Dear Councillor

You are summoned to attend the meeting of the;

**PLANNING AND LICENSING COMMITTEE**

on **THURSDAY 14 JANUARY 2016 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

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**COMMITTEE MEMBERSHIP**

**CHAIRMAN**

Councillor Mrs P A Channer CC

**VICE-CHAIRMAN**

Councillor Mrs M E Thompson

**COUNCILLORS**

E L Bamford  
H M Bass  
B S Beale MBE  
R G Boyce MBE, CC  
P G L Elliott  
Miss M R Lewis  
S Savage  
A K M St. Joseph

*Ex-officio non-voting Members:*

Councillor Mark F L Durham
AGENDA
PLANNING AND LICENSING COMMITTEE
THURSDAY 14 JANUARY 2016

1. **Chairman's notices** (please see page 4 of this agenda)

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 1 - 66)
   
   To confirm the Minutes of the meeting of the Committee held on 12 November 2015 (copy enclosed).
   
   *Members’ attention is drawn to Agenda Items 6 and 7 below arising from decisions of the Council at its last meeting.*

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. **Review of the template provided to a Parish or Town Council to provide comments on a Planning Application** (Pages 67 - 74)
   
   To reconsider the above matter in light of the decision by the Council on 17 December 2015 to not accept the Committee’s recommendation from the last meeting (Minute No. 562) and refer the matter back to the Committee for update and further consideration (original report of the Director of Planning and Regulatory Services enclosed).

For further information please call 01621 876232 or 875791 or see the Council's website – [www.maldon.gov.uk](http://www.maldon.gov.uk).
7. **Review of Delegation Arrangements** (Pages 75 - 82)

   To reconsider the above matter in light of the decision by the Council on 17 December 2015 to not accept the Committee’s recommendation from the last meeting (Minute No. 563) and refer the matter back to the Committee for update and further consideration (original report of the Director of Planning and Regulatory Services enclosed).

8. **River Blackwater Task and Finish Working Group Update** (Pages 83 - 100)

   To consider the report of the River Blackwater Task and Finish Working Group Update (copy enclosed).

9. **Provision of Tourist Information Services - Burnham-on-Crouch** (Pages 101 - 104)

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

10. **Strengthening Communities** (Pages 105 - 116)

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

11. **Extension of Service Level Agreement of Licensing Services** (Pages 117 - 124)

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

12. **Revised Maldon District Council Community Led Planning Protocol** (Pages 125 - 138)

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

13. **Heybridge Parish Council Neighbourhood Plan Area Application** (Pages 139 - 162)

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


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

15. **Maldon and Heybridge Central Area Masterplan Project Plan** (Pages 175 - 192)

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

For further information please call 01621 876232 or 875791 or see the Council’s website – [www.maldon.gov.uk](http://www.maldon.gov.uk).
16. **Maldon District Design Guide Project Brief**  (Pages 193 - 208)

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

17. **Maldon District Council response to the Chelmsford Local Plan Issues and Options Consultation**  (Pages 209 - 232)

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

18. **Changes to National Planning Policy Consultation**  (Pages 233 - 250)

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

19. **Charging for Preparing, Negotiating and Completing Legal Agreements Relating to Planning Applications**  (Pages 251 - 254)

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


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

21. **Value of Tourism to the Local Economy**  (Pages 277 - 300)

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

22. **Update on Appeal Decisions**  (Pages 301 - 306)

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

23. **Economic Development Update**  (Pages 307 - 314)

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

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

For further information please call 01621 876232 or 875791 or see the Council's website – [www.maldon.gov.uk](http://www.maldon.gov.uk).
NOTICES

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

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

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

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

Chairman Councillor Mrs P A Channer, CC
Vice Chairman Councillor Mrs M E Thompson
Substitute Member Councillor M F L Durham

553. CHAIRMAN’S NOTICES

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

554. APOLOGY FOR ABSENCE AND SUBSTITUTION NOTICE

An apology for absence was received from Councillor Miss M R Lewis and in accordance with notice duly given Councillor M F L Durham was attending as a substitute for Councillor Miss Lewis.

555. MINUTES – 1 OCTOBER 2015

RESOLVED that the Minutes of the meeting of the Committee held on 1 October 2015 be approved and confirmed.

556. DISCLOSURE OF INTERESTS

Councillor R G Boyce disclosed a non-pecuniary interest as a Member of Essex County Council, specifically in relation to Agenda Item 6 – Economic Development Update. He also declared a non-pecuniary interest in the following items of business as he was a Member of an Almshouse Trust.

- 8 – Commuted Sums;
- 9 – Rentplus;
- 15 – Summary of the Housing and Planning Bill.

Councillor Mrs P A Channer disclosed a non-pecuniary interest as a Member of Essex County Council in relation to any matters relating to the County Council but specifically in relation to Agenda Item 6 – Economic Development Update. She also declared the following non-pecuniary interests:
• 6 Economic Development Update – Member of the Kent and Essex Inshore Fisheries and Conservation Area;
• 7 Development of a Brand for the District: Sense of Place Project - Member of the Kent and Essex Inshore Fisheries and Conservation Area;
• 8 Commuted Sums - Member of an Almshouse Trust;
• 9 Rentplus - Member of an Almshouse Trust;
• 15 Summary of the Housing and Planning Bill - Member of an Almshouse Trust.

Councillor S J Savage disclosed an interest as he was a member of a Housing Association, specifically in relation to the following items of business:
• 8 - Commuted Sums;
• 9 - Rentplus;
• 15 - Summary of the Housing and Planning Bill.

557. PUBLIC PARTICIPATION

There was none.

558. ECONOMIC DEVELOPMENT UPDATE

Councillor Mrs Thompson joined the meeting during this item of business.

The Committee received the report of the Director of Planning and Regulatory Services updating Members on the progress of delivering activity associated with the District’s Economic Prosperity Strategy (EPS).

The Economic Development Manager drew Members’ attention to the following points set out in the report and provided additional information in respect of them:
• South East Local Enterprise Partnership – The next meeting would be held on 30 November 2015.
• European Union LEADER Programme – The Committee were advised that three applications had been received by the Essex Rivers Local Action Group and two of these were from the Maldon District. The Economic Development, Partnerships and Project Manager provided funding details of these.
• Bradwell Legacy Partnership – The next meeting would be on 7 December 2015 at 2pm.
• Dengie Enterprise Support – Members were advised of the work undertaken by this service from 10 February to 3 November 2015 and the workshops etc. planned for the remainder of November and December 2015.
• Coastal Communities Team (CCT) – Members were reminded of two events that had taken place, one in Hullbridge and the other on the Thistle Sailing Barge. It was noted that 41 surveys had been completed for the River Crouch and 31 for the River Blackwater and these surveys would help to shape the CCT Economic Plan.
RESOLVED that the report be noted.

559. DEVELOPMENT OF A BRAND FOR THE DISTRICT: SENSE OF PLACE PROJECT

The Committee considered the report of the Director of Planning and Regulatory Services updating Members on the Sense of Place Project (the project) and seeking Members’ endorsement for the appointment of a Member representative on the Place Board.

The report provided background information regarding the Project along with its aims and objectives. It was noted that the Place Story (including identification of themes and visual graphic language) had been developed which all businesses and partners would be encouraged to use, to promote the District in its entirety alongside their own unique corporate identities and logos. Members were advised that formal launch of Story was envisaged for early 2016.

