.4.7 The Council must count entries on Part 1 of the register towards the number of suitable serviced plots they must identify land for. Entries on Part 2 do not count towards demand for the purpose of the 2015 Act (as amended) but must be considered by the Council when carrying out planning, housing, land disposal and regeneration functions - so should be used to help inform future demand in any review of the SHMA and LDP Review for example.

3.4.8 Consideration has been given to designing a financial solvency test, which would involve assessing whether the applicant can afford to purchase the land. Given the number of applications that have been submitted for the Register since 2015 and the limited number of plots this equates to, it is considered that incorporating a financial

solvency test would add significant resource implications for the Council, in terms of assessing the credibility of the information provided, and should not be introduced at this point. However, the Council can choose to introduce a financial solvency test at any point in the future.

3.5 Eligibility of Current Entries on Register

3.5.1 Set out below is a breakdown of the current Register with the local connection eligibility criteria applied. The table shows that of the 21 entries, only 17 meet the criteria, therefore only 17 plots would be required.

	Eligibility of Current Entries	**Year 3 Deadline**
Part 1 (meet local connections)	**17**	
15/16 Base Period	3	31/10/2019
16/17 Base Period	13	31/10/2020
17/18 Base Period	1	31/10/2021
Part 2 (do not meet local connections)	**4**	

Table 1.3 Eligibility of Current Entries on MDC Self-build and Custom Housebuilding Register

3.6 Self-build and Custom Housebuilding Land Duties

3.6.1 The 2015 Act (as amended) states that the Council has 3 years from the end of each base period in which to grant permission in permission (PiP) for the number of suitable plots of land for the entries in that base period. Therefore, three plots are required by October 2019.

3.6.2 Permission in principle is an alternative way of obtaining planning permission, designed to speed up the self-build process and encourage developers' faith in the potential to develop residential sites. PiP *'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.'* Effectively the Council would grant an outline planning permission for a site. Technical details consent would then be required before development can proceed – this would follow the same process as for all other detailed planning applications. This is a similar process to that for the Brownfield Land Register which was reported to this Committee in September 2017 (Minutes 2017/440).

3.6.3 PiP will only be granted for plots that are consistent with:

a) Maldon District Local Development Plan (2014-2029);
b) Burnham-on-Crouch Neighbourhood Plan and any subsequent 'made' neighbourhood plans;
c) National legislation and policies; and
d) Any guidance issued by the Secretary of State.

3.6.4 Although there are many sites that could accommodate self-build and custom build housing in the District, it is considered that the most effective and robust approach is for the Council to use the following process for site selection:

1. Identify all appropriate sites from the Council's Five Year Housing Land Supply report (to be published in September 2018): reflecting the definition of self-build this should only include:
   - land capable of accommodating up to 3 dwellings;
   - land that is suitable
     i. consistent with the plans and guidance in 3.6.3 above;
     ii. meets the definition in paragraph 3.2.1;
   - land that is available for self-build and custom build; and
   - land that is deliverable in the permission period.
2. Contact all the developers of the LDP housing allocations to see whether any are willing to consider an element of self-build within their site;

3.6.5 The PPG requires the Council to *'give suitable development permission to enough suitable serviced plots of land to meet the demand for self build and custom housebuilding in their area. There is no duty on the Council to permission land which specifically meets the requirements expressed by those on the register.'* So if applicants identify a need for plots in Burnham-on-Crouch but the Council identifies suitable serviced land in Maldon, the Council has fulfilled its duty. However, to help deliver the right type of housing in the right locations in the District, it is proposed to add value to the service offered; the Council will undertake a 'matchmaking' exercise – Officers will see if any of the sites that successfully pass the site selection meet the specific needs of those on the Register. This could reduce the number of entrants on the Register in the long term.

3.6.6 Work on the 2018 Five Year Housing Land Supply report has already begun, and developers of the allocations have been contacted. Officers will also contact all those currently on the Register to determine whether the wish to remain on the Register. The outcome of this work, including the number of plots that may need to be provided and their location, will be brought to this Committee in Autumn 2018.

3.7 Cost Recovery

3.7.1 The Council is able to charge an entry fee for those who apply to be on the register. However, the PPG states that this must reflect *'genuine costs incurred and should not act as a deterrent for people to be entered on the register'*. Given the amount of plots to be identified initially and the high housing affordability issues in the District, and the nominal fee that could be reasonably charged it is proposed not set an entry fee at present. This can be reviewed by the Council at any point. However, the Council will charge for technical detailed consent (using the same fee structure as for detailed planning permission).

3.7.2 In addition, Government have made New Burdens funding available totalling £90,000 between 2016/17 and 2019/20. The first payment of £15,000 was received in 2016/17, with a further £30,000 received this financial year. This funding is designed to support actions required to ensure that the timescales prescribed by the Regulations are met without impacting on exiting Council resources.

3.8 Publicising the Self-build and Custom Housebuilding Register

3.8.1 Section 1(2) of the Self-build and Custom Housebuilding Act 2015 requires the Council to publicise its register. The Council has a dedicated Self-build and Custom Housebuilding webpage on its website. Should the Council proceed with the local connections criteria the webpage would be updated accordingly and this would include a new application form.

3.8.2 The Self Build and Custom Housebuilding PPG also encourages Local Authorities to publish relevant information with regard to their register, such as:

- The number of individuals and associations on their register;
- The number of serviced plots of land sought; and
- The preferences of those on the register. Such as general location within the authority's area, plot sized and type of housing intended to be built, where this information has been requested by the Council and provided by the applicant.

3.8.3 To improve transparency of the Register, the Council's Authority Monitoring Report (AMR) will monitor these issues and any other headline data on demand. This can help increase awareness among landowners, builders and developers of the level and nature of demand for self-build and custom housebuilding in the area. This approach is compliant with the General Data Protection Regulations.

4. CONCLUSION

4.1 This report provides Members with an update on the need to review the Council's Register in accordance with the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and the more recently issued detailed national guidance on implementation.

4.2 National guidance indicates that the Council can establish local connections criteria for entry onto the Register. Given the significant affordability issues in the District and the evidenced demand for smaller market and affordable properties in the Strategic Housing Market Assessment it is proposed that a local connections eligibility test be introduced to ensure that local people who live and work in the District are prioritised on the Register.

4.3 An update will be provided to the Planning and Licencing Committee in the Autumn outlining progress made with regard to the revised Self-build and Custom Housebuilding Register, the number of plots required to fulfil the Council's duty, and where these plots could go.

5. IMPACT ON CORPORATE GOALS

5.1 The Maldon District Self-build and Custom Housebuilding Register will have a positive impact on the corporate goals of protecting and shaping the District.

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 Self-build and Custom Housebuilding Register will provide members of the public the opportunity to build their own homes as either self or custom build. The 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 Register will help to provide sustainable communities which help to provide for the future housing needs of the local community. The register will allow for all members of the community that have a local connection to Maldon District the opportunity to develop a self or custom house build.

(iii) **Impact on Risk** – The Register is required in accordance with the Self-build and Custom Housebuilding Regulations 2015 (As amended in the Planning and Housing Act 2016) in order to increase the number of planning permissions for new homes and to ensure the Council has a five year supply of deliverable land for housing. The Register can reduce risk in the development management process by granting permission in principle for housing on suitable serviced land.

(iv) **Impact on Resources (financial)** – The preparation of the amended Register will have financial resource implications for the Council. However, the Government has issued a New Burdens grant payment of £35,000 so far with a further £55,000 to come by 2019/20 to fulfil the legislative requirements. This will be needed to support actions required to ensure that the timescales prescribed by the Regulations are met without impacting on exiting Council resources. The grant is within the General Fund. Maldon District Council is able to set application fees, if necessary, on a cost recovery basis.

(v) **Impact on Resources (human)** – Planning Policy will incorporate the Self-build and Custom Housebuilding Register Programme into its existing work stream.

(vi) **Impact on the Environment** –the Maldon District Self-build and Custom Housebuilding Register will promote sustainable development within the District.

Background Papers:
Self-build and Custom Housebuilding Regulations 2015 (As amended in the Planning and Housing Act 2016)
Self-Build and Custom Housebuilding (Register) Regulations 2016
Self Build and Custom Housebuilding Planning Practice Guidance

Enquiries to: Sam Connolley, Planning Policy Officer, (01621 744652)

REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES

to
PLANNING AND LICENSING COMMITTEE
5 JUNE 2018

DRAFT MALDON DISTRICT VEHICLE PARKING STANDARDS SUPPLEMENTARY PLANNING DOCUMENT: STAKEHOLDER AND PUBLIC CONSULTATION

1. PURPOSE OF THE REPORT

1.1 The purpose of this report is to outline the content of the draft Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD) (**APPENDIX 1**). It seeks the Committee's approval for the draft SPD to go out for public consultation.

1.2 Consultation on Supplementary Planning Documents is a requirement of Section 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012. In accordance with the Council's Statement of Community Involvement, the consultation will be open for six weeks.

2. RECOMMENDATION

That the draft Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD) be approved for stakeholder and public consultation.

3. SUMMARY OF KEY ISSUES

3.1 **Need for review of the SPD**

3.2 It is good practice to review policies to ensure that they still serve their purpose. The Maldon District Vehicle Parking Standards (VPS) were originally adopted in 2006 and incorporated elements of the Essex County Council (ECC) / Essex Planning Officers' Association (EPOA) Vehicle Parking Standards extant at that time. A policy context review was undertaken in 2011.

3.3 Since the SPD was adopted the policy context has changed significantly:

- National policy shift away from maximum parking standards;
- ECC / EPOA Vehicle Parking Standards were revised in 2009;
- The SPD pre-dates the National Planning Policy Framework (NPPF), which itself is being revised in 2018;
- Maldon District Local Development Plan was approved in 2017;

- Maldon District Design Guide SPD was adopted 2017;
- Advances in technology, changing government policy and public attitudes will result in significant increases in the use of Ultra Low Emission Vehicles, including electric vehicles, in the future;
- Changes in the patterns of use of vehicles and vehicle design.

3.4 Evidence collected to date indicates that there is a clear justification for setting local parking standards in the district:

- The number of car/vans available for use to households in the district has more than doubled since 1981;
- In 1981 there was an average of 1.09 cars / vans per household, by 2011 the figure had risen to 1.6 cars / vans per household;
- Maldon District has a lower proportion of car-free households and a higher proportion of households with two or more cars or vans when compared with the rest of Essex;
- Almost 80% of residents rely on cars or vans (whether driving or as a passenger) to travel to work.

3.5 The Council's previous parking standards, originally adopted in 2006, followed the national guidance of the time and implemented maximum parking standards. National policy acknowledges that maximum standards for residential parking can lead to poor quality development, congested streets and has been found to have little influence in reducing car use. Other factors, such as the availability of alternative modes of transport and dwelling type have been found to have a greater impact on reducing car use. As a result, national policy has changed and maximum standards can no longer be set locally unless there is compelling justification to do so. Taking the NPPF and local evidence into account, this SPD does not set maximum car parking standards.

3.6 **The new parking standards**

3.6.1 The draft Vehicle Parking Standards SPD sets out the Council's approach to securing vehicle parking provision in new development in the District. It provides clarification on Policies D1, H4 and T2, and supports the implementation of the Local Development Plan (LDP).

3.6.2 The standards are aligned with other policy documents such as the Maldon District Design Guide, which is the starting point for the design of parking areas.

3.6.3 This report summarises the main elements of the draft SPD.

3.6.4 This draft SPD sets minimum standards for residential parking to ensure appropriate levels of parking are provided where people live. 83% of households have access to 1-3 cars (2011 Census), therefore the residential car parking standards focuses on this level of car parking provision

3.6.5 In the 2011 Census only 12.6% of households did not have access to a car / van. This means that over 87% of households have access to at least one car / van. Due to the

number of cars available to households in the 2011 Census, the increase in car ownership year on year, and the reliance of residents on private cars to access employment, education and everyday services, the expectation is that all new dwellings will have at least one allocated car parking space each.

Size of dwelling	Minimum number of car parking spaces
One bedroom dwelling	1
Two bedroom dwelling	2
Three bedroom dwelling	
Four+ bedroom dwelling	3

3.6.6 In exceptional circumstances, provision below the standards may be allowed, if justified by clear evidence (for example conversion of upper storeys above commercial premises for use as residential flats in town centres with nearby car parking, in areas within easy walking distance of regular public transport and community facilities, etc.). In these circumstances, reduced parking provision is to be accompanied by other demand management measures, such as the provision of high quality cycling facilities and proactive Travel Plans.

3.6.7 Where non-residential development is located as follows, the expectation will be that there is sufficient parking provision for staff and visitors within the site, to ensure that the operation of the development does not negatively impact on the surrounding road network or result in on-street parking:

- Outside a town centre where there is available public car parking;
- Is not within 960m (12 minutes) walk of a train station;
- Is not within 640m (8 minutes) walk of a bus stop with a regular bus service.

3.6.8 The main change has been in B1a – offices, where the standard has been increased - from one car parking space per 30m^2 to one space per 20m^2, to reflect increases in office based employment densities. B8 storage and distribution use has been split into two categories - storage warehouse and warehouse distribution with different parking standards that reflect the differing employment densities of these uses.

3.6.9 The 2006 SPD contained aspirational cycle parking standards to influence a shift to non-car modes. However, only around 2% of people in the district bike to work (2011 Census). The draft SPD still sets generous, minimum cycle parking standards to promote cycle use, however, for some uses, the standards have been reduced to better reflect likely cycle use and employment densities.

3.6.10 The draft SPD introduces standards for Electric Vehicle (EV) charging points. In the UK, new registrations of Ultra Low Emission Vehicles have grown from 269 cars in 2010 to 51,320 in 2017. The draft consultation NPPF actively encourages provision of spaces for charging plug-in and other ultra-low emission vehicles, and by 2040 petrol and diesel cars will no longer be manufactured. For non-residential development the draft SPD has set a standard of 1 charging point per 20 spaces (5%), plus 5% of available spaces to be provided with power supply for additional fast charge sockets in the future, to ensure that developments are future proofed. Charging point standards are also set for residential development.

3.6.11 A departure from the standards (higher or lower) will be considered where clear evidence is provided to support the level of provision proposed.

3.6.12 The standards for parking for people with disabilities has been simplified. The previous SPD standard was a mix of a minimum number of bays plus a percentage of the car park's total capacity, which varied depending on the type and size of car park. The draft SPD provides, in most cases, for 5% of car parking bays to be for people with disabilities. Communal parking in residential development and non-residential uses with smaller car parks have minimum provisions set. It is recognised that health and social care facilities and housing for older people may require higher provision. The amount of provision will be based on an individual assessment of the development proposed, target customers and likely demand.

3.6.13 The draft SPD introduces standards for secure, undercover storage for mobility scooters in specialist housing developments and for other types development likely to be used by older people / people with disabilities (e.g. health and social care facilities).

3.7 Status of the SPD

3.7.1 Once adopted by the Council, the Vehicle Parking Standards SPD will be a material consideration in making decisions on planning applications. It will replace the Council's adopted Vehicle Parking Standards (SPD) (2006).

3.8 Consultation

3.8.1 The SPD and supporting documents will be available to view at www.maldon.gov.uk/spd , at the Council offices and at all local libraries. The consultation for this SPD is open for six weeks from 14 June to 26 July 2018.

3.8.2 Stakeholders and the community can comment on the draft SPD by post or via email. Following the consultation, all comments made will be considered and changes made to this SPD, where appropriate. The outcome of the consultation will be reported to this Committee in the autumn, with a recommendation for the Council to adopt the SPD.

4. CONCLUSION

4.1 The draft Vehicle Parking Standards SPD sets out the Council's approach to securing vehicle parking provision in new development in the District. It provides clarification on Policies D1, H4 and T2, and supports the implementation of the LDP.

4.2 These car parking standards are more generous than those in the previous SPD, taking into account the availability of public transport and residents' reliance on the car for accessing employment, everyday services and leisure. The key objective of these standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

4.3 SPD consultation is a regulatory requirement. The stakeholder and public consultation will be for six weeks and the outcomes will be reported back to this Committee in the autumn.

4.4 Once adopted by the Council, the SPD will have weight in the planning process and will be a material consideration when planning applications are being assessed. The SPD will replace the Council's 2006 Vehicle Parking Standards SPD.

5. IMPACT ON CORPORATE GOALS

5.1 The draft SPD will have a positive impact on the corporate goals of which underpin the Council's vision for the District, in particular protecting and shaping the District and balancing the future needs of the community.

6. IMPLICATIONS

(i) **Impact on Customers** – Planning applications that generate vehicle parking requirements will be determined in accordance with the SPD ensuring delivery of quality; sustainable developments which meet local needs.

(ii) **Impact on Equalities** – An Equalities Impact Assessment identifies that the SPD will have a positive impact upon the District's communities by providing for a range of vehicle parking provision for residents and businesses, including for people with disabilities, mobility scooters and cyclists.

(iii) **Impact on Risk** – The SPD should improve highway safety by providing sufficient parking on site. Inadequate off-street parking provision can lead to indiscriminate parking, which can prejudice the safety of users of the highway or the passage of utility and emergency vehicles. This overspill parking often results in parking on footways and verges, which can potentially cause damage to underground utility services and present difficulties for pedestrians, those using push chairs, and people with impaired mobility, especially if using mobility equipment.

(iv) **Impact on Resources (financial)** – The costs related to the stakeholder and public consultation will be met through the community engagement resource for the LDP.

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

(vi) **Impact on the Environment** – The SPD promotes high quality, inclusive and sustainable development and safeguards the character and distinctiveness of the District. A Strategic Environmental Assessment (SEA) Screening Report has been undertaken: this shows that the SPD is expected to generate no significant effects on the environment

Background Papers:
Maldon District Local Development Plan www.maldon.gov.uk/ldp
Burnham-on-Crouch Neighbourhood Plan 2017
https://www.maldon.gov.uk/info/20048/planning_policy/8112/community_led_planning_and_neighbourhood_plans/4
Maldon District Design Guide 2017 www.maldon.gov.uk/mddg
Draft revised National Planning Policy Framework, 2018
https://www.gov.uk/government/consultations/draft-revised-national-planning-policyframework

Enquiries to: Leonie Alpin, Planning Policy Officer, (Tel: 01621 875878).

Maldon District

Draft Vehicle Parking Standards

2018

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Consultation

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

This document will be subject to a 6 week consultation from 14 June to 26 July 2018.

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

- Online by visiting: www.maldon.gov.uk
- By filling out and returning a response form available from:
- By emailing a response form to: policy@maldon.gov.uk
- By posting a response form to: Vehicle Parking Standards SPD Consultation, Planning Policy, Maldon District Council, Princes Road, Maldon, Essex,CM9 5DL.

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

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

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

Introduction

1. The Council is committed to developing a well-integrated community which connects people to jobs, services and community facilities whilst minimising impacts on the environment and quality of life. Parking is a key component of this. Good quality parking has the potential of influencing the way people travel, the efficient use of land, highway safety, as well as the quality of the built environment.

2. Inadequate off-street parking provision can lead to indiscriminate parking, which not only can affect the amenity and convenience of residents but may also prejudice the safety of users of the highway or the passage of utility and emergency vehicles. This overspill parking often results in parking on footways and verges, which not only affects the appearance of the street scene, but can potentially cause damage to underground utility services and present difficulties for pedestrians, those using push chairs, and people with impaired mobility, especially if using mobility equipment.

3. It is considered that a District-wide approach to residential and non-residential parking standards provides a holistic parking strategy for new development within the District. Given that the non-residential parking standards are seeking to help facilitate travel to work by modes other than the private car, it is important that residential parking standards provide the flexibility to enable residents to leave their cars at home in a safe place on the days that they may travel by alternative modes. Given the rural character of the District, a single parking standard for development that is applied across the District is the preferred approach.

4. The need for a planned approach to parking has increased with the growth in the ownership and use of private vehicles. Since 1994, the number of cars in Great Britain has risen from 21 million to 31 million in 2017[1]. In 2017 there were 39,100 cars registered in Maldon District, an increase of 3,500 vehicles in eight years[2].

5. The Government has recognised that car use will not be reduced by arbitrarily restricting off street parking spaces[3]. This is reflected in the experience in Maldon District. The previous adopted Maldon District Vehicle Parking Standards SPD (2006) complied with the national planning policy guidance at the time that required Councils to set maximum vehicle parking standards for residential development. However, over the lifetime of the 2006 Vehicle Parking Standards SPD, the numbers of cars in the District has increased by more than 10%[4]. Whilst the emphasis remains on promoting sustainable modes of travel and widening choice, in a district that is predominantly rural in nature and where there is higher than average car ownership[5], the appropriate provision of parking on new developments is necessary. As the Government acknowledges, failure to provide adequate parking can lead to parking misery, and be to the visual detriment of otherwise well planned and designed developments. Conversely, too much parking can result in poor design and harsh urban landscapes, and reduce the amount of open space provided.

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[1] DfT table VEH0204, https://www.gov.uk/government/statistical-data-sets/veh02-licensed-cars
[2] DfT car registration data at District level is available from 2009 onwards (DfT table VEH0105) https://www.gov.uk/government/statistical-data-sets/all-vehicles-veh01#table-veh0122
[3] DCLG/DfT Ministerial Statement published 03-01-2011, https://www.gov.uk/government/news/pickles-and-hammond-to-end-the-war-on-motorists
[4] DfT car registration data at District level is available from 2009 onwards (DfT table VEH0105) https://www.gov.uk/government/statistical-data-sets/all-vehicles-veh01#table-veh0122 . Between 2009 and 2017 the numbers of cars registered in the District has grown by 9.8%, compared to 10.5% across Great Britain as a whole. As the numbers of cars in Great Britain has grown year on year since 1994, in the absence of District level car data for 2006-2009, it is a reasonable assumption that the numbers of cars registered in the District has grown by more than 10% since 2006.
[5] An average of 1.6 cars per household in Maldon District compared to 1.37 cars per household across Essex (2011 Census, car/van availability).

6. The Council's car parking standards are more generous than those in the previous SPD. This is because of the significant increase in car ownership in the last decade, to reduce the negative impact unplanned street parking can have on the townscape and safety, and taking into account the availability of public transport and residents' reliance on the car for accessing employment, everyday services and leisure. The key objective of these standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

7. By setting out parking standards the Council is providing a clear direction on what it expects to see provided as part of new development, and these will be the basis for any negotiations over provision.

Status of the Vehicle Parking Standards Supplementary Planning Document (SPD)

8. Once adopted by the Council, the Vehicle Parking Standards SPD will be a material consideration in making decisions on planning applications. It will replace the Council's adopted Vehicle Parking Standards SPD (2006). It should be noted that the Standards are not policy, but act as guidance for developers setting out the ideal level of parking that developers should provide. The material weight afforded to them as SPD is considerable and full regard should be had to the standards in the preparation of and consideration of planning applications.

The Need to Review the Parking Standards

9. It is good practice to review policies and guidance to ensure that they still serve their purpose. The Maldon District Vehicle Parking Standards (VPS) were originally adopted in 2006. A policy context review was undertaken in 2011.

10. Since the VPS were adopted the policy context has changed significantly:
    - National policy shift away from maximum parking standards
    - The number of vehicles in the District has risen significantly
    - The pattern of car ownership has changed over time, with fewer households not having access to a car, and a significant increase in two-car households.
    - Advances in technology, changing government policy and public attitudes that will result in significant increases in the ownership and use of Ultra Low Emission Vehicles in the future.
    - Rise in charging points
    - Increased size of vehicles
    - Nationally, PPGs have been replaced by the NPPF, which is being revised in 2018
    - Maldon District Local Development Plan was approved in 2017
    - Maldon District Design Guide SPD was adopted 2017

11. Evidence collected to date indicates that there is a clear and compelling justification for introducing revised parking standards in the District. Maldon District has a lower proportion of car-free households and a higher proportion of households with two or more cars or vans when compared with the rest of Essex, and almost 80% of residents rely on cars or vans (whether driving or as a passenger) to travel to work.

12. The Council's 2006 parking standards, followed the national guidance of the time and implemented maximum parking standards. National policy and current research acknowledges that maximum standards for residential parking can lead to poor quality development, congested streets and has been found to have little influence in reducing car use. Other factors, such as the availability of alternative modes of transport and dwelling type have been found to have a greater impact on reducing car use. Therefore, national policy

has changed and maximum standards can no longer be set locally unless there is compelling evidence to do so.

13. As a result, these parking standards set minimum standards for residential parking to ensure appropriate levels of parking are provided.

14. In line with the NPPF, this SPD sets recommended standards for types of development based on the Town and Country Planning (Use Classes) Order 1987. Minimum cycle parking standards have been set to promote sustainable transport choices to influence a shift to non-car modes.

Application of these standards

15. The Maldon District Local Development Plan(2014-2029) was approved in 2017 and is the overarching development plan document for the District. Policies throughout the Plan refer to the Vehicle Parking Standards and that development proposals are expected to comply with them (see Appendix 3). The standards will apply to:
    - All new development proposals and those affecting parking provision within existing developments will be considered against these standards
    - Where two or more land uses apply to the same site the maximum parking provision for each land use should be assessed separately. Overlapping demand may be taken into account where it can be demonstrated that this will occur

16. The SPD is intended to:
    - Advise members of the public;
    - Assist developers in preparing plans for the development of land; and,
    - Expedite the determination of planning applications by ensuring that applications submitted include an appropriate level and location of parking provision that also contributes to the public realm.

Strategic Environmental Assessment and Equalities Impact Assessment

17. A Strategic Environmental Assessment (SEA) Screening Report has been carried out (see www.maldon.gov.uk/spd) for the SPD. The Council carried out an extensive Sustainability Appraisal for the LDP and the SPD does not set new policy, it only provides detailed guidance to support the delivery of the LDP. Therefore it has been concluded that SEA of the SPD is not required. The Screening Report has been sent to the statutory consultees for comment. Once their responses are received they will be added to the Screening Report and made available on the Council's website.

18. An Equalities Impact Assessment is available at www.maldon.gov.uk/spd

Policy Context

National policy context

National Planning Policy Framework (NPPF)

19. The NPPF was published in 2012 and sets out the government national planning policy for the preparation of development plans and determining planning applications. In 2018 the Government launched consultation on a revised NPPF, which is due to be published in the Summer 2018.

20. The guidance on car parking in the consultation draft NPPF updates that in the 2012 NPPF, to recognise the changes in car technologies, specifically providing for plug-in and other ultra-low emission vehicles.

21. The previous Vehicle Parking Standards SPD was written at a time when maximum car parking standards were advocated by Government. The consultation NPPF clearly states that maximum standards should only be set where there is a clear justification for doing so. Therefore the vehicle parking standards in this SPD are not expressed as maximums. This also recognises the availability of public transport in the District and the reliance on private vehicles for accessing employment and everyday services.

Figure 1 Extract from the draft National Planning Policy Framework 2018 on vehicle parking.

103. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that *[inter alia]*:

e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

105. Planning policies should *[inter alia]*:

d) provide for high quality walking and cycling networks and supporting facilities such as cycle parking – drawing on Local Cycling and Walking Infrastructure Plans;

106. If setting local parking standards for residential and non-residential development, policies should take into account:

a) the accessibility of the development;
b) the type, mix and use of development;
c) the availability of and opportunities for public transport;
d) local car ownership levels; and
e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

107. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network. In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

Ministry of Housing, Communities and Local Government (2018) *National Planning Policy Framework Draft text for consultation* https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/685289/Draft_revised_National_Planning_Policy_Framework.pdf (published on 5 March 2018)

NOTE: This section will be updated when the final NPPF is published this summer

Essex context

Essex Local Transport Plan (LTP) 2011

22. This is a long-term plan covering 15 years which sets out Essex County Council's aspirations, as the Highways Authority, for improving travel in the county, demonstrating the importance of our transport network to achieving sustainable long-term economic growth and enriching the lives of our residents. The LTP is a strategic level Plan that aims to:
    - Provide connectivity for Essex communities and international gateways to support sustainable economic growth and regeneration
    - Reduce carbon dioxide emissions and improve air quality through lifestyle changes, innovation and technology
    - Improve safety on the transport network and enhance and promote a safe travelling environment
    - Secure and maintain all transport assets to an appropriate standard and ensure that the network is available for use
    - Provide sustainable access and travel choice for Essex residents to help create sustainable communities.

Figure 2 Essex Local Transport Plan (LTP) 2011 Policy 8 Promoting Sustainable Travel Choices

The County Council will encourage the use of more sustainable forms of travel by:

- consistently supporting and promoting sustainable travel;
- providing infrastructure for sustainable transport;
- working with partners and service providers to promote the use of sustainable forms of travel and to identify new ways to provide services;
- requiring effective travel planning for proposed developments in line with the Council's current development management policies;
- developing effective travel plans with existing work places, schools, and other locations that attract a significant number of people;

In accordance with the Council's Development Management Policies, proposals will therefore need to demonstrate that adequate provision is to be made for public transport, walking and cycling, with appropriate links provided to existing networks. The Council's current parking standards will ensure that suitable facilities are provided for alternatives to the private car and that car traffic growth is minimised.

For all new residential developments, a 'Transport Information and Marketing Scheme' will be required, providing those moving in to them with information on local public transport services, walking and cycling networks and facilities and other low carbon travel opportunities. Non-residential proposals for developments which will employ more than 50 people will be required to provide a Travel Plan, setting out how the development will support access by low carbon forms of transport. (pg 72)

ECC (2011) *Essex Transport Strategy: the Local Transport Plan for Essex*, available at: http://www.essexhighways.org/uploads/files/essex_ltp.pdf

Other Council's Vehicle Parking Standards

23. The majority of the Local Planning Authorities in Essex use the ECC/EPOA Vehicle Parking Standards (2009)[6]. In the past Vehicle Parking Standards have been prepared on an Essex Wide basis. However, there is no movement to prepare Essex wide standards and so a number of Districts are preparing their own standards, including Maldon. For example, Uttlesford District adopted the ECC/EPOA Vehicle Parking Standards with modifications in 2013, recognising that the rural nature of Uttlesford justified a higher level of car parking provision. Chelmsford City Council published an Interim Residential Parking Guidance in 2015, which sought to align Chelmsford's standards with those used by Essex County Council and to allow lower parking requirements for development within 800m of Chelmsford train station. Each local authority has an obligation to cooperate with one another and take into account each other authority's plans.

24. Other Councils' recently approved or drafted vehicle parking standards from around the country have been reviewed, to identify examples of best practice and to sense-check the standards in this document.

Local policy context

The Development Plan

25. The Maldon District Local Development Plan (LDP) was approved by the Secretary of State on 21 July 2017. The LDP along with the Essex Replacement Minerals Local Plan, the Replacement Waste Local Plan and made Neighbourhood Plans form the Development Plan for the District. Planning decisions must be taken in accordance with the Development Plan. Proposed development that conflicts with the Development Plan will be refused unless other material considerations indicate otherwise.

Figure 3 Maldon District Local Development Plan Extracts relating to car parking standards

Key Policy:
Policy T2 - Accessibility
To create and maintain an accessible environment, development proposals should where relevant to the development involved:
1) Be located where there is physical and environmental capacity to accommodate the type and amount of traffic generated, or locations where the impact can be suitably mitigated, taking into account the cumulative impact of developments;
2) Provide safe and direct walking and cycling routes to nearby services, facilities and public transport where appropriate;
3) Improve accessibility to the countryside and the natural environment and to enhance and protect the provision of Public Rights of Way;
4) Improve accessibility to buildings, streets and public spaces, particularly for those with mobility impairments;
5) Provide sufficient parking facilities having regard to the Council's adopted parking standards;
6) Provide sufficient and safe access to service and emergency vehicles; and
7) Give appropriate consideration to encourage a people-oriented space within the development.

Policy context
7.13 Parking standards for different types of developments will need to have regard to the Council's adopted Vehicle Parking Standards SPD or successor documents

[6] https://www.essex.gov.uk/Environment%20Planning/Development-in-Essex/Documents/Parking_Standards.pdf

Policy context for Policy S5 -The Maldon and Heybridge Central Area
2.79 The public realm will need to be improved to enhance the quality of the Central Area and allow visitors to easily access the historic and tourist locations by foot. Care will be required to minimise conflicts between road users and pedestrians. Car parking spaces should be retained in the Central Area to enable visitors and tourists alike to take advantage of the key assets. Creating a well ordered public realm which reduces congestion is critical to the future success of the Central Area as a destination.

Policy D1 – Design & Built Environment
All development must:
5) Include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards.

Policy context
3.6 New development should have regard to the Council's adopted parking standards outlined in the Maldon District Vehicle Parking Standards SPD (or successor document) which outlines recommended cycle, motorcycle, and car parking space provision in relation to the size and use of new development.

Policy H4 Effective Use of Land
Density
All development will be design-led and will seek to optimise the use of land having regard to the following considerations:
1) The location and the setting of the site;
2) The existing character and density of the surrounding area;
3) Accessibility to local services and facilities;
4) The capacity of local infrastructure;
5) Parking standards;
6) Proximity to public transport; and…

Policy context
5.27 The Council will take a flexible approach to housing density by emphasising the need for all housing developments to incorporate high quality design and take into account all sustainability considerations, including parking provision, local character, specific local needs and constraints

Policy H6 Provision for Travellers - Criterion(3). The Council will consider applications for planning permission against the other relevant policies in this Plan, and will require sites to be:
e) of sufficient size to provide amenities and facilities for the planned number of caravans; including parking spaces, areas for turning and servicing of vehicles, amenity blocks, play and residential amenity areas, access roads and temporary visitor areas.

Policy context for Policy H8 Provision for Houseboats
5.66 The small groups of houseboats in the District's rivers and estuaries provide a unique type of housing which forms part of the District's varied character. In planning terms, houseboats are considered to be 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 networks.

Policy context for Policy I 1 Infrastructure and Services
8.2 The term 'infrastructure' includes a wide range of social, green, and physical services and facilities that are commonly required alongside new development. The following list is not exhaustive, but provides an indication of the types of infrastructure that should be considered in relation to new development in the District:
• Physical infrastructure: highways, railways, bus networks, footpaths, cycle routes,

bridleways, waterways, car parking.

Maldon Local Development Plan 2017 www.maldon.gov.uk/ldp

Figure 4 Burnham-on-Crouch Neighbourhood Development Plan Extracts relating to car parking

5.6 Improve car parking in the town centre Car parking in Burnham-on-Crouch is split between three types;

- on-street car parking used for school drop off and high street shopping,
- the Burnham Town Council owned car park at Providence,
- Maldon District Council owned car parks at Foundry Lane (Shoppers Car Park), and Millfields.

The railway station car park is chronically underused. It is understood to have been sublet as part of a block contract between the current railway franchisee and a specialist car park operator.

On-street car parking is well used and there are problems with some car parking causing access and safety issues, particularly by railway users parking in the adjacent streets. Safe and free car parking across the whole of the Town should be promoted, including at the railway station. Whilst existing Community Protection Officers currently monitor parking in the Town, with additional resources they could also monitor parking in time restricted zones.

The existing Riverside Park Car Park would benefit from being resurfaced and marked out to an appropriate standard. This process would assist in making the most effective use of the space and presenting a positive image to visitors and local residents alike.

Policy PI17– Car Park Provision
Proposals that would deliver new or improved car parking provision within the town centre will be supported. Particular support will be given to the following proposals:

- Incorporation of parking spaces for coaches into the Burnham Yacht Harbour car park;
- The extension of the Millfields car park to the west.

Policy HC.3 – Street Layout Principles
Proposals for new residential development will be supported where they incorporate the following principles:

- A well connected network of streets;
- A street pattern that connects well with existing streets and allows for connections with future development;
- Street widths that allow for a variety of car parking e.g. within the curtilage of plots but also within the street, without impeding access for emergency vehicles and local authority services e.g. refuse collection; and
- Perimeter block layouts with clear front and back accesses.

HO 8 Housing Design Principles
Proposals for new housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings. Proposals should take account of the Housing Design Principles set out in Appendix 2 insofar as those principles apply to any particular site

Burnham-on-Crouch Neighbourhood Development Plan 2017
https://www.maldon.gov.uk/info/20048/planning_policy/8112/community_led_planning_and_neighbourhood_plans/4

Design Guidance

26. The Council recognises that whilst the provision of parking may be a functional or market-led requirement, the amount, location, arrangement and design of such spaces can have both positive and negative implications with regard to the accessibility and quality of spaces/places that are created. Consideration should be given to factors such as site constraints, the established character or context of an area, and the desire to achieve high quality places.

27. The adopted Maldon District Design Guide (SPD 2017) provides detailed guidance on the design and layout of parking spaces (in particular sections C10 and C11) . The design and layout of parking spaces in developments are expected to follow the design principles set out in the Maldon District Design Guide (see www.maldon.gov.uk/mddg for more information).

28. Housing development proposals in Burnham-on-Crouch should take account of the Housing Design Principles in the Neighbourhood Development Plan. Principles NHD 7, 8, 16 and 22 relate to car parking.

29. Within areas subject to 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. If the development proposal is in the North Heybridge Garden Suburb (NHGS), South Maldon Garden Suburb (SMGS) or Maldon and Heybridge Central Area please refer to:

    - NHGS Strategic Masterplan Framework (endorsed October 2014)
    - NHGS Strategic Design Code (endorsed March 2017)
    - SMGS Strategic Masterplan Framework SPD adopted March 2018
    - SMGS Strategic Design Code (endorsed March 2016)
    - Maldon & Heybridge Central Area Masterplan SPD (adopted November 2017)

Further information:

- Maldon District Design Guide SPD 2017 and technical documents https://www.maldon.gov.uk/info/20048/planning_policy/9226/urban_design/2

- Maldon and Heybridge Central Area Masterplan SPD 2017 https://www.maldon.gov.uk/info/20048/planning_policy/9226/urban_design/3

- North Heybridge and South Maldon Garden Suburbs Masterplan Frameworks and Design Codes https://www.maldon.gov.uk/info/20048/planning_policy/9226/urban_design/4

- Essex Design Guide 2018: https://www.essexdesignguide.co.uk/
  NOTE: Maldon District Council has not adopted the EDG, and as such it has no weight in the decision making process for planning applications in the District. It is included in the further information list as it includes a section on parking design.

Background and Evidence

30. It is important to ensure that the Council's parking standards reflect local circumstances, and strike the right balance between providing a sufficient number of car parking spaces (to prevent vehicles from being displaced onto the public highway), promoting good design and using land efficiently.

31. The National Planning Policy Framework (NPPF draft for consultation 2018 para 106) says that if setting local parking standards for residential and non-residential development, policies should take into account:

    a) the accessibility of the development;
    b) the type, mix and use of development;
    c) the availability of and opportunities for public transport;
    d) local car ownership levels; and
    e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

Public Transport

Rail

32. In the 2011 census, 2,339 people travelled to work by train from the District. The Crouch Valley rail line, running from Southminster, Burnham-on-Crouch, Althorne and North Fambridge links to the mainline at Wickford into London. The majority of residents living in these settlements are within a 960m (approximately 12 minutes walk) of a train station, (except for Althorne, where the train station is some distance from the village itself). Each station has its own vehicle parking areas.