As part of the project it is intended to form a Place Board to provide a business led strategic leadership. The Chairman of the Place Board would work with the Chief Executive to determine the Membership and it was noted that an experienced individual with a sound business background had been approached to chair this board. The Place Board would monitor the implementation and development of the Place Story over the coming years.

In response to a question regarding the new Place Branding Strategy and graphic language for the District, the Economic Development, Partnerships and Projects Manager outlined the initial phase of the project and confirmed that quotations received were in compliance with the corporate procurement process. Members were advised of recent consultation events that had taken place to engage with the public and stakeholders. A number of Members referred to the recent Tourism Summit and commented on the success of it.

Some concern was raised that the word District was not included in the Maldon Place Story. The Economic Development, Partnerships and Projects Manager explained that it was fundamental not to use the word District as part of the heading because that was associated with Maldon District Council rather than the Maldon area as a whole, which is the basis for the project.

In response to a question regarding viewing the proposed new graphic language, the Officer advised that this just formed as part of the story, and referred to the fact that it had been signed off by the Place Steering Group, (which included MDC member representation along with local businesses), and was as such finalised and therefore not subject to change. Some concerns were raised regarding recommendation (iii) as this sought the Council’s endorsement of the graphic language and Members felt this should be viewed by the Council prior to endorsement. Following further discussion Councillor B S Beale proposed that recommendation (iii) be amended to read “…promoting the District and to be presented to the Council so it can consider endorsement”. Officers raised some concern as the next meeting of the Council was before the official launch of the graphics but agreed it was a reasonable request. The proposal was duly seconded and agreed.
RESOLVED

(i) that the update on the Sense of Place project be noted;

RECOMMENDED

(ii) that the appointment of the Chairman of the Planning and Licensing Committee (or their substitute) and the Chief Executive to sit on the Place Board, be endorsed;

(iii) that the principle of the standard usage of the Sense of Place graphic language in its literature and signage promoting the District and to be presented to the Council so it can consider endorsement.

560. COMMUTED SUMS

The Committee considered the report of the Director of Planning and Regulatory Services presenting a proposed policy (attached as Appendix 1) for determining financial contributions to meet the need for affordable housing where practicable and necessary.

The report outlined the Objectively Assessed Need for Housing in the District which had been identified in accordance with the National Planning Policy Framework (NPPF) and associated guidance. Officers had identified a proposed approach for calculating commuted sums and this had been trialled in the District. The pilot had identified the proposed approach to be acceptable in a number of cases, proportionate and met requirements of the NPPF.

Members were advised that if approved, the proposed Policy would be used as a reference for all future Section 106 agreements where relevant and some terms may use the same wording.

In response to a number of questions the Strategic Housing Manager outlined the procedure for Commuted Sums and how the particular values were produced. It was noted that there were some examples where special housing was provided and where nominations (of people within the District) for development outside of the District may be required. The Chairman requested a list of sites where Commuted Sums had been applied, in response the Strategic Housing Manager advised he did not have this information to hand but would circulate it following the meeting.

RECOMMENDED that the policy for commuted sums in respect of affordable homes, as presented in APPENDIX 1 to these Minutes, be approved.

561. RENTPLUS

The Committee considered the report of the Director of Planning and Regulatory Services presenting information on Rentplus as a form of intermediate affordable housing and seeking Members agreement to provide a proportion of adorable housing as this tenure.
The Strategic Housing Manager outlined the process and its benefits including helping people into home ownership. Members were reminded of a recent Member seminar that had taken place regarding Rentplus. In response to a question, it was confirmed that Rentplus would apply to differing types of housing e.g. bungalows.

**RESOLVED**

(i) that the contents of this report be noted.

**RECOMMENDED**

(ii) that a Rentplus rent-to-buy model is adopted as a tenure for 40% of all affordable homes on developments of 80 or more homes where agreed by Rentplus or another, partnering housing associations and the Council’s Housing Service;

(iii) that Officers continue to work with representatives from Rentplus to explore other opportunities for joint working.

562. **REVIEW OF THE TEMPLATE PROVIDED TO A PARISH OR TOWN COUNCIL TO PROVIDE COMMENTS ON A PLANNING APPLICATION**

The Committee considered the report of the Director of Planning and Regulatory Services seeking Members’ agreement to alter the current template (Appendix 1 to the report) provided to a Parish or Town Council to provide comments on a planning application.

The report proposed an amendment to the standard template (Appendix 2 to the report), bringing it in line with the Area Planning Committee Terms of Reference and assisting the Parish or Town Council commenting on planning applications. It was noted that this would also reduce the workload of the Area Planning Committees allowing focus on strategic proposals which were more appropriate within the remit of these Committees.

In response to a question regarding the request for a booklet for Parish / Town Councils providing guidance regarding reasons for granting / refusing an application, the Interim Development Management and Enforcement Manager advised that this was being looked and it was envisaged that one robust document would be produced. Part of the process included a review of the Council’s conditions to ensure that they met Government guidance.

Some concern was raised that giving the Parish / Town Councils an option to have “no comment” could cause further confusion. In response, the Interim Development Management and Enforcement Manager advised that with the current template it was possible that some Parish / Town Councils felt forced into recommending granting or refusal when in fact they may not actually have any views. The Officer also outlined why the original template had been introduced to benefit not just Parish / Town Councils but Officers as well.

The following amendments to the template (Appendix 2) were suggested:
Changing the word ‘granting’ to approval.
Number 3 (recommending refusal) should be renumbered to 2 and follow the box to recommend approval.
Number 2 should be renumbered 3 and split into 3a – we have no comment and 3b – we raise no objection but make the following comment.
The tick boxes should follow the statement they relate to.

Following further discussion it was agreed that the above amendments to the template (Appendix 2) be agreed along with a further amendment to include reference to the Area Planning Committee Terms of Reference. Recommendation (ii) as set out on the report was also agreed.

RESOLVED

(i) that the amendments, suggested by both Officers and this Committee, to the standard template used for the consultation of the Parish and Town Councils, be agreed;

RECOMMENDED

(ii) that the Parish Trigger will not be invoked if comments made by a Parish / Town Council are not received on the standard template.

(The Council’s attention is drawn to recommendations (i) and (ii) of the following item of business – Review of Delegation Arrangements which contain proposed changes to the Parish Trigger.)

563. REVIEW OF DELEGATION ARRANGEMENTS

The Committee considered the report of the Director of Planning and Regulatory Services seeking Members’ agreement on proposed changes to the existing Planning delegation arrangements in terms of their impact on performance. In particular, the changes would relate to where the view of a Parish or Town Council was at variance with the Officer recommendation (known as the Parish Trigger), ‘major’ planning applications and where a planning application has previously been refused at an Area Planning Committee.

The report provided detailed background on the Parish Trigger and it was noted that a review of the scheme of delegation was an important component in assisting the timely processing of applications which would improve performance in relation to national indicators. This approach would impact in the reduction of workload of Area Planning Committees.