33. Maldon/Heybridge, which does not have a station, and the north of the District are more likely to use the nearest mainline stations outside of the District at Hatfield Peverel, Witham and Chelmsford. South Woodham Ferrers and Wickford provide alternative stations to those in the South of the District. However, all require car journeys and bus access is limited.

34. Residents living in Maldon/Heybridge, which does not have a station, and the north of the District are more likely to use the nearest mainline stations outside of the District at Hatfield Peverel, Witham and Chelmsford. South Woodham Ferrers and Wickford provide alternative stations to those in the South of the District. However, all require car journeys and bus access is limited.

35. The Office of Rail and Road, produce station usage estimates each year[7]. Figures are based on ticket sales data recorded in rail industry systems and include both entries and exits at each station. These show that over half a million passenger journeys are made to and from the District's four stations annually:

[7] Dec 2017, www.orr.gov.uk/statistics/

Table 1 ORR Estimates of Station Usage 2016-17

Station name	Estimated no. entries & exits
Southminster	148,400
Burnham-on-Crouch	249,000
Althorne	44.500
North Fambridge	96.400
TOTAL USAGE FOR DISTRICT STATIONS	**538,000**
Chelmsford	8,500,000
Witham	2,300,000
South Woodham Ferrers	546,500
Hatfield Peverel	411,500
Wickford	2,443,000

Bus

36. There are limited bus services available in the District. Maldon, Heybridge, Southminster and Burnham-on-Crouch have regular[8] bus services to Chelmsford. Regular bus services to Colchester and Witham are available from Maldon and Heybridge. In the main settlements, the majority of homes are within a 640m walk (approximately eight minutes)[9] of a regular bus service.

37. However, the majority of the villages either only have a limited bus service (for example a bus every 2 hours) or none at all. On the Dengie, which is particularly poorly served by bus services, the Dart Bus service operates a pre-bookable service from the villages to Maldon/Heybridge and on to Broomfield Hospital in Chelmsford.

38. Outside the District, the Chelmsford Park and Ride sites at Sandon and Chelmer Valley provide a frequent bus service into Chelmsford City Centre, to the train station, Anglia Ruskin University and Broomfield Hospital.

39. In developing this SPD, the concept of having zones for car free housing and different car parking standards in different areas based on availability of public transport was considered. Due to the limited public transport options available, these options have been discounted. However, where developers can justify lower parking provision based on robust evidence, provision below the standards set out in this SPD may be acceptable.

[8] Approximately a half-hourly service
[9] Transport for London (2015) *Assessing transport connectivity in London* (p18) http://content.tfl.gov.uk/connectivity-assessment-guide.pdf

Cycling

40. The information in this section is taken from the 2018 Maldon District Draft Cycling Action Plan (ECC Highways / Transport Planning)[10].

41. All of the current off-road provision for cycling is entirely contained within the urban area of Maldon Town. The majority of this has been provided through public space or new developments; and despite some design compromises, there are a number of useful sections of cycle network that have been provided. Most notably, there is a long east-west off-road cycle link between Spital Road and Park Drive towards the south of the town. This shared segregated route does require some intervention to reach its full potential, specifically to remove barriers, improve signing and resolve various legal issues that exist. Whilst the route is important, it does not provide for journeys to the High Street.

42. In Heybridge there is a network of off road routes along the Chelmer and Blackwater Navigation and Heybridge Approach into the western half of Heybridge. This route, though, does not connect to the town centre which discourages end to end journeys.

43. Sustrans National Cycle Network (NCN) route 1 is a long distance route between Dover and the Shetland Islands, which passes through Maldon, from Chelmsford in the west to Colchester in the north, and is a popular leisure route.

44. In the more rural areas of the District, quiet and safe routes between settlements such as between Southminster and Burnham are limited due to the nature of the road network and there is a lack of off road cycle provision. Despite this, the Dengie Peninsular is well used by leisure cyclists due to its flat and rural nature.

45. There are a number locations for cycle parking in and around Maldon and Burnham High Streets. To the south of Maldon District there are four railway stations, located in North Fambridge, Althorne, Burnham-on-Crouch and Southminster. There is currently very low cycle parking demand at these stations. This is likely due to a combination of the compact nature of the settlements and rural surrounding, making walking or driving the default modes of access by most rail users.

46. Fear of personal injury is often cited as a barrier to cycling but whilst this is an important issue, it is useful to use statistics rather than just perception to direct improvements to highway infrastructure to improve the cycling environment. The location of cycling personal injury collisions also serves to identify where cyclists are travelling in higher numbers. Between August 2012 to July 2017 (5 year period), there were 58 recorded Personal Injury Collisions (PICs) involving cyclists in the District. There is an even urban/rural split but more incidents tend to have occurred on busier roads. Overall, Maldon District has one of the lowest rates of injury involving cyclists in Essex.

47. Based on the 2011 Census data, Maldon District has low levels of residents travelling to work by bicycle, when compared with some Essex Districts, equivalent to a mode share for cycling of only 1.8%. Over 98% of commuters who lived in the District in 2011 travelled to work by a mode other than the bicycle. However, in Maldon town 7% of internal journeys to work were made by bike.

48. Sport England carry out an Active People Survey annually, which involves interviewing 500 people from every District in England about their levels of physical activity. It is the largest

[10] http://www.essexhighways.org/uploads/files/Getting%20Around/Cycling/Maldon-District-Cycling-Action-Plan.pdf

survey of sport and active recreation in Europe. For 2010-2013, when compared to Essex, Maldon has average levels of residents cycling at least once a month (approximately 15% of residents).

49. The Department for Transport collects vehicular flow data at various locations on the road network around the country. These counts record all vehicles using the carriageway, including cyclists. Of the 31 count sites located in Maldon, 5 sites record more than 50 cyclists per day, these are along two routes.
    - B1028 Goldhanger/Maldon Road (NCN1), east of Heybridge
    - B1021 Burnham Road, between Burnham and Southminster.

50. Commuter Flow Analysis of 2011 Census travel to work data, indicates that within Maldon Town there were 1,600 residents who made internal commuting car trips, these trips made up 20% of all journeys originating from the urban area. Of these trips, over two thirds were to the town centre which is within easy cycling distance and so could be easily be made by bike if infrastructure linking to the town centre was provided. Within Burnham-on-Crouch, there were 364 internal journeys to work by car, which could easily be made by bike if residents could be persuaded to switch modes.

51. This SPD includes cycle parking standards to support current cycling levels and encourage an increase in cycling in the District.

Further Information

- ECC Highways / Transport Planning, 2018, *Maldon District Draft Cycling Action Plan*, http://www.essexhighways.org/uploads/files/Getting%20Around/Cycling/Maldon-District-Cycling-Action-Plan.pdf

Driving and Older People

52. With an ageing population, it is important to provide the right sort of transport provision to support the independence of older people. The RAC Foundation states that

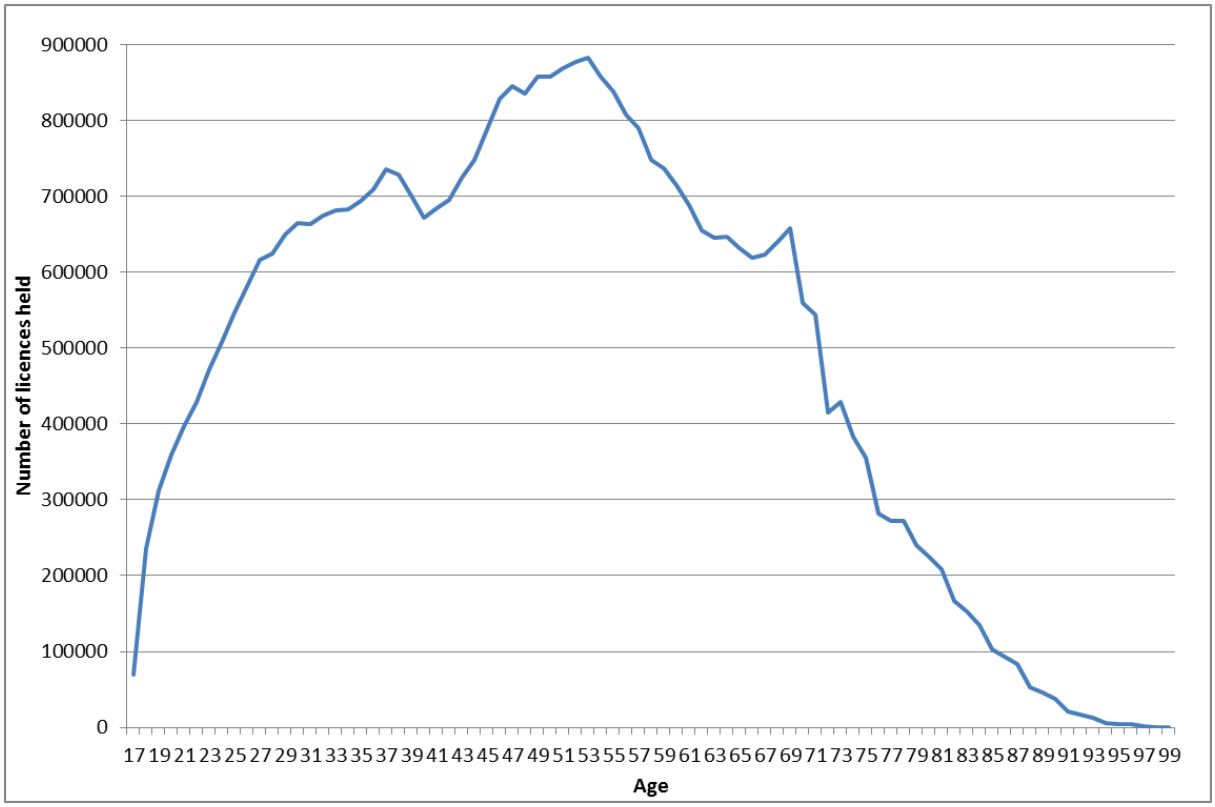
> 'Mobility in old age is essential to an individual's well-being. Older people, like the rest of population, rely on being able to access a wide range of services, to fulfil the requirements, and rise to the opportunities of daily life. Their need to travel is not just about accessing services. Keeping socially connected to friends and family is also important for providing a good quality of life. … Decades of land-use planning promoting out-of-town developments has made it all the more important for people to drive and to continue driving, especially in areas not well served by public transport… Medical advances and improved health in older age is also allowing people to drive for longer and, as families are more geographically dispersed, and communities less close knit, individuals are increasingly relying on their own personal transport to meet travel needs. This is of particular concern to the increasing number of elderly people, particularly women, who live alone'[11]

53. The pattern of travel is different for older people. The distance travelled and the number of journeys made reduce with age. The National Travel Survey estimates that older people in England drive fewer miles than the average person: 2,045 miles per year compared to 4,137 miles for all persons. The car is the most used mode of transport for older people, accounting for 63 per cent of all trips made by those over the age of 70: 38% as a car driver and 25 % as a car passenger.

[11] RAC Foundation, 2010, *Maintaining Safe Mobility for the Ageing Population – the role of the private car* https://www.racfoundation.org/wp-content/uploads/2017/11/maintaining-safe-mobility-rac-foundation-140410-report.pdf

54. The DfT defines older people and older car drivers as those over 70 years old. In 2016 older people accounted for 12% of all full car driving licence holders in Great Britain, that is 4.5 million people, or 57% of over 70s. The number of older people holding full driving licences has increased between 2013 and 2016 by 14%, whilst this age group itself only increased by 7%.[12] However, this declines dramatically from the age of 70 indicating that car use/ car ownership also reduces significantly.

Figure 5 total number of full driving licences held in Great Britain 2018 by age of licence holder



55. The National Travel Survey (2016) has found that 30% of older households do not have access to a car, a much higher proportion than for any other age group.[13] This suggests that developments specifically designed for older persons, such as independent living or care homes may not need the same level of car parking provision for residents as compared to general purpose housing, although additional car parking provision may be required for health & social care staff and visitors.

[12] Department for Transport, May 2018, *Older Car Drivers Road Safety Factsheet (2016)* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/706517/older-car-drivers-factsheet.pdf

[13] National Travel Survey, 2016, Table NTS 0108 (published 2018), https://data.gov.uk/dataset/d0be1ed2-9907-4ec4-b552-c048f6aec16a/gb-driving-licence-data

Disability

56. In 2013 the Office for National Statistics[14] published information on the health of the population of England and Wales in respect to activity limiting health problems or disabilities, comparing the 2011 and 2011 Census data. In England 8.3% of the population reported their activity limiting health problem as 'limiting their activity a lot', with a further 9.3% 'limited a little'. In Maldon District, 17.4% of usual residents reported having activity limiting health problems or disabilities (similar to the national rate). This had risen by 1.9 % since the 2001 Census. However, the overall 'disability' rates were lower than in some other Essex districts, for example Castle Point (19%) and Tendring (25.5%). To put this into context the authorities with the highest and lowest percentages of activity limitation were East Lindsay (26%) and Wandsworth (11.2%).

57. In 2014, The Department or Work & Pensions published disability prevalence estimates for 2011/12[15]. These estimated that for Great Britain, 5.7% of the working age population, 5.1% of adults of state pension age and 0.8% of children were disabled.

58. Although the prevalence of disabilities is quite high, and may increase as the population ages, not all people with disabilities will need a disabled parking bay, for example, not all people with disabilities are eligible for a Blue Badge. In Essex there are currently 64,569 badges on issue by Essex County Council; of these 64,225 are individual badges and 344 are Organisational Badges. In Maldon District there are 4,845 Blue Badges on issue to individuals.[16] In Essex around 4.4% of the population holds a Blue Badge, compared to 7.6% in Maldon.[17]

Mobility Scooters

59. Mobility scooters are divided into two categories. Class 2 mobility scooters are intended for pavement use only – they can only reach 4mph, the legal limit for use on the pavement. Class 3 mobility scooters are intended for use on the road or the pavement – they can reach up to 8mph, but must have a setting that can limit their speed to 4mph for use on the pavement. They must be fitted with lights and indicators and be registered with the DVLA to be used on the road.

60. Mobility scooters and pavement vehicles are increasingly used to replace the need drive for local trips. [18]There is currently little research on mobility scooter use, although it is estimated that there are 300-350,000 mobility scooter users in the UK, with approximately 80,000 new scooters sold each year, with sales increasing by 5-10% per year.[19] This form of transport is expected to have an increasing role to play in meeting the future transport needs of older people. The RICA study[20] recommended that transport and planning authorities make provision for increasing numbers of mobility scooter users of all ages when planning infrastructure developments (including roads, shopping centres and transport networks.

[14] ONS, 2013, *Disability in England and Wales: 2011 and comparison with 2001* https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/articles/disabilityinenglandandwales/2013-01-30
[15] DWP, 2014, *Disability prevalence estimates 2002/03 to 2011/12* https://www.gov.uk/government/statistics/disability-prevalence-estimates-200203-to-201112-apr-to-mar
[16] Data from ECC; figures as of 23 May 2018.
[17] Based on ONS population estimates for 2016 of 1,457,910 for Essex and 63,418 for Maldon Distirct.
[18] RAC Foundation, 2010, as before
[19] Research Institute for Consumer Affairs (RICA) (commissioned by DfT), 2014, *Mobility scooters: a market study*, https://www.gov.uk/government/publications/mobility-scooters-a-market-study
[20] ibid

61. Research conducted for the new London Plan[21] indicates that within greater London, for new build schemes 5-10% of residents were predicted to be mobility scooter users, with storage provision being made at a rate of 15% (one space per 6-7 units). In comparison, for established schemes, upto 20% of residents could be mobility scooter users, and storage provision was made for up to 1 space per 3-4 units (25-30%).

62. This SPD includes parking standards for both the size and number of disabled parking bays, the level of scooter parking facilities and car parking provision in residential developments designed for older persons.

Local car ownership levels

Data sources
Information from the Census[22] provides a helpful indicator of parking need in the District, and allows a comparison in the levels of car ownership over a number of years. The Census measures the numbers of cars or vans available to a household. This could include both cars or vans that household members own or lease, as well as company or business vehicles that are available for use by the household. For formatting and ease of reading, in the following tables, this is shortened to 'cars/vans in household'.

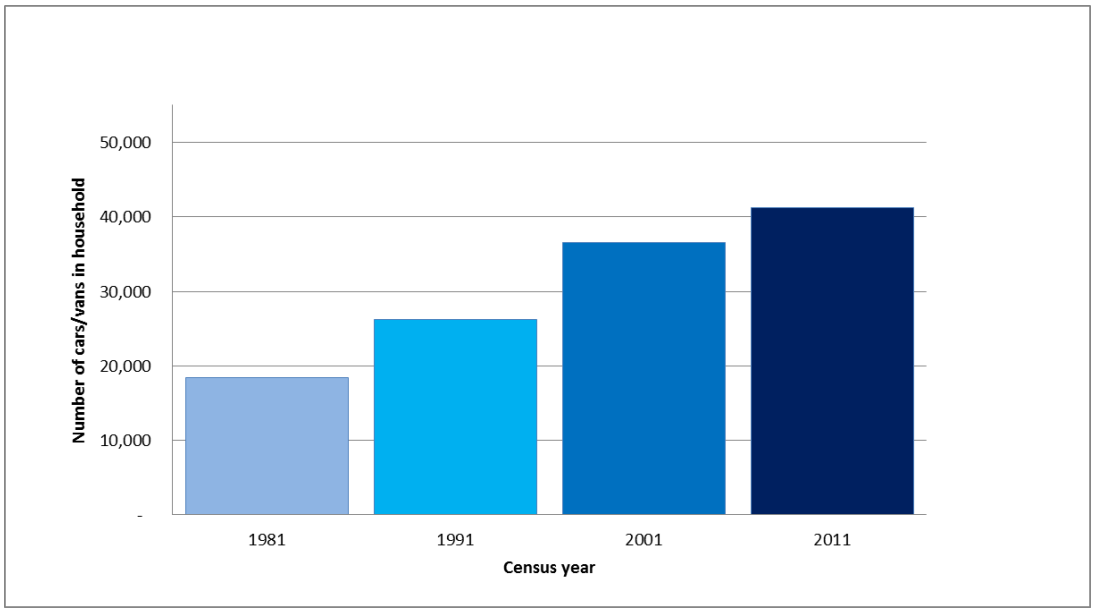
The DVLA / Department for Transport vehicle statistics are based on the address of the registered keeper, rather than where the vehicle is used. Therefore for District based DfT data does not include lease cars and company vehicles that are used by District residents, but are registered elsewhere.

Maldon District

63. By mapping DVLA car ownership data and Census 2011 data, researchers have found that at a regional level the number of cars per household is inversely proportional to population density[23].. In particular, '*London's high urban density makes it the only region where cars do not outnumber households*.'[24] However, the size of this effect decreases for smaller sized towns indicating that the bigger the urban area, the more likely it is that a household does not own a car.[25] In simple terms, city dwellers own fewer cars than people living in the countryside. Therefore, as Maldon District is a rural area, it follows it can be expected that there will be a high level of car ownership across the District. Further, car ownership in rural areas is less sensitive to motoring costs than in urban areas[26], which reflects the reliance people living in rural areas have on cars to access services and employment.

[21] Three Dragons, Jan 2018, *Accessible design features in specialist older persons housing - Report to the Greater London Authority - assessing potential demand for and provision of wheelchair user dwellings m4(3), and ancillary facilities in specialist older persons housing in London*. https://www.london.gov.uk/sites/default/files/accessible_design_features_in_specialist_older_persons_housing_0.pdf
[22] Census data is available on the following websites: www.nomisweb.co.uk; www.ons.gov.uk; www.essexinsight.org.uk; www.ukcensusdata.com
[23] Lansley, G (2016) Cars and socio-economics: understanding neighbourhood variations in car characteristics from administrative data, *Regional Studies, Regional Science*, 3:1, pp264-285
[24] Lansley, G 2016, p 271
[25] Lansley , G 2016, p272; Eakins J (2013)
[26] Zhang J (ed) (2017) *Life-Oriented Behavioral Research for Urban Policy*, Springer

Figure 6 Total number of cars/van available in households in Maldon District 1981-2011



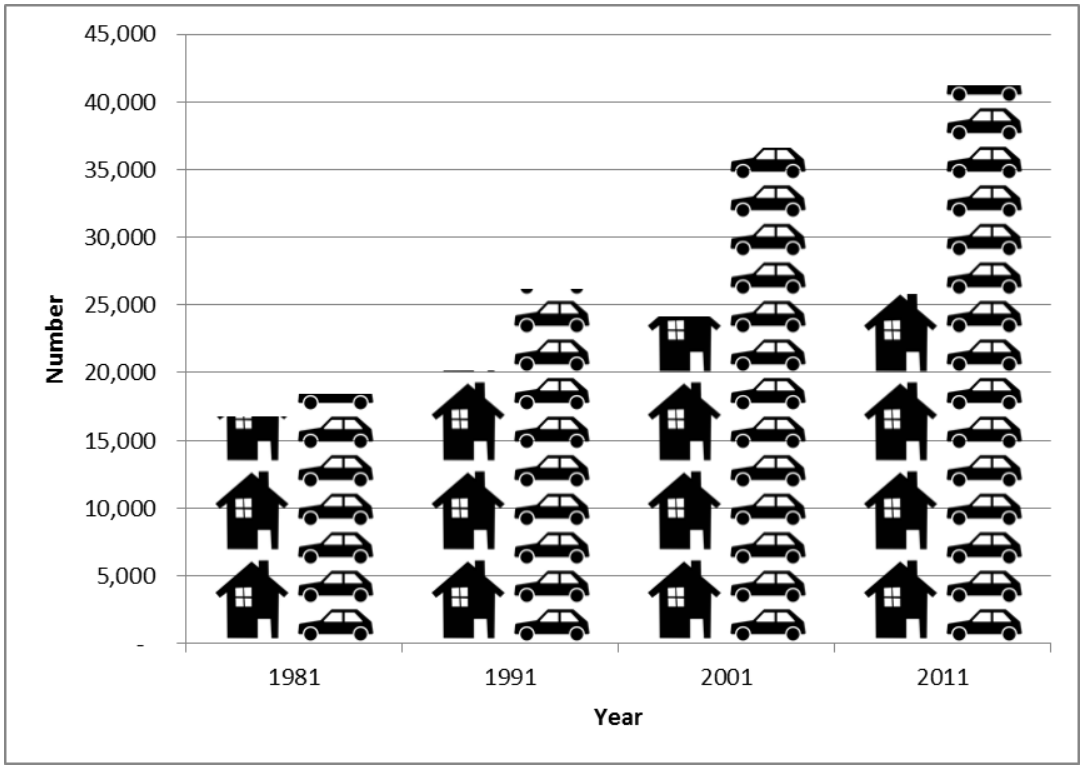
64. There are a wide range of factors affecting the decision to purchase a vehicle, and how many vehicles a household will own, including[27] [28] [29]:

- Number of workers in household (mobility for work purposes is a key driver for household car ownership)
- Purpose of vehicle - family or business trips
- The distance needed to be travelled on a daily basis,
- The provision of alternative transport (such as public transport),
- The associated costs, including purchase, maintenance and parking facilities
- Residential location (rural households are more likely to own multiple cars, than those in cities)
- Work place location
- Density of services and social networks
- Number of children in household (this particularly affects choice of size of car)
- Age of the Head of Household (car ownership tends to increase with the age of the household head)
- Proportion of households with members possessing free travel (eligibility for an older person's bus pass does not seem to result in a reduction in the numbers of cars owned by a household)
- Income (the rate of car ownership may no longer vary as much across the country due to household income, but income levels do affect the age and type of vehicle purchased)

65. Using Census data, the number of car/vans available for use to households in the District has more than doubled since 1981. In 1981 there was an average of 1.09 cars/vans per household; by 2011 the figure had risen to 1.6 cars/vans per household.

[27] Lansley, G (2016)
[28] Eakins, J (2013) *The Determinants of Household Car Ownership: Empirical Evidence from the Irish Household Budget Survey*, Surrey Energy Economics Centre (SEEC) School of Economics University of Surrey (SEEDS 144);
[29] Zhang J (ed) (2017)

Figure 7 Growth in the numbers of households and cars in Maldon District 1981-2011



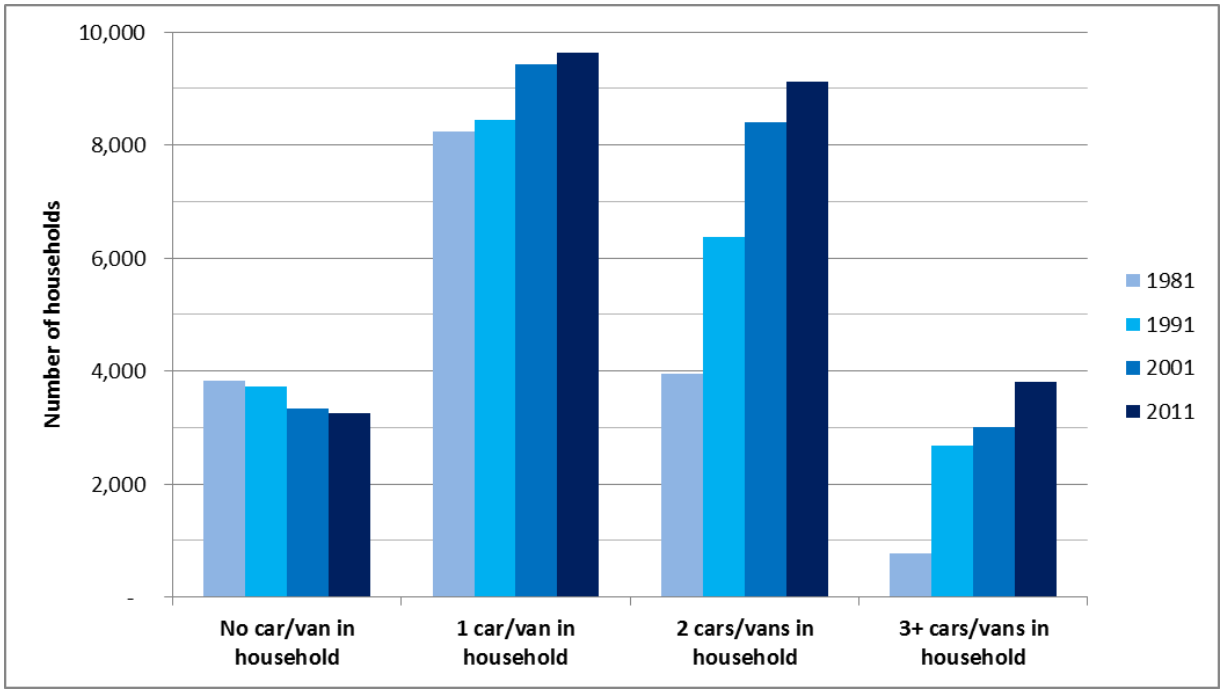
66. Since 1981 there has been a distinct reduction in the number of households with no access to a car/van (600 fewer). In 2011, in the District, only 12.6% of households did not have access to a car/van. This means that over 87% of households have at least one car/van.

67. Overall, between 2001 and 2011, the number of cars/vans available to households in the District grew by 12.6%. The biggest increase has been in 2 car households; over 5,000 more households had 2 cars in 2011 than 1981. However, in 2011 less than 5% of households had 4 or more cars[30].

68. 83% of households have access to 1-3 cars (2011 census), therefore the residential car parking standards will focus on this level of car parking provision.

[30] The 1981 and 1991 Censuses only measured the availability of 0, 1, 2, 3+ cars/vans in household; the 2001 and 2011 Censuses measured 0, 1, 2, 3 4+ cars/vans in a household. Therefore for Figure 6, the statistics for 3 and 4+ cars/vans from the 2001 and 2011 Censuses have been combined to show a comparison with the earlier Census results

Figure 8 The growth in numbers of cars/vans per household 1981-2011



Comparison with Essex districts

69. When compared to the rest of Essex[31], only Uttlesford District has a lower proportion of households with no car/van. This shows that residents in Maldon District are heavily reliant on cars/vans, to access employment, education and everyday services.

Table 2 Percentages of households without access to a car/van in Essex local authorities (2011)

Local Authority Area	% of households with no car/van in household
Essex	**18.0%**
Uttlesford	10.1%
Maldon	**12.6%**
Rochford	14.5%
Brentwood	14.9%
Epping Forest	15.3%
Chelmsford	15.7%
Braintree	16.2%
Castle Point	16.8%
Colchester	20.6%
Basildon	21.9%
Tendring	23.4%
Harlow	24.9%

70. When compared to Essex overall, it is clear that in the District there are significantly fewer households with no car/van and a significantly higher proportion of households with two cars.

[31] Essex, excluding Thurrock and Southend-on-Sea Unitary Authorities

Table 3 Car/van availability levels, comparison of Maldon District with Essex (2011)

Number of vehicles	Essex	Maldon
No car/van in household	18.0%	12.6%
1 car/van in household	42.1%	37.3%
2 cars/vans in household	29.6%	35.4%
3 cars/vans in household	7.4%	10.1%
4 cars/vans in household	3.0%	4.7%

Ward level

71. At the ward level, the three wards with the highest proportion of households with no access to a car or van are in Maldon and Burnham-on-Crouch: 28.9% of households in Maldon North do not have access to a car, as do 25.1% of households in Maldon East and 20.6% in Burnham-on-Crouch South wards. In comparison, in the rural areas fewer households do not have access to a car. The lowest proportion of households with no car/van can be found in the wards of Purleigh (3.87%), Wickham Bishops and Woodham (5.49%) and Great Totham (6.09%). The table in Appendix 1 shows the numbers of cars/vans available to households in the different Wards in Maldon District.

72. However, this urban/rural split is not reflected in the proportion of households with access to one car. Although households in Burnham-on-Crouch South have one of the highest levels of households without a car, it also has the highest proportion of households with access to one car at 46% of households. The picture is similar in Maldon North where 44.5% of households have access to one car and 43% in Maldon East.

73. Car ownership rates vary across different Wards in the District, from one car per household in Maldon North to two cars per household in Purleigh and Wickham Bishops and Woodham (rounded) (Table 4). As there are multiple influences on car ownership levels (see para 42 above), it is not possible to identify why there are fewer cars per household in one Ward compared to another.

Table 4 Number of cars/vans per household – County-District-Ward comparison

2011 Census	Number of cars per household	
Essex	**1.37**	
Maldon District	**1.60**	
Ward		
Maldon North	1.06	Below District Average
Maldon East	1.16	
Burnham-on-Crouch South	1.23	
Heybridge West	1.43	
Maldon South	1.49	
Burnham-on-Crouch North	1.49	
Southminster	1.56	District average
Maldon West	1.57	
Tollesbury	1.62	
Heybridge East	1.63	
Tolleshunt D'Arcy	1.78	Above District average
Althorne	1.83	
Great Totham	1.85	
Tillingham	1.86	
Mayland	1.86	
Wickham Bishops & Woodham	1.96	
Purleigh	2.07	

74. It is considered that journey destinations have the greatest influence upon the mode of transport used, which should not be confused with the desire for residential car ownership (and parking spaces at the point of residence). Due to the number of cars available to households in the 2011 Census, the increase in car ownership year on year since then[32], and the reliance of residents on private cars to access employment, education and everyday services, the expectation is that all new dwellings will have at least one allocated car parking space each.

75. In exceptional circumstances, provision below the standards may be allowed, if justified by robust evidence (for example, in town centres, in areas within easy walking distance of regular public transport). In these circumstances, reduced parking provision is to be accompanied by other demand management measures, such as the provision of high quality cycling facilities and proactive Travel Plans.

Maldon Town Centre ARU student project

76. In the autumn/winter 2017/18, in partnership with ARU, the District Council, hosted two groups of ARU MSc students who undertook projects into car parking in the town. The brief was to assess the impact of parking on the urban environment in the environs of Maldon Town Centre and to suggest solutions. The first project focussed on the town centre and the surrounding residential areas. The second project focussed on The Causeway, the main commercial and employment area in Maldon/Heybridge. Site surveys and data research were used to identify parking related issues in the study area. This research was combined with reviews of best practice to identify potential options that could relieve the car parking

[32] DfT table VEH0101, https://www.gov.uk/government/statistical-data-sets/all-vehicles-veh01#table-veh0105

issues identified. The project groups put forward a wide range of options, from site specific works, to improving existing public transport and cycling facilities, to car park expansion and management options. The main findings are listed below.

Maldon Town Centre and surrounding residential areas[33].

Town centre car parks

- There are currently sufficient town centre car parking facilities for visitors (16% spare capacity when surveyed)
- Cost of town centre car parking is perceived as too expensive; resulting in on-street parking within residential areas
- There are inconsistencies in the design of the town centre car parks
- Maintenance issues identified; car park signposting needs improving

On street parking

- On-street parking in residential areas is one of the main issues identified
- Residents are highly car dependent
- Residential roads are narrow due to the age of the town
- The majority of Maldon was built during an era of low car ownership; there is a lack of on-plot residential parking.
- Levels of on-street parking in residential areas are exacerbated by town centre workers / visitors parking in residential areas
- The level of on-street parking affects highway safety and has an adverse visual impact on the public realm.

Connectivity

- Bus services are limited and infrequent
- Highest average public transport time in Essex
- Historic road network limits the potential for introducing cycle lanes
- Cycle parking facilities are difficult to find and require better signposting
- Causeway, Town Centre and Promenade Park are not well connected

Causeway Area[34].

- There is reasonable local bus connectivity on the Causeway, however, onward routes are limited, irregular or indirect, meaning visitors from afar are likely to prefer to do so by car
- The bus stops on the Causeway are generally quite primitive and this is likely to contribute to a negative perception of using public transport
- The principal access onto the Causeway from the town centre has a significant gradient when reduces its accessibility for pedestrians
- The pavements along the Causeway are generally very narrow reducing their usability for mobility scooters and pushchairs. Choke points are common which exaggerate this narrowness even further
- There are very few pedestrian crossings available in the Causeway and the majority that do exist are traffic islands without vehicle stopping mechanisms
- There majority of roads along the Causeway are not cyclist friendly and lack designated cycle paths, meaning cyclists have to compete with vehicle drivers including a high number of HGVs
- There is a lack of safe and secure cycle parking facilities within the Causeway area

[33] Anderson, M., Gordon, V., Nalule, H., Wooler, H.,(2018), Maldon – The role parking plays in shaping sense of place within the Town Centre & Hinterland areas. (unpublished)

[34] Chamberlain, N., Goodman, D., and Preston, X., (2018), Maldon Causeway Parking Study (unpublished)

which may contribute to visitor behaviour in preference of car usage
- On weekdays, there is a high level of car park usage with private car parks approaching or at capacity
- Some private car parks are inefficiently used, with areas of hard-standing dedicated to industrial storage
- High levels of car park usage contribute to on-street and illegal parking. At weekends, there is an abundance of surplus car parking available on private land, however, this is not made available to general public
- The very limited provision of electric vehicle charging points creates a considerable barrier for those wishing to access the Causeway in an electric vehicle
- High levels of on-street parking and parking on vacant land detracts from the overall quality of the public realm
- A high concentration of street-side car parks, motor sales and servicing business along the northern parts of the Causeway contribute to a cluttered and poor quality street scene
- Heavy Goods Vehicles have a tendency to mount the kerb and obstruct the free-flow of the road and pavements, detracting from the visual enjoyment of the area.

77. This research, in combination with other elements of the evidence base has helped to inform the contents of the SPD in the following ways:
    - Minimum residential car parking standards
    - Encouragement for electric charge point retro-fitting
    - New standard for electric charge point provision
    - Revision of car parking bay sizes where charging points are provided
    - Improvements to cycle parking facilities
    - Encouragement of shared-use of car parks
    - On-site car parking provision sufficient to avoid on-street parking
    - Provision for commercial deliveries within sites, to avoid loading/unloading on the highway

Ultra Low Emission Vehicles

78. The Department for Transport uses the term 'ultra-low emission vehicles' (ULEV) to refer to vehicles with significantly lower levels of tailpipe emissions than conventional vehicles. In practice, the term currently refers to electric, plug-in hybrid and hydrogen fuel-cell vehicles, and includes all vehicles with fully electric power and cars and vans with tail-pipe emissions below 75 g/km of CO2. In 2017 the Government announced a ban on the sale of fossil fuel vehicles from 2040 onwards. It is appropriate, therefore, that the infrastructure is put in place now in new development to cater for the future demand from alternative fuel vehicles, in particular electric vehicle charging points.

79. At the end of 2011 there were only 2,315 ULEVs (all vehicles) registered in the UK. By December 2017 this had grown to 129,094 vehicles. The UK is now one of the market leaders in the take up Electric Vehicles; in Europe only Norway has more electric vehicles (2017)[35] Registration of new ULEVs have grown from 1,330 ULEVs in 2010; to over 53,000 registered by 2017.[36]. It is predicted that there will be one million electric cars in the UK by the

[35] UK Power Networks, 2018, *Electric Vehicles and the Grid*, https://www.ukpowernetworks.co.uk/internet/en/have-your-say/documents/EV%20Presentation_2018.03.13_V0.1

[36] DfT, Table VEH0170, Ultra-low emission vehicles (ULEV) registered for the first time, United Kingdom, quarterly from 2010 Q1, whole year data. Includes: Plug-in-Grant Eligible Cars, Plug-in-Non Grant Eligible Cars, Non Plug-in Cars, Quadricycles, Motor cycles & tricycles, Plug-in Grant Eligible Vans, Plug-in Non Grant Eligible Vans, Non Plug-in Vans, Heavy goods, Buses and coaches, and other vehicles. www.gov.uk/government/collections/vehicles-statistics

end of 2022, accounting for around 10% of all new registrations. Forecasts suggest that by 2025 25% of new cars will be electric, growing to 60% in 2030.[37]

80. Although the number of ULEVs registered in the District is still low (c. 100 vehicles in 2018)[38] with the Government's decision to phase out the manufacturing of new petrol/diesel cars, improved technology, tax/financial incentives for owning ULEVs, and changing public attitudes, it is expected that the number of ULEVs in the District will grow significantly in the future.

81. There are currently three speeds available for electric vehicle charging – trickle (3kw), fast (7kw) and rapid (40kw+). Battery prices have fallen significantly in recent years and the recent introduction of larger 40kw batteries in more affordable family cars has reduced the practicality of trickle charging, since charging times can easily exceed 12 hours. Therefore trickle charging is not recommended for use. Innovation and technology will continue to develop and battery sizes will get increasingly larger to meet the demand for longer range electric vehicles. The price of charging units has also fallen, increasing the financial viability of fast 7kw chargers, in residential and retail developments. A number of new styles of charging unit e.g. wall mounted, have increased the ease with which they can be integrated into new housing developments. This suggests that it may be more viable and practical for residents to own an electric charging vehicle in the future.

82. Therefore, this SPD includes standards for the provision of fast charging points in new developments, particular at the workplace and locations that attract short term visits.

Further Information

- Office for Low Emission Vehicles website – includes information on ULEVs, grant schemes and charging point installation, https://www.gov.uk/government/organisations/office-for-low-emission-vehicles
- UK Power Networks, 2018, *Electric Vehicles and the Grid*, https://www.ukpowernetworks.co.uk/internet/en/have-your-say/documents/EV%20Presentation_2018.03.13_V0.1

Powered Two Wheeled Vehicles

83. Department for Transport statistics show that the ratio between motorcycle and car ownership is approximately 1:25[39].

84. Encouraging the use of powered two-wheeled vehicles (PTW)(motorcycles, scooters and mopeds) is a contentious issue, both from highway safety and public amenity viewpoints. However, the use of such vehicles for short regular journeys also creates significant benefits, most notably in the form of reduced congestion and reduced land use for parking.

85. Parking standards for PTWs are represented as the minimum provision required, which reflects the advantages they have over the car and single occupancy vehicles in particular. In addition to the provision of secure parking, developers will be required to demonstrate that they have considered additional needs for PTW users, such as locker, changing and shower facilities.

[37] Chargepoint, 2018, *UK on course for 60% of new cars to be electric by 2030*, https://chargemasterplc.com/2018/01/17/uk-course-60-new-cars-electric-2030/

[38] DfT, Table VEH0131, Plug-in cars, vans and quadricycles licensed at the end of quarter, UK, by local authority of registered keeper from 2011 Q4, www.gov.uk/government/collections/vehicles-statistics

[39] DfT Table VEH0101, Licensed vehicles at the end of the quarter by body type, Great Britain from 1994 Q1; also United Kingdom from 2014 Q3 www.gov.uk/government/collections/vehicles-statistics

Size of vehicles

86. Cars are getting larger, and drivers can find it increasingly difficult to park in older style parking bays. This increase in car dimensions can be demonstrated by looking at the Top 5 most popular models of car in 2017. For example, at 1,519,996 cars, the Fiesta is the most common licensed car in the UK. Over the 40 years since it was first introduced, it has increased in size by almost 41cm lengthwise and by 16cm in width.

Table 5 Increases in car dimensions for the Top 5 most popular models of car

Make	Model[40]	Year Model Introduced	Length (mm)[41]	Width (mm) without door mirrors	Year (current model)	Length (mm)	Width (mm) without door mirrors	Increase Length (mm)	Increase Width (mm)
Ford	Fiesta	1977	3632	1574	2017	4040	1735	408 (11.2%)	161 (10.2%)
Ford	Focus	1998	4152	1700	2015	4360	1823	208 (5.0%)	123 (7.2%)
Vauxhall	Corsa	1983	3817	1532	2014	4021	1736	399 (11.0%)	204 (13.3%)
Volkswagen	Golf	1981	3987	1676	2017	4258	1790	271 (6.8%)	114 (6.8%)
Vauxhall	Astra	1984	3987	1676	2016	4370	1809	383 (9.6%)	133 (7.9%)
					Average increase (mm)			334	147

87. In 2017 there were over 31 million cars licensed in the UK (DfT)[42]. The Top 30 most popular models make up 37% of cars licensed[43]. These range in size from the Fiat 500 to the Range Rover. Table 7 shows the average length and width of the top 10/20/30 most popular models of car. Interestingly, the average size of the Top 10 most popular ULEVs are significantly larger than the average size of the Top 30 most popular vehicle models.

Table 6 Average length and width of the top 10/20/30 most popular vehicle models and the top 10 most popular ULEVs

2017 Q3[44]	Total No. Cars	Average length (mm)[45]	Average width (without wing mirrors)(mm)
Top 10 models	8,879,869	4272	1771
Top 20 models	12,717,331	4322	1782
Top 30 models	13,982,329	4326	1782
Top 10 ULEV models	37,476	4627	1850

88. Due to the increase in car sizes, the preferred parking bay size has been increased in this SPD, to 2.9m x 5.5m to align with that in the EPOA Essex Vehicle Parking Standards (2009) and the Essex Design Guide (2018).

[40] DfT - Table VEH0128 - Licensed Cars by make and generic model name in most popular order, Great Britain, annually: 1994 to 2007, quarterly from 2008 Q3; United Kingdom from 2014 Q4 www.gov.uk/government/collections/vehicles-statistics

[41] Vehicle size data from: www.automobiledimension.com, www.carfolio.com; www.cars-data.com

[42] DfT Table Table VEH0101Licensed vehicles at the end of the quarter by body type, Great Britain from 1994 Q1; also United Kingdom from 2014 Q3 www.gov.uk/government/collections/vehicles-statistics

[43] DfT Table Table VEH0128 www.gov.uk/government/collections/vehicles-statistics

[44] DfT Table VEH0128 & DfT Table VEH0170 Top 10 models of Ultra-low emission vehicles (ULEV)[1] registered for the first time, United Kingdom, 2016 Q3 to 2017 Q3 www.gov.uk/government/collections/vehicles-statistics

[45] Vehicle size data from: www.automobiledimension.com

Garage Usage

89. In 2014 the RAC[46] found that over 60% of motorists do not use their garage for storing their car, and estimate that half the garages in Britain are not used for their intended purpose. . In older residential developments, this may be due to inadequate internal garage dimensions, or awkward siting on the plot, resulting in difficulty in manoeuvring into and out of the garage. In some cases, this has led householders to parking at right angles across the garage doors, in order to fit an additional vehicle onto the driveway. Modern development styles, however, have meant that garages are now larger, and access is now more direct and straightforward. However, on newer developments, there are significant numbers of cars parked on driveways, or on the roadway in front of the house instead of in the garage. This may indicate that other factors are influencing parking behaviour, such as the type of vehicles owned, garage dimensions or door widths limiting the size of vehicles that can be accommodated, distance to the dwelling's front door, garages being used for alternative uses, or personal driver preference.

90. Therefore, for garages to count towards the car parking provision on new developments, garages must meet the minimum internal dimensions in this SPD. Developers will need to demonstrate that garage internal dimensions and door widths can accommodate a range of vehicle types.

Visitor parking

91. On housing developments, visitor spaces provide options for residents to accommodate visitors (including health & social care professionals, deliveries etc), and for sites to accommodate changes in family generation cycles. The introduction of visitor parking spaces, in addition to the main parking standard requirement, can provide sufficient numbers of unallocated parking spaces to give more flexibility to the developments over the long term, which initially, can result in some spare parking capacity.

92. Designing streets so that they can accommodate on-street visitor parking can 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.

93. Therefore this SPD will include standards for the provision of visitor spaces in residential developments.

Method of Travel to Work

94. The 2011 Census shows that in Maldon District 77.3% of working age people travelling to work[47] did so either as a driver or passenger in a car/van. Whilst only 8.3% commuted by train, and 1.7% did so by bus. More people travelled to work by bicycle (2%) than by bus. This highlights residents' reliance on cars/vans for accessing employment and the importance pf providing adequate car / cycle parking at the work place.

[46] https://www.rac.co.uk/press-centre/press-releases/is-this-the-end-of-the-road-for-the-domestic-garag?feed=Press-Releases

[47] Ie. Not working from home or not in employment

Table 7 Method of travel to work Maldon District (2011 Census)

Method of Travel to Work	Daily Number
All categories: Method of travel to work	45,406
Work mainly at or from home	2,230
Underground, metro, light rail, tram	66
Train	2,339
Bus, minibus or coach	474
Taxi	79
Motorcycle, scooter or moped	194
Driving a car or van	20,406
Passenger in a car or van	1,299
Bicycle	558
On foot	2,453
Other method of travel to work	194
Not in employment	15,114

95. In a rural district, where there is limited access to public transport, there is a tension between the ambition to encourage more people to use public transport to access employment, and the reality that most people use a car to get to and from work.

96. Creating functional developments that have sufficient staff and visitor car parking and cycle parking to ensure that there isn't an impact on the local road network, through on-street parking, needs to be balanced with promoting good design and using land efficiently. Employment density has been found to be more closely aligned to the type of activity undertaken within the property rather than its location or building type.[48] Therefore, the Homes and Communities Agency *Employment Density Guide* (2015) and has been used to sense-check the proposed levels of staff car and cycle parking in this SPD.

97. In light of the above, and the change in emphasis in the NPPF away from maximum parking standards, this SPD contains recommended parking standards for non-residential development. Car parking provision should be complemented by other demand management measures, such as the provision of high quality cycling facilities and proactive Travel Plans to encourage more use of sustainable transport.

[48] Homes & Communities Agency, 2015, *Employment Density Guide* 3rd ed. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/484133/employment_density_guide_3rd_edition.pdf

Maldon Parking Standards

When does this guidance apply?

98. The parking standards will apply to all developments for the provision of one or more residential units (gross) and all developments that result in the creation of non-residential gross external floorspace.

99. If a planning application for extension, alterations or change of use (residential and non-residential) will result in an increase in the car parking demand from the development, then the impact of the development on parking will be a material consideration, and additional parking spaces may be sought to ensure that a suitable level of parking provision is made. It is not expected that new development will rectify existing parking deficiencies, unless it is the developer's intention to do so.

100. Where mixed use, residential and commercial developments are proposed, the parking requirements for each element should be calculated individually. Where appropriate, the Council will consider the shared use of parking between residential and commercial elements where it can be demonstrated that the relevant standards are met.

101. Proposals for larger schemes will be assessed against the criteria and thresholds set out for travel plans and transport assessments.

102. A summary of the vehicle parking standards is available at Appendix 2

Transport Assessments and Travel Plans

103. A Transport Assessment is a comprehensive and systematic process that sets out the transport issues relating to a proposed development. It identifies what measures will be taken to deal with the anticipated transport impacts of the scheme to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport. A Transport Statement (TS): a simplified version of a Transport Assessment (TA) for a development proposal that does not require submission of a full TA.

104. A Travel Plan is an integrated package of actions and measures aimed at reducing the role of single occupancy car journeys to and from a development. This could be through the introduction of sustainable travel information, incentives and travel demand management measures (for example, flexible working and working from home). The developer would be expected to fund the monitoring and development of the Travel Plan over time.

105. Where possible, a company or site Travel Plan should be integrated with other Travel Plans to create economies of scale and achieve greater benefits through more significant measures.

106. A Transport Assessment/Statement must be submitted with all planning applications exceeding the thresholds set out in Table 8.

Table 8 ECC Transport Assessment (TA)/Transport Statement (TS) Guideline Thresholds: [49]

Use	Threshold for Transport Statement	Threshold for Transport Assessment
A1 Food retail	250 – 800m^2	>800m^2
A1 Non-food retail	800 – 1500m^2	>1500m^2
A2 financial and professional services	1000 – 2500m^2	>2,500m^2
A3 restaurants and cafes	300 – 2500m^2	>2,500m^2
A4 drinking establishments	300 – 600m^2	>600m^2
A5 hot food takeaway	250 – 500m^2	>500m^2
B1 business	1500 – 2500m^2	>2,500m^2
B2 general industry	2500 – 4000m^2	>4,000m^2
B8 storage and distribution	3000 – 5000m^2	>5,000m^2
C1 Hotels	75 – 100 bedrooms	>100 bedrooms
C2 residential – hospital, nursing homes	30 – 50 beds	>50 beds
C2 residential – education	50 – 150 students	>150 students
C2 residential – institution hostel	250 – 400 residents	>400 residents
C3 Residential	25 – 50 units	>50 units
D1 non-residential institutions	500 – 1000m^2	>1000m^2
Primary and secondary education	School TS where an increase in staff/pupil numbers is proposed	Any new school
Higher and further education	0 – 50 pcus	>50 pcus
Others	Discuss with Local Highways Authority	

pcus = passenger car units

Further information:

- Essex County Council Sustainable Travel Plans https://www.essex.gov.uk/Environment%20Planning/Development-in-Essex/Pages/Sustainable-Travel.aspx
- ECC Development Management Policies 2011 https://www.essex.gov.uk/Environment%20Planning/Development-in-Essex/Documents/Development_Management_Policies.pdf
- Essex County Council's Sustainable Modes of Travel Strategy 2017 https://www.essex.gov.uk/Environment%20Planning/Development-in-Essex/Documents/Sustainable_Modes_of_Travel_Strategy.pdf
- MHCLG, Travel Plans, Transport Assessments and Statements https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements

[49] ECC Development Management Policies 2011 https://www.essex.gov.uk/Environment%20Planning/Development-in-Essex/Documents/Development_Management_Policies.pdf

Parking bay sizes

107. The preferred size of a car parking bay is 2.9m x 5.5m. This provides sufficient space to accommodate most modern cars and provides sufficient room for door opening and pedestrian access to the side. Where parking space(s) are provided in front of a garage, an additional 0.5 is required to allow the opening of a garage door. Smaller bays will not be considered a usable parking space.

108. A parking space capable of use by disabled people must be at least 3.6m wide, or adjacent to an area on the same level, such as a lowered footway, containing at least a 1.2.m-wide space for getting in and out of vehicles.

109. Where a parking space includes a EV charging point within the parking bay, the length of the bay needs to be increased by 0.2m, to ensure that the length of the bay will be suitable for a range of vehicle sizes and types.

Table 9 Parking Bay Sizes

Type of parking bay	Dimensions (width/length)
Parking bay	2.9m x 5.5m
Parking bay that has an EV charging point located within the footprint of the bay	2.9m x 5.7m
Parking bay in front of a garage to allow the opening of a garage door	2.9m x 6m
Parallel parking bay - on a highway where there is a footway	2m x 6m
Parallel parking bay - on a highway where there is no footway	2.5m x 6m
A parking bay for people with disabilities (note: parking bay and transfer area must be on the same level).	3.6m x 6m
Extended car parking space for people with disabilities using converted commercial vehicles	4.8m x 8m
Parking bay for: Vans Rigid lorries Articulated lorries	 3.5m x 8m 4m x 12m 5m x 18m

Residential parking standards

110. The adopted Maldon District Design Guide (SPD 2017) provides detailed guidance on the design and layout of parking spaces. The design and layout of parking spaces in developments are expected to follow the design principles set out in the Maldon District Design Guide. Where the development proposal is within an area covered by a Strategic Masterplan Framework, then that Framework and the associated Design Codes will take precedence over the Maldon District Design Guide.

111. With the exception of small residential developments, visitor parking will normally need to be incorporated within a planning proposal. Generally, unallocated visitor parking should be provided in a clearly separate group to avoid the potential for residents ‘adopting’ spaces near to their properties. Where a significant proportion of the total parking stock for an area is unallocated; or in locations such as town centres with good accessibility by non-car modes and where on street parking is controlled, lower levels of provision are set out in the standards.

112. For developments where clear evidence has been supplied that car ownership levels will be lower than normal, a more flexible approach to numbers of parking spaces may be taken.

Table 10 Residential Parking Standards

	Number of car parking spaces (minimum)
• One bedroom dwelling	1
• Two bedroom dwelling • Three bedroom dwelling	2
• Four+ bedroom dwelling	3
• Independent Living / retirement living (comprising self-contained dwellings)	Individual assessment / justification
• Development with communal car parking allocated to each dwelling unit	1 visitor space per 2 dwellings
• New flats or housing incorporating communal parking which is not designated to individual housing units and is subject to a planning condition ensuring that the parking remains genuinely communal	1 visitor space per 4 dwellings, including 1 disabled parking bay near the entrance to the building
• Housing developments >10 units	1 visitor space per 4 dwellings
Development in Town Centres	
• Conversion of upper storeys above commercial premises for use as residential flats	May be permitted with no car parking provision
• New build dwellings in town centres	Minimum of 1 car parking space per dwelling.
• Development with communal car parking allocated to each dwelling unit	1 visitor parking space for every 4 dwellings
• New flats or housing incorporating communal parking which is not designated to individual housing units and is subject to a planning condition ensuring that the parking remains genuinely communal	No requirement to provide visitor spaces

Garages & Car Ports

113. For garages to be effective at providing, and being used as, parking spaces, they will need to be of sufficient size to accommodate a modern car and to allow room for storage, particularly for cycles. Therefore, the minimum internal size of a garage, when contributing towards parking provision is 3m x 7m. In addition, developers will need to demonstrate that garage door widths can accommodate a range of vehicle sizes.

114. Facilities should be provided for charging electric cars, mobility vehicles and other similar vehicles (where appropriate) and mains power and lighting provided.

115. Carports are less likely to be used for storage and therefore can fully count towards parking provision without including a storage allowance. This will allow room for a modern car to be parked and still allow room for access down the side of the vehicle.

Table 11 Garage / Carport Size Standards

Type of garage/carport	**Internal dimensions (Width/length)**
1 car garage	3m x 7m
2 car double garage	6m x 7m
2 car tandem garage	3m x 13m
Car port for 1 car	3m x 6m

Non residential parking standards

116. Where non-residential development is located as follows, the expectation will be that there is sufficient parking provision for staff and visitors within the site, to ensure that the operation of the development does not negatively impact on the surrounding road network or result in on-street parking:
    - Outside a town centre where there is available public car parking
    - Is not within 960m (12 minutes) walk of a train station
    - Is not within 640m (8 minutes) walk of a bus stop with a regular bus service

117. More or less parking than these standards may be justifiable and acceptable where other material considerations are taken into account, such as the need to maintain an active ground floor frontage, conservation area, the availability of alternative parking facilities, other viable modes of transport, design issues including the physical constraints of a site, proposed Travel Plan measures and target consumers.

118. For mixed use schemes, it will be necessary to calculate the amount of parking required for each element of the scheme. For example, for live-work units, the residential car parking will be as per the residential car parking standards; the employee / customer parking will be based on the car parking requirement for B1c developments.

Table 12 Example of the vehicle parking requirements for a mixed use development (not in a town or local centre):

Use	Quantity/Size	Standard	No of spaces
Residential	25 2-bed flats	2 spaces per flat, plus 1 visitor space for every 4 flats	56
Retail A1	200 sqm	1 space per 20 sqm	10
Restaurant A3	200 sqm	1 space per 5 sqm	40
Offices B1(a)	300 sqm	1 space per 20sqm	15
TOTAL			121

119. Where there is a mixed use development which operates at different times of the day then a trade-off between the parking requirements may be made to enable a more efficient use of space e.g. shops open during the day and a theatre that is open during the evenings. This judgement will be made on a case by case basis subject to the offer of goods proposed and the on-going management arrangements.

120. The number of parking spaces for any given development is related to gross floor area (gfa), unless otherwise stated. Thus, for a development that has a gross floor space of 450m^2 and where the car-parking standard is 1 space per 20m^2 gfa, the calculation gives a nominal provision of 22.5 spaces (450/20). This figure would be rounded up for car parking to the nearest whole number, to give a provision of 23 spaces.

Table 13 Non-Residential Car Parking Standards

Use class	Type	Description	Car parking (minimum)
A1	**Shops**	Units below 500m² within the town and district centres	Not required to provide parking
A1	**Shops**	Food and convenience retail	1 space per 14m²
A1	**Shops**	All other retail developments located outside town centres NOTE: retail parking to be provided as shared use where appropriate	1 space per 20m²
A2	**Financial & Professional Services**	Outside of town centre locations - Financial services such as banks and building societies, professional services (other than health and medical services) and including estate and employment agencies	1 space per 20m²
A3	**Food & Drink**	Within town / district centre locations	Not required to provide parking
A3	**Food & Drink**	Outside of town / district centre locations - Restaurants, snack bars and cafes, for sale & consumption on the premises	1 space per 5m²
A3	**Food & Drink**	Roadside Restaurants (incl Drive through outlets)	1 space per 5m²
A3	**Food & Drink**	Transport cafes	1 lorry space per 2m²
A4	**Drinking Establishments**	Within town / district centre locations - Public houses, wine bars and other drinking establishments, but not nightclubs	Not required to provide parking
A4	**Drinking Establishments**	Outside of town centre locations - Public houses, wine bars and other drinking establishments, but not nightclubs houses,	1 space per 5m²
A5	**Hot food takeaways**	Within town / district centre locations - for sale & consumption of hot food off the premises	Not required to provide parking
A5	**Hot food takeaways**	Outside of town / district centre locations - for sale & consumption of hot food off the premises	1 space per 20m²
B1a	**Business**	Offices	1 space per 20m²
B1b	**Business**	Research & development	1 space per 50m²
B1c	**Business**	Light industry appropriate in a residential area Development restricted by planning condition to a use within Class B1 (c)	1 space per 50m²
B2	**General Industry**	General Industry	1 space per 50m²
B2	**General Industry**	Office floorspace exceeding 200m² or 20% of the floorspace of the building	As per B1a
B8	**Storage & Distribution**	Warehouse storage, open air storage	1 space per 150m²
B8	**Storage & Distribution**	Warehouse distribution	1 car space per 100m2
B8	**Storage & Distribution**	Office floorspace exceeding 200m² or 20% of the floorspace of the building	As per B1a
C1	**Hotels**	Hotel with resident only restaurant facilities	1 staff space per 5 bedrooms; 1 space per bedroom
C1	**Hotels**	Hotel with non-resident restaurant (outside town centres)	1 staff space per 5 bedrooms, 1 space per bedroom or 1 space per 5m² of restaurant space whichever is the greater

Use class	Type	Description	Car parking (minimum)
C2	**Residential Institutions**	Residential Care / Nursing Home	1 space per residential staff 1 space per 2 other staff 1 space per 3 bed spaces / dwelling units
C2	**Residential Institutions**	Hospitals	Individual assessment/ justification
C2	**Residential Institutions**	Residential education establishments	1 space per residential staff 1 space per 2 other staff (any parking for students with vehicles should be provided within this figure), or individual assessment/ justification
D1	**Non-residential institutions**	Medical Centre	1 space per full-time staff 2 spaces per consulting room; or individual assessment / justification
D1	**Non-residential institutions**	Day care centres	1 space per full time staff 1 space per 4 persons attending
D1	**Non-residential institutions**	Creches/Nurseries	1 space per full-time staff
D1	**Non-residential institutions**	Schools (primary & secondary education)	1 space per teaching staff; 2 spaces per 3 non-teaching staff, or individual assessment/ justification
D1	**Non-residential institutions**	Schools (further & higher education)	1 space per daytime teaching staff; 1 space per 15 students; or individual assessment /justification
D1	**Non-residential institutions**	Libraries/Art galleries/ Museums / Public Halls / Places of Worship	Within town centres - no parking requirement; Outside town centres 1 space per 25m²
D2	**Assembly & Leisure**	Cinemas, concert halls, bingo halls, dance halls	Within town centres: No parking requirement. Outside town centres: 1 staff parking space per 200m^2 1 space per 5 licensed persons/ seats
D2	**Assembly & Leisure**	Other Sport & Recreational Uses included in Use Class D2	A maximum of 1 space per 22m² of gross floor space or individual assessment/ justification
Sui generis		Caravan Park / camping site	1 space per pitch 1 space per residential staff 1 space per 2 other staff.
Sui generis		Marina	1 space per 2 mooring berths; 1 space per 2 staff
Sui generis		Conference Facilities & Theatres	Within town centres: No parking requirement. Outside of town centre: 1 space per 2 staff; 1 per 5 licensed persons/seats, or Individual assessment / justification
Sui generis		Stadia	Individual assessment / justification

Use class	Type	Description	Car parking (minimum)
Sui generis		Cash & Carry and other Retail Warehouses, and Garden Centres	1 space per 20m².
Sui generis		Petrol Filling Station	1 space per 14m² retail space.
Sui generis		Motor Service Centre / vehicle repair / exhaust & tyre centres	1 space per staff 3 customer spaces per service / repair bay
Sui generis		Motor Vehicles Showroom / sales	1 space per 45m² display area.
Sui generis		Taxi or Vehicle Hire	1 space per staff member permanently deployed at registered base site 1 space per 5 registered vehicles.
Sui generis		Recycling Centre	1 space per staff Waiting facilities for users of the site.
Sui generis		Transport Interchange	On merit, in relation to location and level of service
Sui generis and all other uses not mentioned above			Individual assessment / justification

On-street parking

121. Car parking can dominate.. Work with the ARU highlighted that in parts of Maldon on-street parking had a significant and dominant visual impact on the environment and visitor experience. It can lead to congestion and road accidents, although it also acts to a traffic calming measure.

122. It may not be appropriate to lower parking provision simply because there is capacity for parking on the immediate road network. This approach can individually or cumulatively alter and detrimentally affect the character and visual amenity of an area and may be considered unacceptable. Particular attention should be given to developments which convert dwellings into flats as although the amount of development does not increase, the intensity of use does.

123. Where residential parking schemes exist (i.e. Residential Parking Permit Zones), occupants of new developments will not be eligible for permits. Therefore, new residential development on streets covered by residential parking permits will be expected to provide adequate on-plot parking provision.

124. If on-street parking is intrinsic to the character of the area, the main concern will relate to additional capacity. If sufficient, safe, or appropriate parking is not available on-plot or within the vicinity then indiscriminate parking will occur, resulting in highway safety issues or inappropriate parking on grass verges. The general presumption is that sufficient parking should be provided within the development site and reliance should not be made of on-street parking unless it has been appropriately designed in from the start (eg unallocated visitor spaces in new large residential developments).[50]

[50] Further guidance can be found in the MDDG C10 pg 32, and in the Strategic Master Plans and Design Codes for the Garden Suburbs.

Commercial vehicle, coach and emergency vehicle access

125. Commercial vehicles are regarded as those vehicles delivering goods to or removing goods from premises, including refuse collection vehicles. It is recognised that servicing requirements may be unique to a particular site however, with increasing use of online shopping, trips by commercial vehicles are more frequently made to residential areas. Commercial traffic varies with the type of enterprise within a given use class (e.g. the traffic serving a furniture shop may be very different in frequency and character from that supplying a supermarket).

126. The developer should analyse their site's own commercial vehicles requirements and should demonstrate that the development adequately provides for commercial vehicles; such as vehicle accommodation, loading, unloading and turning, signing and road marking. For new non-residential development, provision for loading/unloading is to be made within the site, to avoid such activities occurring on the public highway.

127. Developments likely to generate coach traffic should provide appropriate off-street parking facilities for the stopping, setting down and picking up of passengers and their luggage as well as appropriate turning facilities (avoiding the requirement for coaches to reverse in or out of a site where possible, taking into consideration pedestrian safety).

128. When considering the parking requirements for commercial and passenger carrying vehicles, applicants / developers must demonstrate that the proposed parking / drop off and pick up points will be sufficient for the planned level of activity, that the access to the site, size and number of spaces and a space available within the curtilage is adequate for the largest vehicles that might use / visit the development. The onus will be on the developer to demonstrate that the development has the appropriate level of provision.

129. Developments that attract large numbers of people (eg schools, entertainment / recreational venues, etc) or cater for people with health needs (eg health and social care facilities, residential care homes, etc) must provide sufficient manoeuvring space, close to the main building / entrance to enable ambulance access and egress in a forward gear. Designing with emergency access in mind will reduce problems associated with deliveries, removals and refuse collection. In addition, drop off- pick up points should be provided near the main entrance.

130. The applicant must demonstrate, through either a Travel Assessment or appropriate supporting documentation, that access / deliveries to the site can be made safely in terms of pedestrian safety, on site and off site highway considerations and without causing undue disruption and noise.

Further information:

- Maldon District Design Guide / Planning & Waste Management Technical Document https://www.maldon.gov.uk/info/20048/planning_policy/9226/urban_design/2
- ECC Highways Technical Manual https://www.essexdesignguide.co.uk/design-details/highways-technical-manual/

Parking for people with disabilities

131. In residential development the parking and site layout must permit access to the property for persons with mobility difficulties, using wheelchairs or mobility scooters, and for prams and cycles. Disabled spaces should usually be located as close to the entrance to the destination point as possible and dropped kerbs should be provided to enable easy access from disabled parking bays to/from the footway.

132. Residential developments for elderly persons and other developments which are likely to be used by people with disabilities (eg Independent Living, residential care homes, health care facilities.[51]) may require a higher provision of disabled spaces. Sufficient operational space must be provided close to the building to enable ambulance access and egress in a forward gear.

133. In non-residential development, parking should be designed and allocated for disabled users to meet demand and be located no further than 50m from an accessible entrance, (ideally the main entrance), clearly signed and preferably under cover. Where development is likely to attract visitors with disabilities (eg health and social care facilities, care homes) a higher proportion of disabled parking bays may need to be provided.

Table 14 Parking for People with Disabilities

Residential development	**Disabled car parking spaces (minimum)**
• Individual dwelling(s) specifically designed for use by people with disabilities	1 disabled parking space per dwelling
• New flats or housing incorporating communal parking which is not designated to individual housing units and is subject to a planning condition ensuring that the parking remains genuinely communal	Minimum of 1 disabled parking bay near the entrance to the building At least 5% of parking spaces (rounded up)
• Independent Living, retirement living, residential care homes etc	Provision above the minimum may need to be provided, based on an individual assessment of the development
Non-residential	
Employees and visitors to business premises Car park size up to 200 bays	Individual bays for each disabled employee Plus 2 bays or 5% of total capacity, whichever is the greater
Employees and visitors to business premises Car park size over 200 bays	5% of car parking spaces (rounded up)
Shopping, recreation and leisure	5% of car parking spaces (rounded up)
Health & Social care facilities	Provision above the minimum may need to be provided, based on an individual assessment of the development

[51] Department of Health, 2015, Health Technical Memorandum 07-03 NHS car-parking management: environment and sustainability 2015 edition (para 5.60) *'…local planning conditions often stipulate a required number, and this averages around 4–6% of car-park capacity. However, NHS organisations should increase this figure, as it is likely that a higher percentage of disabled users will attend an NHS site compared with other sites*'.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/481556/HTM0703NovemberUpdated.pdf

Mobility scooters

134. In new specialist housing developments (eg Independent Living, care homes, retirement complexes, housing designed for people with disabilities) secure, undercover parking and electric charging points for mobility scooters should be provided in a convenient, accessible location at ground floor level. This particularly applies to flatted developments and older persons' housing where it may be difficult for occupants to charge scooters within the property itself.

135. Ownership of mobility scooters is hard to predict and often underestimated, but as a minimum provide for a store to house one mobility scooter per five dwellings with a maximum of one ten-scooter store per development. Developers should consider allowing additional space in the scheme for conversion to future mobility scooter storage since ownership may exceed expectations. The provision should be adaptable, to allow for changes in needs over time.

136. When designing scooter stores, allow space at the side of every parking space for residents to dismount. To facilitate the safe movement of residents from their living quarters to the scooter store, space should be provided within the store for the storage of wheelchairs/walking aids when the scooter is in use. The store should open directly to the outside or into the main entrance, and also be accessed from inside the scheme. An external door should have all the same security provisions as the main entrance door. [52]

137. Where parking provision for residential development includes a garage that meets the minimum dimensions set out in this SPD, additional parking provision for electric scooters will not be required.

138. For other forms of developments which are likely to be used by people with disabilities (eg health and social care facilities) adequate provision for access, parking and charging of mobility vehicles in secure, weatherproof and accessible accommodation should be made. The amount of provision will be based on an individual assessment of the development proposed, target customers and likely demand.

Table 15 Mobility Scooter Storage Provision

Type of development	Mobility Scooter storage
Independent Living/ retirement complexes/ residential care home	• 1 mobility scooter space per five self-contained residential units or 1 / 5 residents communal establishments • Maximum of one 10-scooter store per development • One charging point per scooter space
Individual dwelling designed for older people/ people with disabilities	• Secure, adaptable space with a suitable, conveniently located charging point (eg additional internal space within the home or within a garage) to provide space for 1 scooter.
Other types development likely to be used by older people / people with disabilities (eg health and social care facilities)	• Individual assessment/justification

[52] For further guidance please see the MDDG, page 33

Cycle parking

139. The cycle parking standards set out the minimum requirement for cycle parking that will normally be applied to new development. The cycle parking standards relate to the total cycle parking requirement, and the mix between long stay and short stay cycle parking spaces should be determined by the nature of the development.

140. However, it is recognised that some larger developments may result in the need for a very large number of cycle parking spaces, so their need will be considered on the basis of the specifics of the proposal. This should be justified in a statement submitted with the application.

141. Cycle storage is required to encourage cycle ownership and use, and to make cycling a safe and attractive alternative to using the private car. It is therefore important that there is adequate storage of the right type at home, and at the journey destination. Parking for cycles must be secure, weather proof and accessible. Long term cycle parking (ie for employees / overnight at home) should be provided by a secure structure within the curtilage of the property. Acceptable examples would include a garden shed, bespoke cycle store or a space within a garage that is not required for car parking. In all cases, the cycle store should be at ground level, easily accessible and should not require the bicycle to be carried through habitable accommodation. Storage within halls or other communal spaces will not be acceptable. The cycle store should be of a sufficient size to allow the requisite number of bicycles to be stored with both wheels on the ground, unless the cycle storage is of a two tier design, where the top tier slides out and lowers down to allow easy access for users.

142. For some types of development (eg blocks of flats, or non-residential developments), short stay or visitor cycle parking space should be provided. Short stay parking need not be to the same standard as long stay parking, but should usually still be covered. A popular option is a 'Sheffield Stand', which comprises of a metal frame (often an inverted 'U') secured to a fixed base. One Sheffield stand equates to two cycle spaces. Short stay cycle parking should be unallocated and located within the site so it can be accessed independently from residential properties.

143. Destinations (other forms of development such as places of work) should provide a mix of long stay and short stay cycle parking depending upon the likely mix of users. Cycle parking should be located in areas with good natural surveillance and should not be provided in locations where it is necessary to carry the bicycle through a building. Cycle parking facilities should be easy to find and as close to destinations / the main entrance as possible. Where appropriate, shower and changing facilities should be provided. These should be shown on the application floor plans and maintained in perpetuity.

144. On large sites, such as retail parks or developments with several buildings, it may be preferable to have small groups of cycle parking facilities spread around a development, rather than clustered at a central location which may prove less convenient for some users.

Table 16 Cycle Parking Standards

Use class	Type	Description	Cycle parking (minimum)
A1	**Shops**	Units below 500m² within the town and district centres	None required
A1	**Shops**	Food and convenience retail	1 / 100m² for staff; 1 / 100m² for customers
A1	**Shops**	All other retail developments located outside town centres	1 / 100m² for staff; 1 / 200m² for customers
A2	**Financial & Professional Services**	Outside of town centre locations – Financial services such as banks and building societies, professional services (other than health and medical services) and including estate and employment agencies	1 / 100m² for staff; 1 / 200m² for customers
A3	**Food & Drink**	Outside of town centre locations - Restaurants, snack bars and cafes, for sale & consumption on the premises	1 / 4 staff; 1 / 25m² for customers
A3	**Food & Drink**	Roadside Restaurants (incl Drive through outlets)	1 / 4 staff; 1 / 25m² for customers
A3	**Food & Drink**	Transport cafes	1 / 4 staff; 1 / 50m² for customers
A4	**Drinking Establishments**	Outside of town centre locations - Public houses, wine bars and other drinking establishments, but not nightclubs	1 / 4 staff; 1 / 25m² for customers
A5	**Hot food takeaways**	Outside of town centre locations - for sale & consumption of hot food off the premises	1 / 4 staff; 1 / 25m² for customers
B1a	**Business**	Offices	1 / 100m² for staff; 1 / 200m² for visitors
B1b	**Business**	Research & development	1 / 100m² for staff; 1 / 200m² for visitors
B1c	**Business**	Light industry appropriate in a residential area Development restricted by planning condition to a use within Class B1 (c)	1 / 100m² for staff; 1 / 200m² for visitors
B2	**General Industry**	General	1 / 100m² for staff; 1 / 400m² for visitors
B2	**General Industry**	Office floorspace exceeding 200m² or 20% of the floorspace of the building	As B1a
B8	**Storage & Distribution**	Warehouse storage, open air storage	1 / 500m² for staff; 1 / 1000m² for visitors
B8	**Storage & Distribution**	Warehouse distribution	1 / 500m² for staff; 1 / 1000m² for visitors
B8	**Storage & Distribution**	Office floorspace exceeding 200m² or 20% of the floorspace of the building	As B1a
C1	**Hotels**	Hotel with restaurant facilities	1 / 4 staff; plus 1 / 10 beds or 1 / 25m² restaurant-entertainment area, whichever is the greater.
C2	**Residential Institutions**	Residential Care / Nursing Home	1 / 2 staff; 1 / 6beds for visitors.
C2	**Residential Institutions**	Hospitals	1 / 4 staff; 1 / 20 beds or individual assessment/ justification
C2	**Residential Institutions**	Residential education establishments	1 / 5 staff 1 / 3 pupils

Use class	Type	Description	Cycle parking (minimum)
C3	**Dwelling houses**	Residential	None if garages provided; 1 / dwelling (one bed); 2 / dwelling (2+ beds); + 1 / 8 units (for visitors)
D1	**Non-residential institutions**	Medical Centre	1 / 4 staff; 1 / consulting room.
D1	**Non-residential institutions**	Day care centres	1 / 4 staff; 1 / 200m² for visitors.
D1	**Non-residential institutions**	Creches/Nurseries	1 / 5 staff; 1 / 30 children
D1	**Non-residential institutions**	Schools (primary & secondary education)	1 / 20 staff; 1 / 20 pupils (primary); 1 child scooter space / 20 pupils (primary); 1 / 10 students (secondary)
D1	**Non-residential institutions**	Schools (further & higher education)	1 / 20 staff; 1 / 20 students or individual assessment/ justification
D1	**Non-residential institutions**	Libraries/Art galleries/ Museums / Public Halls / Places of Worship	Libraries 1 / 4 staff plus 3 at branch library or 10 at main library. Public assembly: 1 / 10m². Places of worship: 1 / 5 seats. Cultural buildings: 1 / 4 staff + 1 / 35m²
D2	**Assembly & Leisure**	Cinemas, concert halls, bingo halls, dance halls	1 / 4 staff; 1 / 20 seats.
D2	**Assembly & Leisure**	Other Sport & Recreational Uses included in Use Class D2	1 / 4 staff 1 / 4 visitors or players Or individual assessment/ justification
Sui generis		Caravan Park / camping site	1 / 4 staff; 1 / 10 pitches
Sui generis		Marina	1 / 10 moorings
Sui generis		Conference Facilities & Theatres	1 / staff 1 / 20 seats
Sui generis		Stadia	Individual assessment / justification
Sui generis		Cash & Carry and other Retail Warehouses, and Garden Centres	1 / 100m² for staff; 1 / 200m² for customers.
Sui generis		Petrol Filling Station	1 / 5 staff; 1 / 100m² shop floor where applicable
Sui generis		Motor Service Centre / vehicle repair / exhaust & tyre centres	1 / 5 staff
Sui generis		Motor Vehicles Showroom / sales	1 per 100m² for staff; 1 per 200m² for customers
Sui generis		Taxi or Vehicle Hire	1 space per base site
Sui generis		Recycling Centre	No provision required
Sui generis		Transport Interchange	Rail stations: 10 / Morning peak service. Park & Ride: 1 / 10 parking spaces or individual assessment/ justification
Sui generis and all other uses not mentioned above			**Individual assessment/justification**

Further information

- Cycle Proofing Working Group https://www.gov.uk/government/groups/cycle-proofing-working-group#resources
- Sustrans https://www.sustrans.org.uk/our-services/what-we-do/route-design-and-construction/route-design-resources/best-practice-cycle
- Maldon District Design Guide SPD 2017 and technical documents https://www.maldon.gov.uk/info/20048/planning_policy/9226/urban_design/2
- Essex Cycling Strategy Highways/Major Projects | November 2016 http://www.essexhighways.org/uploads/docs/ecc-cycling-strategy-novemeber-2016.pdf

Powered Two Wheelers/Motorcycles

145. Based on the ratio of motorcycles to cars in the UK, at least one motorcycle/powered two wheeler (PTW) parking space will be provided for every 25 car parking spaces required in a non-residential development. Where justified, higher numbers of motorcycle parking spaces can be provided at destinations likely to attract motorcyclists. Motor cycle provision is in addition to the car parking spaces being provided.