When presenting the report the Chairman pointed out that consultation with Ward Members should be included. Councillor R G Boyce proposed that in these circumstances and if consultation with Ward Members was agreed that just Ward Members be consulted and not those adjoining Ward Members specifically in the protocol adopted by the Council in relation to the Burnham-on-Crouch, Heybridge and Maldon Wards.
In response to a question regarding whether the Council had agreed to extend Parish / Town Council consultation response days from 21 to 28, the Interim Development Management and Enforcement Manager advised that currently the consultation period was 21 days but any response received within 28 days would be accepted. The Chairman advised the Committee that further clarification in respect of this would be sought and Members be advised accordingly.

A debate ensued, in response to a question the Interim Development Management and Enforcement Manager clarified the process that Officers would undertake if a Member had called in an application. It was further clarified that under the current Terms of Reference if the Parish Trigger was evoked requiring an application having to go to Committee for determination this would apply even if objections from a Parish / Town Council were not on planning grounds.

During the discussion a number of points were raised which the Committee agreed should be taken forward to the Council:

• the parish trigger must refer to planning material considerations;
• inclusion of Ward Members;
• that the exact wording of the additional points to be added to the scheme of delegation are to be agreed in consultation with the Chairman and Vice-Chairman of this Committee, in particular inclusion of reference to the site area exceeding 1 hectare only and ensuring this was very clear.
• that if the changes were agreed by the Council that a series of Parish / Town Council briefing sessions should be arranged.

**RECOMMENDED**

(i) that a revision be made to the ‘Parish Trigger’ procedure, by replacing the first sentence of item 4 of the Area Planning Committee Terms of Reference with the following wording:

‘Where a representation from a Parish or Town Council (covering the geographical area in which the proposed development is located) has been received which objects to an application which the Director of Planning and Regulatory Services is minded to approve.’

(ii) that where a representation from a Parish or Town Council (covering the geographical area in which the proposed development is located) has been received on the Council’s standard template and, if the scheme is objected to, the objection must be based on sound planning reasons. This must also be in accordance with item 4 of the Area Planning Committee Terms of Reference;

(iii) that additional points be added to the Scheme of Delegation to the Director of Planning and Regulatory Services to follow paragraph (c) 1, and the remaining paragraphs to be renumbered:

‘Applications where the site area exceeds 1 hectare in size, and this is the only reason the application is defined as a ‘major development’, on which the Director of Planning and Regulatory Services is minded to recommend approval on the basis that the proposal is in accordance with the development plan and subject to his first consulting with the Chairman of the Council or
relevant Planning Committee Chairman (or the Vice Chairman in the Chairman’s absence) and Ward Member(s).

‘Applications for major or large scale development which the Director of Planning and Regulatory Services is minded to recommend approval on the basis the proposal is in accordance with the development plan and is made under Section 73 of the Town and Country Planning Act (1990) (as amended) only, subject to his first consulting with the Chairman of the Council or relevant Planning Committee Chairman (or the Vice Chairman in the Chairman’s absence) and Ward Member(s).’

(iv) that a revision be made to item 9 of the Area Planning Committee Terms of Reference with the following wording:

‘Where an application has been resubmitted following refusal by an Area Committee contrary to officers recommendation.’

(v) that subject to the approval of recommendations (i) to (iv) above a series of Parish / Town Council briefing sessions be arranged.

564. HALF YEARLY REVIEW OF PERFORMANCE

The Committee considered the report of the Director of Planning and Regulatory Services which provided details of performance for the half year to ensure that progress was being made towards the corporate goals and outcomes stated in the approved Corporate Plan 2015 - 2019.

The Committee was advised that this report was to be considered in detail by the Overview and Scrutiny Committee.

The half year position on service pledges and performance on key indications was attached as Appendix 1 to the report. A number of achievements and concerns related to financial / corporate health issues were outlined in the report.

Appendix 2 to the report detailed the proposed Key Corporate Activities (KCAs) for 2016 / 17, i.e. those activities which would help to achieve the stated goals and outcomes detailed in the Corporate Plan for 2015 – 2019.

The Chairman highlighted a number of successes and achievements set out in the report. She requested that the Committees thanks be passed to Officers and how successes also highlighted the good work being done by the Committee.

It was requested that in respect of joint working reference to Ward Members involvement should be made and that the Empty Homes reference to Rose and Crown should state rose and Crown, Southminster. In response to a question, the Interim Development Management and Enforcement Manager advised that new affordable homes was a generic headline which alluded to the scheme completed in Southminster.
The Chairman referred to the complaints and compliments received and highlighted that the complaints book in the Members’ Room appeared to not be up to date. In addition to the improvements implemented the Chairman advised of revisions to planning application reports shortly to be implemented.

RESOLVED

(i) that Members comments and the report and Appendix 1 to the report, be noted;

(ii) that the proposed Key Corporate Activities for 2016 / 17 as detailed in Appendix 2 to the report, be endorsed.

565. 2016 / 17 – 2019 / 20 CAPITAL PROJECTS

The Committee considered the report of the Director of Resources to review capital project bids that had been put forward to form part of the 2016 / 17 to 2019 / 20 capital programme. Members were asked to consider and prioritise capital project bids in preparation for consideration in the annual budget report in January 2016.

The report set out the essential projects and those categorised as service failure and service improvement. A copy of the project management methodology reports for each project linked to this Committee were attached as Appendix A. Those Capital Projects expected to start from 2017 / 18 were set out in Appendix B to the report.

Councillor R G Boyce advised the Committee of a report considered by the Rivers Task and Finish Working Group regarding speeding on the River Blackwater. He explained that some additional equipment (jet skis) estimated to cost in the region of £15,000 would be necessary and rather than have a report for a supplementary estimate in January he felt it was best to raise it at this meeting. It was noted that the sum may be match funded but this was at yet unknown and a business plan was outstanding. Councillor Boyce proposed that the Committee consider adding a recommendation to the Finance and Corporate Services Committee to consider this additional growth item. The Chairman informed Members that this was to assist with enforcement of the speed limit on the River Blackwater. Councillor Boyce added that the issue could lead to reputational damage to the authority. The proposal of was duly seconded.

In response to a question regarding the proposed replacement Buoy and with whom the responsibility for it lay, the Group Manager (Leisure, Countryside and Tourism) advised that he understood that it was the Council’s responsibility as the Council was responsible for navigation in the River Blackwater. The Director of Customers and Community advised that Officers would confirm this.

The Chairman then put the proposal from Councillor Boyce which was agreed.

RESOLVED

(i) that the contents of the report be noted;
(ii) that the Finance and Corporate Services Committee be recommended to consider including for consideration the following items in the 2016 / 17 Capital Programme:

- Replacement Thirslet Buoy (as set out in the report)
- River Blackwater Enforcement (Jet Skis) – NEW item as detailed above.

566. 2016 / 17 REVENUE BUDGET AND ANNUAL FEES AND CHARGES

The Committee considered the report of the Director of Resources which reviewed revenue growth, savings and fees and charges proposals put forward by Officers, prior to the approval of the 2016 / 17 budget and Medium Term Financial Strategy (MTFS) in January 2016. The views and recommendations of the Committee would be reported to the Finance and Corporate Services Committee on 24 November 2015.

Appendix A to the report set out the fees and charges policy areas for 2016 / 17. The report outlined proposed changes to certain policy areas along with those which were to remain unchanged.