146. Effective motor cycle parking is '*near, clear, secure and safe to use*.'[53] The siting and design of the motorcycle parking area should ensure that the facility is secure, for example through the use of fixed and robust features such as rails, hoops or posts which provide a simple locking-point to secure a motorcycle by chain or similar device. Long term cycle parking, for example for employees, should be undercover wherever possible.

Table 17 Powered Two Wheeler Parking Standards

Type of development	Powered Two Wheeler parking
Non-residential development	• Minimum of 1 PTW parking space, or • 1 PTW parking space per 25 car parking spaces. This is additional to the car parking provision.

Further information:

- Institute of Highway Engineers, *Guidelines for Motorcycling* - http://www.motorcycleguidelines.org.uk/the-guidelines/6-0-motorcycle-parking/

Electric vehicles

147. EV charging is a developing technology and the Council will seek to ensure that connection points are installed in line with emerging technical requirements and open standards[54]. Connections conforming to national and/or industry standards will therefore be used. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required.

148. To retro-fit EV charging points in existing dwellings, for charging Electric vehicles (EV) at home, normal household sockets are adequate to charge electric vehicles however a survey must be completed first to ensure the wiring is good enough to handle the high electrical draw. Alternatively, an off-street home charging point can be installed. Installation is supported by the Electric Vehicle Home Charge Scheme, which offers a grant towards installation of an approved charging point by an approved installer. These home charging

[53] Institute of Highway Engineers, Guidelines for Motorcycling - http://www.motorcycleguidelines.org.uk/the-guidelines/6-0-motorcycle-parking/

[54] Open standards give any user permission to copy, distribute and use technology freely. An open standard is one that can be freely accessed, adopted, and improved upon. The term is often used in relation to software. A vehicle related example is Volvo's 1959 'open patent' for the three-point seat belt.

points guarantee safety and can charge the car much faster than a standard UK socket. Recharging at home, at night, will be the most convenient and practical option for most drivers by using cheaper off peak tariffs.

149. For new dwellings, an external[55] fast charging point shall be provided adjacent to at least 1 parking space for each new dwelling. To allow for an easy upgrade to a rapid charge facility in the future, the charging points should be supplied with a suitable, independent radial circuit and external socket (with a locking and weatherproof cover) complying to the relevant national standards.

150. For communal residential parking areas, 1 charging point is required for every 20 spaces (5%). Where the parking spaces are allocated to individual dwellings, the charging point(s) can be provided on unallocated visitor parking spaces within the development.

151. 5% of all parking spaces in non-residential developments are to have a fast charging point. Appropriate cable provision shall be in place for a further 5% to meet any future increase in demand.

152. If the charging point is outside the parking bay, the bay can be the standard length of 5.5m. Where charging points are within a parking bay, that bay shall be lengthened by 0.2m to ensure that the space can accommodate a range of vehicle sizes, without the vehicle over-hanging the parking space and potentially impeding the circulation space of the car park. Where the charging point is on a pavement, adjacent to the parking bay, the pavement must be wide enough to enable people using mobility aids, or parents with push-chairs, to safely pass without the need to step off into the roadway.

153. The charging points for non-residential developments should comply with the technical specifications listed by the Office for Low Emission Vehicles. These charging points will be installed by and paid for by the developer. There are grant schemes to assist with the development of EV infrastructure, which can reduce the cost of installing charging points. Commercial land uses, particularly those with retail units, present the possibility of charging users fees for the use of fast or rapid units, creating an income stream to offset installation or running costs.

154. In order to future proof development, and avoid the digging up of hard landscaping, the Council will encourage the provision of appropriate ducting to enable future charging points to be created in non-residential developments

Table 18 Electric Vehicle Charging Points Standards

Type of development	Number of charging points
Residential off-street parking (driveway/garage/car port)	• At least 1 home charging point
Residential communal car parking	• 1 fast charging point for every 20 parking bays • A further 5% of available spaces to be provided with power supply to provide additional fast charge sockets
Non-residential development	• 1 fast charging point for every 20 parking bays • A further 5% of available spaces to be provided with power supply to provide additional fast charge sockets

[55] External in this sense means outside the house, ie an external charging point could be within a garage.

Further information:

- Energy Saving Trust http://www.energysavingtrust.org.uk/transport-travel
- Office for Low Emission Vehicles – provides information on ULEVs, grant schemes and charign point installation, https://www.gov.uk/government/collections/government-grants-for-low-emission-vehicles
- Maldon District Design Guide SPD 2017 and technical documents
- https://www.maldon.gov.uk/info/20048/planning_policy/9226/urban_design/2
- North Heybridge and South Maldon Garden Suburbs Masterplan Frameworks and Design Codes https://www.maldon.gov.uk/info/20048/planning_policy/9226/urban_design/4

School Parking

155. New Schools, or those where expansion is proposed, are expected to develop, update and monitor School Travel Plans.

Cars

156. Measures to discourage parking should be considered first and could include car sharing, staggered school days, parking restrictions, parking permits issued on the basis of need and other measures as appropriate.

157. A parking management plan should be prepared and submitted as an integral part of any planning application.

158. Operational requirements (broadly defined as staff and visitors) should be provided for only. Parent / student parking should not usually be provided. However, safe drop off/pick up areas could be provided, as necessary, to improve highway safety.

Coach/Bus

159. On all new or expanded school sites where it is likely that pupils will travel to and from school in coaches, sufficient space should be reserved to allow coaches to enter the site, drop off and pick up pupils. Where coach/bus provision cannot be accommodated within the site, appropriate, bus stops, bays, raised kerbs, seating and shelters on the highway shall be provided by the applicant off site.

Cycles and non-motorised Scooters

160. Provision of cycle and non-motorised scooter[56] parking will be a condition of any new or expanded school.

School Drop Off areas

161. The child drop off and collection period presents a peak of traffic close to schools. If not properly planned for and managed it can cause considerable problems for parents, staff and local residents.

162. Planning applications for new schools must demonstrate how the drop off and collect periods will impact on the local area. Drop off areas can be in the form of shared space with other development or within the school grounds.

Further Information:

- Essex County Council's Sustainable Modes of Travel Strategy 2017 https://www.essex.gov.uk/Environment%20Planning/Development-in-Essex/Documents/Sustainable_Modes_of_Travel_Strategy.pdf
- School Travel Plans - https://www.essex.gov.uk/Environment%20Planning/Development-in-Essex/Pages/Sustainable-Travel.aspx

[56] for Pre-school and Primary School education only

- Maldon District Design Guide SPD 2017 and technical documents https://www.maldon.gov.uk/info/20048/planning_policy/9226/urban_design/2

- North Heybridge and South Maldon Garden Suburbs Masterplan Frameworks and Design Codes https://www.maldon.gov.uk/info/20048/planning_policy/9226/urban_design/4

Delivering Maldon's Parking Standards

Viability

163. The Council's default position is that all qualifying development should comply with the LDP, and therefore this SPD, in relation to vehicle parking requirements. Adequate, good quality vehicle parking provision helps to create functional developments and supports their long term success.

164. As the vehicle parking requirements are set out in the SPD, the Council considers that the cost of providing vehicle parking, at the policy compliant level, should be factored into any land valuation prior to an offer for the land being made. This approach avoids:
    - Unrealistic land value demands and the developer having to re-negotiate the land value with the landowner at a later date;
    - Having to negotiate a lower than policy level of affordable housing; and
    - The risk of an application being refused.

165. There will be circumstances where viability is a genuine concern (for example, underground parking) and needs further consideration. Therefore, a viability assessment will need to be submitted where lower levels of vehicle parking are proposed due to viability issues. For further information about viability assessment requirements see the Council's Affordable Housing and Viability SPD.

Use of planning conditions and developer contributions

166. Planning conditions will be used to ensure that the proposed parking provision is provided, that communal parking provision remains genuinely communal in perpetuity and for vehicle parking maintenance as necessary.

167. Developer contributions may be sought, for example, for the long term maintenance of communal parking areas, and cycle/powered two wheeler/ULEV provision, etc.

168. A key principle of this SPD is that car parking provision for developments should be contained within the development. Therefore, only in exceptional circumstances will developer contributions be appropriate for off-site provision via a Section 106 agreement.

169. The developer will be liable for the Council's legal costs and for drafting, negotiating and signing any S106 agreement and variation agreements.

Amendment of permissions and changes of use

170. Where a developer submits a planning application to amend an existing permission, the amended proposal must provide sufficient car parking for the amended elements without compromising the car parking provision for the overall scheme. For example, where the numbers of dwellings or their sizes has changed, then the car parking provision must be appropriate for the new sizes and numbers of dwellings. If the change in the number of

dwellings leads to the need to provide additional visitor parking, this must be incorporated into the development.

171. Where a change in use is proposed, it is important to ensure that where a use with a low level of parking provision is changed for a use that will see the employment density on the site increase, then there should be sufficient car parking provided on site to avoid overspill car parking on the adjacent road network.

172. Development on existing car parks will be resisted if the proposal will negatively impact on the local road network or the long term function of the existing or proposed development.

173. The availability of car parking in town and district centres is a key element to maintaining the vitality and viability of our towns and villages. Development of town / district centre car parks will be resisted unless there is clear evidence that there are significant levels of excess car parking capacity in the area, or an equivalent replacement level of parking provision is provided either on site or elsewhere in the town/district centre. Any replacement provision must be of a similar capacity, accessibility and distance from the main shopping area as the car park being proposed for development.

Monitoring & Review

174. A review of this SPD will be considered if:
    - There are significant changes to local circumstances, or to the Local Development Plan's evidence base
    - There is a significant change in national planning guidance.
    - The SPD is ineffective in delivering appropriate parking provision

Appendix 1 – Car / Van Availability by Ward 2011

Table 19 Car/van availability by Ward, 2011 Census

	No car/van in household		1 car / van in household		2 cars / vans in household		3 cars / vans in household		4 cars / vans in household		Sum of all cars / vans in area
Wards	**No. of households**	**% households**	**No. of households**	**% households**	**No. of households**	**% households**	**No. of households**	**% households**	**No. of households**	**% households**	
Essex	**104,552**	**18.0**	**244,783**	**42.1**	**171,954**	**29.6**	**42,913**	**7.4**	**17,417**	**3.0**	795,400
Maldon District	**3,247**	**12.6**	**9,636**	**37.3**	**9,117**	**35.3**	**2,616**	**10.1**	**1,201**	**4.7**	41,205
Althorne	128	7.61	599	35.61	606	36.02	209	12.42	140	8.32	3,080
Burnham-on-Crouch North	228	14.40	649	40.99	501	31.64	144	9.09	61	3.85	2,360
Burnham-on-Crouch South	399	20.60	891	46.02	503	25.98	110	5.68	33	1.70	2,380
Great Totham	91	6.09	467	31.27	649	43.46	201	13.46	85	5.69	2,759
Heybridge East	127	7.55	677	40.29	641	38.15	182	10.83	53	3.15	2,746
Heybridge West	262	15.54	666	39.52	591	35.07	125	7.41	41	2.43	2,404
Maldon East	234	25.16	400	43.01	233	25.05	50	5.37	13	1.39	1,078
Maldon North	616	28.93	948	44.52	448	21.04	85	3.99	32	1.50	2,251
Maldon South	193	12.19	648	40.96	569	35.96	126	7.96	46	2.90	2,354
Maldon West	226	14.44	559	35.71	548	35.01	165	10.54	67	4.28	2,454
Mayland	118	6.74	561	32.07	707	40.42	237	13.55	126	7.20	3,253
Purleigh	50	3.87	338	26.16	571	44.19	208	16.09	125	9.67	2,677
Southminster	216	12.7	663	38.93	591	34.70	156	9.16	77	4.52	2,658
Tillingham	69	7.78	274	30.92	364	41.08	111	12.52	68	7.67	1,647
Tollesbury	74	8.63	333	38.85	335	39.08	84	9.80	31	3.61	1,386
Tolleshunt D'Arcy	138	8.48	555	33.71	651	39.55	210	12.75	92	5.58	2,930
Wickham Bishops & Woodham	78	5.49	408	28.75	609	42.91	213	15.01	111	7.82	2,788

Appendix 2: Summary of Parking Standards

Table 20 Summary of Vehicle Parking Standards

Description	Powered two Wheeler(PTW)	Parking for People with Disabilities	Electric Vehicle Charging Points	Operational
ALL developments				In all cases adequate provision shall be made for the parking and turning of service vehicles delivering goods to / from the premises and for emergency vehicles to access and exit the site in forward gear.
Car Park Used For: Shopping, recreation and leisure	1 space per 25 car parking spaces provided; Minimum of 1 PTW parking space (this is in addition to car parking provision)	Standard provision is: 5% car parking bays	**1 fast charging point for every 20 parking bays** **Further 5% of available spaces to be provided with power supply to provide additional fast charge sockets**	
Car Park Used For: Employees and visitors to business premises	1 space per 25 car parking spaces provided; Minimum of 1 PTW parking space (this is in addition to car parking provision)	Standard provision is: Less than 200 car parking bays: • Individual bays for each disabled employee • Plus 2 bays or 5% of total capacity, whichever is the greater; Over 200 car parking bays: • 5% total capacity	**1 fast charging point for every 20 parking bays** **Further 5% of available spaces to be provided with power supply to provide additional fast charge sockets**	

(Note: for consultation draft SPD green boxes indicates changes to the 2006 VPS)

Use class	Type	Description	Car parking	Cycle parking	PTW	Parking for People with Disabilities	Operational	Comments
A1	**Shops**	Units below 500m² within the town and district centres	Not required to provide parking					
A1	**Shops**	Food and convenience retail	1 space per 14m²	1 / 100m² for staff; 1 / 100m² for customers	std provision	std provision		
A1	**Shops**	All other retail developments located outside town centres NOTE: retail parking to be provided as shared use where appropriate	1 space per 20m²	1 / 100m² for staff; 1 / 200m² for customers	std provision	std provision		
A2	**Financial & Professional Services**	Outside of town centre locations - Financial services such as banks and building societies, professional services (other than health and medical services) and including estate and employment agencies	1 space per 20m²	1 / 100m² for staff; 1 / 200m² for customers	std provision	std provision		
A3	**Food & Drink**	Within town centre locations	Not required to provide parking					
A3	**Food & Drink**	Outside of town centre locations - Restaurants, snack bars and cafes, for sale & consumption on the premises	1 space per 5m²	1 / 4 staff; 1 / 25m² for customers	std provision	std provision		
A3	**Food & Drink**	Roadside Restaurants (incl Drive through outlets)	1 space per 5m²	1 / 4 staff; 1 / 25m² for customers	std provision	std provision		
A3	**Food & Drink**	Transport cafes	1 lorry space per 2m²	1 / 4 staff; 1 / 50m² for customers	std provision	std provision		1. Cycle parking requirements reduced, to take into account the type of development.

Use class	Type	Description	Car parking	Cycle parking	PTW	Parking for People with Disabilities	Operational	Comments
A4	**Drinking Establishments**	Within town centre locations	Not required to provide parking					
A4	**Drinking Establishments**	Outside of town centre locations - Public houses, wine bars and other drinking establishments, but not nightclubs	1 space per 5m²	1 / 4 staff; 1 / 25m² for customers	std provision	std provision		
A5	**Hot food takeaways**	Within town centre locations -	Not required to provide parking					
A5	**Hot food takeaways**	Outside of town centre locations - for sale & consumption of hotfood off the premises	1 space per 20m²	1 / 4 staff; 1 / 25m² for customers	std provision	std provision		
B1a	**Business**	Offices	1 space per 20m²	1 / 100m² for staff; 1 / 200m² for visitors	std provision	std provision		1. Previous standards were 1/30m^2. Para 5.5 HCA Employment Density Guide states 'typical fit-out specification has now moved towards 10 sqm/per person for a standard office they are actually built to meet the regulatory requirements of a building that is being occupied at 8 sqm/per person. The new standard recognises that office based employment densities are increasing and refect the level of public transport accessibility in the district. 2. B1 Cycle parking standards have been reduced to reflect the proportion of people cycling to work. Now aligns with A2 requirements. Under the new standard, an office of 2500m^2 would need to provide 25 staff and 13 visitor cycle parking spaces.

Use class	Type	Description	Car parking	Cycle parking	PTW	Parking for People with Disabilities	Operational	Comments
B1b	**Business**	Research & development	1 space per 50m²	1 / 100m² for staff; 1 / 200m² for visitors	std provision	std provision		1. B1 Cycle parking standards have been reduced to reflect the proportion of people cycling to work.
B1c	**Business**	Light industry appropriate in a residential area Development restricted by planning condition to a use within Class B1 (c)	1 space per 50m²	1 / 100m² for staff; 1 / 200m² for visitors	std provision	std provision		1. B1 Cycle parking standards have been reduced to reflect the proportion of people cycling to work. 2. Evidence must be provided to satisfy the Authority that the use will not be detrimental to the visual and general amenities of the area
B2	**General Industry**	General	1 space per 50m²	1 / 100m² for staff; 1 / 400m² for visitors	std provision	std provision		1. Developments which incorporate 1 space per 50m² will be restricted by planning condition to a B2 or B1(c) use as defined by the Town and Country Planning (Use Classes) Order 1987. 2. Cycle parking standards have been reduced to reflect the proportion of people cycling to work.
B2	**General Industry**	Office floorspace exceeding 200m² or 20% of the floorspace of the building	As per B1a	As per B1a	std provision	std provision		1. Car and cycle parking aligned with standards for B1a
B8	**Storage & Distribution**	Warehouse storage, open air storage	1 space per 150m²	1 / 500m² for staff; 1 / 1000m² for visitors	std provision	std provision	1 lorry space per 200m^2	1. Previous VPS had a higher cycle space than car parking requirement. Cycle parking standards have been reduced to reflect employment densities. 2. Warehouse storage and warehouse distribution now have separate VPS reflecting the differing employment densities of the uses.

Use class	Type	Description	Car parking	Cycle parking	PTW	Parking for People with Disabilities	Operational	Comments
B8	**Storage & Distribution**	Warehouse distribution	1 car space per 100m2	1 / 500m² for staff; 1 / 1000m² for visitors	std provision	std provision	1 lorry space per 200m^2	1. Cycle parking standards have been reduced to reflect employment densities. 2. Warehouse storage and warehouse distribution now have separate VPS reflecting the differing employment densities of the uses.
B8	**Storage & Distribution**	Office floorspace exceeding 200m² or 20% of the floorspace of the building	As per B1a	As per B1a	std provision	std provision		1. Car and cycle parking aligned with standards for B1a
C1	**Hotels**	Hotel with resident only restaurant facilities	1 staff space per 5 bedrooms; plus 1 space per bedroom	1 / 4 staff; plus 1 / 10 beds or 1 / 25m² restaurant-entertainment area, whichever is the greater.	std provision	std provision	1 coach space per 100 bedrooms;	1. Staff spaces based on Employment Density Guide for limited service/ budget hotel.
C1	**Hotels**	Hotel with non-resident restaurant (outside town centres)	1 staff space per 5 bedrooms, plus 1 space per bedroom or 1 space per 5m² of restaurant space whichever is the greater	1 / 4 staff; plus 1 / 10 beds or 1 / 25m² restaurant-entertainment area, whichever is the greater.	std provision	std provision	1 coach space per 100 bedrooms;	1. Restaurant facilities in hotels in town centres can be served by public car parks
C2	**Residential Institutions**	Residential Care / Nursing Home	1 space per resident staff + 1 space per 2 other staff + 1 space per 3 bed spaces / dwelling units	1 / 4 staff; 1 / 20 beds.	std provision plus mobility scooter storage 1 / 5 self-contained residential units or 1 / 5 residents (communal establishment)	Individual assessment based on development proposed, will be expected to be >5% of car parking spaces provided	Provision for Ambulance access and exit in a forward gear	

Use class	Type	Description	Car parking	Cycle parking	PTW	Parking for People with Disabilities	Operational	Comments
C2	**Residential Institutions**	Hospitals	individual assessment/ justification	1 / 4 staff; 1 / 20 beds or individual assessment/ justification	std provision plus mobility scooter storage to be agreed on a site by site basis	Individual assessment based on development proposed, will be expected to be >5% of car parking spaces provided	Provision for Ambulance access and exit in a forward gear	1. The number of employees and patients/visitors in a hospital/ healthcare setting will vary depending on the type of offer that the individual facility makes. A individual assessment/ justification will be appropriate in most cases. 2. The development proposal should be accompanied by an active Travel Plan.
C2	**Residential Institutions**	Residential education establishments	1 space per residential staff + 1 space per 2 other staff (any parking for students with vehicles should be provided within this figure), or individual assessment/ justification	1 / 5 staff plus 1 / 3 pupils	std provision	std provision	Provision for Ambulance and coach access and exit in a forward gear	
C3	**Dwelling houses**	Residential	Minimum 1 parking space per dwelling; 1 space/1 bed; 2 space/2-3 bed; 3 space/4+ bed; visitor parking - 1 per 4 dwellings; 1 per 2 dwellings where car parking is allocated Off street parking - at least 1 home	None if garages provided; 1 / dwelling (one bed); 2 / dwelling (2+ beds); + 1 / 8 units (for visitors)	None if garages / off road parking is provided			1. Lower parking provision may be acceptable within town centre locations or the Garden Suburbs depending on access to alternative means of transport, subject to a minimum provision of 1 car parking space per dwelling.

Use class	Type	Description	Car parking	Cycle parking	PTW	Parking for People with Disabilities	Operational	Comments
			charging point per dwelling Communal car parking - 1 fast charging point for every 20 parking bays Further 5% of available spaces to be provided with power supply to provide additional fast charge sockets					
D1	**Non-residential institutions**	Medical Centre	1 space per full-time staff + 2 spaces per consulting room; or individual assessment / justication	1 / 4 staff; 1 / consulting room.	std provision plus mobility scooter storage agreed on a site by site basis	Individual assessment based on development proposed, will be expected to be >5% of car parking spaces provided	Provision for Ambulance access and exit in a forward gear	
D1	**Non-residential institutions**	Day care centres	1 space per full time staff + 1 space per 4 persons attending	1 / 4 staff; 1 / 200m² for visitors.	std provision	Individual assessment based on development proposed, will be expected to be >5% of car parking spaces provided	Provision for Ambulance access and exit in a forward gear plus an area reserved for collection and delivery of clients	

Use class	Type	Description	Car parking	Cycle parking	PTW	Parking for People with Disabilities	Operational	Comments
D1	**Non-residential institutions**	Creches/Nurseries	1 space per full-time staff	1 / 5 staff; 1 / 30 children	std provision	std provision	Provision for Ambulance access and exit in a forward gear; plus pick up /drop off point	
D1	**Non-residential institutions**	Schools (primary & secondary education)	1 space per teaching staff; plus 2 spaces per 3 non-teaching staff, or individual assessment/ justification	1 / 20 staff; 1 / 20 pupils (primary); plus 1 child scooter space / 20 pupils (primary); 1 / 10 students (secondary)	std provision	std provision	Provision for Ambulance and coach access and exit in a forward gear; plus bus pick up point	1. Developments in urban locations are expected to achieve a lower maximum provision in order to promote more sustainable ways of travelling to school. 2. Transport Assessments and School Travel Plans (including Safer Journeys To School) are required for most applications for development. 3. Staff cycle parking to be located in separate non-pupil area
D1	**Non-residential institutions**	Schools (further & higher education)	1 space per daytime teaching staff; 1 space per 15 students; or individual assessment /justification	1 / 20 staff; 1 / 20 students or individual assessment/ justification	std provision	std provision	Provision for Ambulance and coach access and exit in a forward gear ; plus bus pick up point	1. Developments in urban locations are expected to achieve a lower maximum provision in order to promote more sustainable ways of travelling to school. 2. Transport Assessments and Travel Plans are required for most applications for development. 3. Staff cycle parking to be located in separate non-pupil area.

Use class	Type	Description	Car parking	Cycle parking	PTW	Parking for People with Disabilities	Operational	Comments
D1	**Non-residential institutions**	Libraries/Art galleries/ Museums / Public Halls / Places of Worship	Within town centres - no parking requirement; Outside town centres 1 space per 25m²	Libraries 1 / 4 staff plus 3 at Branch Library or 10 at main library. Public assembly: 1 / 10m². Places of worship: 1 / 5 seats. Cultural blgs: 1 / 4 staff + 1 / 35m²	std provision	std provision	Provision for Ambulance access and exit in a forward gear;	1. Within a town centre location means within 960m/12 minute walk of town centre public car park
D2	**Assembly & Leisure**	Cinemas, concert halls, bingo halls, dance halls	Within town centres: No parking requirement. Outside town centres: 1 staff parking space per 200m2 plus 1 space per 5 licensed persons/seats	Public entertainment: 1 / 4 staff; 1 / 20 seats.	std provision	std provision	Provision for Ambulance and coach access and exit in a forward gear ; plus bus pick up point	1. Within a town centre location means within 960m/12 minute of town centre public car park 2. Staff parking based on Employment Density Guide for cinemas; staff parking for other uses may be increased based on the individual employment density of the development.
D2	**Assembly & Leisure**	Other Sport & Recreational Uses included in Use Class D2	A maximum of 1 space per 22m² of gross floor space or individual assessment/ justification	1 / 4 staff plus 1 / 4 visitors or players	std provision	std provision	Provision for Ambulance and coach access and exit in a forward gear ; plus bus pick up point	
Sui generis		Caravan Park / camping site	1 space per pitch + 1 space per residential staff +1 space per 2 other staff.	1 / 4 staff; 1 / 10 pitches	std provision	std provision	Provision for Ambulance access and exit in a forward gear;	

Use class	Type	Description	Car parking	Cycle parking	PTW	Parking for People with Disabilities	Operational	Comments
Sui generis		Marina	1 space per 2 mooring berths; 1 space per 2 staff	1 / 10 moorings	std provision	std provision	Provision for Ambulance access and exit in a forward gear;	1. Marinas, due to their coastal location may not be within walking distance of public transport; therefore car parking for staff has been added to the standard.
Sui generis		Conference Facilities & Theatres	Within town centres: No parking requirement. Outside of town centre: 1 space per 2 staff; 1 per 5 licensed persons/seats, or Individual assessment / justification	1 / staff plus 1 / 20 seats	std provision	std provision	1 coach space per 100 seats; plus bus pick up point; Provision for Ambulance and coach access and exit in a forward gear	1. Within a town centre location means within 960m/12 minute walk of town centre public car park. 2. Shared-use car parking provision is encouraged.
Sui generis		Stadia	Individual assessment / justification	Individual assessment / justification	std provision	std provision	1 coach space per 100 seats plus bus pick up point; Provision for Ambulance and coach access and exit in a forward gear;	1. A Transport Assessment and Travel Plan will be required
Sui generis		Cash & Carry and other Retail Warehouses, and Garden Centres	1 space per 20m².	1 / 100m² for staff; 1 / 200m² for customers.	std provision	std provision	1 lorry space per 200m2 Adequate space should be provided for the requirements of servicing / delivery vehicles	

Use class	Type	Description	Car parking	Cycle parking	PTW	Parking for People with Disabilities	Operational	Comments
Sui generis		Petrol Filling Station	1 space per 14m² retail space.	1 / 5 staff; 1 / 100m² shop floor where applicable	std provision	std provision		1. Petrol filling stations with retail floor space will be considered under A1 provision for car parking requirement. Each pump space counts as one space. The canopy over the petrol pumps / car wash is not counted as retail floor space.
Sui generis		Motor Service Centre / vehicle repair / exhaust & tyre centres	1 space per staff + 3 customer spaces per service / repair bay	1 / 5 staff	std provision	std provision		1. Sufficient car parking to be provided on site to avoid over spill onto nearby roads
Sui generis		Motor Vehicles Showroom / sales	1 space per 45m² display area.	1 per 100m² for staff; 1 per 200m² for customers	std provision	std provision		1. Sufficient car parking to be provided on site to avoid over spill onto nearby roads. 2. Higher proportion of disabled parking spaces may be required for Motability scheme showroom/sales
Sui generis		Taxi or Vehicle Hire	1 space per staff member permanently deployed at registered base site + one space per 5 registered vehicles.	1 space per base site	std provision	std provision		
Sui generis		Recycling Centre	1 space per staff + waiting facilities for users of the site.	No provision required	std provision	std provision		

Use class	Type	Description	Car parking	Cycle parking	PTW	Parking for People with Disabilities	Operational	Comments
Sui generis		Transport Interchange	On merit, in relation to location and level of service	Rail stations: 10 / Morning peak service. Park & Ride: 1 / 10 parking spaces or individual assessment/ justification	std provision	std provision		1. Potential for future increases in cycle parking provision and electric charging points should be designed into the scheme's layout from the outset.
Sui generis and all other uses not mentioned above			Individual assessment / justification					

Appendix 3: Maldon District Local Development Plan Policies

Key policy:

Policy T2 Accessibility
To create and maintain an accessible environment, development proposals should where relevant to the development involved:
1) Be located where there is physical and environmental capacity to accommodate the type and amount of traffic generated, or locations where the impact can be suitably mitigated, taking into account the cumulative impact of developments;
2) Provide safe and direct walking and cycling routes to nearby services, facilities and public transport where appropriate;
3) Improve accessibility to the countryside and the natural environment and to enhance and protect the provision of Public Rights of Way;
4) Improve accessibility to buildings, streets and public spaces, particularly for those with mobility impairments;
5) Provide sufficient parking facilities having regard to the Council's adopted parking standards;
6) Provide sufficient and safe access to service and emergency vehicles; and
7) Give appropriate consideration to encourage a people-oriented space within the development.

Other relevant policies:
Policy S5 The Maldon and Heybridge Central Area
Policy D1 Design Quality and Built Environment
Policy D2 Climate Change & Environmental Impact of New Development
Policy H4 Effective Use of Land
Policy H6 Provision for Travellers
Policy H8 Provision for Houseboats
T1 Sustainable Transport
Policy I1 Infrastructure and Services

Appendix 4 Glossary

To be added before consultation starts

REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES

to
PLANNING AND LICENSING COMMITTEE
5 JUNE 2018

COMMITTEE TERMS OF REFERENCE AND SCHEME OF DELEGATION UPDATE

1. PURPOSE OF THE REPORT

1.1 To consider and recommend to the Council the approval of some minor changes in relation to the classification of 'Development of Strategic Interest' in the Terms of Reference of the Area Planning Committees, and the designation of Officers in the Scheme of Delegation for the Licensing function of this Committee.

2. RECOMMENDATION

To the Council:

That the Council is recommended to approved the changes to the classification of 'Development of Strategic Interest' in the Terms of Reference of the Area Planning Committees, and the designation of Officers in the Scheme of Delegation for the Licensing function of this Committee.

3. SUMMARY OF KEY ISSUES

3.1 Planning Performance Agreements (PPAs)

3.1.1 In the Provisos to the Terms of Reference of the Area Planning Committees there are criteria for the consideration and determination of applications for development of strategic interest (detailed in **APPENDIX 1**). Extraordinary meetings of the Council are convened for this purpose. The first criterion is "Any proposal which is subject to a completed Planning Performance Agreement". Since the intention of a Planning Performance Agreement (PPA) is to simplify and ease the decision-making process, the existence of this criterion is seen as in conflict with that intention particularly as it refers to 'any proposal'. It may be that some proposals linked to PPAs will be major development by definition or development of strategic interest, in which case the remaining criteria will apply. For any other development linked to a PPA the normal Scheme of Delegation provisions will apply. It is therefore proposed that this criterion is deleted.

3.1.2 The literal interpretation of this is that all applications on major strategic sites which are subject to a PPA have to go to an extraordinary meeting of the Council. Officers are working on PPA's for the two garden suburbs. Where Members have approved the

principle of development, for example on site 2(a) to the south of Limebrook Way where 1,000 houses have permission in outline, this means that currently all applications to discharge conditions, be this for example materials to be used in constructing the development, the landscaping scheme, boundary treatments, levels, air quality, noise etc; and where non material amendments are submitted, have to be referred to Council due to the existence of a PPA for the overall site.

3.1.3 The Council is also in discussions about entering in to PPA's for some relatively minor schemes e.g. four dwellings. At the current time these applications would need to go to an extraordinary meeting of the Council rather than to the appropriate Area Committee or otherwise by Officers acting under delegated powers.

3.1.4 It is important to note that the proposed deletion will not remove or alter any other terms of reference provision and therefore, if an application is required to go to a planning committees e.g. it is a 'major' or a departure application, then it will still be presented to the appropriate committee. Where the existing Scheme of Delegation applies, the Member call-in provision will still be available.

3.2 **Public Licensing Function**

3.2.1 As part of the Scheme of Delegation under the Planning and Licensing Committee, there is a separate set to deal with the Public Licensing function. Some updating of the Officers to whom various functions are delegated is required to reflect current internal arrangements. Although the work is undertaken within the overall service area headed by the Director of Planning and Regulatory Services it is necessary for the delegation arrangements to also reflect the fact that although the majority of the work is for the Council as the Licensing Authority, certain aspects involve the Council as a Responsible Authority. In other words, there needs to be clear separation in the exercise of these functions. For this reason, it is proposed that delegation continues to be extended to below the level of Director for the Licensing functions generally, but clearly split between the teams within the Environmental Health service area to give effect to the separation referred to. The proposed revised version of the Licensing Scheme of Delegation is attached as **APPENDIX 2** to this report with the changes, including some other minor related and consequential revisions, shown in red.

4. IMPACT ON CORPORATE GOALS

4.1 The review and updating of the corporate governance arrangements of the Council underpins the decision making processes of the Council, is in part a matter of compliance with the law and is also linked to high level outcomes associated with the corporate goal of delivering good quality, cost effective and valued services in a transparent way. It is important that all elements of the Council's Constitution are kept up to date and able to be clearly understood by Members, Officers and also the public.

5. IMPLICATIONS

(i) **Impact on Customers** – It is right and proper that the Council is able openly to explain, through well-presented and user-friendly constitutional documentation, the way in which it is set up and operates, and how it conducts its business. It is important that the Council's procedures are seen as open and transparent.

(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:
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PLANNING PERFORMANCE AGREEMENTS:

Annexe A to the Area Planning Committees Terms of Reference

Provisos:-

5 Extraordinary meetings of the Council will be convened and held for the sole purpose of considering and determining all applications for development of strategic interest as follows:

Development of Strategic Interest:

- ~~Any proposal which is subject to an completed Planning Performance Agreement.~~
- Any development proposal which directly relates to one of the Garden Suburbs or Strategic Allocations (sites S2(a) – (k)) included within Policy S2 the Local Development Plan (LDP).
- Any residential or mixed-use development proposal which includes provision for 75 dwellings or more.
- Any large-scale renewable and low carbon energy projects, including:
  - Any wind energy proposals whose output capacity is 1Mw or more or which proposes three or more turbines of 30m or more.
  - Any Solar energy proposals whose output capacity is 1Mw or more or which proposes 4,000 or more solar panels.
  - Energy from Waste Scheme of 1MW capacity or more.
- Any development proposal which directly relates to identified *new* employment sites allocated by Policy E1 of the LDP.
- Any retail development of 1,000 square meters or more which is proposed to be beyond existing town centres as defined by Policy E2 of the LDP.
- Any proposals for a new Community Hospital or similar healthcare facility to serve the needs of the District as defined by Policy I2 of the LDP.
- Any proposals for Primrose Meadow in Maldon as defined by Policy I3 of the LDP.

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

PUBLIC LICENSING FUNCTION:

LICENSING ACT 2003

REVISED SCHEME OF DELEGATION

1. Licensing Act 2003

Environmental Health Manager - Commercial:-

1. The grant of a Premises Licence or Club Premises Certificate where no representations are made by a Responsible Authority or Interested Party.

2. In consultation with a Legal Advisor, a determination that representations made by a Responsible Authority or Interested Party regarding an application for the grant of (or a variation of) a Premises Licence or Club Premises Certificate or for the grant of a Provisional Statement are frivolous or vexatious.

3. The grant of an application to vary a Premises Licence or Club Premises Certificate where no representations are made by a Responsible Authority or Interested Party, and in the case of an application for a Minor Variation to determine that application having taken into account any representations received.

4. The grant of an application to transfer a Premises Licence where no Notice has been given by the Chief Officer of Police.

5. The determination of an exemption from the requirement to obtain a Personal Licence holder's consent for an application to transfer a Premises Licence.

6. The issue of a Notice specifying the date of entry and inspection (or any extension of that date) where a Club applies for a Club Premises Certificate, a variation of a Certificate or on a review of a Certificate.

7. In consultation with a Legal Advisor, a determination that an application for a review of a Premises Licence or Club Premises Certificate on the grounds that the ground for review is not relevant to one or more of the Licensing Objectives or is frivolous, vexatious or repetitious.

8. In consultation with a Legal Advisor, a determination that a Club is not a Qualifying Club or has ceased to be a Qualifying Club.

9. The grant of an application for a Provisional Statement in respect of a premises which are being or are about to be constructed or extended where no representations are made by a Responsible Authority or Interested Party.

10. The determination of an application to vary the Designated Premises Supervisor where no Notice has been given by the Chief Officer of Police.

11. The issue of a Notice granting or rejecting an application to vary the Designated Premises Supervisor.

12. The receipt of a Notice requesting the removal of a person as a Designated Premises Supervisor.
13. The determination of whether or not a Temporary Event Notice is void.

14. The acknowledgement of receipt of a Temporary Event Notice.

15. Where appropriate, following consideration of any Objection Notice to a Temporary Event Notice, the issue of a Counter Notice where it is considered necessary for the prevention of the crime prevention objective.

16. The issue of a Counter Notice where any of the Permitted Limits are exceeded in any Temporary Event Notice.

17. The rejection of applications for Personal Licences where applicants have failed to meet the statutory conditions.

18. The grant of an application for (or the renewal of) a Personal Licence where no Objection Notice has been given by the Chief Officer of Police.

19. The issue of a Notice to the Chief Officer of Police that an applicant for the renewal of a Personal Licence has a Relevant or Foreign Offence.

20. To issue Notices to the Chief Officer of Police where a Personal Licence holder has been convicted during the application period of a Relevant or Foreign Offence after the grant or renewal of a Personal Licence.

21. The issue and certification as a true copy of any Premises Licence or Club Premises Certificate (or a summary of either) or any Temporary Event Notice or Personal Licence where it has been lost, stolen, damaged or destroyed.