RESOLVED

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

(ii) that the Finance and Corporate Services Committee be recommended that:

- the following budget savings (BS) and new income generation proposals (IG) be included in the budget for 2016 / 17:
  - Award of Court costs income (prosecutions) previously retained by Essex Legal will now come direct to Maldon District Council (BS);
  - Public Access Information (BS);
  - Charge for Tree Preservation Order Pre Application advice (IG).

- that the fees and charges policy areas outlined in Appendix A to the report for 2016 / 17 be adopted.

567. SUMMARY OF THE HOUSING AND PLANNING BILL

The Committee received the report of the Director of Planning and Regulatory Services providing a summary of the Housing and Planning Bill (the Bill) published on 13 October 2015.

The report set out the content of the Bill, which contained eight sections, and the potential implications for the Council.

The Chairman advised that this matter would also be discussed at the next Planning Chairman’s meeting followed by a briefing. She informed the Committee that Councillor Miss S White and herself would be attending the Town and Country
Planning Association Conference on 24 November where this item was a main item on the agenda.

In response to a question it was agreed that this matter should be brought to the attention of the Community Services Committee. The importance of receiving highlights and regular updates was also noted.

**RESOLVED** that the summary of the Housing and Planning Bill be noted.

568. **MALDON DISTRICT COUNCIL RESPONSE TO THE LOCAL PLANS EXPERT PANEL CALL FOR EVIDENCE**

The Committee received the report of the Director of Planning and Regulatory Services presenting the response from the Council to the Local Plans Expert Panel’s request for comments on measures or reforms which could ensure the efficient and effective production of Local Plans.

Members were advised that the response from this Council (attached as Appendix 1 to the report) had been submitted on 23 October 2015.

**RESOLVED** that the Council’s response to the Local Plans Expert Panel’s request (Appendix 1 to the report), be noted.

569. **GAMBLING ACT 2005: STATEMENT OF LICENSING POLICY**

The Committee considered the report of the Director of Planning and Regulatory Services advising Members of the outcome of the “light touch” consultation on the Council’s Statement of Licensing Policy for Gambling and seeking Members’ approval of the final draft document (attached as Appendix 1 to the report).

It was noted that the Council had to review its Statement of Licensing Policy so that it remained a valid document. Following late publication of amended statutory guidance the timetable for review had been disrupted. In light of this, the Council had proceeded with a light touch review to ensure the required consultation and governance could be completed in time for publication in January 2016. Members were advised that no consultation responses had been received and the document could now go forward for formal adoption by the Council.

**RESOLVED**

(i) that the outcome of the consultation process be noted;

(ii) that the Statement of Licensing Policy for Gambling as previously approved for consultation and set out in **APPENDIX 2** to these Minutes be endorsed.

**RECOMMENDED**

(iii) that the Statement of Licensing Policy for Gambling as set out in **APPENDIX 2** to these Minutes, be adopted with effect from 1 January 2016.
570. **URGENT BUSINESS**

The Chairman advised that in accordance with Section 100B(4) of the Local Government Act 1972 she had agreed to allow the Director of Planning and Regulatory Services to raise an urgent item of business as the matter was unforeseen at the deadline for publication of the agenda and in order to prevent / reduce a risk to the interests of the Council.

571. **MALDON HYTHE QUAY REPAIRS**

The Committee considered the urgent report of the Director of Resources updating Members on progress relating to the Hythe Quay Repair Project and seeking Members’ agreement in principle to a Supplementary Capital Estimate to cover the cost of unforeseen additional works.

The report provided background information regarding the Hythe Quay Repair Project and the decision taken by the Council to invest a significant sum into the Hythe Quay. Members were advised that whilst every effort had been made to minimise expenditure it was likely that some items which had recently emerged would require additional funding. The additional costs would in part resolve construction defects dating back to the 1940s when much of the Quay was last repaired.

In response to a number of comments raised, Councillor H M Bass raised a point of order and proposed that the question be put. Further debate continued.

Councillor Bass left the meeting at this point and did not return.

Following further discussion, the Chairman moved the recommendation as set out in the report which was duly seconded and agreed.

**RESOLVED**

(i) that the content of this report be noted;

(ii) that the principle of agreeing a supplementary estimate of up to £40,000 be supported;

(iii) that the Finance and Corporate Services Committee be recommended that the supplementary Capital Estimate of up to £40,000 as detailed above in relation to the Hythe Quay Repair Project, be agreed with the final amount being agreed by the Director of Resources in consultation with the Chairman of the Planning and Licensing Committee and the Finance and Corporate Services Committees.

There being no further items of business, the Chairman closed the meeting at 10:10pm.
Policy for Payment of Commuted Sums as Contribution to Need for Affordable Housing

DRAFT (OCTOBER 2015)

1 Purpose

1.1 This policy is to ensure that wherever possible all developments make a fair and equitable contribution towards the need for affordable housing in the District in compliance with the Council’s policies in particular H1. Only in exceptional cases will financial contribution be considered as an acceptable alternate to the provision of new affordable homes on-site.

1.2 When financial payments are made the Council will restrict the use of these funds to meeting the need for affordable homes. In many cases this will be through making funding available to increase the proportion of affordable homes elsewhere, alter the tenure of homes so that they have a greater strategic benefit or make changes to existing housing stock to meet housing need that has been identified as being necessary.

1.3 In most cases commuted sums will be invested in homes within the District but there may be circumstances where funding will be used to secure homes or accommodation outside of the District if this helps meet the housing needs of people with a local connection to the District.

2. Application of the Policy

2.1 This policy will apply in all cases where it is agreed by the Council’s Housing and Planning Services that a financial payment is a reasonable option to meet some or all of the requirement under Policy H1 to contribute towards meeting the affordable housing need of the District. Most usually this will apply to cases where:

2.1.1 There is a requirement to provide a partial home, for example if required by Policy H1 to provide 30% of 17 homes which would equate to 5.1 properties, a financial payment would be required for 0.1, or

2.1.2 Where the threshold for affordable housing is triggered by the area of the development under Policy H? as this is greater than 0.5 hectare but the design and or type of homes would not be of a type or size that would meet the housing requirements identified by the Council and it is accepted by the Council’s Housing and Planning Services that it is not feasible to provide affordable homes on site, or

2.1.3 In cases where provision of any affordable homes on site would make a development financially unviable but there is sufficient value from the development to make a financial contribution, or

2.1.4 Any other circumstances in which both the Council’s Housing and Planning Services agree that the need for affordable homes could be better served through the receipt of financial payment
2.2 The Council will only seek a contribution towards meeting the need for affordable homes when there is a demonstrable need and will keep under review and monitor this need no less than once every twelve months.

2.3 All payments made under this policy will be allocated to a specific use within five years from the date that the final payment is received from the applicant to the Council and will be spent within the end of the tenth year from the date that this payment was received. In cases where payments have not been allocated for use within five years of being received the Council will return any unspent funds to the applicant.

2.4 When a payment has been agreed and calculated in accordance with this policy no less than 50% of this amount shall be paid to the Council prior to the commencement of the construction of any residential units and the remaining 50% shall be paid no later than the date upon which no more than half of the residential units have been completed and are available for occupation.

2.5 In cases where a development is being constructed in phases, this policy shall apply to each phase unless it is agreed with the Council’s Housing and Planning Services that the provision of affordable homes can be addressed at subsequent phases.

3. Calculation of Payment

3.1 Any financial payment whether for complete or partial units will be based upon the cost to a Registered Provider for purchasing the same number and type of homes that would have been transferred to them had these homes been provided on site.

3.2 The cost of these units shall be based upon the average current benchmark price that the Council has for a home of that particular size and tenure and the Council’s Housing Service will monitor these values no less than twice a year. For example if 0.1 of a property is required and the property required would have been a two-bedroom house which Registered Providers are paying on average £100,000 for then the financial contribution would be £10,000 (100,000 x 0.1).

3.3 The type of property that is used for calculating the value of the financial payment shall be that which would have been provided on site in accordance with the requirements provided in the Council’s Strategic Housing Market Assessment or similar such replacement and taking into account more recently identified need.
Published **December November 2015** and applicable for the three year period commencing **31st January 2016**
FOREWORD

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 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 third 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 over the next three years, commencing on 31st January 2016.

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 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.

_________________________________
Cllr. Mrs. P. A. Channer
Chairman Planning and Licensing Committee
## CONTENTS

<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foreword</td>
<td>2</td>
</tr>
<tr>
<td>Contents</td>
<td>3</td>
</tr>
</tbody>
</table>

### PART A - General

1. Introduction 4
2. The Licensing Objectives 4
3. Description of the District 4
4. Responsibilities under the Act 5
5. Statement of Licensing Policy 5
6. Consultation 6
7. Approval of Policy 6
8. Declaration 7
9. Responsible Authorities 7
10. Interested Parties 7
11. Exchange of Information 8
12. Public Register 9
13. Compliance and Enforcement 9
14. Delegation of Powers 10

### PART B – Premises Licences

15. General Principles 11
16. Provisional Statements 14
17. Representations and Reviews 14
18. Adult Gaming Centres 15
19. (Licensed) Family Entertainment Centres 15
20. Casinos 15
21. Bingo Premises 15
22. Betting Premises 16
23. Tracks 16
24. Travelling Fairs 16

### PART C – Permits / Notices / Registrations

25. General 17
26. Unlicensed Family Entertainment Centres Gaming Machine Permits 17
27. (Alcohol) Licensed Premises Gaming Machine Permits 17
28. Prize Gaming Permits 18
29. Club Gaming and Club Machine Permits 19
30. Temporary Use Notices (TUNs) 20
31. Occasional Use Notices (OUNs) 20
32. Small Society Lotteries 20

### APPENDICES

A. Map of the Maldon District 21
B. Definitions 22
C. List of Consultees 28
D. Responsible Authorities 30
E. Table of Delegations 31
F. Application Processes 33
G. Table of Fees 51
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 as set out in Section 1 of the Act. 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 62,400 (ONS 2008-2014). 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 60-70 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.

4.2 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. The Maldon District Council is the Licensing Authority for the Maldon District.

4.3 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 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 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 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.
5.2 In this document this is referred to as ‘the Policy’. The Policy must be reviewed and published every three years. The Policy must also be reviewed from ‘time to time’ 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 31 January 2016.

5.4 The Policy is contained within Paragraphs 1 to 32 of this document and is supported by a number of other sections – 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 this a 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; and
  - the Citizens’ Advice Bureau;
  - Other tiers of local government;
  - Businesses who are, or will be, holders of Premises Licences;
  - 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 1st November 2012 and was published via its website in December 2012. 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 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, the Licensing Authority is designated as a Responsible Authority. This differs from the provisions of the Licensing Act 2003 in which the Licensing Authority does not have a role as a “Responsible Authority”.

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:-

- The size of the premises;
- The nature of the premises;
- The distance of the premises from the location of the person making the representation;
- The potential impact of the premises (e.g. number of customers and routes likely to be taken by those visiting the establishment);
- The interests of the person or business making a representation, which may be relevant to the distance from the premises;
- The 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;
- The 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;
• 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. It will endeavour to be:

• 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.
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.
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 cannot 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:-

- the size of the premises;
- the 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 Head of Environment 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. ADULT GAMING CENTRES

18.1 An Adult Gaming Centre is defined in Appendix B. Entry to these premises is age restricted.

18.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

19. (LICENSED) FAMILY ENTERTAINMENT CENTRES

19.1 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 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

20. CASINOS

20.1 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.

20.2 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. BINGO PREMISES

21.1 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 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

21.3 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. **BETTING PREMISES**

22.1 Betting Premises are defined in Appendix B.

22.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

23. **TRACKS**

23.1 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. **TRAVELLING FAIRS**

24.1 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.
25. GENERAL

25.1 Forms and Method of Application and any additional information or documents required for permits covered by this section are shown in Appendix F.

26. UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

26.1 Where a premises 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 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.
27. **(ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS**

27.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of Categories C and/or D. The Premises Licence holder must notify the Licensing Authority at least two months prior to the date of expiry of the current permit.

27.2 Gaming machines can only be located on licensed premises that have a bar for serving customers.

27.3 Premises restricted to selling alcohol only with food, will not be able to apply for a Permit.

27.4 Where an application for more than two 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 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. **PRIZE GAMING PERMITS**

28.1 Where a premises 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 **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. **CLUB GAMING AND CLUB MACHINE PERMITS**

29.1 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 A fast-track procedure is available for premises that hold a Club Premises Certificate under the Licensing Act 2003.
30. **TEMPORARY USE NOTICES (TUNs)**

30.1 The person designated to receive TUNs and to issue objections is specified in Appendix E.

30.2 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 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 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 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. **OCCASIONAL USE NOTICES (OUNs)**

31.1 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 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 The Licensing Authority has very little discretion as regards these Notices, aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded.

31.4 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 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. **SMALL SOCIETY LOTTERIES**

32.1 All Small Society Lotteries must be registered with the Licensing Authority.

32.2 Small Society Lotteries are defined in Appendix B.
### 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.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Gaming Centre</td>
<td>Premises in respect of which an Adult Gaming Centre Premises Licence has effect.</td>
</tr>
<tr>
<td>Authorised Local Authority Officer</td>
<td>A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that Authority's area.</td>
</tr>
<tr>
<td>Betting Machines</td>
<td>A machine designed or adapted for use to bet on future real events [not a gaming machine].</td>
</tr>
<tr>
<td>Betting Premises</td>
<td>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.</td>
</tr>
<tr>
<td>Bingo</td>
<td>No statutory definition in Act. Bingo is a game of equal chance and may be Cash Bingo or Prize Bingo.</td>
</tr>
<tr>
<td>Casino</td>
<td>An arrangement whereby people are given an opportunity to participate in one or more casino games.</td>
</tr>
<tr>
<td>Casino Resolution</td>
<td>Resolution not to issue Casino Premises Licences.</td>
</tr>
<tr>
<td>Child</td>
<td>Individual who is less than 16 years old.</td>
</tr>
<tr>
<td>Club Gaming Machine Permit</td>
<td>Permit to enable the premises to provide gaming machines [3 machines of Categories B,C or D.</td>
</tr>
<tr>
<td>Conditions</td>
<td>Conditions to be attached to licences by way of:-</td>
</tr>
<tr>
<td></td>
<td>• Automatic provision</td>
</tr>
<tr>
<td></td>
<td>• Regulations provided by Secretary of State</td>
</tr>
<tr>
<td></td>
<td>• Conditions provided by Gambling Commission</td>
</tr>
<tr>
<td></td>
<td>• Conditions provided by Licensing Authority</td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>Default Conditions</td>
<td>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.</td>
</tr>
<tr>
<td>Delegated Powers</td>
<td>Decisions delegated either to a Licensing Committee, Sub-</td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>Category</th>
<th>Max. Stake</th>
<th>Max. Prize</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Unlimited</td>
<td></td>
</tr>
<tr>
<td>B1</td>
<td>£5</td>
<td>£10,000*</td>
</tr>
<tr>
<td>B2</td>
<td>£100</td>
<td>£500</td>
</tr>
<tr>
<td>B3</td>
<td>£2</td>
<td>£500</td>
</tr>
<tr>
<td>B3A</td>
<td>£2</td>
<td>£500</td>
</tr>
<tr>
<td>B4</td>
<td>£2</td>
<td>£400</td>
</tr>
<tr>
<td>C</td>
<td>£4</td>
<td>£100</td>
</tr>
<tr>
<td>D</td>
<td>20p</td>
<td>£5 or £20**</td>
</tr>
</tbody>
</table>