22. Unless specified to the contrary, the issue of all Licences, Certificates, Notices and any other formal notifications required under the Licensing Act 2003.

23. In consultation with a Legal Advisor and the Chairman of the Planning and Licensing Committee, the institution of legal proceedings in respect of any of the Council's powers under the Licensing Act 2003.

24. To keep the Licensing Register and any Central Register prescribed by the Secretary of State.

25. In consultation with the Service Manager – Environmental Health, to authorise Officers and duly appoint Contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Service Manager- Environmental Health.

26. To determine, as part of applications by a management committee of a community premises for a new Premises Licence, whether the alternative licence condition in relation to the sale of alcohol should apply instead of the mandatory condition, provided that no representation is received from the Chief Officer of Police.

27. To suspend premises licences and club premises certificates for non-payment of the annual fee.

28. To make representations on behalf of the Licensing Authority in respect of all applications for premises licenses or club premises certificates and to apply for reviews of the same.

To the Group Manager - Planning Services and the Environmental Protection Team Leader:-

1. To respond to the Licensing Authority on behalf of the Council (as a Responsible Authority) to applications for (or variations of or reviews of) Premises Licences or Club Premises Certificates.

2. To respond to the Licensing Authority on behalf of the Council (as a Responsible Authority) to applications for Provisional Statements in respect of premises.

3. To make applications on behalf of the Council (as a Responsible Authority) to the Licensing Authority for a review of Premises Licences or Club Premises Certificates.

4. In consultation with the Director to authorise Officers and duly appoint Contractors who are appropriately qualified and experienced to discharge the delegated powers and duties set out in 1. – 3. above.

To the Environmental Health Manager – Commercial (MOVE to previous section):-

2. Gambling Act 2005

To the Environmental Health Manager - Commercial

1. Consideration and determination of applications for the following matters where no objections have been received or any so received have been withdrawn:
   (a) premises licences;
   (b) variation to licences;
   (c) transfers of licences;
   (d) provisional statements;
   (e) club gaming / club machine permits.

2. Consideration and determination of applications or decisions on the following matters:
   (a) other permits;
   (b) cancellation of licensed premises gaming machine permits.

3. Consideration of Temporary Use Notices and Occasional Use Notices.

3. Other Licensing Functions

(Hackney Carriage Drivers and Vehicle Licences; Private Hire Drivers, Vehicle and Operators Licences; Street Collections; House to House Collections; Registration of Society Lotteries; Sex Establishments and Scrap Metal Dealers)

To the Environmental Health Manager - Commercial:-

1. Subject to no objections being received, the grant and issue of licences and permits for:-
   - Charitable Collections (Street Collections and House to House Collections);
   - Registration of Society Lotteries;

2. The issue of Hackney Carriage and Private Hire Vehicle, Drivers and Operators Licences, except in the case of Drivers Licences where the applicant has unspent convictions or endorsements exceeding six points accrued on his/her Driving Licence.

3. The refusal of an application for a Drivers Licence on the recommendation of the applicant's GP in a medical report.

4. With regard to the Carriage of Assistance Dogs in Taxis:-
   - The issue of Exemption Certificates under Section 37(5) of the Disability Discrimination Act 1995 where satisfactory medical evidence is provided by the applicant's GP of relevant medical grounds.
   - The determination of whether the exemption is to apply to a 'specified taxi' or a 'specified type of taxi'.

5. In consultation with the Chairman of the Planning and Licensing Committee, the suspension or revocation of Hackney Carriage and Private Hire Drivers' licences.

6. To authorise Officers and duly appoint Contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Service Manager – Environmental Health.

7. The grant, issue, renewal or variation of a Scrap Metal Dealer Licence where the applicant is deemed to be a suitable person and no objections are received.

8. The refusal or rejection of an application for a Scrap Metal Dealer Licence where no representations are received.

9. In consultation with the Chairman of the Planning and Licensing Committee, the revocation of a Scrap Metal Dealers Licence where no representations are received.

10. To ensure all Scrap Metal Dealer Licences are reported to the National database.

To the Director of Planning and Regulatory Services:-

1. In consultation with a Legal Advisor and the Chairman of the Planning and Licensing Committee, the institution of legal proceedings in respect of any of the Council's licensing powers.

2. To authorise Officers and duly appoint Contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Chief Executive.

REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES

to
PLANNING AND LICENSING COMMITTEE
5 JUNE 2018

LICENSING ACT 2003: DRAFT STATEMENT OF POLICY AND CONSULTATION

1. PURPOSE OF THE REPORT

1.1 To review and update the Council's Statement of Licensing Policy in respect of the Licensing Act 2003 (as amended) and to seek Member approval for consultation.

2. RECOMMENDATIONS

(i) that the Committee agrees the reviewed and updated Statement of Licensing Policy as a consultation draft as set out in **APPENDIX 1** of this report;

(ii) that Officers proceed with a low key consultation as described in the report.

3. SUMMARY OF KEY ISSUES

3.1 Background

3.1.1 The Licensing Act 2003 requires each licensing authority to publish a Statement of Licensing Policy and to periodically review that policy at least once every five years. The Statement sets out the principles that the Council will apply in exercising its licensing functions under the Act.

3.1.2 As the current Policy expires in January 2019, it has been reviewed and updated in preparation for a statutory consultation process. Key changes have been tracked for ease of reference, a copy of the draft Policy is attached, **APPENDIX 1**.

3.1.3 The Policy recognises the licensing objectives set out in the Licensing Act 2003. The Council will not be promoting licensable activities or restricting opportunities for individuals to engage in such activities, but will use the licensing controls to ensure the licensing objectives are met. The Council will seek, through the licensing process and the decisions it takes, to make the Maldon District a safe and welcoming place for both residents and visitors to enjoy.

3.1.4 As there are no wholesale changes to the Policy and given the very limited feedback from previous consultations, it is proposed that a limited two month consultation is undertaken. Consultation can be achieved by:-

- contacting the Chief Officer of Police and other key stakeholders;

- placing a notice on the Council's notice board; and
- placing details on the Council's website.

3.1.5 After a two month consultation, a further report will be made to this Committee to consider the feedback and any amendments proposed as a result of the consultation and to recommend adoption of the Policy by the Council.

4. CONCLUSION

4.1 The Council's Statement of Licensing Policy has been reviewed and updated as required by law. As this is just a revision of the Policy and feedback from previous consultations has been very limited, a minimal consultation process has been proposed to ensure compliance with legislation.

5. IMPACT ON CORPORATE GOALS

5.1 The Statement of Licensing Policy will contribute to the corporate goal of enabling, supporting and empowering communities to be safe, active and healthy.

6. IMPLICATIONS

(i) **Impact on Customers** – The Policy provides transparency of process to both applicants and stakeholders.

(ii) **Impact on Equalities** – Implementation of the Policy provides protection so that all stakeholders are treated equitably. It ensures the process is transparent and stakeholders may take issue with the Council if it fails to follow the Policy.

(iii) **Impact on Risk** – It is important that the Policy is reviewed and updated so that it is current, reflects recent legislative changes and is valid in terms of statutory requirements. This gives clarity when determining licence applications and removes the risk of challenge or appeal.

(iv) **Impact on Resources (financial)** – The consultation is planned and budgetary provision is in place. A sound and compliant Policy helps protect the Council from the costs associated with challenge and appeal.

(v) **Impact of Resources (human)** – The review and consultation is planned and is met from existing resources. A sound and compliant Policy helps reduce the ongoing level of staffing input.

(vi) **Impact on the Environment** – The consultation documents will be published on the Council's website to reduce the environmental impact of printing and postage.

Background Papers:
Licensing Policy 2014-19
Licensing Act 2003 (as amended)
Home Office guidance

Enquiries to:
Shirley Hall, Service Manager – Environmental Health, (Tel: 01621 875817) or
Gill Gibson, Environmental Health Manger – Commercial, (Tel: 01621 875813).

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APPENDIX 1

Document Control Sheet

Document title	Licensing Act 2003: Statement of Licensing Policy
Summary of purpose	Legal requirement: to provide transparency and consistency of approach when determining licensing decisions
Prepared by	Gill Gibson
Status	Draft
Version number	1
Approved by	Planning and Licensing
Approval date	7th June 2018
Date of implementation	January 2019
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Next review date	June 2023
Circulation	Public document
Published on the Council's website	yes

Validity Statement

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

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MALDON DISTRICT COUNCIL

APPENDIX A

MALDON DISTRICT COUNCIL

Licensing Act 2003

Statement of Licensing Policy

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January 2019

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APPENDIX A

Introduction: the Maldon District

1 The Maldon District has a population of approximately 63,350~~61,720~~ and is mainly rural in character with a coastline of some 96 kilometres and a total area of 360 square kilometres.

2 The two main towns of Maldon and Burnham-on-Crouch are surrounded by numerous villages, each with their own individual character.

3 There are few major concentrations of premises in the District providing regulated entertainment and / or the retail sale of alcohol. There are also few private clubs; no dedicated theatres and one cinema. Local venues such as village, community and school halls provide many of the locations for cultural activities.

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4 ~~Several open air concerts provide for the larger cultural events.~~

5 There are a number of public houses in the District outside of the main towns, serving the small, rural villages, providing the focal point for community life and supporting the visitor economy. In other cases, this focal point may be provided by small stores and shops that often sell alcohol.

6 The main late night refreshment premises are located in the two main towns.

7 Due to the rural nature of the District, premises and events that will be licensed under the Licensing Act 2003 (as amended) will often provide an essential contribution to the local economy of the District through tourism and cultural development.

Statutory Powers

8 Maldon District Council (the Council) is the Licensing Authority under the Licensing Act 2003 (as amended), (the Act). It is responsible for granting Premises Licences, Club Premises Certificates and Personal Licences and for receiving Temporary Event Notices in the Maldon District in respect of the retail sale and / or supply of alcohol, the provision of regulated entertainment and late night refreshment.

9 The Act requires the Licensing Authority to carry out its various licensing functions to promote the following 4 licensing objectives:-

- prevention of crime and disorder;
- public safety;
- prevention of public nuisance; and the
- protection of children from harm.

10 The licensing objectives are the only matters the Licensing Authority can take into account in determining any application for, or imposing any conditions on, a Licence or Certificate under the Act.

11 The Act requires the Licensing Authority to publish a Statement of Licensing Policy (the Policy) that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The Policy takes effect on 01 January 2019~~4~~ and will remain in force for a period of not more than five years. It will be subject to regular review and further consultation prior to 31 December 2023~~19~~.

Policy Development

~~12~~ The Policy has been prepared in accordance with the provisions of the Act and having regard to the Guidance issued under Section 182 of the Act. ~~It has been developed from the first statements that were drafted in partnership with the Essex Joint Licensing Officers Forum, the Maldon Community Safety Partnership and the Maldon Drug and Alcohol Reference Group. These partnerships provide links to the Essex Chief Executives' Association's Crime and Disorder Steering Group and will maintain a strategic overview of issues associated with licences issued under the Act.~~

How to Read this Policy

~~13~~12 When assessing applications, the Licensing Authority must be satisfied that the measures proposed in an applicant's operating schedule aim to achieve the 4 licensing objectives. Bold type refers to matters that, where appropriate, the Licensing Authority expects to see in an applicant's operating schedule. Passages of text that are not in bold are provided to assist applicants to understand what the Licensing Authority is seeking to achieve, the factors that influence the achievement of those outcomes and the control measures that could be implemented by an applicant to achieve those outcomes.

~~14~~13 The term licence in this Policy is used as a general term to refer to the range of licences, certificates, notices and permissions under the Act.

~~15~~14 The Licensing Policy is contained within paragraphs 8 to 104 of this document and is supported by other sections that provide important information aimed at helping those reading or referring to it. The information provided outside paragraphs 8 to 104 may be subject to change from time to time but any such changes will not invoke the procedures for revisions of the Licensing Policy referred to in Section 5 of the Act.

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Extent of Policy

~~16~~15 This Policy cannot detail all the factors that influence the achievement of the licensing objectives nor can it detail all the control measures that may be appropriate. It should be recognised that this Policy covers a broad variety of premises and associated activities including theatres, cinemas, restaurants, public houses, nightclubs, private members' clubs, village halls and community centres, as well as some shops, stores and supermarkets, off-licences and premises and vehicles selling hot food or hot drink after 11.00 pm.

~~17~~16 The Council is aware that its own land and premises provide the venues for some types of regulated entertainment. In these cases, it will consider seeking Premises Licences for these public places to support the provision of cultural and other event in the District and encourage a broad range of entertainment, particularly live music, dance and theatre for the wider benefit of the community.

Licensing Objectives

18 **In respect of each of the 4 licensing objectives, applicants should consider what measures are required to be implemented and maintained in respect of each of the licensing objectives that are relevant to the individual style and characteristics of their premises and the types of licensable activities and events. Where appropriate, applicants should consider whether or not any additional measures are required in respect of occasional or specific events intended to, or are likely to, attract larger audiences. These measures should be reflected in the applicant's operating schedule.**

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19 **When considering applications, the Licensing Authority will have regard to the Policy, the Act, statutory guidance issued under section 182 of the Act and the licensing objectives together with all supporting Regulations.**

Links to Other Strategies

20 In preparing the Policy, the Licensing Authority has had regard to and consulted those involved in its local strategies on crime prevention, planning, transport, culture, tourism and economic development to ensure the proper co-ordination and integration of the aims and actions of these policies. The review and development of these various strategies will be considered for their impact on the Policy.

21 The Licensing Authority will, as appropriate, take account of the needs of and any relevant information in relation to crime prevention, planning, transport, tourism, economic development and any cultural issues. The Licensing Authority will monitor these areas and ensure that the development or review of any new or existing strategies covering them will reflect the licensing objectives set out in the Policy. Where such monitoring shows that licensed activities are impacting adversely on these areas, it will be reported to the Planning and Licensing Committee and any other Committee of the Council having responsibility for those areas which may lead to a review of the Policy.

22 To ensure proper integration with the Council's planning policies, reports will be submitted where appropriate on the situation regarding licensed premises in the District and their general impact on alcohol related crime and disorder to enable informed decisions to be made on planning issues.

23 The Licensing Authority recognises its responsibilities under the Equality Act 2010 ~~and will adhere to both the Act and the Council's equality policies~~. This statement of Licensing Policy sets out the principles on which the Council will process and determine applications thereby promoting transparency and fairness. This will include ensuring that Licensing applicants and stakeholders with different protected characteristics can access the licensing process.

Regulated Entertainment

24 The Licensing Authority welcomes a diverse provision of cultural activities for the benefit of communities. The Licensing Authority will monitor the licensing of regulated entertainment, especially with regard to live music and dancing, theatrical performances, circuses etc. to ensure that such events are promoted without unreasonable restrictions being imposed which would discourage such events. The Licensing Authority recognises the need to balance the natural concern to prevent disturbance in neighbourhoods with the wider cultural benefits, particularly for children. Where conflicts arise, advice and guidance on this matter will be sought from appropriate services within the Council and from the Responsible Authorities.

25 The Licensing Authority will adopt a similar approach to local sports clubs in relation to the premises they use and any events they hold involving the provision of regulated entertainment.

Fundamental Rights

26 The Policy does not seek to undermine the rights of any person to apply under the Act, as amended, for a variety of permissions and to have their application considered on its individual merits, nor does it override the rights of any person to make representations on any application or to seek a review of a licence where they have grounds to do so under the Act.

27 Applicants and those making representations in respect of applications to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority**.**

Licensing Conditions

28 Licensing is about the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold Personal Licences. Where relevant representations are made, the Licensing Authority will seek to make objective judgements as to whether conditions need to be attached to a licence which are appropriate to the licensing objectives. Where no relevant representations are made, an application must be granted on the terms sought. Further, where a Temporary Event Notice (TEN) has been given, no conditions can be imposed unless the Police or the Responsible Authority for Environmental Health have objected to the TEN~~, in which case the Licensing Authority may impose one or more conditions from an existing Premises Licence or Club Premises Certificate.~~

29 Any conditions arising from an operating schedule or from representations made by a Responsible Authority will primarily focus on the direct impact of the activities taking place at the premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned. Conditions will cover matters that are within the control of individual licensees.

30 When considering any conditions, the Licensing Authority acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. Other mechanisms, however, may be utilised, where appropriate, to tackle unruly or unlawful behaviour of people attending the premises when beyond the control of the individual, club or business holding the licence. These may include:-

- planning controls;
- provision of CCTV surveillance in town centres, taxi ranks, public conveniences, street cleaning and litter patrols;
- powers of the Council to designate parts of its area as places where alcohol may not be consumed in public;
- police enforcement of the general law concerning disorder and anti-social behaviour including fixed penalty notices;
- prosecution of any Personal Licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- confiscation of alcohol from children and adults in designated areas; and
- powers of the Police, other responsible authorities or any other person to seek a review of the licence or certificate.

31 If an applicant volunteers a prohibition or restriction in his operating schedule because their own risk assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions will become conditions attached to a licence and will be enforceable as such.

32 The Licensing Authority recognises that all applications should be considered on their own merit and any conditions attached to a licence will be tailored to each individual premise in order to avoid the imposition of disproportionate and other burdensome conditions on those premises. Standard conditions, other than the mandatory conditions, will be avoided and no condition will be imposed that cannot be shown to be necessary for the promotion of the licensing objectives.

Applications

33 When considering any application, the Licensing Authority will, wherever possible, avoid duplication with other regulatory regimes and will not use the licensing regime to achieve outcomes that can be achieved by other legislation. In particular, its licensing functions will be discharged separately from its functions as the local planning authority. No decision of the Licensing Authority implies that the consent of the Council has been granted under any other statutory powers or as a landowner.

34 There are, however, links between the planning and licensing functions that cannot be ignored. For example, **applications for Premises Licences will be expected to reflect any operating hours that are stipulated as part of a condition of a planning permission. Where they do not, the hours granted in the Premises Licence should not, under planning law, be operated unless and until the conditions of the planning permission have been amended.**

35 **Other permissions may also be applicable to licensed premises and applicants are expected to ensure that such permissions are obtained where necessary.**

36 **New businesses and premises involving licensable activities, particularly where they are part of a new development or major alterations to existing premises, provide an opportunity to take early account of meeting the crime and disorder licensing objective. In such cases, the Licensing Authority will expect that the 'secured by design' approach has been taken into consideration.**

37 When one part of the Council seeks a Premises Licence from the Licensing Authority, the Licensing Sub-Committee or relevant officer of the Licensing Authority will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the Police, they will be considered fairly and impartially by the Licensing Sub-Committee. Those making representations who are genuinely aggrieved by a positive decision in favour of the Council's application by the Licensing Authority are entitled to appeal to the Magistrates' Court and thereby receive an independent hearing of any decision made.

38 **Applications for licences made under the Act must be made in a form prescribed by regulations and must be accompanied by all prescribed information and documents, including the relevant fee where required.** Applications received by the Licensing Authority will be assessed on receipt for compliance with these regulations and any application found to be incomplete or incorrect will be returned with an explanation.

Representations

39 The Licensing Authority itself, the Chief Officer of Police, the local Fire and Rescue Authority, the relevant local enforcing authority for the Health and Safety at Work Act 1974, the Local Planning Authority, the Local Authority with responsibility for minimising or preventing pollution to the environment or of harm to health, the Child Protection Authority and the Local Authority responsible for primary health are all known as Responsible Authorities under the Act. As such, these bodies are consulted and may make representations on applications, so far as they relate to the promotion of the 4 licensing objectives and may request reviews once licences have been issued.

40 Any other person is entitled to raise relevant representations. A representation is

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relevant if it relates to the likely effect of the grant of a licence on the promotion of at least one of the 4 licensing objectives. In addition, the representation must not be frivolous or vexatious and in the case of reviews, not repetitious.

Temporary Event Notices

41 Certain temporary events are not required to be licensed but notification must be given to the Licensing Authority, Maldon District Council Environmental Health and Essex Police in the form of a Temporary Event Notice. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police, Licensing Authority and Environmental Health to work with them to identify and reduce the impact of the event on the 4 licensing objectives.

42 The Act provides for Late Temporary Event Notices to be given up to five working days before the event. The Licensing Authority will process late Temporary Event Notices but premises users should note that the intention is that they are reserved for circumstances outside the applicant's control where there is a genuine need for a late notice.

Delegation of Functions

43 With the exception of the approval and review of its Licensing Policy and the making of early morning restriction orders, late night levies and fee setting, decisions on licensing matters will be taken in accordance with an approved Scheme of Delegation aimed at underlining the principles of timely, efficient and effective decision-making. The Planning and Licensing Committee will receive regular reports regarding licences determined by officers and Licensing Sub-Committees under delegated powers in order to maintain an overview of the general licensing situation.

Cumulative Effect and Need

44 There can be confusion about the difference between need and the cumulative impact of premises on the licensing objectives. Need concerns commercial demand, e.g. for another public house, restaurant or hotel; it is not a matter for the Licensing Authority or for this Policy. Nothing in this Policy will seek to limit the number of licensed premises on the basis that there are already sufficient to satisfy demand. This is a matter for market forces, or in cases where a planning application is required, for the planning process and as such falls outside the scope of this Policy.

45 Cumulative impact means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Licensing Authority to consider in developing the Policy.

46 The Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets, with the potential impact of an increase in crime, anti-social behaviour, noise pollution and other disturbance to residents, together with an increase in littering or fouling. In such cases, the amenity of local area can be placed under severe pressure although the impact may not be attributable to any individual premises.

47 The Licensing Authority will only consider adopting a policy on cumulative impact or introducing an early morning restriction order if there is evidence that a significant

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number of licensed premises concentrated in one area results in unacceptable levels of crime and disorder, public nuisance or otherwise impacts on the licensing objectives. Likewise, the Licensing Authority will only consider introducing a late night levy across the whole of the District if there is evidence that this is necessary to pay for additional policing of the night time economy. For both purposes the Licensing Authority would wish to review evidence from the Chief Officer of Police before making a decision.

48 The Licensing Authority, having regard to the evidence currently available, considers that there is no particular part of the Maldon District having such an impact on any of the licensing objectives or giving rise to significant additional policing of the night time economy.

49 This does not exclude the ability to consider introducing a special policy on cumulative impact or late night levy should the need arise. This will be evidence based following representation from persons, businesses or a responsible authority which triggers consideration of whether any additional licences or substantial variations to existing licences, to increase such aspects as capacity or operating hours, would lead to an unacceptable saturation in an area. The onus will be on the person or authority making the representation to provide evidence that additional licences or the variation of existing licences will produce the cumulative impact claimed.

Advice and Guidance

50 The Licensing Authority recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Act can provide and the diversity of activities that are provided by licence holders. For this reason, pre-application discussions will be encouraged to assist applicants develop their operating schedule.

51 The Licensing Authority will also seek to liaise with applicants and/or mediate between applicants and others who may make representations to achieve a satisfactory outcome for all involved, wherever this is possible and where resources permit. **Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discusses his proposal with the Licensing Authority and those from whom they think representations are likely prior to submitting their application. Once an application has been lodged, there are statutory timescales imposed upon the application and determination process which may restrict the opportunity for discussion and liaison**.

Consultation

52 There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration as part of the licensing function and the promotion of the licensing objectives.

53 In developing this Policy, the Licensing Authority has consulted widely. Along with the statutory consultees (the Chief Police Officer for the District and the Essex County Fire and Rescue Service), the views of existing licence holders, businesses, voluntary groups, residents and a range of other organisations including Parish/Town Councils were sought and considered over a 12 week period. Due consideration was given to the views of all those who responded to that consultation process.

Enforcement

54 The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a level playing field on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The Licensing Authority recognises the interests of both citizens and businesses and will work closely with partners to assist licence holders to comply with the law and the 4 licensing objectives it seeks to promote. Proportionate but firm action will be taken against those who commit serious offences or consistently break the law.

55 ~~The Council has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, t~~The Council is committed to ~~accord with~~ the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner and will abide by its own enforcement policy.

56 The Council has adopted ~~Enforcement Concordat is based on~~ the principles of the Enforcement Concordat in that licence holders should:-

- receive clear explanations from regulators of what they need to do and by when;
- have opportunities to resolve differences before enforcement action is taken - unless immediate action is needed;
- receive an explanation of their rights of appeal.

57 ~~A copy of the Enforcement Concordat is available on request and forms part of the Enforcement Protocol referred to below~~.

58 The Council's Enforcement Policy and corporate feedback procedure for complaints is ~~freely~~ available ~~from the Council, as is this procedure and the Council's corporate feedback procedure for complaints. These documents can be viewed~~ on the Council's website: www.maldon.gov.uk

59 The Council has established an Enforcement Protocol with Essex Police, Essex County Fire and Rescue Service and Essex County Council Trading Standards on enforcement issues. These protocols provide for the targeting of resources towards high risk premises and activities that require greater attention. – do these protocols still exist.

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60 The principle of using a scoring scheme based on risk factors will normally prevail and proactive inspections will usually be undertaken in accordance with intelligence received and a priority inspection scheme. This should ensure that resources are more effectively allocated to higher risk or problem premises. Reactive visits and inspections will normally be limited to cases where complaints are received or where intelligence suggests the licensing objectives are at risk.

Reviews

61 Where possible and appropriate, any responsible authority will give early warning to licence holders of any concerns about problems occurring at premises associated with the licensing objectives.

62 The Act provides a mechanism for reviewing Premises Licences where problems associated with achieving the licensing objectives occur. No more than one review will normally be permitted on similar grounds within any 12 month period, except in exceptional and compelling circumstances or where it arises following a Closure Order. In addition, where premises are associated with serious crime or serious

disorder a senior police officer ~~(Superintendent or above)~~ may apply for a ~~summary~~ review of the Premises Licence which may result in:-

- the modification of the conditions of the Premises Licence;
- the exclusion of an activity or activities ~~the sale of alcohol by retail~~ from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension or revocation of the licence.

The initial decision may be determined in the absence of the Premises Licence holder. A review hearing must then take place within 28 days of the application for ~~summary~~ review.

63 Responsible Authorities ~~and /~~ or any other person can trigger a review of a Premises Licence but must provide evidence to the Licensing Authority to substantiate any allegations.

Licensing Objectives

64 The following sections set out the Licensing Authority's Policy relating specifically to the 4 licensing objectives:

- prevention of crime and disorder;
- public safety;
- prevention of public nuisance; and the
- protection of children from harm.

65 In each section relating to the Licensing objectives, the Licensing Authority has defined its intended outcome in **bold type**. Each section then lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this Policy applies, the lists provided are not exhaustive. **Applicants should know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events**.

66 Further, in each section, a list of possible control measures is provided for the assistance of applicants, but again this is not intended to be an exhaustive list. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, **applicants will not be required to mention a control measure more than once in their operating schedule**.

67 **The selection of control measures, referred to above, should be based upon a risk assessment of the premises, events, activities and the age, number and characteristics of customers expected to attend.** Whilst the Licensing Authority cannot require such risk assessments to be documented (other than where required by other legislation), it considers such documentation to be good practice and a useful tool in the instruction and training of staff as well as a sound basis to enable the licence holder to respond to changing circumstances/conditions at the premises.

68 **Additional measures may be necessary on an occasional or specific basis such as when a special event or promotion is planned, which is intended, or likely, to attract larger audiences and/or audiences of a different nature.** These can often have a significant impact on the achievement of the licensing objectives. **Where applicable, reference should be made in an applicant's operating schedule to such occasions and the additional measures that are planned in order to achieve the licensing objectives.**

69 The Licensing Authority considers **the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most important control measures for the achievement of all the licensing objectives. For this reason, the Licensing Authority would expect these elements to be specifically considered and addressed within an applicant's operating schedule.**

70 **In addition, the number of people who can be accommodated in the premises (or at specific events as appropriate) is also considered to be an essential factor in the achievement of the 4 licensing objectives.** This may not apply in the case of premises licensed for the consumption of food and/or alcohol off the premises. **The Licensing Authority would expect the issue of occupancy capacity to be considered and addressed, where necessary, within an applicant's operating schedule and, in most instances, will agree a maximum occupancy capacity based on the applicant's assessment within their operating schedule.**

71 The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These include:-

- nature of the premises or event;
- nature of the licensable activities being provided;
- provision or removal of items such as temporary structure, including a stage or furniture;
- number of staff available to supervise people attending the premises under normal circumstances and in the event of an emergency;
- age of those people
- people attending the premises with disabilities or special needs, e.g. those whose first language is not English; and
- availability of suitable and sufficient sanitary accommodation.

72 The Licensing Authority will consider applications for minor variations to Premises Licences provided that the Authority is satisfied that the variation will not adversely impact on the licensing objectives. The Licensing Authority will consult with responsible authorities where appropriate to make such an assessment.

73 An agreement of a capacity for premises or events should not necessarily be seen as a requirement to provide permanent monitoring arrangements such as door staff, attendance clickers or maintenance of attendance records in all circumstances. The Licensing Authority recognises that the person in charge of small premises and events with simple layouts can often readily assess the number of people attending those premises or events without resort to such measures. Nevertheless, **in larger or more complex premises or special events or promotions where that number cannot readily be assessed or is likely to be approached, an applicant should detail the additional arrangements that should be put in place to ensure that the permitted number of people attending the premises or event is not exceeded.**

Prevention of Crime and Disorder

74 The Council is committed to further reducing crime and disorder within the Maldon District and helping people feel safe.

75 ~~Section 17 of the Crime and Disorder Act 1998 introduced~~ Legislation provides a wide range of measures for preventing crime and disorder and impose~~d~~s a duty on

the Council, Essex Police, Essex County Council and others to consider crime and disorder reduction in the exercise of all their duties. ~~The Act reinforces this duty on the Council.~~

76 The promotion of the licensing objective to prevent crime and disorder places a responsibility on licence holders to become key partners in achieving this objective. **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to minimise or prevent crime and disorder, relevant to the individual style and characteristics of their premises and events.**

77 When addressing the issue of crime and disorder, **an applicant should demonstrate that those factors that impact on crime and disorder have been considered. These specifically include:-**

- **underage drinking;**
- **drunkenness on premises;**
- **public drunkenness;**
- **drugs;**
- **violent behaviour; and**
- **anti-social behaviour.**

78 The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule, having regard to their particular type of premises and/or activities:-

- effective and responsible management ~~of premises~~;
- training and supervision of staff;
- adoption of best practice guidance (e.g. the National Alcohol Harm Reduction Strategy toolkit and other voluntary Codes of Practice, 'Security in Design', 'Drugs and Pubs' which are published by the British Beer and Pub Association (BBPA));
- acceptance of accredited 'proof of age' cards or approved ID;
- age challenge schemes such as 'Challenge 25';
- provision of effective CCTV in and around premises;
- employment of Security Industry Authority licensed door staff;
- provision of toughened or plastic drinking vessels;
- provision of secure deposit boxes for confiscated items;
- provision of litter bins and other security measures such as lighting; and
- membership of local 'Pubwatch' schemes or similar organisations.

Note: This Policy applies to a wide range of premises and activities and the above list will not be relevant in all cases.

79 Within the operating schedule for premises from which alcohol will be sold, with the exception of qualifying community premises, a Designated Premises Supervisor (DPS) must be named. The Licensing Authority will **normally expect the DPS to have been given the day to day responsibility for running the premises by the holder of the Premises Licence and, as such, would normally be present on the premises on a regular basis. In addition to the DPS holding a Personal Licence, the Licensing Authority would strongly encourage him to undergo additional training and to have experience commensurate with the nature and style of the entertainment provided and the capacity of the premises.**

Public Safety

80 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. **To this end, applicants should demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.**

81 When addressing the issue of public safety, **an applicant should demonstrate that those factors that impact on public safety have been considered. These may include:-**

- **The number of people attending the premises;**
- **age, condition, design and layout of the premises, including the means of escape;**
- **nature of activities, in particular the sale or supply of alcohol and / or the provision of alcohol and / or the provision of music and dancing, including whether these activities are of a temporary or permanent nature;**
- **hours of operation (differentiating between the hours of opening and the hours when the licensable activities will be provided);**
- **customer profile (age, disability, etc.); and**
- **use of special effects such as lasers, pyrotechnics, smoke machines, foam, etc.**

82 The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule, having regard to their particular type of premises and / or activities:-

- suitable and sufficient risk assessments;
- effective and responsible management ~~of premises~~;
- provision of a sufficient number of people employed or engaged to secure the safety of everyone attending the premises or event;
- appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises or event;
- adoption of best practice or guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, the Event Safety Guide, and Managing Safety in Pubs published by the BBPA);
- provision of effective CCTV in and around the premises;
- provision of toughened or plastic drinking vessels;
- implementation of crowd management measures; and
- regular testing (and certification where appropriate) of procedures, appliances, systems, etc. pertinent to safety).

Note: This Policy applies to a wide range of premises and activities and the above list will not be relevant in all cases. In particular, in respect of vessels for which a Passenger Ship Certificate is in force, the public safety objective will be considered to be met in respect of layout, structure, access arrangements and operation of the vessel.

Prevention of Public Nuisance

83 Licensed premises have a significant potential to impact adversely on communities through public nuisance which can arise from their operation. The Licensing Authority recognises the need to maintain and protect the amenity of residents,

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visitors and other businesses from the potential consequences of the operation of licensed premises, whilst balancing the rights of licensed premises to develop their business potential.

84 The Licensing Authority interprets the term public nuisance in relation to its meaning in common law. This includes issues such as noise nuisance, light pollution, noxious smells, litter and anti-social behaviour where these interfere with the public as a class of citizens and not merely one person ~~or a small group~~.

85 **Applicants should demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained with the intention of preventing public nuisance, relevant to the individual style and characteristics of their premises and events.**

85 The Licensing Authority recognises the intention of the legislation in seeking ~~to achieve~~ a more flexible licensing regime with the concept of wider hours of operation ~~than previously existed before 2003~~. Conversely, it must be appreciated that premises seeking to provide late or unrestricted hours of operation can present a greater potential for public nuisance and adverse effect upon residential amenity. There will be occasions when proposals for extended or unrestricted hours of operation may be unsuitable, e.g. in residential areas.

86 ~~**The Licensing Authority sees the 24-hour opening of premises selling alcohol for consumption on the premises or providing regulated entertainment in the Maldon District as beyond what could reasonably be expected because of the potential for adversely affecting the local amenity.**~~

87 Every application will be determined on its merits, but ~~**there will be a presumption against granting or the variation of a Premises Licence in the District for any premises selling alcohol on the premises or providing entertainment between midnight and 10.00 am. A**~~**applicants wishing to operat**~~**ing**~~**e between 23:00 and 08:00 hours ~~these times~~ should demonstrate to the satisfaction of the Licensing Authority in their operating schedule that there will be no disturbance to members of the public living, working or otherwise engaged in normal activity in the vicinity of the premises concerned.**

~~88 The Licensing Authority recognises the special position of restaurants or other premises where the sale of alcohol is incidental to the main licensable activities at the premises.~~

~~89 With regard to shops, stores and supermarkets (including off licences) that sell, the presumption should be that the Licensing Authority will allow the sale of alcohol when such premises are open for trading, unless there are good reasons for restricting those hours, e.g. issues relating to disturbance or disorder.~~

90 **The Licensing Authority will not support drinks promotions that encourage the irresponsible consumption of alcohol, such as binge drinking.**

91 **When addressing the issue of prevention of public nuisance, an applicant should demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:-**

- **location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship;**
- **hours of opening, particularly between 23:00 and 08:00 hours~~midnight and 10.00am~~;**

nature of activities to be provided, the customer profile, whether the activities are of a temporary or permanent nature and whether they are to be held inside or outside premises;

- **design and layout of premises, in particular the presence of noise limiting features;**
- **number of people attending the premises;**
- **availability of public transport;**
- **a wind down period between the end of the licensable activities and closure; and**
- **last admission time.**

92 The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule, having regard to their particular type of premises and / or activities:-

- effective and responsible management of premises;
- appropriate instruction, training and supervision of those employed or engaged to prevent incident of public nuisance, (e.g. to ensure customers leave quietly);
- control of opening hours for all or parts (e.g. garden areas) of the premises (including other times where deliveries take place) and the operation of noise generating plant and equipment;
- adoption of best practice or guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs produced by the Institute of Acoustics, and Licensed Property Noise Control – Guidance document by the BBPA);
- where appropriate, the installation of sound proofing, air conditioning, acoustic lobbies and sound limitation devices;
- management of people, including staff and traffic (and resulting queues) arriving and leaving premises;
- liaison with public transport providers;
- siting of external lighting, including security lighting;
- management arrangements for collection and disposal of litter; and
- effective ventilation systems to prevent nuisance from odour.

93 The Live Music Act 2012 has deregulated aspects of the performance of live music in premises llicensed to sell alcohol for consumption on the premises in many circumstances which previously required licensing as regulated entertainment. The Act still provides licensing controls after 23:00 or when the audience is likely to exceed 500 people. Any existing licence conditions on relevant licensed premises that relate to otherwise exempt live music will be suspended between the hours of 08:00 and 23:00. However, this suspension can be lifted and / or additional restrictions applied on review of the licence.

Protection of Children from Harm

94 The protection of children is a most important issue. The Licensing Act allows family friendly premises to thrive, but the risk and the prevention of harm to children remains of paramount importance when determining applications.

~~95 The relaxation in the Act giving accompanied children greater access to licensed premises is seen as a positive step, which may bring about a social change in family friendly leisure. This relaxation places additional responsibilities on licence holders. It is also recognised that parents and others accompanying children also have responsibilities.~~

96 **The protection of children from harm includes the protection of children from**

moral, psychological and physical harm and, in relation to the exhibition of films or transmission of programmes or videos, includes the protection of children from exposure to strong language and sexual expletives. In certain circumstances, children are more vulnerable and their needs will require special consideration. **Examples would include topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence, horrific incidents, feigned or actual sexual acts, fetishism or entertainment involving strong and offensive language. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and their lack of understanding of danger.**

97 ~~The Licensing Authority has no intention of imposing conditions requiring the admission of children and w~~Where no licensing restriction is necessary, admission of children will remain entirely a matter for the discretion of the individual licensee. This applies to premises licensed under the Act only and not those fully licensed and regulated as sexual encounter venues under the Local Government (Miscellaneous Provisions) Act 1982.

98 **Applicants should demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.**

99 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. **When addressing the issue of protecting children from harm, an applicant should demonstrate that those factors that impact on harm to children have been considered. Areas that will give particular concern in respect of children include:-**

- **where entertainment or services of an adult or sexual nature are provided;**
- **where there have been convictions of members of the staff at the premises for serving alcohol to minors or where the premises has a reputation for underage drinking;**
- **where there is a known association with drug taking or dealing;**
- **where there is a strong element of gambling on the premises; and**
- **where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.**

100 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and / or activities:-

- effective and responsible management ~~of premises~~;
- provision of sufficient number of people employed or engaged to secure the protection of children, including child performers, from harm;
- adoption of best practice or guidance (e.g. ~~Public Places Charter, ~~The Portman Group Code of Practice on Naming, Packaging and Promotion of Alcoholic Drinks);
- limitation on the hours when children may be present in all or parts of the premises;
- limitation or exclusions by age when certain activities are taking place;
- measures to ensure children do not purchase, acquire or consume alcohol; and
- measures to ensure children are not exposed to incidents of violence or

disorder.

101 In the case of film exhibitions, the Act requires a mandatory condition to be included in all Premises Licences and Club Premises Certificates for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations of the British Board of Film Classification (BBFC) or the Licensing Authority itself. The grant of a Licence or Certificate authorising the exhibition of any film will be conditional upon such film having been classified by the BBFC or the Licensing Authority.

102 **The Licensing Authority will expect Premises Licence and Club Premises Certificate holders and those who have given notice of a permitted temporary activity under the Act for the exhibition of any film to include in their operating schedule measures that restrict children from viewing age restricted films classified according to the recommendations of the BBFC or by the Licensing Authority.**

103 **The Licensing Authority expects that when a licensable activity is held mainly or exclusively for children and / or young persons under 18, there will be a sufficient number of staff, including supervisors, to ensure their safety. Every supervisor of those caring for children and young people should have undergone an enhanced disclosure check with the Disclosure and Barring Service (DBS). This does not require each member of staff to have undergone this level of check, but will enable staff to be supervised by those who have. Any searching of children or young people, other than of outer clothing that can firstly be removed, must always be conducted by someone of the same sex as the child or young person being searched. Attendance of the child at the event or premises assumes knowledge and consent of the search by the parent or guardian.**

104 The Licensing Authority will rarely impose complete bans on access by children. However, in exceptional circumstances conditions restricting access or excluding children completely may be considered necessary.

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APPENDIX A

Appendix 1

Application Process

Introduction

This Appendix is intended to offer advice and guidance to applicants for Premises Licences, Club Premises Certificates and Personal Licences and those giving Temporary Event Notices~~ under the Licensing Act 2003 as amended~~. It provides the basic information designed to help ensure that a successful application is made and general guidance to keep the operations of businesses, clubs, organisations or events within the law.

The Council, as the Licensing Authority, understands that it has a general duty to provide guidance to applicants but it is important that this Appendix is not read in isolation and it should be regarded as an extension to and should be read in conjunction with the Council's Licensing Policy.

It is important to note that several other authorities play an important role in the licensing processes and applicants are advised to contact those authorities for advice and guidance on their specific area of involvement in the licensing arrangements. The contact details of all responsible authorities can be found in Appendix 2.~~ The processes described in this appendix cover applications for new Premises Licences, Club Premises Certificates and Personal Licences and Temporary Event Notices and include the fees that are applicable.~~

Information and advice on all the processes explained in this appendix can be obtained from the Council's Licensing Team on 01245 606727 or at licensing@maldon.gov.uk.

All applications made to the Council (acting as the Licensing Authority) must be submitted to the contact address shown in Appendix 2 ~~to the Licensing Policy~~.

There are 4 types of formality under the Licensing Act 2003 as amended:-

- premises Licence
- club premises certificate
- personal licence
- temporary event notice (TEN)

Premises Licence

A premises licence is required where any licensable activities are going to take place (see appendix 11). They have no terminal date but can be granted for a specific date or period.

Licence holders are able to choose their operating or opening hours as there are no statutory limitations on the hours during which licensable activities can be carried on. These operating or opening hours will have to be agreed by the Council.

Grant of or Variation of a Premises Licence

An application must be made on a prescribed form and must be accompanied by:-

- an operating schedule (see definitions at the end of this document);
- a plan of the premises to which the application relates to a scale of 1:100 and containing prescribed information;
- if the licensable activities include the supply of alcohol, consent (on a prescribed form) given by the individual who the applicant wishes to have specified in the premises licence as the premises supervisor;
- the appropriate fee (see separate section on fees in this appendix); and

- copy(ies) of specified documents which show that the applicant is in the UK lawfully and permitted to carry out wok in a licensable activity.

~~A~~If submitting a hard copy of the application~~, and all accompanying documents~~ copies must also be given by the applicant to the responsible authorities included in Appendix 2 ~~to the Policy~~ on the same day as the application is given to the Council (note the additional responsible authorities that apply when the premises involved are a vessel). If submitting an application electronically, the Licesning Authority will circulate to the relevant responsible authorities.

Applicants are advised to obtain proof of delivery of their applications to responsible authorities either through the postal service or by way of a receipt if delivered by hand.

In addition, the application must be advertised in a local newspaper on at least one occasion during the period of 10 working days following the day on which the application is given to the Council. A further notice containing prescribed information on at least A4 sized light blue coloured paper must also be displayed by the applicant at or on the premises for a period of not less than 28 consecutive days from the day following the day on which the application is given to the Council. The Council will also publicise the application by publishing details on the Council's website www.maldon.gov.uk.

~~Copies of the~~ A template form of the public advertisement and public notice are available from the Council's website ~~and will be provided on request~~. The form and notice are not prescribed forms, but they must contain the information shown on the examples provided.

Variation of Premises Licence

An application to vary the premises licence where there has been a change in the premises supervisor must be made in a prescribed form and be accompanied by:-

- the premises licence;
- a form of consent given by the individual who the applicant wishes to have specified in the premises licence as the premises supervisor; and
- the appropriate fee (see separate section of fees in this appendix).

A copy of the application must be given by the applicant to the Chief Officer of Police on the same day as the application is given to the Council.

If it is an application for a minor variation, applicants are advised to speak to the Council in the first instance for advice prior to submission as the application is deemed as rejected if not dealt within a 15 day working period.

Club Premises Certificate

The process for applying for a club premises certificate or a variation of a club premises certificate is similar to that for a premises licence except that because there is no sale of alcohol involved, only a supply managed by or on behalf of the club, neither a designated premises supervisor nor a personal licence holder is required.

Temporary Event Notice (TEN)

Any person can issue a TEN in respect of any premises or area of land and for one or more of the licensable activities (see appendix 11 for certain limitations imposed).

The Notice must be given to the Council at least 10 working days before an event is held or 5 to 9 working days for a late TEN. Guidance under the Act defines working days as excluding the day on which notice is given and the day on which the event is to start. The notice must contain details of the proposed licensable activities. The Council's preferred

notice period is not less than 20 working days and not more than 3 months.

The Notice must also contain:-

- the period during which it is proposed to use the premises (not exceeding 168 hours);
- the times during that period when it is proposed that those licensable activities are to take place;
- the maximum number of people (being less than 500 including staff, performers, security etc.) it is proposed will be allowed on the premises during those times;
- where alcohol is to be supplied, whether it is to be for consumption on or off the premises, or both; and
- the fee ~~(as prescribed by the Sectary of State)~~.

A copy of the notice **must** be given by the applicant to the Chief Officer of Police and Environmental Health at the same time unless submitting the Notice electronically.

Personal Licences

A personal licence will be required for any sale of alcohol.

To apply, an application must be made to the Council in whose area he / she ordinarily resides on a prescribed form and applicants must be over 18 years of age. The application must contain:-

- 2 passport photographs: they must be 45mm by 35mm, on photographic paper and be taken against a light background and show the full face uncovered and without sunglasses and, except on religious grounds, without a head covering;
- 1 of the photographs must be endorsed on the back with a statement verifying the likeness of the photograph to the applicant by a solicitor, notary, bank or building society official, police officer, civil servant, minister of religion or an individual with a professional qualification (see below);
- a copy of the applicant's licensing qualification: the Personal Licence Qualifications accredited by the Secretary of State to date are:-
  a) BIIAB Level 2 National Certificate for Personal Licence Holders. For further information visit www.bii.org;
  b) GOAL Level 2 Certificate for Personal Licence Holders. For further information e-mail customerservice@ediplc.com;
- either a criminal conviction certificate or a criminal record certificate issued under Section 112 or Section 113 of the Police Act 1997 respectively, or the result of a subject access search of the police national computer by the National Identification Service (all of which must have been issued within 1 calendar month of submitting it with the application for the Licence);
- a declaration by the applicant that either he has not been convicted of a relevant offence or a foreign offence, including immigration offences or a civil immigration penalty, accompanied by details of the nature, date of conviction and any sentence imposed on him; and
- the licence fee.

If there are any convictions for a relevant or a foreign offence, the application must be referred by the Council to the Chief Officer of Police. If the applicant has been required to pay an immigration penalty or convicted of an immigration offence or a foreign offence comparable to an immigration offence, the application must also be referred by the Council to the Home Office (Immigration Enforcement). Criminal record checks can be obtained from Disclosure Scotland, forms are also available from the Licensing Team or from www.disclosurescotland.co.uk. There is no definition provided in the Act or the Regulations as to what constitutes a professional qualification. The Council believes this can be

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interpreted as those people who have passed an examination(s) and are members of an institute that controls its members (e.g. doctors, teachers, accountants, architects, surveyors, etc.). Should applicants have any doubts, they should contact the Council for advice as to who could be regarded as a person holding such qualification.

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APPENDIX A
Fees - Premises Licences and Club Premises Certificates

Fees are based on the non-domestic rateable value of the premises at the date a valid application is made to the Council. If you are not sure of what your current rateable value is, you can check it on the Valuation Office's website at www.voa.gov.uk or by telephoning the Valuation Office on :03000 501501.

The annual charge is payable each year on the anniversary of the date of the grant of the premises licence or club premises certificate. Certain premises will be exempt from fees and annual charges when they are applying purely for regulated entertainment (i.e. no sale / supply of alcohol or provision of late night refreshment) these being church halls, chapels, parish and community halls or other premises of a similar nature. Premises licences and club premises certificates will be suspended if for non-payment of the fee.

Statutory Fees - **Premises Licence and Club Premises Certificate**

Rateable Bands	A	B	C	D	E	D x 2	E x 3
Rateable Value	£0 to £4,300	£4,301 to £33,000	£33,001 to £87,000	£87,001 to £125,000	£125,001 and above	A multiplier applied to premises in bands D and E where they are exclusively and primarily in the business of selling alcohol	
Premises Licence / Club Premises Certificate	£100	£190	£315	£450	£635	£900	£1905
Annual Renewal Fee	£70	£180	£295	£320	£350	£640	£1050

No fees are payable by schools providing education for pupils up to year 13 or for a 6th form college where, in both cases, the regulated entertainment (i.e. no sale / supply of alcohol or provision of late night refreshment) is carried on at the school or college and for school / college purposes.

Premises that have no non-domestic rateable value such as floating vessels, mobile food vehicles (e.g. burger vans), public areas, parks etc. will pay a fee based on the lowest band.

Additional fees and annual charges are payable for premises licences for exceptionally large premises, i.e. those premises or events where the number of persons allowed is 5,000 or more, as follows:-

Number of people		Additional fee	Annual charge
5,000	9,999	£1,000	£500
10,000	14,999	£2,000	£1,000
15,000	19,999	£4,000	£2,000
20,000	29,999	£8,000	£4,000
30,000	39,999	£16,000	£8,000
40,000	49,999	£24,000	£12,000
50,000	59,999	£32,000	£16,000
60,000	69,999	£40,000	£20,000
70,000	79,999	£48,000	£24,000
80,000	89,999	£56,000	£28,000

90,000 and over	£64,000	£32,000

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APPENDIX A
Miscellaneous Fees

Further miscellaneous fees are shown in the following table:-

Application or Notice	Fee
Application for copy of premises licence or Summary on theft, loss etc. (section 25)	£10.50
Application for a provisional statement (section 29)	£315.00
Notification of change of name or address (holder of premises licence) (section 33)	£10.50
Application to vary licence to specify individual as premises supervisor (section 37)	£23.00
application to transfer premises licence (section 42)	£23.00
Interim authority licence (section 47)	£23.00
application for copy of club premises certificate or summary on theft, loss etc. (section 79)	£10.50
Notification of change of name or alteration of club rules (section 82)	£10.50
Change or relevant registered address of club (section 83)	£10.50
Temporary event notice (section 100)	£10.50
Application for copy of temporary event notice on theft, loss etc. (section 110)	£21.00
Application for grant of personal licence (section 117)	£10.50
Application for copy of personal licence on theft, loss etc. (section 126)	£37.00
Notification of change of name or address of personal licence holder (section 127)	£10.50
Notice of interest in any premises (section 178)	£10.50
	£21.00

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APPENDIX A

Plans

The scale and contents of plans to be accepted by the Council have been prescribed by The Licensing Act 2003 as amended (Premises Licences and Club Premises Certificates) Regulations 2005

Regulation 23(2) states that unless the relevant licensing authority has previously agreed in writing with the applicant following a request by the applicant that an alternative scale plan is acceptable to it, in which case the plan shall be drawn in that alternative scale, the plan shall be drawn in standard scale.

The standard scale required by the Regulations is 1 millimetre represents 100 millimetres (i.e. 1:100).

Regulation 23(3) requires plans to show:-

a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
b) the location of points of access to and egress from the premises;
c) if different from (b) above, the location of escape routes from the premises;
d) in a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
e) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
f) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
h) the location and type of any fire and any other safety equipment including, if applicable, marine safety equipment; and
i) the location of a kitchen, if any, on the premises.

Plans may include a legend through which the matters mentioned above are sufficiently illustrated by the use of symbols on the plan.

N.B. There is no requirement for plans to be professionally drawn as long as they clearly show all the prescribed information listed above.

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Appendix 2

Contact Details

The following table shows the appropriate contact details for the various responsible authorities designated under the Licensing Act 2003 as amended. Applicants should use these addresses as the address to which any correspondence to any of the responsible authorities should be sent: the appropriate point of contact for the Council as the Licensing Authority is also given.

responsible authority	**Maldon District Council Licensing Authority**
name	Licensing
address	Maldon District Council Council Offices Princes Road Maldon Essex CM9 5DL
telephone number	01621 854477
e-mail address	licensing@maldon.gov.uk
normal office hours	0830 to 1700 hours (Mon to Thurs), 0830 to 1630 hours (Friday)

responsible authority	**The Chief Officer of Police**
name	Licensing Department (Alcohol)
address	Essex Police Braintree Essex CM7 3DJ
telephone number	01245 452035
e-mail address	licensing.applications@essex.pnn.police.uk
normal office hours	0800 to 1600 hours daily (15.30 on Fridays)
additional information	**TEMPORARY EVENT NOTICES** Notices should be served in order to reach the Police Licensing Officer within the prescribed timescales: either at the same time or as soon as possible after the Notice is given to the Council, with the envelope clearly marked "TEMPORARY EVENT NOTICE"

responsible authority	**Home Office (Immigration Enforcement)**
name	Alcohol Licensing Team
address	Lunar House 40 Wellesley Road Croydon CR9 2BY
e-mail address	alcohol@homeoffice.gsi.gov.uk

responsible authority	**Essex County Fire and Rescue**
name	Chelmsford & Maldon Community Command
address	South Woodham Ferrers Fire Station Ferrers Road South Woodham Ferrers Chelmsford Essex CM3 5XH
telephone number	01245 328388
e-mail address	cm.command@essex-fire.gov.uk
normal office hours	0900 to 1700 (Monday to Friday)

responsible authority	**Maldon District Council Health and Safety**

name	Environmental Health (Commercial)
address	Maldon District Council Council Offices Princes Road Maldon Essex CM9 5DL
telephone number	01621 875813
e-mail address	commercial@maldon.gov.uk
normal office hours	0830 to 1700 hours (Mon to Thurs), 0830 to 1630 hours (Friday)
additional information	See Health and Safety Executive below

responsible authority	**Health and Safety Executive**
name	
address	Redwing House Hedgerow Business Park Colchester Road Chelmsford Essex CM2 5PB
telephone number	01245 706200
e-mail address	
normal office hours	
additional information	The HSE is the enforcing authority in certain types of premises, e.g. Council property, fairgrounds, hospitals and schools. In most other cases the enforcing authority for licensed premises and places of entertainment is normally the Health and Safety at Maldon District Council as detailed above.

responsible authority	**Maldon District Council Planning Authority**
name	Planning Services
address	Maldon District Council Council Offices Princes Road Maldon Essex CM9 5DL
telephone number	01621 875870
e-mail address	planning@maldon.gov.uk
normal office hours	0830 to 1700 hours (Mon to Thurs), 0830 to 1630 hours (Friday)

responsible authority	**Maldon District Council Environmental Health**
name	Environmental Health (Environmental Protection)
address	Maldon District Council Council Offices Princes Road Maldon Essex CM9 5DL
telephone number	01621 875819
e-mail address	environmentservices.request@maldon.gov.uk
normal office hours	0830 to 1700 hours (Mon to Thurs), 0830 to 1630 hours (Friday)

responsible authority	**The Child Protection Authority**

name	Local Authority Designated Officer (LADO)
address	F.A.O. Licensing Quality Assurance and Safeguarding Service Family Operations Essex County Council 70 Duke Street Chelmsford Essex CM1 1JP
telephone number	01245 706200
e-mail address	licenceapplications@essexcc.gov.uk
normal office hours	

responsible authority	**Essex County Council Health Board**
name	Licensing Officer
address	Public Health Team Essex County Council A1 County Hall Market Road Chelmsford Essex CM1 1LX
telephone number	
e-mail address	jackie.renn@essex.gov.uk

responsible authority	**Essex Trading Standards**
name	Information and Business Support Team
address	Essex Trading Standards Essex County Council County Hall, Room CG32 Market Road Chelmsford Essex CM1 1QH
telephone number	01245 341902
e-mail address	trading.standards@essex.gov.uk
normal office hours	

In addition to the above, further responsible authorities apply <u>where the premises are a vessel</u>

responsible authority	**Crouch Harbour Authority**
name	The Harbour Master
address	Crouch Harbour Authority The Quay Burnham-on-Crouch Essex CM0 7NT
telephone number	01621 783602
e-mail address	info@crouchharbour.org.uk
normal office hours	0900 to 1600 hours (Monday to Friday)

responsible authority	**Maldon Harbour Improvement Commissioners**
name	Clerk to the Commissioners
address	Maldon Harbour Improvement Commissioners 5 Fir Tree Walk Maldon Essex CM9 4NS
telephone number	01621 853253
e-mail address	john.hughes11@tesco.net
normal office hours	

responsible authority	**Environment Agency**
name	
address	National Customer Contact Centre Quadrant Two 99 Parkway Avenue Sheffield South Yorkshire S9 4WF
telephone number	03708 506506
e-mail address	enquiries@environment-agency.gov.uk
normal office hours	0900 to 1700 hours (Monday to Friday)

responsible authority	**British Waterways Board**
name	
address	South East Office Ground Floor 500-600 Witan Gate House Milton Keynes MK9 1BW
telephone number	01908 302500
e-mail address	enquiries.southeast@britishwaterways.co.uk
normal office hours	

responsible authority	**The Secretary of State for Transport (through the Maritime and Coastguard Agency)**
name	Surveyor in Charge
address	Harwich Marine Office Maritime and Coastguard Agency (Thames) East Terrace Walton-on-Naze Essex CO14 8PY
telephone number	01255 682107
e-mail address	harwich.mo@mcga.gov.uk
normal office hours	0830 to 1700 hours

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Appendix 3

Exemptions

The following activities are not regarded as regulated entertainment and are therefore exempt for the purposes of the Act:-

Exhibition of a Film

If the sole or main purpose of the entertainment is to demonstrate any product, advertise any goods or services, or provide information, education or instruction.

If the entertainment consists of or forms part of an exhibit put on show for any purposes of a museum or gallery.

Live Music or the Playing of Recorded Music

If the entertainment is live music and subject to the exemptions provided by the Live Music Act 2012 or if the entertainment is incidental to some other activity which is not within the description of regulated entertainment or the provision of entertainment facilities.

Television or Radio Receivers

If the entertainment consists of the simultaneous reception and playing of a programme included in a programme service within.

Religious Services and Places of Worship, etc.

If the entertainment is for the purposes of, or for the purposes incidental to, a religious meeting or service or at a place of public religious worship.

Garden Fetes, etc.

If the entertainment is at a garden fete or at a function or event of a similar character, unless the fete, function or event is promoted with a view to applying the whole or part of its proceeds for purposes of private gain (as defined in the Lotteries and Amusements Act 1976).

Morris Dancing, etc.

If the entertainment is a performance of Morris dancing or any dancing of a similar nature or a performance of unamplified, live music as an integral part of such a performance, or facilities for enabling persons to take part in such activities.

Vehicles in Motion

If the entertainment is on premises consisting of or forming part of a vehicle and at a time when the vehicle is not permanently or temporarily parked.

Performance of Plays

Performance of plays and exhibition of dance to an audience limit of 500 people.

Indoor Sport

Indoor sport to an audience limit of 1000 people but excluding boxing, wrestling and mixed martial arts.

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APPENDIX A

Venues Providing Amplified or Unamplified Music

The Live Music Act 2012 deregulates the performance of certain live music and the provision of facilities for making music in the following circumstances, it:

- removes the licensing requirement for unamplified live music taking place between 8am and 11pm in all venues, subject to the right of the Council to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises
- removes the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised to supply alcohol for consumption on the premises, subject to the right of the Council to impose conditions about live music following a review of a premises licence or club premises certificate
- removes the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- removes the licensing requirement for the provision of entertainment facilities
- widens the licensing exemption for live music integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to live or recorded music instead of unamplified live music.

Conditions on an existing licence relating to the performance of live music do not have effect between 08.00 and 23.00. Any conditions imposed following a review of the premises licence, however, will take effect irrespective of the provisions of this Act.

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Appendix 4

Mandatory Conditions

Where a Premises Licence Authorises the Supply of Alcohol

That no supply of alcohol may be made under the premises licence:-

a) at a time when there is no designated premises supervisor in respect of the premises licence, or

b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

That every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Exhibition of Films

Where a premises licence or club premises certificate authorises the exhibition of films, the licence or certificate must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with these paragraphs.

Where the film classification body is specified in the Licence or Certificate, unless paragraph 3(b) below applies, admission of children must be restricted in accordance with any recommendation by that body.

Where,

a. the film classification body is not specified in the Licence or Certificate, or

b. the Licensing Authority has notified the holder of the Licence or the Club which holds the Certificate that this paragraph applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by the Council.

In these paragraphs, children means persons aged under 18, and film classification body means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984 (authority to determine suitability of video works for classification).

Door Supervision

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

APPENDIX A

Club Premises Certificate for Supply of Alcohol for Consumption Off the Premises

A club premises certificate which authorises the supply of alcohol for consumption off the premises must include the following conditions:-

The **first condition** is that the supply must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.

(Note: This condition means that if the club is open for the supply of alcohol to its members, i.e. during its normal licensable hours, then a supply of alcohol can be made for consumption off the premises.)

The **second condition** is that any alcohol supplied for consumption off the premises must be in a sealed container.

(Note: this means that opened bottles or cans of alcohol can be supplied for consumption off the premises).

The **third condition** is that any supply of alcohol for consumption off the premises must be made to a member of the club in person.

(Note: a supply of alcohol for consumption off the premises can only be made to a member of the club in person and not a guest.)

The Licensing Act 2003 (Mandatory Conditions) Order 2010 introduced additional mandatory conditions as follows:-

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:-

   (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
   (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol); or
   (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

   (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

   (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

   (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
   (i) the outcome of a race, competition or other event or process, or
   (ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that:-

   (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
   (i) beer or cider: ½ pint;
   (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
   (iii) still wine in a glass: 125 ml; and

   (b) customers are made aware of the availability of these measures.

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Appendix 5

Pool of Conditions: Prevention of Crime and Disorder

It should be noted in particular that it is unlawful under the 2003 Act:-

- to knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk;
- to knowingly to allow disorderly conduct on licensed premises;
- for the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported;
- to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

Conditions enforcing these arrangements are therefore unnecessary.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and when licensing authorities are considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following options should be considered as measures which, if necessary, would promote the prevention of crime and disorder.

Whether or not any risk assessment shows these options to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should also be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

Under no circumstances should the following measures be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of possible conditions drawn from experience relating to differing situations and to offer guidance.

Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Text / Radio Pagers

Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Such pagers provide two-way communication, enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

The Secretary of State recommends that text or radio pagers should be considered appropriate necessary conditions for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. Following individual consideration of the particular circumstances of the venue, such conditions may also be appropriate and necessary in other areas for the prevention of crime and disorder.

It is recommended that a condition requiring the text / radio pager links to the police should include the following elements:-

- the text / radio pager equipment is kept in working order at all times;
- the pager be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- any police instructions / directions are complied with whenever given; and
- all instances of crime and disorder are reported via the text / radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

Door Supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:-

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside of venues prone to such queuing.

Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches). Door supervisors also have a role to play in ensuring public safety.

Bottle Bans

Glass bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises. It is recommended that a condition requiring that no sales of beverages in glass bottles for consumption on the premises should be expressed in clear terms and includes the following elements:

- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar; and

- no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place).

In appropriate circumstances, the condition could include exceptions, for example, as follows:-

- bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

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APPENDIX A

Plastic Containers and Toughened Glass

Glasses containing drinks may be used as weapons during incidents of disorder and if not toughened, can cause very serious injuries. Consideration could therefore be given to conditions requiring either the use of plastic containers or toughened glass which inflicts less severe injuries where considered necessary. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

It should be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety.

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time. The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Open Containers Not to be Taken from the Premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises, which would be entirely lawful. Consideration should be given, however, to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and open bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on Drinking Areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

Capacity Limits

Consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

Proof of Age Cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of proof of age before such sales are made. This should not be limited to recognised proof of age cards, but allow for the production of other proof, such as photo-driving licences, student cards (supported by the PASS accreditation i.e. Essex County Bite Cards); passports or Military ID. The Secretary of State strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that

are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences and passports. It should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any condition will require careful thought. For example, the requirement might be to ensure sight of evidence of age from any person appearing to those selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. This would ensure most minors, even those looking older, would need to produce proof of age before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity.

Crime Prevention Notices

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Drinks Promotions

Standardised conditions should not be attached to premises licences or club premises certificates which promote fixed prices for alcoholic drinks. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind. This can risk creating cartels. Using conditions to control the prices of alcoholic drinks in an area may also breach competition law. Conditions tailored to the individual circumstances of particular premises which address **irresponsible** drinks promotions may be permissible provided they are necessary for the promotion of the licensing objectives, but licensing authorities should take their own legal advice before a licence or certificate is granted in that form. Judgements may be subjective and on occasions, there will be a very fine line between responsible and irresponsible promotions but an even greater distinction to whether the promotion in question can be subject to the imposition of a condition. It is therefore vital that such matters are considered objectively in the context of the licensing objectives and with the benefit of appropriate legal advice.

In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or discounting and levels of crime and disorder on or in the vicinity of the premises, it would be appropriate for the Council to consider whether the imposition of a new condition prohibiting irresponsible sales promotions or discounting of prices of alcoholic beverages is necessary at those premises. Before pursuing any form of restrictions, however, licensing authorities should take their own legal advice.

Signage

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

APPENDIX A

Large Capacity Venues used Primarily for the Vertical Consumption of Alcohol

Large capacity vertical drinking premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol and have little or no seating for patrons. Where necessary and appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises (if not volunteered by the venue operator and following representations on such grounds) which require adherence to:-

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of SIA registered security teams to control entry for the purposes of compliance with the capacity limit.

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Appendix 6

Pool of Conditions: Public Safety

It should be noted that conditions relating to public safety should be those which are necessary in the particular circumstances of any individual premises or club premises and should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control those risks. Conditions enforcing those requirements would therefore be unnecessary.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and the Council is considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote public safety. Additional matters relating to cinemas and theatres are considered in Appendix 7. It should also be recognised that special issues may arise in connection with outdoor and large scale events.

Whether or not any risk assessment shows any of the measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises. In addition to considering the points made in this Appendix, those preparing operating schedules or club operating schedules, licensing authorities and responsible authorities should consider:-

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance (Entertainment Technology Press – ABTT Publications)
- Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (the purple book)
- Managing Crowds Safety (HSE 2000)
- 5 Steps to Risk Assessments: Case Studies (HSE 1998)
- Guide to Safety at Sports Grounds (Stationery Officer 1997)(the green guide)
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances (Independent Street Arts Network)
- London District Surveyors' Association's Technical Standards for Places of Public Entertainment.

The following British Standards should also be considered:-

- BS 5588 Part 6 (regarding places of assembly)
- BS 5588 Part 9 (regarding ventilation and air conditioning systems)
- BS 5588 Part 9 (regarding means of escape for disabled people)
- BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems)

The Council and responsible authorities should note that under no circumstances should any conditions be regarded as standard for all premises.

APPENDIX A

Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Disabled People

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:-

- when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- disabled people on the premises are made aware of those arrangements.

Escape Routes

It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:-

- all exits doors are easily openable without the use of a key, card, code or similar means; doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
- any removable security fastenings are removed whenever the premises are open
- all fire doors are maintained effectively self-closing and shall not be held open other than by approved devices (for example, electromagnetic release operated by smoke detectors);
- fire resisting doors to ducts, service shafts and cupboards shall be kept locked shut; and the edges of the treads of steps and stairways are maintained so as to be conspicuous.

Safety Checks

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:-

- safety checks are carried out before the admission of the public; and
- details of such checks are kept in a log book.

Curtains, Hangings, Decorations and Upholstery

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:-

- hangings, curtains and temporary decorations are maintained in a flame retardant conditions;
- any upholstered seating meets on an on-going bases the pass criteria for smouldering ignition source 0; flaming ignition source 1; and crib ignition source 5 when tested in accordance with section 5 of BS5852:1990;
- curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire fighting equipment; and
- temporary decorations are not used without prior notification to the Council / Fire Authority.
-

In certain premises where existing legislation does not provide adequately for the safety of the

public or club members and guests, consideration might also be given to conditions that ensure that:-

- arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded; and
- the licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

Fire Action Notices

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:-

- notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire service should be summoned, are prominently displayed and protected from damage and deterioration.

Outbreaks of Fire

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:-

- the fire service must be called at once to any outbreak of fire, however slight, and the details recorded in a fire log book.

Loss of Water

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:-

- the local fire control centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

Access for Emergency Vehicles

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that access for emergency vehicles is kept clear and free from obstruction.

First Aid

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:-

- adequate and appropriate supply of first aid equipment and materials is available on the premises;
- if necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

APPENDIX A

Lighting

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:-

- in the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present;
- fire safety signs are adequately illuminated;
  emergency lighting is not altered;
- emergency lighting batteries are fully charged before the admission of the public, members or guests; and
- in the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

Temporary Electrical Installations

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:-

- temporary electrical wiring and distribution systems are not provided without [notification to the Council at least 10 days before commencement of the work] [prior inspection by a suitable qualified electrician];
- temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909; and
- where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

With regard to the first bullet above, it should be recognised that 10 days' notice may not be possible where performances are supported by outside technical teams. For example, where temporary electrical installations are made in theatres for television show performances, in such circumstances, the key requirement is that conditions where necessary should ensure that temporary electrical installations are only undertaken by competent qualified persons, for example employed by the television company.

Indoor Sports Entertainments

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:-

- if necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature;
- where a ring is involved, it is constructed and supported by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame-retardant;
- at any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring; and
- at water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

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APPENDIX A

Alterations to the Premises

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition relating to public safety in question. The applicant will need to propose in a new operating schedule reflecting the proposed alteration to the premises how he or she intends to take alternative steps to promote the public safety objective. The application for variation will enable the responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

Special Effects

The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risks. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Special effects which should be considered include:-

- dry ice machines and cryogenic fog;
  smoke machines and fog generators;
  pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
  strobe lighting;
- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the Council or [inspection by] the fire service.

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Appendix 7

Pool of Conditions: Theatres, Cinemas, Concert Halls and Similar

There are particular matters in the context of public safety and fire safety which should be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and should be established through risk assessment and standardised conditions should be avoided. The points which follow are for consideration and do not represent a mandatory list.

PREMISES USED FOR CLOSELY SEATED AUDIENCES

Attendants

(a) The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:-

NUMBER OF MEMBERS OF THE AUDIENCE PRESENT ON A FLOOR	MINIMUM NUMBER OF ATTENDANTS REQUIRED TO BE PRESENT ON THAT FLOOR
1 – 100	1
101 – 250	2
251 – 500	3
501 – 750	4
751 – 1000	5
Plus 1 additional attendant for each additional 250 persons (or part thereof)	

(b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.

(c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).

(d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.

(e) No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.

(f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

Standing and Sitting in Gangways etc.

(a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.

(b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.

(c) In no circumstances shall anyone be permitted to:-

(i) sit in any gangway;
(ii) stand or sit in front of any exit; or
(iii) stand or sit on any staircase including any landings.

Drinks

Unless authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony Fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

Special Effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff. Special effects include:-

- dry ice machines and cryogenic fog; smoke machines and fog generators; pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles; strobe lighting;
- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: safety of laser products;
- explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the Council or (inspection by) fire authority.

Scenery

Any scenery should be maintained flame-retardant.

Safety Curtain

Where a safety curtain is provided, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium. Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non-combustible material or inherently or durably treated flame retardant fabric.

Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide when a further inspection would be necessary and a certificate concerning the condition of the ceilings forwarded to the Council.

Seating

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than 4 or more than 12.

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APPENDIX A

PREMISES USED FOR FILM EXHIBITIONS

Attendants - premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:-

NUMBER OF MEMBERS OF THE AUDIENCE PRESENT ON THE PREMISES	MINIMUM NUMBER OF ATTENDANTS REQUIRED TO BE ON DUTY
1 – 250	Two
Plus 1 additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least 1 attendant shall be present in any auditorium or on any floor

Attendants - premises with a staff alerting system

a. Where the premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:-

NUMBER OF MEMBERS OF THE AUDIENCE PRESENT ON THE PREMISES	MINIMUM NUMBER OF ATTENDANTS REQUIRED TO BE ON DUTY	MINIMUM NUMBER OF OTHER STAFF ON THE PREMISES WHO ARE AVAILABLE TO ASSIST IN THE EVENT OF AN EMERGENCY
1 – 500	2	1
501 - 1000	3	2
1001 - 1500	4	4
1501 or more	Five plus one for every 500 (or part thereof) persons over 2,000 on the premises	Five plus one for every 500 (or part thereof) persons over 2,000 on the premises

b. Staff shall not be considered as being able to assist in an emergency if they are:-

- the holder of the premises licence or the manager on duty at the premises; or
- a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response to an emergency situation; or
- a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted of an emergency situation.

c. Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.

d. The staff alerting system shall be maintained in working order.

APPENDIX A

Minimum Lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be satisfactory if it complies with the standard specified in BS CP 1007 (Maintained Lighting for Cinemas).

Flammable Films

No flammable films shall be allowed in the premises without the prior notification of the Council and fire authority.

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Appendix 8

Pool of Conditions: Prevention of Public Nuisance

It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 as amended enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing public nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and the Council is considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote the prevention of public nuisance.

Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for licences and certificates will also depend on local knowledge of the premises.

Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted (other than where they are protected by the transitional provisions of the Licensing Act 2003 as amended) by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which results from artificially early fixed closing times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

Noise and Vibration

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that noise or vibration does not emanate from the premises so as to cause a nuisance to occupiers of nearby properties. This might be achieved by 1 or more of the following conditions:-

- keep doors and windows at the premises closed;
- limiting live music to a particular area of the building;
- moving the location and direction of speakers away from external walls or walls that abut private premises;
- fitting of rubber seals to doorways;
- installing rubber speaker mounts;
- requiring the licensee to take measures to ensure that music will not be audible above the

background level at the nearest noise sensitive location;
- require licenses to undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary; or
- use noise limiters on amplification equipment used at the premises.

In determining which conditions are necessary and appropriate, the Council shall be aware of the need to avoid unnecessary or disproportionate measures that could deter the holding of events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. Conditions may also include:-

- that prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly;
- the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- the placing of refuse and recycling such as bottles into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious Smells

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:-

- noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light Pollution

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:-

- flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

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Appendix 9

Pool of Conditions: Protection of Children from Harm

It should be noted that it is unlawful under the 2003 Act as amended to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for the supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5 am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.

Access for Children to Licensed Premises in General

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for the Council. Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and interested parties who have made representations but only where the Council considers it necessary to protect children from harm. Whilst applications in relation to premises licences and club premises certificates must be judged by the Council on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that:-

- for any premises with known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years: applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:-

    - explain their reasons; and
    - outline in detail the steps that they intend to take to protect children from harm on such premises.

- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00 pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time. Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:-

    - explain their reasons; and
    - outline in detail the steps that they intend to take to protect children from harm on such premises.

- in any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act as amended. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

APPENDIX A

Age Restrictions - Specific

Under the 2003 Act as amended, a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, the Council following relevant representations made by responsible authorities and interested parties will need to consider a range of conditions that are to be tailored to the particular premises and their activities where these are necessary. The Licensing Authorities is expected to consider:-

- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00 pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day. Types of event or activity in respect of which no age restrictions may be needed include:

    - Family entertainment; or
    - Non-alcohol events for young age groups such as under 18 dances.

- Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal may include:

    - During 'Happy Hours' or on drinks promotion nights;
    - During activities outlined in the first bullet point in the first paragraph above.

Age Restrictions - Cinemas

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of Section 20, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under Section 4 of the Video Recordings Act 1984 or by the Council itself, conditions restricting the admission of children to film exhibitions should include:-

- A condition that where the Council is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it: this is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restriction then imposed;

- A condition that when films are classified, by either the film classification body as specified in the licence or the Council, they should be classified in the following way:-

  U = Universal: suitable for audiences aged 4 years and over
  PG = Parental Guidance: some scenes may be unsuitable for young children
  12A = passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult
  15 = passed only for viewing by persons aged 15 years or over
  18 = passed only for viewing by persons aged 18 years or over

- That conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium, a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.

- A condition that when the Council has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

  "*Where a programme includes a film recommended by the Council as falling into the 12A,*

15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms:-

'PERSONS UNDER THE AGE OF (insert age) CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME'

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction. This condition does not apply to members of staff under the relevant age while on-duty, provided that the prior written consent of the person's parent or legal guardian has first been obtained."

Theatres

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the well-being of children present on the premises during any emergency (see appendix 7).

Performances especially for Children

Where performances are presented especially for unaccompanied children in theatres and cinemas conditions are anticipated to be needed which require:-

- an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

The Council is expected, having regard to any representations made by responsible authorities on the issue, to also consider whether or not standing should be allowed. For example, there may be a reduced risk for children in the stalls than at other levels or areas in the building.

Children in Performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968, as amended, set out requirements for children performing in a show. Licensing authorities should familiarise themselves with the requirements of these Regulations and not duplicate any of these requirements. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the Council will consider the matters outlined below:-

venue - the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance;

fire safety - all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children;

special effects - it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to

children;

care of children - theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

The Portman Group CoP on the Naming, Packaging and Promotion of Alcoholic Drinks

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman s Group website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.