Guidance to Licensing Authorities

Human Rights Act 1998
Articles: 1,6,8 and 10
Article 1: Protocol 1
The right to peaceful enjoyment of possessions.

Article 6:
<table>
<thead>
<tr>
<th><strong>APPENDIX 2</strong></th>
<th>The right to a fair hearing.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Article 8:</strong></td>
<td>The right of respect for private and family life.</td>
</tr>
<tr>
<td><strong>Article 10:</strong></td>
<td>The right to freedom of expression.</td>
</tr>
<tr>
<td><strong>Incidental Non Commercial Lottery</strong></td>
<td>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]</td>
</tr>
<tr>
<td><strong>Exchange of Information</strong></td>
<td>Exchanging of information with other regulatory bodies under the Gambling Act.</td>
</tr>
<tr>
<td><strong>Interested Party</strong></td>
<td>A person who:-</td>
</tr>
<tr>
<td></td>
<td>• Lives sufficiently close to the premises to be likely affected by the authorised activities.</td>
</tr>
<tr>
<td></td>
<td>• Has business interests that might be affected by the authorised activities.</td>
</tr>
<tr>
<td></td>
<td>• Represents persons in either of the above groups.</td>
</tr>
<tr>
<td><strong>Licensed Family Entertainment Centre</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Licensing Objectives</strong></td>
<td>• Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.</td>
</tr>
<tr>
<td></td>
<td>• Ensuring that gambling is conducted in a fair and open way.</td>
</tr>
<tr>
<td></td>
<td>• Protecting children and other vulnerable persons from being harmed or exploited by gambling.</td>
</tr>
<tr>
<td><strong>Lottery</strong></td>
<td>An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.</td>
</tr>
<tr>
<td><strong>Lottery Tickets</strong></td>
<td>Tickets that must:-</td>
</tr>
<tr>
<td></td>
<td>• Identify the promoting society;</td>
</tr>
<tr>
<td></td>
<td>• State the price of the ticket, which must be the same for all tickets;</td>
</tr>
<tr>
<td></td>
<td>• 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</td>
</tr>
<tr>
<td></td>
<td>• State the date of the draw, or enable the date of the draw to be determined.</td>
</tr>
</tbody>
</table>
| **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. |
<p>| <strong>Occasional Use Notice</strong> | Betting may be permitted on a ‘track’ without the need for a full Premises Licence. |
| <strong>Off Course Betting</strong> | Betting that takes place other than at a track, i.e. at a licensed betting shop. |
| <strong>Off Course Betting - Tracks</strong> | 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. |
| <strong>On Course Betting - Tracks</strong> | Betting taking place on a track while races are taking place. |
| <strong>Operating Licence</strong> | Licence to permit individuals and companies to provide facilities for certain types of gambling. It may authorise remote or non remote gambling. |
| <strong>Permits</strong> | Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises. |
| <strong>Personal Licence</strong> | Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. Cannot be held by companies. |
| <strong>Pool Betting - Tracks</strong> | Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the Premises Licence for the track. |
| <strong>Premises</strong> | 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. |</p>
<table>
<thead>
<tr>
<th>Premises Licence</th>
<th>Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, Adult Gaming Centres and Family Entertainment Centres.</th>
</tr>
</thead>
</table>
| 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 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 |
<table>
<thead>
<tr>
<th><strong>APPENDIX 2</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Authority in relation to vulnerable adults</strong></td>
</tr>
<tr>
<td><strong>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</strong></td>
</tr>
</tbody>
</table>

Full details of Responsible Authorities for the Maldon District are contained in Appendix D to this Policy.

<table>
<thead>
<tr>
<th>Small Society Lottery</th>
<th>A lottery promoted on behalf of a non commercial society, i.e. lotteries intended to raise funds for good causes.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Society</td>
<td>The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.</td>
</tr>
<tr>
<td>Temporary Use Notice</td>
<td>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.</td>
</tr>
<tr>
<td>Tote [or Totalisator]</td>
<td>Pool betting on tracks.</td>
</tr>
<tr>
<td>Track</td>
<td>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.</td>
</tr>
<tr>
<td>Travelling Fair</td>
<td>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.</td>
</tr>
<tr>
<td>Vehicles</td>
<td>Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.</td>
</tr>
<tr>
<td>Vulnerable Persons</td>
<td>No set definition, but likely to include people who:-</td>
</tr>
<tr>
<td></td>
<td>• gamble more than they want to</td>
</tr>
<tr>
<td></td>
<td>• gamble beyond their means</td>
</tr>
<tr>
<td></td>
<td>• who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs</td>
</tr>
<tr>
<td>Young Person</td>
<td>An individual who is not a child but who is less than 18 years old.</td>
</tr>
</tbody>
</table>
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
Latchingsdon Football Cub
Madison Heights

Local residents and other interested parties via Notice of Intention published in a local newspaper circulating in the Maldon District
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.