Where appropriate and necessary, consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

Proof of Age Cards

Proof of age cards are discussed under appendix 5 in connection with the prevention of crime and disorder. However, where necessary and appropriate, a requirement for the production of proof of age cards before any sale of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm. Any such requirement should not be limited to recognised proof of age cards, but allow for the production of other proof, such as photo-driving licences and passports. The Secretary of State strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences and passports. As for conditions relating to crime and disorder, it should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any condition will require careful thought. For example, the requirement might be to ensure sight of evidence of age from any person appearing to those engaged in selling or supplying alcohols to be under the age of 18 and who is attempting to buy alcohol. This would ensure that most minors looking older would need to produce proof of age before making such a purchase. Under such an arrangement, only a minority of adults might be affected, but for the majority there would be no disruption of normal activity.

Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

APPENDIX A

Appendix 10

Terms of Reference and Delegated Powers

Planning and Licensing Committee

To consider and report to the Council on:-

1. The approval and adoption of the Council's Licensing Policy under the Licensing Act 2003 as amended.

2. The making of Regulations relating to the licensing functions of the Committee.

3. Setting of all other licensing fees (as appropriate).

To exercise on behalf of the Council the following functions:-

1. The discharge of the Council's powers, duties and functions under the Licensing Act 2003, as amended, including the review of, consultation on and publication of the draft revised Council's Licensing Policy.

2. The monitoring of the effects of the Licensing Policy on other related strategies and functions including those relating to crime prevention, planning, transport, tourism, economic development, culture and equality and issues relating to the management of town centres and the night-time economy.

3. The appointment of the relevant Officer of the Council to keep the Licensing Register and any Central Register prescribed by the Secretary of State.

4. The appointment of Authorised Officers for the purposes of the Act.

5. The determination of applications for licences or permits (including the revocation or variation of such licences or permits) in respect of functions of the Committee and those not falling within the power of any other Committee of the Council.

6. The enforcement of licences and permits falling within the purview of the Committee.

Licensing Sub-Committee

To exercise on behalf of the Planning and Licensing Committee the following functions:-

1. To determine applications for premises licences and club premises certificates where representations are made by an interested party or a responsible authority.

2. To determine applications to vary premises licences and club premises certificates where representations are made by an interested party or a responsible authority.

3. To determine applications to transfer premises licences where the Chief Officer of Police gives notice that granting an application would undermine the crime prevention objective.

4. To determine applications for reviews of premises licences and club premises certificates.

5. To determine reviews of premises licences where a closure order has come into force and where notice has been received of a Magistrates' Court determination.

6. To determine applications for provisional statements where representations are made by an interested party or a responsible authority.

7. To determine applications to vary a designated premises supervisor where the Chief Officer of Police gives notice that granting an application would undermine the crime prevention objective.

8. To determine interim authority notices where the Chief Officer of Police gives notice that failure to cancel any notice will undermine the crime prevention objective.

9. To consider objection notices given by the Chief Officer of Police in respect of temporary event notices and determine if a counter notice is to be issued to the applicant.

10. To determine applications for personal licences where the Chief Officer of Police gives an objection notice that granting an application would undermine the crime prevention objective.

11. To determine objection notices given by the Chief Officer of Police where a personal licence holder has been convicted during the application period of a relevant or foreign offence after the grant of a personal licence.

12. The determination of requests for film exhibitions at a classification that differs from that granted by the British Board of Film Classification (including the viewing of such films).

Revised Scheme of Delegation

To the Director of Planning and Regulatory Services

1. To make representations on behalf of the Council in respect of all applications for premises licenses or club premises certificates and to apply for reviews of the same.

2. In consultation with a Legal Advisor employed by Essex County Council and the Chairman of the Planning and Licensing Committee, the institution of legal proceedings in respect of any of the Council's licensing powers.

3. To authorise Officers and duly appoint Contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Strategic Director

To the Service Manager – Environmental Health ~~and Licensing Manager~~:-

1. The grant of a premises licence or club premises certificate where no representations are made by a responsible authority or interested party.

2. In consultation with a legal advisor, a determination that representations made by a responsible authority or interested party regarding an application for the grant of (or a variation of) a premises licence or club premises certificate or for the grant of a provisional statement are frivolous or vexatious.

3. The grant of an application to vary a premises licence or club premises certificate where no representations are made by a responsible authority or interested party, and in the case of an application for a minor variation to determine that application having taken into account any representations received.

4. The grant of an application to transfer a premises licence where no notice has been given by the Chief Officer of Police.

5. The determination of an exemption from the requirement to obtain a personal licence holder's consent for an application to transfer a premises licence.

6. The issue of a notice specifying the date of entry and inspection (or any extension of that date) where a club applies for a club premises certificate, a variation of a certificate or on a review of a certificate.

7. In consultation with a legal advisor, a determination that an application for a review of a premises licence or club premises certificate on the grounds that the ground for review is not relevant to one or more of the licensing objectives or is frivolous, vexatious or repetitious.

8. In consultation with ~~the~~ a ~~L~~legal advisor ~~and Democratic Services Manager~~, a determination that a club is not a qualifying club or has ceased to be a qualifying club.

9. The grant of an application for a provisional statement in respect of a premises which are being or are about to be constructed or extended where no representations are made by a responsible authority or interested party.

10. The determination of an application to vary the designated premises supervisor where no notice has been given by the Chief Officer of Police.

11. The issue of a notice granting or rejecting an application to vary the designated premises supervisor.

12. The receipt of a notice requesting the removal of a person as a designated premises supervisor.

13. The determination of whether or not a temporary event notice is void.

14. The acknowledgement of receipt of a temporary event notice.

15. Where appropriate, following consideration of any objection notice to a temporary event notice, the issue of a counter notice where it is considered necessary for the prevention of the crime prevention objective.

16. The issue of a counter notice where any of the permitted limits are exceeded in any temporary event notice.

17. The rejection of applications for personal licences where applicants have failed to meet the statutory conditions.

18. The grant of an application for a personal licence where no objection notice has been given by the Chief Officer of Police.

19. To issue notices to the Chief Officer of Police where a personal licence holder has been convicted during the application period of a relevant or foreign offence after the grant of a personal licence.

20. The issue and certification as a true copy of any premises licence or club premises certificate (or a summary of either) or any temporary event notice or personal licence where it has been lost, stolen, damaged or destroyed.

21. Unless specified to the contrary, the issue of all licences, certificates, notices and any other formal notifications required under the Licensing Act 2003.

22. In consultation with a legal advisor and the Chairman of the Planning and Licensing Committee, the institution of legal proceedings in respect of any of the Council's powers under the Licensing Act 2003.

23. To keep a licensing register and any central register prescribed by the Secretary of State.

24. To authorise officers and duly appoint contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Service Manager - Environmental Health ~~and Licensing Manager~~.

25. To determine, as part of applications by a management committee of a community premises for a new premises licence, whether the alternative licence condition in relation to the sale of alcohol should apply instead of the mandatory condition, provided that no representation is received from the Chief Officer of Police.

26. To suspend premises licences and club premises certificates for non-payment of the annual fee.

To the ~~Head~~ Director of Planning and Regulatory Services / Group Manager – Planning Services and the Service Manager - ~~Environmental Health and Licensing Manager~~:-

1. To respond to the Licensing Authority on behalf of the Council (as a responsible authority) to applications for (or variations of or reviews of) premises licences or club premises certificates.

2. To respond to the Licensing Authority on behalf of the Council (as a responsible authority) [redacted] sing Authority for a review of premises licences or club premises certificates.

4. To authorise officers and duly appoint contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Chief Exectuive ~~Head of Planning Services~~ and Service Manager - Environmental Health ~~and Licensing Manager~~.

To the Director of Planning and Regulatory Services:-

1. To make representations on behalf of the Licensing Authority ub respect of all applications for premises licences or club premises certificates and to apply for reviews of the same.

Appendix 11

Definitions

Note: In this Policy, the following definitions are included to provide an explanation of certain terms included in the Act and, therefore, in the Policy. In some cases, they are an abbreviation of what is stated in the Licensing Act 2003 as amended or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003 as amended, any regulations made under the Act and statutory guidance.

Designated premises supervisor: the person, who in the case of premises selling alcohol must be a Personal Licence holder, they will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder themselves.

Late night refreshment: the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11 pm and 5 am: self-service vending machines are exempt from the requirement to be licensed for the sale of hot food or drink

Licensable activities

- the retail sale of alcohol
  the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- the provision of regulated entertainment
- the provision of late night refreshment

Licensed premises: includes club premises and events unless the context otherwise requires.

Operating schedule: a document containing a statement of the following matters (and any others that may be prescribed):-

- the relevant licensable activities
- the times at which the licensable activities are to take place and any other times when premises are open to the public
- information regarding the person who will be specified in the licence as the premises supervisor where the licensable activities involve the sale supply alcohol, whether it is for the supply on and/or off the premises
- the steps being taken to promote the licensing objectives

Premises: any place and includes a vehicle, vessel or moveable structures

Regulated entertainment: includes any of the following:

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music ~~(but note the changes brought about by the Live Music Act 2012)~~
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to the last three categories above

The above list is only regulated where the entertainment takes place in the presence of an audience and is provided, at least partly, to entertain that audience.

APPENDIX A

Responsible Authority: includes any of the following:-

- relevant licensing authority and any other licensing authority in whose area part of the premises is situated
- local Chief Officer of Police
- local Fire and Rescue Authority
- enforcing authority for Health and Safety at Work etc. Act 1974
- local authority with responsibility for environmental health
- local planning authority
- body that represents matters relating to the protection of children from harm (safeguarding uUnit)
- primary care trusts (or from April 2013 the primary health function of the relevant local authority
- local weights and measures authority (trading standards)
- in relation to a vessel, a navigation authority, the Environment Agency, the British Waterways Board or the Secretary of State for Transport (Maritime and Coastal Agency)

Temporary Event Notice: a permitted temporary activity involving one or more licensable activities subject to the following various conditions and limitations:-

- duration - they are limited to events lasting for up to 168 hours (7 days) with a minimum period of 24 hours between events authorised under separate TENs on the same premises;
- scale - they cannot involve the presence of more than 499 people at any one time;
- premises - a particular premises is limited to 15 notices in a calendar year and subject to the overall aggregate of 21 days irrespective of the number of occasions on which they have been used; and
- notice - the number of notices given by an individual within a calendar year is limited: to 50 notices for a personal licence holder and 5 notices for other people.

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REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES

to
PLANNING AND LICENSING COMMITTEE
5 JUNE 2018

GAMBLING ACT 2005: DRAFT STATEMENT OF POLICY AND CONSULTATION

1. PURPOSE OF THE REPORT

1.1 To review and update the Council's Statement of Gambling Policy in respect of the Gambling Act 2005 (as amended) and to seek Member approval for consultation.

2. RECOMMENDATIONS

(i) That the Committee agrees the reviewed and updated Statement of Gambling Policy as a consultation draft as set out in **APPENDIX 1** of this report;

(ii) that Officers proceed with a low key consultation as described in the report.

3. SUMMARY OF KEY ISSUES

3.1 **Background**

3.1.1 The Gambling Act 2005 requires each licensing authority to publish a Statement of Gambling Policy and to review that policy at least once every three years. The Statement sets out the principles that the Council will apply in exercising its licensing functions under the Act.

3.1.2 As the current Policy expires in January 2019, it has been reviewed and updated in preparation for a statutory consultation process. It has been updated to reflect: new requirements placed on licensees, including risk assessments (the Gambling Commission were keen for licensing authorities to reference this in their statement of licensing policies); deleting references to the Gambling Act being new legislation as it was introduced over a decade ago; and deleting duplication. Key changes have been tracked for ease of reference, a copy of the draft Policy is attached, **APPENDIX 1**.

3.1.3 The Policy recognises the licensing objectives set out in the Gambling Act 2005. The Council will not be promoting licensable activities or restricting opportunities for individuals to engage in such activities, but will use the licensing controls to ensure the licensing objectives are met. The Council will seek, through the licensing process and the decisions it takes, to make the Maldon District a safe and welcoming place for both residents and visitors to enjoy.

3.1.4 As there are no wholesale changes to the Policy and given the very limited feedback from previous consultations, it is proposed that a limited two month consultation is undertaken. Consultation can be achieved by:-

- contacting the Chief Officer of Police and other key stakeholders;
- placing a notice on the Council's notice board; and
- placing details on the Council's website.

3.1.5 After a two month consultation, a further report will be made to this Committee to consider the feedback and any amendments proposed as a result of the consultation and to recommend adoption of the Policy by Council.

4. CONCLUSION

4.1 The Council's Statement of Licensing Policy has been reviewed and updated as required by law. As this is just a revision of the Policy and feedback from previous consultations has been very limited, a minimal consultation process has been proposed to ensure compliance with legislation.

5. IMPACT ON CORPORATE GOALS

5.1 The Policy will contribute to the corporate goal of **e**nabling, supporting and empowering communities to be safe, active and healthy.

6. IMPLICATIONS

(i) **Impact on Customers** – The Policy provides transparency of process to both applicants and stakeholders.

(ii) **Impact on Equalities** – Implementation of the Policy provides protection so that all stakeholders are treated equitably. It ensures the process is transparent and stakeholders may take issue with the Council if it fails to follow the Policy.

(iii) **Impact on Risk** – It is important that the Policy is reviewed and updated so that it is current, reflects recent legislative changes and is valid in terms of statutory requirements. This gives clarity when determining licence applications and removes the risk of challenge or appeal.

(iv) **Impact on Resources (financial)** – The consultation is planned and budgetary provision is in place. A sound and compliant Policy helps protect the Council from the costs associated with challenge and appeal.

(v) **Impact of Resources (human)** – The review and consultation is planned and is met from existing resources. A sound and compliant Policy helps reduce the ongoing level of staffing input.

(vi) **Impact on the Environment** – The consultation documents will be published on the Council's website to reduce the environmental impact of printing and postage.

Background Papers:
Maldon District Council's Statement of Gambling Policy 2015-18
Gambling Act 2005 (as amended)
Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006 Gambling Commission guidance

Enquiries to: Shirley Hall, Service Manager – Environmental Health, (Tel: 01621 875817) or Gill Gibson, Environmental Health Manger – Commercial, (Tel: 01621 875813).

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APPENDIX 1

Document Control Sheet

Document title	Gambling Act 2005: Statement of Licensing Policy
Summary of purpose	Legal requirement: to provide transparency and consistency of approach when determining licensing decisions
Prepared by	Gill Gibson
Status	Draft
Version number	1
Approved by	Planning and Licensing
Approval date	7th June 2018
Date of implementation	January 2019
Review frequency	3 years
Next review date	3 years
Circulation	Public document
Published on the Council's website	yes

Validity Statement

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

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MALDON DISTRICT COUNCIL

APPENDIX 1

MALDON DISTRICT COUNCIL
STATEMENT OF LICENSING POLICY
GAMBLING ACT 2005

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Published December 2018~~5~~

Applicable from January 2019~~6~~

APPENDIX 1

FOREWARD

The Gambling Act 2005 ~~created a new system of licensing and regulation for commercial gambling in Great Britain. The Act came into force in September 2007 and~~ gave local authorities (licensing authorities) new and extended responsibilities for licensing premises for gambling~~. It~~ and created a unified regulator for gambling ~~in Great Britain~~ called the Gambling Commission. ~~and transferred all responsibilities for licensing gambling premises from the Police and Licensing Justices to District and Borough Councils as the new Licensing Authorities.~~

This ~~is the fourth~~ Statement of Licensing Policy produced by Maldon District Council ~~under the Act and it~~ will be the basis for all gambling related licensing decisions taken by the Council, commencing January 201~~9~~6.

The statement sets out the principles that Maldon District Council will apply in exercising its licensing functions under the Act. In applying this policy, the Council will not be promoting gambling~~,~~ or restricting opportunities for individuals who wish to participate in gambling, but will seek to balance increased leisure opportunities with the protection that children, vulnerable people and communities need and expect.

In applying the policy the Council will seek to work in partnership with the gambling industry and other stakeholders~~, a list of consultees is detailed in Appendix C~~, to ensure proper application of the licensing objectives. ~~of:-~~

- ~~preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime;~~
- ~~ensuring gambling is conducted in a fair and open way;~~
- ~~protecting children and other vulnerable persons from being harmed or exploited by gambling.~~

This is repeated on p4

This policy has been produced in accordance with the Gambling Act, Regulations and Guidance issued by the Gambling Commission. It will be kept under review and will be amended when issues arise that make change necessary. The Council will seek, through the licensing process and the decisions it takes, to make the Maldon District a safe and welcoming place for both residents and visitors to enjoy.

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Cllr. Mrs. P. A. Channer
Chairman Planning and Licensing Committee

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PART A

1. INTRODUCTION

1.1 This Statement of Licensing Policy sets out the principles the Maldon District Council, as the Licensing Authority under the Gambling Act 2005 (referred to in this document as 'the Act'), proposes to apply in discharging its functions to license premises for gambling under the Act as well as:-

- designating the body responsible for advising the Authority on the protection of children from harm;
- determining whether or not a person is an 'Interested Party';
- exchanging information with the Gambling Commission and others; and
- inspecting premises and instituting proceedings for offences under the Act.

2. THE LICENSING OBJECTIVES

2.1 In exercising most of its functions under the Act, Licensing Authorities must have regard to the licensing objectives. The licensing objectives are:-

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- ensuring that gambling is conducted in a fair and open way; and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

3. DESCRIPTION OF THE DISTRICT

3.1 The Maldon District is situated in the County of Essex which comprises twelve District and Borough Councils and two Unitary Authorities. The District wraps around the Blackwater estuary to the East of the County with the River Crouch forming the Southern boundary. Over 70 miles of coastline with the North Sea provides the Eastern boundary. It covers an area of 36,000 hectares and borders Braintree District Council, Chelmsford City Council, Colchester Borough Council and Rochford District Council.

3.2 The Maldon District has a population of 63,350 (ONS 2016). It is mainly rural in character with the main towns of Maldon, Heybridge and Burnham-on-Crouch surrounded by numerous villages, each with their own individual character. A map of the District is attached as Appendix A.

3.3 There are few premises in the District which provide facilities for gambling. The premises that do provide such facilities are predominantly public houses and clubs where gaming machines are provided. The District has a small number of traditional high street betting shops and family entertainment centres associated with coastal holiday parks. There are approximately 40--5060 70 local voluntary charitable and other organisations that are registered to hold regular small society lotteries.

4. RESPONSIBILITIES UNDER THE ACT

~~4.1 The Act introduced a new licensing regime for commercial gambling, to be implemented by the Gambling Commission and by Licensing Authorities, depending on the matter to be licensed.~~

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~~4.2~~4.1 The Act establishes each district or borough council as the licensing authority whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003. Maldon District Council is the Licensing Authority for the Maldon District.

~~4.3~~4.2 The Gambling Commission is responsible for issuing Operating and Personal licences to persons and organisations who:-

- operate a casino;
- provide facilities for playing bingo or for pool betting;
- provide facilities for betting;
- act as intermediaries for betting;
- make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres;
- manufacture, supply, install, adapt, maintain or repair gaming machines;
- manufacture, supply, install or adapt gambling machine software; or
- promote a lottery.

~~4.4~~4.3 The Licensing Authority is responsible for licensing premises in which gambling takes place. All types of gambling are covered, other than spread betting (regulated by the Financial Services Authority) and the National Lottery (regulated by the National Lottery Commission). It is also responsible for issuing permits for premises with gaming machines, for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis and the registration of exempt Small Society Lotteries.

~~4.5~~4.4 The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as they think it is:-

- in accordance with any relevant codes of practice;
- in accordance with any relevant Guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Licensing Authority's Statement of Licensing Policy.

~~4.6~~4.5 Before the Licensing Authority can consider an application for a Premises Licence, an Operating and / or Personal Licence must have been obtained from the Gambling Commission.

5. STATEMENT OF LICENSING POLICY

5.1 The Licensing Authority is required by the Act to publish a Statement of Licensing Policy which contains the principles it proposes to apply when exercising its functions under the Act.

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5.2 In this document, this is referred to as 'the Policy'. The Policy must be reviewed and published every 3 years. The Policy must also be reviewed from and any proposed amendments and/or additions must be subject to fresh consultation. The new Policy must then be published.

5.3 This Policy takes effect on January 2019~~6~~.

5.4 The Policy is contained within Paragraphs 1 to 32 of this document and is supported by a number of other appendices that provide important and supporting information aimed at helping those reading or referring to it. The information provided outside paragraphs 1 to 32 may be subject to change from time to time but any such changes will not invoke the procedures for revision of the Policy ~~referred to in Section 349 of the Act~~.

6. CONSULTATION

6.1 When first producing Policy under the Act, the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees (listed below), the Council chose to consult with additional local groups and individuals.

6.2 The Act requires that the following parties are consulted by the Licensing Authority:-

- the chief officer of Police for the Authority's area;
- one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
- one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

6.3 The other groups and people consulted were organisations, including:-

- faith groups, voluntary and community organisations working with children and young people or working with people who are problem gamblers;
- medical practices or primary care trusts;
- the Citizens' Advice Bureau;
- other tiers of local government;
- businesses who are, or will be, holders of Premises Licences; and
- responsible authorities under the Act

6.4 In addition, the original draft policy was published on the Council's website and the revised draft policy will also be published here.

6.5 The Licensing Authority's original consultation took place between 21 August 2009 and 6 November 2009. This review of the policy will be published in accordance with the Gambling Act 2005.

6.6 A list of those consulted is shown in Appendix C.

7. APPROVAL OF POLICY

7.1 This Policy was approved at a meeting of the full Council on ?~~17th December 2015~~ and was published via its website in? ~~December 2015~~. ~~Copies are available on request.~~

7.2 It should be noted that this Policy does not override the right of any person to make an application, to make representations about an application or to apply for a review of a licence, as each case will be considered on its own merit and according to the requirements of the Act.

8. DECLARATION

8.1 In this Policy, the Licensing Authority declares that it has had regard to the licensing objectives, formal guidance issued to Licensing Authorities and any responses from those consulted during the consultation process.

8.2 The Council recognises its diverse responsibilities under equality legislation and will monitor the impact of these statutory duties through its various corporate responsibilites~~schemes such as the Race Equality Scheme and the Disability Equality Scheme~~.

8.3 Appendices have been attached to this Policy providing further information and guidance that are intended only to assist readers and should not be interpreted as legal advice or constituent to the Policy. Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Act or the Guidance or Regulations made under the Act.

9. RESPONSIBLE AUTHORITIES

9.1 A full list of the responsible authorities designated under the Act and their contact details are given in Appendix D. ~~It should be noted that under the Act, t~~The Licensing Authority is designated as a responsible authority under the Act.

9.2 The Licensing Authority is required to designate, in writing, a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied:-

- the competency of the body to advise the Licensing Authority;
- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
- the need for the body to be answerable to democratically elected persons rather than any particular invested interest group, etc.

9.3 In accordance with the Gambling Commission's guidance to local authorities, Maldon District Council, as the Licensing Authority, designates the Essex County Council Children's Safeguarding Service for this purpose.

10. INTERESTED PARTIES

10.1 Interested parties can make representations about licensing applications or apply for a review of an existing licence. An interested party is defined in the Act as follows:-

'… a person is an interested party in relation to a premises licence or in relation to an application for or in respect of premises if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-

a. lives sufficiently close to the premises to be likely to be affected by the authorised activities,
b. has business interests that might be affected by the authorised activities, or
c. represents persons who satisfy paragraphs (a) or (b).'

10.2 Interested parties can be persons who are democratically elected such as District and Town/Parish Councillors and Members of Parliament. No specific evidence of being asked to represent an interested person will be required as long as the Councillor or Member of Parliament represents the ward likely to be affected. Likewise, Parish and Town Councils likely to be affected will be considered to be interested parties

10.3 District Councillors who are Members of the Planning and Licensing Committee will not qualify to act in this way.

10.4 Other than the persons mentioned above, the Licensing Authority will generally require some form of confirmation that a person is authorised to represent an interested party.

10.5 The Licensing Authority considers that Trade Associations, Trade Unions and Residents' and Tenants' Associations qualify as 'interested parties' where they can demonstrate that they represent persons in (a) or (b) above.

10.6 In determining if a person lives or has business interests sufficiently close to the premises that they are likely to be affected by the authorised activities, the Licensing Authority will consider the following factors:-

- size of the premises;
- nature of the premises;
- distance of the premises from the location of the person making the representation;
- potential impact of the premises (e.g. number of customers and routes likely to be taken by those visiting the establishment);
- interests of the person or business making a representation, which may be relevant to the distance from the premises;
- catchment area of the premises (i.e. how far people travel to visit); and
- whether the person making the representation has business interests in that catchment area that might be affected.

11. EXCHANGE OF INFORMATION

11.1 In its exchange of information with parties listed in Schedule 6 of the Act, the Licensing Authority will have regard to:-

- the provisions of the Act, which include the provision that the Data Protection Act 1998 will not be contravened;
- guidance issued by the Gambling Commission;
- Data Protection Act 1998;
- Human Rights Act 1998;
- Freedom of Information Act 2000;
- Environmental Information Regulations 2004;
- the Common Law Duty of Confidence;
- Electronic Communications Act 2000;

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- Computer Misuse Act 1990;
- Criminal Procedure and Investigations Act 1996; and
- Crime and Disorder Act 1998.

11.2 Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases to form an audit trail. Written confirmation may include information in electronic form. An audit trail should include:-

- a record of the data disclosed;
- a project chronology; and
- notes of meetings with other partners and recent correspondence including phone calls.

12. PUBLIC REGISTER

12.1 The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others. Regulations will prescribe what information should be kept in the register. ~~Copies of the register may be obtained on payment of a fee.~~

13. COMPLIANCE AND ENFORCEMENT

13.1 In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Licensing Authority will follow best practice as promulgated by the Better Regulation Executive and the Hampton and McCrory reviews of regulatory inspections and enforcement and consisting of the following.

- Proportionate – intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
- Accountable – authorities must be able to justify decisions and be subject to public scrutiny.
- Consistent – rules and standards must be joined up and implemented fairly.
- Transparent – enforcement should be open and regulations kept simple and user friendly.
- Targeted – enforcement should be focused on the problems and minimise side effects.

13.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible~~, and adopt a risk based inspection programme~~.

13.3 The main enforcement and compliance role of the Licensing Authority in terms of the Act will be to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission is the enforcement body for Operating and Personal Licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

13.4 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities.

13.5 Bearing in mind the principle of transparency, the Licensing Authority's enforcement/compliance protocols, or written agreements, will be available ~~on request to the Licensing Authority. Details of the risk based approach to inspection will also be available upon request. Details of this information can also be found~~ on the Council's website: www.maldon.gov.uk

14. DELEGATION OF POWERS

14.1 The Licensing Authority has agreed a scheme of delegation for discharging its functions under the Act and this can be found in Appendix E.

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PART B – PREMISES LICENCES

15. GENERAL PRINCIPLES

15.1 Premises Licences will be subject to the permissions/restrictions set out in the Act as well as the specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is thought appropriate.

15.2 Licensing Authorities are required by the Act, in making decisions about Premises Licences, to permit the use of premises for gambling so far as it thinks fit:-

- in accordance with any relevant codes of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- to be reasonably consistent with the licensing objectives; and
- in accordance with the Authority's Statement of Licensing Policy

15.3 **Definition of Premises:**

Premises are defined in the Act as 'any place'. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises although this will always be considered in the light of the guidance issued by the Gambling Commission. It will always be a question of fact in each circumstance. The Gambling Commission does not, however, consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).

15.4 **Demand:**

Demand is a commercial consideration and is not an issue for the Licensing Authority.

15.5 **Location:**

Location will only be a material consideration in the context of the licensing objectives.

15.6 **Duplication with other Regulatory Regimes:**

Duplication with other statutory/regulatory regimes will be avoided where possible. The Licensing Authority will not consider whether a licence application is likely to be awarded planning permission or building control consent.

15.7 **Licensing Objectives:**

Premises Licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the following will be considered:

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.**

  The Licensing Authority is aware that there is a distinction between disorder and nuisance and that the prevention of nuisance is not a licensing objective under the Act.

  Whilst the Licensing Authority is aware that the Gambling Commission will take a leading role in preventing gambling from being a source of crime, it will pay attention to the proposed location of gambling premises in terms of this licensing objective.

  Where an area has known high levels of organised crime, this Authority will consider carefully whether gambling premises are suitable to be located there and the need for conditions such as the provision of door supervisors.

- **Ensuring that gambling is conducted in a fair and open way**

  The Gambling Commission does not generally expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way. The Licensing Authority notes that in relation to the licensing of tracks, its role will be different from other premises in that track operators will not necessarily have an Operating Licence. In those circumstances, the Premises Licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

- **Protecting children and other vulnerable persons from being harmed or exploited by gambling**

  In practice, the objective of protecting children from being harmed or exploited by gambling often means preventing them from taking part in or being in close proximity to gambling.

  There is no definition of the term 'vulnerable person' in the Act, but this could include people who are gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

15.8 **Conditions:**

The Licensing Authority is aware that the mandatory and default conditions imposed under the Act will normally be sufficient to regulate gambling premises. In exceptional cases, where there are specific risks or problems associated with a particular locality, specific premises or class of premises, the Authority may consider attaching individual conditions related to the licensing objectives.

Any conditions attached to Licences will be proportionate and will be:-

- relevant to the need to make the proposed premises suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

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15.9 In addition, the Licensing Authority will examine how applicants propose to address the licensing objectives. In considering applications, the Licensing Authority will particularly take into account the following:-

- proof of age schemes
- CCTV
- door Supervisors
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices and signage;
- specific opening hours; and
- with particular regard to vulnerable persons, measures such as the use of self-barring schemes, provision of information, leaflets, helpline numbers for organisations such as GamCare.

15.10 Decisions upon individual conditions will be made on a case by case basis. Consideration will be given to using control measures, should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas, etc. Applicants will also be expected to offer their own suggestions as to the way in which the licensing objectives can be effectively met.

15.11 There are conditions which the Licensing Authority attach to Premises Licences. These are:-

- any conditions on the Premises Licence which make it impossible to comply with an Operating Licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body is required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated through local conditions); and
- conditions in relation to stakes, fees, and the winning of prizes.

15.12 **Door Supervisors:**

The Licensing Authority may consider whether there is a need for door supervisors in terms of the licensing objectives for the protection of children and vulnerable persons from being harmed or exploited by gambling and also in terms of preventing premises becoming a source of crime. As the Act has amended the Security Industry Act 2001, door supervisors at casinos or bingo premises need not be licensed by the Security Industry Authority.

15.13 **Credit:**

Credit facilities are prohibited from being provided in casinos and bingo licensed premises. Cash machines (ATMs) may be installed in such premises but the Licensing Authority may apply conditions as to where they are sited.

15.14 **Betting Machines:**

In relation to casinos, betting premises and tracks, the Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a Betting Premises Licence or to a Casino Premises Licence (where betting is permitted in the casino).

When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, among other things, will take into account:-

- size of the premises;
- number of counter positions available for person to person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own merits and account will be taken of codes of practice or guidance issued under the Act.

16. PROVISIONAL STATEMENTS

16.1 In light of the judgement in respect of an application for a Betting Premises Licence in respect of premises located in Southend-on-Sea, notwithstanding paragraphs 7.55, 7.56 and 7.57 of the Gambling Commission's Guidance to Licensing Authorities:-

A Premises Licence under the Gambling Act 2005 may lawfully be granted in respect of premises that are not ready to be used for gambling, the premises being about to be or in the course of construction or alteration, and they being premises which the applicant has a right to occupy and in respect of which he/she holds an operating licence which authorises him/her to carry on the activity in respect of which the Premises Licence is sought.

17. REPRESENTATIONS AND REVIEWS

17.1 Representations and applications for review of Premises Licence may be made by responsible authorities and interested parties.

17.2 The Licensing Authority can make a representation or apply for a review of a Premises Licence on the basis of any reason that it thinks is appropriate. For the purpose of exercising its discretion in these matters, the Licensing Authority has designated the Council's Director of Planning and Regulatory Services as being the proper person to act on its behalf.

17.3 The Licensing Authority will decide if a representation or application for review is to be carried out on the basis of whether or not the request is:-

- frivolous or vexatious.
- based on grounds that will certainly not cause the Authority to wish to alter/revoke/suspend a licence or remove, amend or attach conditions on the licence;
- substantially the same as previous representations or requests for a review;
- in accordance with any relevant codes of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives.

17.4 There is no appeal against the Licensing Authority's determination of the relevance of an application for a review.

18. RISK ASSESSMENTS

18.1 Licensees must assess the local risks to the licensing objectives posed by the provision of the gambling facilities at that premises. The licensee must have policies, procedures and control measures in place to mitigate those risks. The local area risk assessment must be kept on site and presented to an authorised officer on request.

18.2 The Licensing Authority expects the local risk assessment to consider as a minimum:-

- the location of services for children such as schools, playgrounds, leisure / community centres and other areas where children gather;
- the demographics of the area in relation to vulnerable groups;
- whether the premises is in an area subject to high levels of crime and / or disorder; and
- identify how vulnerable people, including people with gambling dependencies, are protected.

18.3 The licensee must review and update their local risk assessments regularly (at least annually) or where there has been a significant change in local circumstances or at the premises.

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~~18.~~19. ADULT GAMING CENTRES

~~18.1~~19.1 An Adult Gaming Centre is defined in Appendix B. Entry to these premises is age restricted.

~~18.2~~19.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

~~19.~~20. LICENSED FAMILY ENTERTAINMENT CENTRES

~~19.1~~20.1 A Licensed Family Entertainment Centre is defined in Appendix B. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

~~19.2~~20.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

~~20.~~21. CASINOS

~~20.1~~21.1 Casinos are defined in Appendix B. The Licensing Authority has resolved not to issue casino premises licences in the Maldon District. This decision was based on:-

- consideration of the national award of the location of the initial 17 new casinos (which did not affect the Maldon District);
- there not being a realistic prospect of such a facility being developed in the Maldon District in the short term; and
- the interests of clarity.

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~~20.2~~21.2 In making this decision, the Licensing Authority consulted widely on its draft Policy on this specific issue. Any future change to this policy will only be decided after a full consultation process.

~~21.~~22. BINGO PREMISES

~~21.1~~22.1 A Bingo Premises is defined in Appendix B. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

~~21.2~~22.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

~~21.3~~22.3 Credit facilities are prohibited in premises licensed for bingo, however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

~~22.~~23. BETTING PREMISES

~~22.1~~23.1 Betting Premises are defined in Appendix B.

~~22.2~~23.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

~~23.~~24. TRACKS

~~23.1~~24.1 A Track is defined in Appendix B. Entry to parts of these premises is age restricted. On race days, specific areas within the track may be age restricted dependent on the licensable activities taking place.

~~24.~~25. TRAVELLING FAIRS

~~24.1~~25.1 Travelling Fairs are defined in Appendix B. The Licensing Authority will determine whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at a travelling fair is met, where Category D machines and/or equal chance prize gaming without a permit are to be made available for use.

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PART C
PERMITS / TEMPORARY OR OCCASIONAL USE NOTICES / REGISTRATIONS

~~25.~~26. GENERAL

~~25.1~~26.1 Forms and method of application and any additional information or documents required for permits covered by this section are shown in Appendix F.

~~26.~~27. UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

~~26.1~~27.1 Where a premise does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for a permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

~~26.2~~27.2 **Statement of Licensing Principles:**

The Licensing Authority will expect applicants to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, where children and young persons are permitted they may include:-

- a Disclosure and Barring Service check to ensure the applicant has no relevant convictions. Where the applicant is a person who is the sole proprietor, the check will be against that person, where the applicant is a company the check will be against the person having the day to day control at the premises;
- how the applicant proposes to ensure that children will be protected from harm whilst on the premises;
- training covering how staff would deal with:-
  - unsupervised, very young children being on the premises;
  - children causing perceived problems on/around the premises; and
  - suspected truant children.

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~~27.~~28. ALCOHOL LICENSED PREMISES GAMING MACHINE PERMITS

~~27.1~~28.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, Categories C and/or D. The Premises Licence holder must notify the Licensing Authority at least 2 months prior to the date of expiry of the current permit.

~~27.2~~28.2 Gaming machines can only be located on licensed premises that have a bar for serving customers.

~~27.3~~28.3 Premises restricted to selling alcohol only with food will not be able to apply for a permit.

~~27.4~~28.4 Where an application for more than 2 gaming machines is received, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only machines. Measures will cover such issues as:-

- adult machines being in sight of the bar;
- adult machines being in sight of staff who will monitor to ensure the machines are not being used by those under 18;
- appropriate notices and signage; and
- as regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information, leaflets/help line numbers for organisations such as GamCare.

~~27.5~~28.5 The Licensing Authority can decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for but conditions other than these cannot be attached.

~~28.~~29. PRIZE GAMING PERMITS

~~28.1~~29.1 Where a premise does not hold a Premises Licence but wishes to provide prize gaming, an application for a Prize Gaming Permit may be made to the Licensing Authority. The applicant must specify the nature of gaming for which the permit is sought and demonstrate that they understand the limits on stakes and prizes that are set out in Regulations, and that the gaming offered is within the law.

~~28.2~~29.2 **Statement of Licensing Principles:**

The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, these are likely to include:-

- a Disclosure and Barring Service check to ensure the applicant has no relevant convictions. Where the applicant is a person who is the sole proprietor, the check will be against that person, where the applicant is a company the check will be against the person having the day to day control at the premises;
- how the applicant proposes to ensure that children will be protected from harm whilst on the premises;
- training covering how staff would deal with:-

- unsupervised, very young children being on the premises;
- children causing perceived problems on/around the premises; and
- suspected truant children.

In making its decision on an application for a Permit, the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

~~29.~~30. CLUB GAMING AND CLUB MACHINE PERMITS

~~29.1~~30.1 Members' clubs and miners' welfare institutes may apply for a Club Gaming Permit and/or a Club Gaming Machine Permit, but are restricted by category and number of machines and to equal chance gaming and games of chance.

~~29.2~~30.2 A fast-track procedure is available for premises that hold a Club Premises Certificate under the Licensing Act 2003.

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~~30.~~31. TEMPORARY USE NOTICES (TUNs)

~~30.1~~31.1 The person designated to receive TUNs and to issue objections is specified in Appendix E.

~~30.2~~31.2 A TUN may only be granted to a person or company holding an Operating Licence relevant to the temporary use of the premises. Regulations will be issued by the Secretary of State prescribing the activities to be covered. At present a Temporary Use Notice can only be issued for equal chance gaming.

~~30.3~~31.3 For the purposes of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the Notice. This prevents one large premise from having a TUN in effect for more than 21 days per year by giving Notice in respect of different parts.

~~30.4~~31.4 The definition of a 'set of premises' will be a question of fact in the particular circumstances of each Notice that is given. In considering whether a place falls within the definition of a 'set of premises', the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.

~~30.5~~31.5 The Licensing Authority will object to Temporary Use Notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

~~31.~~32. OCCASIONAL USE NOTICES (OUNs)

~~31.1~~32.1 Occasional Use Notices apply only to tracks which are described as being premises on any part of which a race or other sporting event takes place, or is intended to take place. Tracks need not be a permanent fixture.