<table>
<thead>
<tr>
<th>ORGANISATION</th>
<th>ADDRESS</th>
<th>CONTACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maldon District Council</td>
<td>Licensing Officer</td>
<td>Tel: 01621 854477</td>
</tr>
<tr>
<td></td>
<td>Maldon District Council</td>
<td>Fax: 01245 606660</td>
</tr>
<tr>
<td></td>
<td>Princes Road</td>
<td>e-mail address: <a href="mailto:licensing@maldon.gov.uk">licensing@maldon.gov.uk</a></td>
</tr>
<tr>
<td></td>
<td>Maldon</td>
<td>Website: <a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a></td>
</tr>
<tr>
<td></td>
<td>Essex CM9 5DL</td>
<td></td>
</tr>
<tr>
<td>Gambling Commission</td>
<td>Victoria Square House</td>
<td>Tel: 0121 230 6666</td>
</tr>
<tr>
<td></td>
<td>Victoria Square</td>
<td>Fax: 0121 230 6720</td>
</tr>
<tr>
<td></td>
<td>Birmingham</td>
<td>e-mail address: <a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a></td>
</tr>
<tr>
<td></td>
<td>CM2 4BP</td>
<td>Website: <a href="http://www.gamblingcommission.gov.uk">www.gamblingcommission.gov.uk</a></td>
</tr>
<tr>
<td>Essex Police</td>
<td>Police Licensing Officer</td>
<td>Tel: 01245 212501</td>
</tr>
<tr>
<td></td>
<td>Essex Police</td>
<td>Fax: 01245 212502 01245 212529</td>
</tr>
<tr>
<td></td>
<td>Chelmsford Police Station</td>
<td>e-mail address: <a href="mailto:martin.reed@essex.pnn.police.uk">martin.reed@essex.pnn.police.uk</a></td>
</tr>
<tr>
<td></td>
<td>New Street</td>
<td>North-LPA.Chelmsford/Maldon-Licensing@essex.pnn.police.uk</td>
</tr>
<tr>
<td></td>
<td>Chelmsford</td>
<td>Website: <a href="http://www.essex.police.uk">www.essex.police.uk</a></td>
</tr>
<tr>
<td></td>
<td>Essex CM1 1NF</td>
<td></td>
</tr>
<tr>
<td>Essex County Fire and Rescue Service</td>
<td>Chelmsford/Maldon Community Command Fire Station</td>
<td>Tel: 01245 328388</td>
</tr>
<tr>
<td></td>
<td>Ferrers Road</td>
<td>Fax: 01245 327506</td>
</tr>
<tr>
<td></td>
<td>South Woodham Ferrers</td>
<td><a href="mailto:cm.command@essex-fire.go.uk">cm.command@essex-fire.go.uk</a></td>
</tr>
<tr>
<td></td>
<td>Essex CM3 5XH</td>
<td></td>
</tr>
<tr>
<td>Maldon District Council</td>
<td><strong>Director of Planning and Regulatory Services</strong></td>
<td>Tel: 01621 854477</td>
</tr>
<tr>
<td></td>
<td><strong>Head of Planning Services</strong></td>
<td>Fax: 01241 875899</td>
</tr>
<tr>
<td></td>
<td>Maldon District Council</td>
<td>e-mail address: <a href="mailto:environmentservices.request@maldon.gov.uk">environmentservices.request@maldon.gov.uk</a></td>
</tr>
<tr>
<td></td>
<td>Princes Road</td>
<td><a href="mailto:licensing@maldon.gov.uk">licensing@maldon.gov.uk</a></td>
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<tr>
<td></td>
<td>Maldon</td>
<td>Website: <a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a></td>
</tr>
<tr>
<td></td>
<td>Essex CM9 5DL</td>
<td></td>
</tr>
<tr>
<td>Maldon District Council</td>
<td><strong>Head of Environment Services</strong></td>
<td>Tel: 01621 854477</td>
</tr>
<tr>
<td></td>
<td>Maldon District Council</td>
<td>Fax: 01621 875899</td>
</tr>
<tr>
<td></td>
<td>Princes Road</td>
<td>e-mail address: <a href="mailto:health@maldon.gov.uk">health@maldon.gov.uk</a></td>
</tr>
<tr>
<td></td>
<td>Maldon</td>
<td>Website: <a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a></td>
</tr>
<tr>
<td>ORGANISATION</td>
<td>ADDRESS</td>
<td>CONTACT</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Essex County Council</strong>&lt;br&gt;Children’s Safeguarding Service</td>
<td>Head of Children’s Essex Safeguarding Children’s Board Service [Licensing Applications]&lt;br&gt;Essex County Council&lt;br&gt;EUG zone 3&lt;br&gt;DG06, D Block&lt;br&gt;Schools Children’s and Families Service&lt;br&gt;PO Box 11&lt;br&gt;County Hall&lt;br&gt;Chelmsford&lt;br&gt;Essex&lt;br&gt;CM1 1LX</td>
<td>Tel: 01245 492211&lt;br&gt;Tel: 01245 706200&lt;br&gt;<a href="mailto:licenceapplications@essexcc.gov.uk">licenceapplications@essexcc.gov.uk</a>&lt;br&gt;Website: <a href="http://www.essexcc.gov.uk">www.essexcc.gov.uk</a></td>
</tr>
<tr>
<td><strong>Her Majesty’s Revenue and Customs</strong></td>
<td>The Proper Officer&lt;br&gt;HMRC&lt;br&gt;St Mungos Road&lt;br&gt;Cumbernauld&lt;br&gt;Glasgow&lt;br&gt;G70 5WY</td>
<td>Tel: 0141 5553633&lt;br&gt;e-mail address: nru.betting@<a href="mailto:gaming@hmrc.gsi.gov.uk">gaming@hmrc.gsi.gov.uk</a>&lt;br&gt;Website: <a href="http://www.hmrc.gov.uk">www.hmrc.gov.uk</a></td>
</tr>
</tbody>
</table>
## Appendix E - Table of Delegations

<table>
<thead>
<tr>
<th>MATTER TO BE DEALT WITH</th>
<th>FULL COUNCIL VIA PLANNING &amp; LICENSING COMMITTEE</th>
<th>PLANNING AND LICENSING, LICENSING SUB COMMITTEE</th>
<th>OFFICERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Three year licensing policy</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Policy not to permit casinos</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fee Setting - when appropriate</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for premises licences</td>
<td>Where representations have been received and not withdrawn</td>
<td>Where no representations received/representations have been withdrawn</td>
<td></td>
</tr>
<tr>
<td>Application for a variation to a licence</td>
<td>Where representations have been received and not withdrawn</td>
<td>Where no representations received/representations have been withdrawn</td>
<td></td>
</tr>
<tr>
<td>Application for a transfer of a licence</td>
<td>Where representations have been received from the Commission</td>
<td>Where no representations received from the Commission</td>
<td></td>
</tr>
<tr>
<td>Application for a provisional statement</td>
<td>Where representations have been received and not withdrawn</td>
<td>Where no representations received/representations have been withdrawn</td>
<td></td>
</tr>
<tr>
<td>Review of a premises licence</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for club gaming /club machine permits</td>
<td>Where representations have been received and not withdrawn</td>
<td>Where no representations received/representations have been withdrawn</td>
<td></td>
</tr>
<tr>
<td>Cancellation of club gaming/club machine permits</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applications for other permits</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cancellation of licensed premises gaming machine permits</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consideration of temporary use notice</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Decision to give a counter notice to a temporary use notice</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consideration of an Occasional Use Notice</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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

<table>
<thead>
<tr>
<th>Category</th>
<th>Max. Stake (from Jan 2014)</th>
<th>Max. Prize (from Jan 2014)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Unlimited – no category A gaming machines are currently permitted</td>
<td></td>
</tr>
<tr>
<td>B1</td>
<td>£5</td>
<td>£10,000*</td>
</tr>
<tr>
<td>B2</td>
<td>£100</td>
<td>£500</td>
</tr>
<tr>
<td>B3</td>
<td>£2</td>
<td>£500</td>
</tr>
<tr>
<td>B3A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B4</td>
<td>£2</td>
<td>£400</td>
</tr>
<tr>
<td>C</td>
<td>£1</td>
<td>£100</td>
</tr>
<tr>
<td>D – non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)</td>
<td>30p</td>
<td>£8</td>
</tr>
<tr>
<td>D – non-money prize (crane grab machine)</td>
<td>£1</td>
<td>£50</td>
</tr>
<tr>
<td>D – money prize (other than a coin pusher or penny falls machine)</td>
<td>10p</td>
<td>£5</td>
</tr>
<tr>
<td>D – combined money and non-money prize (other than a coin pusher or penny falls machine)</td>
<td>10p</td>
<td>£8 (of which no more than £5 may be a money prize)</td>
</tr>
<tr>
<td>D – combined money and non-money prize (coin pusher or penny falls machine)</td>
<td>20p</td>
<td>£20 (of which no more than £10 may be a money prize)</td>
</tr>
</tbody>
</table>