~~31.2~~32.2 OUNs are intended to permit licensed betting operators who have appropriate permission from the Gambling Commission to use tracks for short periods to conduct betting. The OUN dispenses with the need for a Betting Premises Licence for the track.

~~31.3~~32.3 The Licensing Authority has very little discretion as regards these Notices, aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

~~31.4~~32.4 The Licensing Authority will, however, consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

~~31.5~~32.5 The person designated to receive OUNs and to assess their validity is specified in the scheme of delegation as shown in Appendix E. A copy of the notice must also be served on the local Chief of Police,

~~32.~~33. SMALL SOCIETY LOTTERIES

~~32.1~~33.1 All Small Society Lotteries must be registered with the Licensing Authority.

~~32.2~~33.2 Small Society Lotteries are defined in Appendix B.

Appendix A – Map of the Maldon District

Appendix B - Definitions

For the purpose of this policy the definitions contained in this appendix are included to provide an explanation of certain terms included in the Act and the Policy. In some cases they are an abbreviation of what is stated in the Act or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Act itself.

Adult Gaming Centre	Premises in respect of which an Adult Gaming Centre Premises Licence has effect.
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that Authority's area.
Betting Machines	A machine designed or adapted for use to bet on future real events [not a gaming machine].
Betting Premises	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. Betting premises may be off course, previously known as licensed betting offices, or on tracks where the betting office has a separate licence to the track.
Bingo	No statutory definition in Act. Bingo is game of equal chance and may be Cash Bingo or Prize Bingo.
Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Casino Resolution	Resolution not to issue Casino Premises Licences.
Child	Individual who is less than 16 years old.
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines [3 machines of Categories B,C or D.
Conditions	Conditions to be attached to licences by way of:- • Automatic provision • Regulations provided by Secretary of State • Conditions provided by Gambling Commission • Conditions provided by Licensing Authority Conditions may be general in nature [either attached to all licences or all licences of a particular nature] or may be specific to a particular licence.
Default Conditions	Conditions that will apply unless the Licensing Authority decides to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.

Disorder	No set interpretation. However, likely to be connected to the way gambling is being conducted. In the case of Gambling Premises' Licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.
Exempt Lotteries	Lotteries specified in the Gambling Act as permitted to be run without a licence form the Gambling Commission. There are four types: • Small Society Lottery required to register with Licensing Authorities. • Incidental Non Commercial Lotteries. • Private Lotteries. • Customer Lotteries.
External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.
Gaming	Prize Gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.
Gaming Machine	Machine covering all types of gambling activity, including betting on virtual events.
Guidance to Licensing Authorities	Guidance issued by the Gambling Commission dated May 2009.
Human Rights Act 1998 Articles: 1,6,8 and 10	Article 1: Protocol 1 The right to peaceful enjoyment of possessions. Article 6: The right to a fair hearing. Article 8: The right of respect for private and family life. Article 10: The right to freedom of expression.
Incidental Non Commercial Lottery	A lottery promoted wholly for purposes other than private game, and which are incidental to non-commercial events [commonly charity fundraising events, lottery held at a school fete or at a social event such as a dinner dance]
Exchange of Information	Exchanging of information with other regulatory bodies under the Gambling Act.

Interested Party	A person who:- • Lives sufficiently close to the premises to be likely affected by the authorised activities. • Has business interests that might be affected by the authorised activities. • Represents persons in either of the above groups.
Licensed Family Entertainment Centre	A Family Entertainment Centre operated by a person holding a gaming machine general operating licence. A Licensed FEC may make category C and D gaming machines available to its customers.
Licensing Objectives	• Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. • Ensuring that gambling is conducted in a fair and open way. • Protecting children and other vulnerable persons from being harmed or exploited by gambling.
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Lottery Tickets	Tickets that must:- • Identify the promoting society; • State the price of the ticket, which must be the same for all tickets; • State the name and address of the member of the Society who is designated as having responsibility for the Society for the promotion of the lottery or, if there is one, the External Lottery Manager, and • State the date of the draw, or enable the date of the draw to be determined.
Members' Club	A club that must:- • Have at least 25 members; • Be established and conducted 'wholly or mainly' for purposes other than gaming; • Be permanent in nature; • Not be established to make commercial profit; • Be controlled by its members equally.

Occasional Use Notice	Betting may be permitted on a 'track' without the need for a full Premises Licence.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting - Tracks	Betting that takes place in self-contained betting premises with the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operates only on race days.
On Course Betting - Tracks	Betting taking place on a track while races are taking place.
Operating Licence	Licence to permit individuals and companies to provide facilities for certain types of gambling. It may authorise remote or non-remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. Cannot be held by companies.
Pool Betting - Tracks	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the Premises Licence for the track.
Premises	Defined as 'any place'. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, Adult Gaming Centres and Family Entertainment Centres.
Private Lotteries	There are three types of Private Lotteries: • Private Society Lotteries - tickets may only be sold to members of the Society or persons who are on the premises of the Society; • Work Lotteries - the promoters and purchasers of tickets must all work on a single set of work premises; • Residents' Lotteries - promoted by, and tickets may only be sold to, people who live at the same set of premises.
Prize Gaming	Where the nature and size of the price is not determined by

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	the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	Where an applicant can make an application to the Licensing Authority in respect of premises that he:- • Expects to be constructed or altered. • Expects to acquire a right to occupy.
Relevant Representations	Representations that relate to the Gambling Licensing Objectives, or that raise issues under the Licensing Policy or the Gambling Commission's Guidance or Codes of Practice.
Responsible Authorities	Public Bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:- • The Licensing Authority in whose area the premises is partly or wholly situated • The Gambling Commission • The Chief Officer of Police • Fire and Rescue Service • The Planning Authority for the local authority area • Environmental Health Service for the local authority area • The Body competent to advise on the protection of children from harm • HM Revenue and Customs • Authority in relation to vulnerable adults • Vessels only - the Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e. the Environment Agency, British Waterways Board, the Maritime and Coastguard Agency Full details of responsible authorities for the Maldon District are contained in Appendix D to this Policy.
Small Society Lottery	A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.
Society	The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Temporary Use Notice	To allow the use of premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for

	gambling.
Tote [or Totalisator]	Pool betting on tracks.
Track	Sites where races or other sporting events take place, e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Vehicles	Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.
Vulnerable Persons	No set definition, but likely to include people who:- • gamble more than they want to • gamble beyond their means • who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs
Young Person	An individual who is not a child but who is less than 18 years old.

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Appendix C - List of Consultees

Chief Officer of Essex Police
Maldon District Council (as the Licensing Authority)

The Peachy Group
Burnham on Crouch Constitutional Club
Royal British Legion Tollesbury
Mill Beach Resorts Ltd
Rivers Sport and Snooker Club
Steeple Bay Holiday Park
Latchingdon Football Cub
Madison Heights

Local residents and other interested parties via Notice of Intention published in a local newspaper circulating in the Maldon District

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Appendix D - Responsible Authorities

Applications for a **Premises Licence** must be sent to the Licensing Authority and **all** the responsible authorities listed below.

Applications for a **Temporary Use Notice (TUN)** must be sent to the Licensing Authority(ies) in whose area the premises are, Essex Police and HM Commissioners of Customs and Excise.

Applications for **Occasional Use Notices (OUN)** should be sent to the Licensing Authority and Essex Police.

ORGANISATION	ADDRESS	CONTACT
Maldon District Council	Licensing Officer Maldon District Council Princes Road Maldon Essex CM9 5DL	Tel: 01621 854477 Fax: 01245 606660 e-mail address: licensing@maldon.gov.uk Website: www.maldon.gov.uk
Gambling Commission	Victoria Square House Victoria Square Birmingham B2 4BP	Tel: 0121 230 6666 Fax: 0121 230 6720 e-mail address: info@gamblingcommission.gov.uk Website: www.gamblingcommission.gov.uk
Essex Police	Essex Police Licensing Unit PO Box 12306 Newland Street Witham Essex CM8 2AS	e-mail address: licensing.applications@essex.pnn.police.uk Website: www.essex.police.uk/licensing
Essex County Fire and Rescue Service	Chelmsford/Maldon Community Command Fire Station Ferrers Road South Woodham Ferrers Essex CM3 5XH	Tel: 01245 328388 Fax: 01245 327506 cm.command@essex-fire.go..uk
Maldon District Council	Director of Planning and Regulatory Services Maldon District Council Princes Road Maldon Essex CM9 5DL	Tel: 01621 854477 Fax: 01621 875899 e-mail address: environmentservices.request@maldon.gov.uk Website: www.maldon.gov.uk
Essex County Council Children's Safeguarding Service	Head of Children's Essex Safeguarding Children Board [Licensing Applications] Essex County Council EUG zone 3 County Hall Chelmsford Essex CM1 1LX	Tel: 01245 492211 Tel: 01245 706200 licenceapplications@essexcc.gov.uk Website: www.essexcc.gov.uk

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ORGANISATION	ADDRESS	CONTACT
Her Majesty' Revenue and Customs	The Proper Officer HMRC St Mungos Road Cumbernauld Glasgow G70 5WY	Tel: 0141 5553633 e-mail address: nru.betting&gaming@hmrc.gsi.gov.uk Website: www.hmrc.gov.uk

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Appendix E - Table of Delegations

MATTER TO BE DEALT WITH	FULL COUNCIL VIA PLANNING & LICENSING COMMITTEE	PLANNING AND LICENSING, LICENSING SUB COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Consideration of an Occasional Use Notice			X

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Appendix F - Application Process

This appendix contains guidance that covers those aspects that are the responsibility of the Licensing Authority only; guidance on aspects dealt with by the Gambling Commission can be obtained via the following link: **-** www.gamblingcommission.gov.uk

PREMISES LICENCES

A Premises Licence is required for any premises where gambling activity is carried out of a type requiring Personal and Operators' Licences to have been issued by the Gambling Commission.

An application may only be made by persons having the right to occupy the premises and who have, or have applied for, an Operating Licence allowing the proposed activities to be carried out. The Premises Licence cannot be granted until the necessary Operator's Licence has been issued.

Premises Licences are issued by the Licensing Authority and are required for casinos, bingo premises, betting premises (including tracks and premises used by betting intermediaries),adult gaming centres and family entertainment centres providing category C gaming machines.

A licence is restricted to one premise only, however one set of premises may have separate licences issued in respect of different parts of the building.

Licensing Authorities are obliged to grant an application for a Premises Licence, provided the application is made in accordance with the Act, the Gambling Commission's guidance and the Licensing Authority's Gambling Licensing Policy Statement. Licences will be subject to mandatory and default conditions applied by regulations issued under the Act.

Premises Licences are valid indefinitely from the date of grant unless previously surrendered, lapsed, renewed or cancelled. An annual charge is payable to the Licensing Authority.

BINGO, BETTING, ARCADES (Adult Gaming Centres & Licensed Family Entertainment Centres)

New Licences or Permissions

Applicants wishing to commence operating may apply to the Gambling Commission for an Operator's Licence and to the Licensing Authority for a Premises Licence.

TRACKS

An Operator's Licence is not required from the Gambling Commission to operate a track but a Premises Licence from the Licensing Authority is required. A number of Premises Licences may be granted for one track, provided each is for a different part of the track.

Betting is usually divided into on-course, off-course and pool betting, the provision of which requires operators to hold either a general Betting Operator's Licence or a Pool Betting Operating Licence from the Commission.

Pool betting on tracks may only be offered by the Tote (in relation to horse tracks) and by the Premises licence holder (in relation to dog tracks). Pool betting may not be provided elsewhere.

Gaming machines, consisting of a maximum of 4 machines of categories B2 – D, may be operated at a track by the Premises licence holder provided they hold a Pool Betting Operator's Licence (for siting and other special considerations in respect of gaming machines at tracks, see *'the Gambling Commission's guidance'* at www.gamblingcommission.gov.uk).

Betting machines may also be operated at tracks (see *'Betting machines'*).

The licensing process is the same as for other premises described above.

BETTING MACHINES

Betting machines are used for accepting bets on live events such as racing, in place of making bets at a counter, e.g. in a betting shop or on a track. These machines are not classed as gaming machines. The Licensing Authority may impose a limit on the number of betting machines that may be used in conjunction with a premise's licence.

GAMING MACHINE SUPPLY & REPAIR

These activities require Operators' Licences to be issued by the Gambling Commission. For advice on applying for licences from the Commission, see their website at www.gamblingcommission.gov.uk).

GAMING MACHINES IN LICENSED PREMISES

Premises Licences issued under the Act automatically authorise the provision of gaming machines, according to the type of premises and gambling activities permitted (but see also *'Tracks'*).

The Act introduces new classes of gaming machines, as shown in figure 1 below. The category and number of machines that may be operated under a Premises Licence are shown in figure 2 below.

Fig. 1

Summary of gaming machine categories and entitlements

Category	Max. Stake (from Jan 2014)	Max. Prize (from Jan 2014)
A	Unlimited – no category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£100	£500
B3 B3A	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D – money prize (other than a coin pusher or penny falls machine)	10p	£5
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

With the option of a maximum £20,000 linked progressive jackpot on a premises basis only

Fig. 2

		Machine Category					
Premises Type	A	B1	B2	B3	B4	C	D
Large casino (machine / table ratio of 5-1 up to maximum)		Maximum 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine / table ratio)					
Small casino (machine / table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine / table ratio)					
Pre-2005 Act casino (no machine / table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks occupied by pool betting			Maximum of 4 machines categories B2 to D (except B3A machines)				
Bingo Premises				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
Adult gaming centre				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
Family entertainment centre (with premises licence)						No limit on category C or D machines	
Family entertainment centre (with permit)							No limit on category D machines
Club or miners' institute (with gaming permits)					Maximum of 3 machines in categories B3A or B4 to D*		
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises (with gaming machine permit)						Number of category C-D machines as specified on permit	
Travelling fairs							No limit on category D machines

***** It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

** Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only, but not B3A machines.

TEMPORARY USE NOTICES (TUNs)

A TUN may only be issued by a person or company holding an Operating Licence relevant to the proposed temporary use of the premises and may be issued in respect of a 'set of premises' for a maximum of 21 days in any 12 month period. (NB. A TUN may not be issued in respect of a vehicle).

A 'set of premises' is the subject of a TUN if any part of the premises is the subject of the notice. This prevents one large premise from having a TUN in effect for more than 21 days per year by giving a notice in respect to different parts.

In considering whether a place falls within the definition of 'a set of premises', the Licensing Authority will consider, amongst other things, the ownership/ occupation and control of the premises.

The Licensing Authority will generally aim to permit gambling activities under a TUN but will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

Issue

Not less than 3 months and 1 day prior to the day on which the gambling event is to take place, a TUN must be given to: -

- the Licensing Authority
- the Chief Officer of Police
- Her Majesty's Commissioners for Revenue and Customs

  and, if applicable,
- any other Licensing Authority in whose area the premises are situated

The notice must include details of: -

- the date the notice is given
- the gambling activity to be carried on
- the premises where it will take place
- the dates and times it will take place
- any periods during the preceding 12 months that a TUN has had effect for the same premises, and
- any other information prescribed by Regulations

If there are no objections, the notice will be endorsed by the Licensing Authority and returned to the issuer for display upon the premises at the time the activity takes place.

Objections

Having regard to the Licensing Objectives, those Authorities upon whom the TUN is served may make objections to the gambling activity taking place within 14 days of the date of the notice. Objections must be made to the Licensing Authority and TUN issuer.

Modifications to the notice may be suggested by those objecting to it. If accepted by the issuer, a new notice must be issued. It should be noted that the 3 month, 1 day time limit and a new fee will not apply to the new notice, nor may the original objector[s] object to the new notice.

A Hearing must be held before the Premises/Personal Licences Sub-Committee to hear representations from all parties, unless agreement is reached that a Hearing is unnecessary [e.g. by modification of the notice] within 6 weeks of the date of the notice.

Following a Hearing the Licensing Authority must issue a counter notice setting out whether or not the TUN will have effect, any limitations to the activities permitted, the time period when activities may take place and any conditions that are imposed.

OCCASIONAL USE NOTICES (OUNs)

Occasional Use Notices may only be issued in relation to tracks that are used on eight days or less in a calendar year.

A track can be any part of a premise on which a race or other sporting event takes place or is intended to take place. Tracks need not be a permanent fixture.

OUN's are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. An OUN dispenses with the need for a Betting Premises Licence for the track.

Issue

The notice may be issued by the person responsible for the administration of events on the track or the occupier of the track. The notice must be served on the Licensing Authority and a copy on the Chief Officer of Police.

Objections

Generally objections may not be made to the issue of an OUN, except that the Licensing Authority must issue a counter notice where the effect of the OUN would result in betting facilities being made available for more than 8 days in a calendar year.

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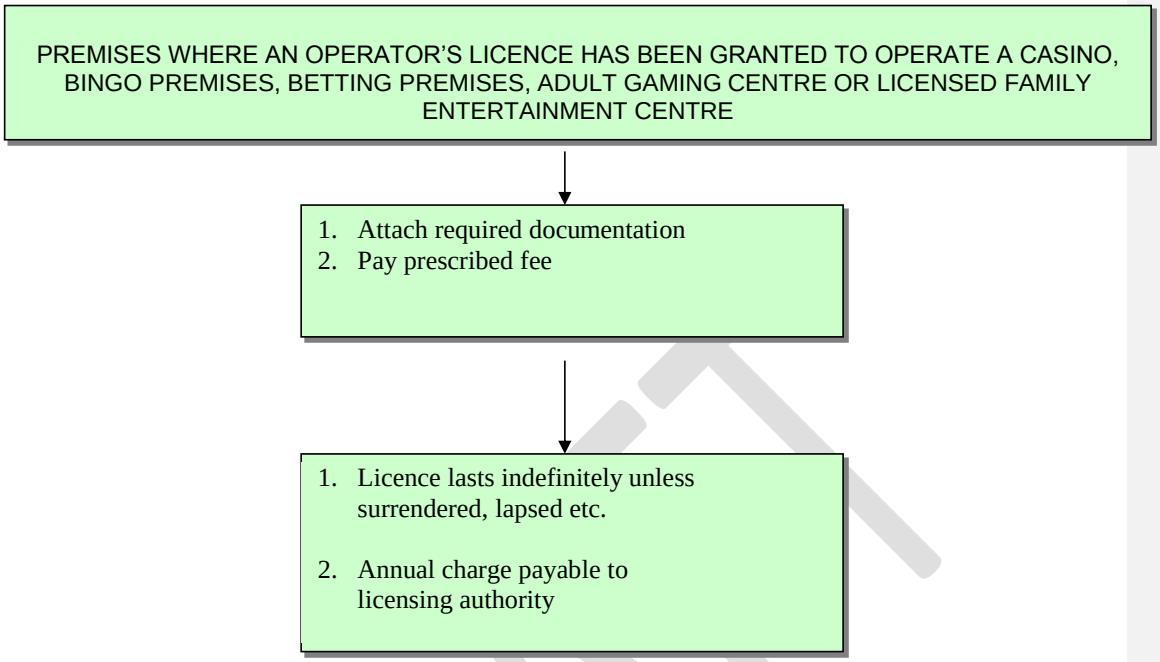
APPENDIX 1

PREMISES LICENCE PROCEDURE



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GAMING PERMITS

Certain types of gambling are authorised by permits issued by the Licensing Authority. The permits generally authorise low stake gambling for small prizes by: -

- Gaming machines in alcohol-licensed premises, Members' Clubs, unlicensed Family Entertainment Centres (FEC's) and certain other premises, e.g. taxi offices (see *'Other premises'* below)
- Equal chance gaming, games of chance and gaming machines in Members' Clubs, and
- Prize gaming, e.g. at Travelling Fairs.

GAMING MACHINES

The Act introduces new classes of gaming machines that may be operated under a permit, as shown in figure 3 below.

Fig. 3

Category of machine	Maximum Stake £	Maximum Prize £
B3A	1	500
B4	1	250
C	1	70
D (Money prize)	10p	5
D Non money prize (other than a crane grab machine)	30p	8
D Non money prize (crane grab machine)	1	50
D combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	8 (of which no more than 5 may be a money prize)
D combined money and non-money prize (coin pusher or penny falls machine)	10p	15 (of which no more than 8 may be a money prize)

The category and number of machines that may be operated under a premise's licence are shown in Figure 2 above.

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Fig. 4

	Machine Category							
Premises Type	**A**	**B1**	**B2**	**B3**	**B3A**	**B4**	**C**	**D**
Clubs or Miners' Welfare Institutes with permits				B3A	Maximum of 3 category B3A to D machines			
Qualifying alcohol licensed premises upon notification							Automatic entitlement of 1 or 2 category C or D machines	
Qualifying alcohol licensed premises with gaming machine permit							Unlimited entitlement of 1 or 2 category C or D machines	
Family Entertainment Centre (with permit)								Unlimited category D machines
Travelling Fair								Unlimited category D machines

ALCOHOL-LICENSED PREMISES

Certain types of gambling may take place on alcohol-licensed premises under the Licensing Act 2003 without any authorisation being required. Generally these consist of the playing of cribbage, dominoes and other games for low stakes.

Premises holding a Premises Licence may be authorised to operate machines of Class C or D provided the Premises Licence authorises the sale and supply of alcohol for consumption on the premises without it being a condition that the sale and supply of alcohol has to be accompanied by food.

The following paragraphs apply only to those premises.

Automatic Entitlement

The Act gives an automatic entitlement for the holder of a Premises Licence under the 2003 Act to provide up to two gaming machines on their premises.

An application for a permit is not required but Premises Licence holders must notify their Licensing Authority in writing of their intention to provide the machines and pay the prescribed fee.

The entitlement may be withdrawn if:-

- provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives
- gaming has taken place on the premises that has breached a condition of the Act, e.g. they do not comply with siting and operation requirements
- the premises are mainly used for gaming; or where an offence under the Gambling Act 2005 has been committed on the premises

The Licensing Authority may not exercise their powers to remove the entitlement without first giving the permit-holder the opportunity to make written or oral representations or both. A Hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

New Permits

Where the holder of a Premises Licence wishes to provide more than two gaming machines, an application for a permit must be made to the Licensing Authority with the prescribed fee. There is no restriction on the number of machines that may be applied for and applications to vary the number of machines may be made at any time.

In determining an application for an increase in the number of machines, the Licensing Authority will consider: -

- the size of the premises
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons
- any documentary evidence [e.g. supporting statistical evidence providing details of usage, etc.]
- each application on its own merits
- the Codes of Practice or Guidance issued under the Gambling Act 2005

Where the Authority grants the application, a permit will be issued for the number of machines authorised, which will include the automatic entitlement of 2 machines.

Where the Authority intends to refuse an application, or grant it for a different number or category of machines to that requested, the applicant will be given the opportunity to make written or oral representations or both. A Hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary

Where the Premises Licence is transferred, the gaming machine permit must also be transferred or it will lapse. In all other cases the permit will last indefinitely, unless surrendered or revoked.

Although the permit will not need to be renewed, an annual charge will have to be paid to the Licensing Authority.

MEMBERS' CLUBS

The Gambling Act 2005 permits a Members' Club holding a Club Premises Certificate issued under the Licensing Act 2003, or Miners' Welfare Institute, to hold a Club Gaming Permit allowing participation in equal chance gaming or playing games of chance (see Appendix B for definitions of 'equal chance gaming' and 'games of chance'). In addition they may operate a maximum of 3 machines of either Class B3(A), B4, C or D.

The Act also permits a Members' Club holding a Club Premises Certificate or a Commercial Club holding a Premises Licence under the Licensing Act 2003 to operate a maximum of 3 machines of either Class B3(A), B4, C or D under a **Club Machine Permit**.

New Permits

Applications for a permit for premises already holding a Club Premises Certificate are subject to a 'fast track' procedure that prevents the making of objections, and restricts the ability of the Licensing Authority to refuse the application.

An application under this process may be refused if the club is established primarily for gaming (other than that permitted); if, in addition to the permitted gaming, facilities are provided for other gaming; or that a club machine permit issued to the applicant within the preceding 10 years has been cancelled.

An application and payment of the prescribed fee is required. A permit has effect for 10 years unless surrendered or revoked.

Applications for a permit for premises not holding a Club Premises Certificate e.g. a Commercial Members' Club with a Premises Licence, may be refused by the Licensing Authority on the grounds that:-

- the applicant does not fulfil the requirements for a Members' or Commercial Club
- the premises are used wholly or mainly by children and/or young persons; an offence under the Act or breach of a permit has been committed by the applicant while providing gaming facilities
- a permit held by the applicant has been cancelled in the previous 10 years
- an objection has been made by the Police or Gambling Commission

Permits may be varied at any time to meet changing circumstances, other than an increase above 3 to the number of machines. Licensing Authorities may only refuse a variation if, on consideration of the proposed variation as a new application, they would refuse a permit.

A permit will lapse if the holder no longer qualifies as a Members' Club or no longer qualifies under the 'fast track' system, or the permit is surrendered. A permit may be cancelled if the premises are used wholly or mainly by children and/or young persons or where an offence under the Act or breach of a permit condition has been committed by the applicant in the course of gaming activities.

Permits are valid for 10 years from the date of grant unless previously surrendered, lapsed, renewed or cancelled. An annual charge is payable to the Licensing Authority.

Transitional Arrangements

A registration that is in force on 1 September 2007 will continue to have effect until its natural expiry date. Upon expiry a club will be entitled to apply for either a Club Gaming Permit or Club Machine Permit irrespective of the type of registration previously held.

An application for a new Club Machine Permit must be made at least 2 months before the existing registration expires, together with the prescribed fee.

OTHER PREMISES

Premises such as taxi offices, take-away restaurants, cafes, etc. are prohibited from obtaining a gaming machine permit under the Act and will be unable to operate gaming machines of any kind.

UNLICENSED FAMILY ENTERTAINMENT CENTRES

The Licensing Authority may grant an application for a permit for category D gaming machines in an unlicensed Family Entertainment Centre (FEC) provided it is satisfied the premises will be used as an unlicensed FEC and that the Chief Officer of Police has been consulted. There are no limits to the number of machines that may be applied for in an unlicensed FEC.

The Authority will apply its Gambling Policy Licensing Statement in consideration of an application, e.g. requiring an applicant to demonstrate they have no relevant convictions, that they have a full understanding of the maximum stakes and prizes permissible and that staff have a similar understanding.

An application for a permit will have to be accompanied by plans of the premises and a current certificate issued by the Disclosure and Barring Service or its equivalent in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the DBS certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

The Authority may refuse an application for renewal of a permit only on the grounds that an authorised Local Authority Officer has been refused access to the premises without reasonable

excuse, or that renewal would not be reasonably consistent with the pursuit of the Licensing Objectives.

Where the Authority intends to refuse an application, the applicant will be given the opportunity to make written or oral representations or both. A Hearing will be held before the Premises/Personal Licences Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

In determining an application, the Licensing Authority need not have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

A permit will last for 10 years unless it ceases to have effect because it is surrendered, it lapses or it is renewed. There is no annual charge payable to the Licensing Authority.

Unlicensed FEC's may also offer equal chance gaming under the authority of their Gaming Machine Permit.

New permits

Applications for new permits may be made to the Licensing Authority.

PRIZE GAMING

Prize gaming may be carried on in premises under a permit issued by the Licensing Authority. A Prize Gaming Permit will not authorise the use of gaming machines.

The Authority may apply its Gambling Licensing Policy Statement in consideration of an application, e.g. requiring an applicant to demonstrate they have no relevant convictions, that they have a full understanding of the maximum stakes and prizes permissible and that staff have a similar understanding.

The Authority may refuse an application for renewal of a permit only on the grounds that an authorised Local Authority Officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.

An application for a permit will have to be accompanied by plans of the premises and a current certificate issued by the Disclosure and Debarring Service or its equivalent in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the DBS certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

Where the Authority intends to refuse an application, the applicant must be given the opportunity to make written or oral representations or both. A Hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

In determining an application, the Licensing Authority need not have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

A prize gaming permit will last for 10 years unless it ceases to have effect or is renewed. There is no annual charge payable to the Licensing Authority.

New permits

Applications for new permits may be made to the Licensing Authority.

Prize gaming without a permit

Prize gaming without a Prize Gaming Permit may be carried on in any premises with a Premises Licence issued under the Act, except that casinos may not offer prize bingo.

Unlicensed FEC's may also offer equal chance gaming only, under the authority of their gaming machine permit.

Travelling fairs may also offer equal chance gaming only without a permit provided the facilities for gaming are ancillary amusements to the fair.

TRAVELLING FAIRS

Travelling fairs do not require a permit to provide gaming machines but must comply with codes of practice on how they are operated.

Travelling fairs may provide an unlimited number of category D machines and prize gaming in the form of equal chance gaming provided that facilities for gambling amount to no more than ancillary amusement at the fair.

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APPENDIX 1

ALCOHOL LICENSED PREMISES

PREMISES WHERE THE LICENCE PERMITS THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES AND THE SALE IS NOT CONDITIONAL UPON FOOD BEING SOLD MAY HAVE GAMING MACHINES OF CLASS C OR D

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AFTER 1 SEPTEMBER 2007

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UP TO 2 MACHINES

1. Automatic entitlement to two machines
2. Notify Licensing Authority in writing of proposed intention to operate machines.
3. Pay prescribed fee

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MORE THAN 2 MACHINES

1 Apply to Licensing Authority
2 Attach statistical justification showing 'need'
3 Attach plan of premises showing location of machines
4 Pay prescribed fee

↓

1 Permit has effect from date of grant unless surrendered or cancelled.
2 Annual charge to be paid to Licensing Authority.

NOTE

1. Licensing Authority can withdraw entitlement for 2 machines where their provision is not consistent with Licensing Objectives; gaming has taken place in breach of a condition; premises are used mainly for gaming; an offence under the Act has been committed.
2. Licensing Authority can cancel a permit where the premises are used wholly or mainly by children or young persons or an offence under the Act has been committed.

BUT

1. Permit holder must be given 21 days' notice of the intention to withdraw or cancel.
2. Hearing must be held if permit holder requests one.
3. Withdrawal or cancellation has no effect until 21 days has elapsed from notice being served where no hearing is requested or 21 days following a hearing or appeal.

MEMBERS CLUBS

MAXIMUM OF 3 CATEGORY B3A, B4, C OR D MACHINES

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AFTER 1 SEPTEMBER 2007

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Applications for new permits and renewals must be made to Licensing Authority

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ATTACH TO APPLICATION

1. Club Premises Certificate (for fast track applications)
2. Rules of club (if not CPC)
3. Plan of premises showing location of machines
4. Prescribed fee

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1. Copy of application and accompanying documents to Police and Gambling Commission
2. Objections may be made (except to 'fast track' applications)
3. Permit lasts 10 years

Application for grant may be refused if: -

1. Applicant does not qualify as a Members' or Commercial Club or Miners' Welfare Institute.
2. The premises are used wholly or mainly by children or young persons.
3. An offence under the Act or a breach of a permit has been committed while providing gaming facilities.
4. A permit held by the applicant has been cancelled in previous 10 years.

Application for renewal must be sent to Licensing Authority with fee between 3 and 6 weeks before permit expires and may only be refused on the same grounds as for original grant.

Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding.

UNLICENSED FAMILY ENTERTAINMENT CENTRE

PERMIT MAY BE ISSUED FOR PREMISES WHOSE PRIMARY USE IS AS AN UNLICENSED FAMILY ENTERTAINMENT CENTRE TO HAVE AN UNLIMITED NUMBER OF GAMING MACHINES OF CLASS D

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NEW PERMIT TO OPERATE AFTER 1 SEPTEMBER 2007

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1. Attach information required by Gambling Licensing Policy Statement
2. Attach plan of premises showing location of machines
3. Consult Chief of Police
4. Permit lasts for 10 years

Application for grant may be refused if the grant would not be reasonably consistent with the Licensing Objectives, e.g. convictions making the applicant unsuitable, the location and type of premises being unsuitable, issues concerning disorder.

Application for renewal must be sent to Licensing Authority with fee between 2 and 6 months before permit expires and may only be refused if an Authorised Officer has been refused access to the premises without reasonable excuse, or renewal would not be reasonably consistent with the licensing objectives. Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding

Permits will lapse if: -

1. Licensing Authority notifies holder premises are no longer being used as an unlicensed FEC
2. Holder no longer occupies premises
3. Holder dies, becomes mentally incapacitated, bankrupt or, in case of a company, ceases to exist or goes into liquidation
4. Court orders holder to forfeit permit
5. Holder surrenders or fails to renew

PRIZE GAMING PERMIT

PRIZE GAMING PERMITS MAY ONLY BE ISSUED IN RESPECT OF PREMISES FOR WHICH THERE IS NO PREMISES LICENCE OR CLUB GAMING PERMIT ISSUED UNDER THE GAMING ACT 2005

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NEW PERMIT TO OPERATE
AFTER 1 SEPTEMBER 2007

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1. Attach information required by Gambling Licensing Policy Statement
2. Attach plans of premises
3. Pay prescribed fee
4. Permit lasts for 10 years

Application for grant may be refused if the grant would not be reasonably consistent with the Licensing Objectives, e.g. convictions making the applicant unsuitable, the location and type of premises being unsuitable, issues concerning disorder.

Application for renewal must be sent to Licensing Authority with fee between 2 and 6 months before permit expires and may only be refused if an Authorised Officer has been refused access to the premises without reasonable excuse, or renewal would not be reasonably consistent with the Licensing Objectives. Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding.

Permits will lapse if: -

1. Holder no longer occupies premises
2. Holder dies, becomes mentally incapacitated, bankrupt or, in case of a company, ceases to exist or goes into liquidation
3. Court orders holder to forfeit permit
4. Holder surrenders or fails to renew

APPENDIX 1

LOTTERIES

A lottery is unlawful unless it is run in accordance with an Operating Licence issued by the Gambling Commission, or it is exempt. This advice covers only those categories of lottery that are exempt. For more information on the licensing requirements for lotteries, see the Gambling Commission's website on www.gamblingcommission.gov.uk

The Act defines 4 categories of lottery that are exempt from needing an operating licence: -

- Incidental non-commercial lottery
- Private lottery
- Customer lottery
- Small society lottery

Only a small society lottery is required to be registered with the Licensing Authority.

Applications must be made by the promoting society to the Licensing Authority for the area in which the principal address of the society is located. The Licensing Authority must record details of the society in a register and notify the applicant and the Gambling Commission of the registration.

The Licensing Authority will require applicants to declare: -

- the purposes for which the society is established
- that they represent a bona fide non-commercial society, and
- that they have no relevant convictions

The Licensing Authority may refuse an application if: -

- it considers the applicant is not a non-commercial society
- any person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- information provided in or with an application is false or misleading

An application must be refused if an Operating Licence held or applied for by the applicant has been revoked or refused in the previous 5 years.

The Licensing Authority may revoke a registration where it believes the grounds exist that would permit or require it to refuse an application for registration.

Where the Licensing Authority intends to refuse or revoke the registration application it will give the society: -

- details of the reasons,
- evidence upon which it reached the decision, and
- the opportunity to make written and/or oral representations.

An application for registration must be accompanied by the prescribed fee. The registration will be valid indefinitely with an annual fee being payable to the Licensing Authority.

Lottery Requirements

To ensure the main purposes of the lottery are met: -

- the society must apply a minimum of 20% of the proceeds of the lottery to the purposes of the society;
- no single prize may exceed £25,000;
- rollovers may be permitted provided every lottery affected is also a small society lottery by the same society and the maximum single prize does not exceed £25,000; and
- every ticket must cost the same and must be paid for before being entered into the draw.

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Returns

No later than 3 months after making the draw (or in the case of a rollover, the last draw), a return must be sent to the Licensing Authority that: -

- has been signed by 2 members of the society over 18 years of age who are appointed for the purpose in writing by the society or its governing body, if it has one,
- is accompanied by a copy of each member's letter of appointment,

and include the following details: -

- the dates when tickets were available for sale;
- the dates of any draw and value of prizes, including any rollover;
- the proceeds raised;
- the amounts deducted for prizes and expenses incurred in organising the lottery;
- the amount applied or to be applied to the purposes of the promoting society; and
- whether any expenses incurred in connection with the lottery were paid for other than from the proceeds of the lottery and, if so, the amount and the source(s) from which they were paid.

External Lottery Managers

External Lottery Managers require Operators' Licences issued by the Gambling Commission. For more information, see the Gambling Commission's website on www.gamblingcommission.gov.uk

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APPENDIX 1

SMALL SOCIETY LOTTERIES

PROMOTED BY A NON-COMMERCIAL SOCIETY ESTABLISHED FOR CHARITABLE PURPOSES; FOR PURPOSE OF ENABLING PARTICIPATION IN OR OF SUPPORTING SPORT, ATHLETICS OR CULTURAL ACTIVITY; OR FOR OTHER NON –COMMERCIAL PURPOSES OTHER THAN PRIVATE GAIN

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REGISTRATION TO OPERATE AFTER 1 SEPTEMBER 2007

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1. Attach information required: -
   - Purpose for which society established
   - Confirm bona fides of society as non-commercial
   - Declare convictions, if any
2. Pay prescribed fee
3. Registration valid for life, annual fee payable to Licensing Authority

Lottery requirements: -

1. Society must apply minimum 20% of proceeds to purposes of society
2. No single prize to exceed £25000
3. Rollovers permitted provided all lotteries affected are small society lotteries & maximum single prize does not exceed £25000
4. Tickets must cost the same, be paid for before being entered in draw and include details of society, price, name and address of the person responsible for promotion of the lottery and date of draw
5. Returns, which must be made no later than 3 months after draw, must be signed by 2 members and include details of: -
6. Dates tickets were available for sale, dates of draw and value of prizes
7. Proceeds raised, amounts deducted for prizes, expenses incurred in organising lottery and where any were paid for other than from proceeds of lottery, the amount and source
8. Amount to be applied to purposes of the promoting society

Registration may be refused if: -

1. Society is not considered to be non-commercial
2. Any person connected with promotion of lottery has been convicted of relevant offence , or
3. Information provided in application is false/misleading
4. Registration must be refused if an operating licence held by or applied for by the applicant has been revoked or refused in the previous 5 years
5. Registration may be revoked where grounds exist for an application for registration to be refused.

BUT a registration will not be refused or revoked unless the society has been informed of the reasons and the evidence supporting them and been given the opportunity to make representations

APPENDIX G

Fees

The Gambling Act allows licensing authorities to set their own fees for premises licences, subject to maximum levels that have been specified by central government.

- The relevant fee must be sent with an application, in order for the application to be valid.
- The application fee is not refundable if the application is withdrawn or if it is unsuccessful
- A first annual fee is payable within 30 days of the date of licence issue, details regarding this payment will be provided at the time of licence issue.
- An annual fee is payable before the anniversary of the licence being granted

Non statutory fees are reviewed by the Licensing Authority on an annual basis in accordance with the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007.

Details of current fees can be obtained from the Council's website www.maldon.gov.uk

or by contacting Maldon District Council, Princes Road, Maldon, Essex, CM9 5DL

or by emailing licensing@maldon.gov.uk

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of the Local Government Act 1972.

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