With the option of a maximum £20,000 linked progressive jackpot on a premises basis only

<table>
<thead>
<tr>
<th>Category of machine</th>
<th>Maximum Stake (£)</th>
<th>Maximum Prize (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Unlimited</td>
<td>Unlimited</td>
</tr>
</tbody>
</table>
Fig. 2

<table>
<thead>
<tr>
<th>Machine Category</th>
<th>A</th>
<th>B1</th>
<th>B2</th>
<th>B3</th>
<th>B3A</th>
<th>B4</th>
<th>C</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large casino (machine / table ratio of 5-1 up to maximum)</td>
<td>B, C and D, except B3A. Maximum of 150 or 5 x no of gaming tables, whichever is less. (Large casino must have at least one gaming table.) Maximum 150 machines</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small casino (machine / table ratio of 2-1 up to maximum)</td>
<td>B, C and D, except B3A. Maximum of 80 machines or 2 x no of gaming tables, whichever is less. Maximum 80 machines</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pre-2005 Act casinos (no machine / table ratio)</td>
<td>Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead (except B3A)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Betting premises and tracks occupied by Pools bBetting</td>
<td>Maximum of 4 machines categories B2 to D (except B3A machines)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bingo Premises</td>
<td>Maximum of 8 category B3 or B4 machines or 20% of the total number of gaming machines, which are available for use on the premises categories B3 or B4**, whichever is the greater.*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult gaming centre</td>
<td>Maximum of 4 category B3 or B4 machines or 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**, whichever is the greater.*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**No limit on category C or D machines
<table>
<thead>
<tr>
<th>Type of Premises</th>
<th>Machine Categories Allowed</th>
<th>Maximum Number of Machines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family entertainment centre (with premises licence)</td>
<td>No limit on category C or D machines</td>
<td></td>
</tr>
<tr>
<td>Family entertainment centre gaming machine (with permit)</td>
<td>D</td>
<td>No limit on category D machines</td>
</tr>
<tr>
<td>Club or miners' institute (with gaming permits)</td>
<td>B3A, B4, C and D</td>
<td>Maximum of 3 machines in categories B3A or B4 to D*3 total</td>
</tr>
<tr>
<td>Club machine permit</td>
<td>B3A, B4, C and D</td>
<td>3 total</td>
</tr>
<tr>
<td>Qualifying alcohol licensed premises: automatic entitlement</td>
<td>C and D</td>
<td>1 or 2 machines of category C or D automatic upon notification2 total</td>
</tr>
<tr>
<td>Qualifying alcohol licensed premises (with gaming machine permit)</td>
<td>C and D</td>
<td>UnlimitedNumber of category C-D machines as specified on permit</td>
</tr>
<tr>
<td>Travelling fairs</td>
<td>No limit on category D machines</td>
<td></td>
</tr>
</tbody>
</table>

* 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.

*Licensed AGC and bingo premises in existence before 13th July 2011 are entitled to make available four (AGCs) or eight (bingo) category B gaming machines, or 20% of the total number of gaming machines, whichever is greater. AGC and bingo premises licences granted on or after 13th July 2011 but before 1st 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 1st April 2014 these premises will be entitled to 20% of the total number of gaming machines only.

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.
PREMISES WHERE AN OPERATOR'S LICENCE HAS BEEN GRANTED TO OPERATE A CASINO, BINGO PREMISES, BETTING PREMISES, ADULT GAMING CENTRE OR LICENSED FAMILY ENTERTAINMENT CENTRE

1. Attach required documentation
2. Pay prescribed fee

1. Licence lasts indefinitely unless surrendered, lapsed etc.
2. Annual charge payable to licensing authority
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.

<table>
<thead>
<tr>
<th>Category of machine</th>
<th>Maximum Stake</th>
<th>Maximum Prize</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£</td>
<td>£</td>
</tr>
<tr>
<td>B3A</td>
<td>1</td>
<td>500</td>
</tr>
<tr>
<td>B4</td>
<td>1</td>
<td>250</td>
</tr>
<tr>
<td>C</td>
<td>1</td>
<td>70</td>
</tr>
<tr>
<td>D (Money prize)</td>
<td>10p</td>
<td>5</td>
</tr>
<tr>
<td>D Non money prize (other than a crane grab machine)</td>
<td>30p</td>
<td>8</td>
</tr>
<tr>
<td>D Non money prize (crane grab machine)</td>
<td>1</td>
<td>50</td>
</tr>
<tr>
<td>D combined money and non money prize (other than a coin pusher or penny falls machine)</td>
<td>10p</td>
<td>8 (of which no more than 5 may be a money prize)</td>
</tr>
<tr>
<td>D combined money and non money prize (coin pusher or penny falls machine)</td>
<td>10p</td>
<td>15 (of which no more than 8 may be a money prize)</td>
</tr>
</tbody>
</table>

The category and number of machines that may be operated under a premise's licence are shown in Figure 2 above.
### 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

### Machine Category

<table>
<thead>
<tr>
<th>Premises Type</th>
<th>A</th>
<th>B1</th>
<th>B2</th>
<th>B3</th>
<th>B3A</th>
<th>B4</th>
<th>C</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clubs or Miners’ Welfare Institutes with permits</td>
<td>B3A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Qualifying alcohol licensed premises upon notification</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Qualifying alcohol licensed premises with gaming machine permit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Family Entertainment Centre (with permit)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Travelling Fair</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Maximum of 3 category B3A to D machines

#### Automatic entitlement of 1 or 2 category C or D machines

#### Unlimited entitlement of 1 or 2 category C or D machines

#### Unlimited category D machines
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.
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

AFTER 1 SEPTEMBER 2007

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

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

AFTER 1 SEPTEMBER 2007

Applications for new permits and renewals must be made to Licensing Authority

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

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.
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

NEW PERMIT TO OPERATE AFTER 1 SEPTEMBER 2007

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

NEW PERMIT TO OPERATE AFTER 1 SEPTEMBER 2007

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
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.
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
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

REGISTRATION TO OPERATE AFTER 1 SEPTEMBER 2007

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:
   1. Dates tickets were available for sale, dates of draw and value of prizes
   2. 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
   3. 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](http://www.maldon.gov.uk)

or by contacting Maldon District Council, Princes Road, Maldon, Essex, CM9 5DL

or by emailing [licensing@maldon.gov.uk](mailto:licensing@maldon.gov.uk)
REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES
to
PLANNING AND LICENSING COMMITTEE
12 NOVEMBER 2015

REVIEW OF THE TEMPLATE PROVIDED TO A PARISH OR TOWN COUNCIL TO PROVIDE COMMENTS ON A PLANNING APPLICATION

1. PURPOSE OF THE REPORT

1.1 To seek agreement to alter the template provided to a Parish or Town Council to provide comments on a planning application.

2. AREA FOR DECISION / ACTION

2.1 In January 2014 this Committee considered a report from the Head of Planning Services on a number of issues relative to the Planning Services Improvement Plan including a review of delegation arrangements.

2.2 Given that the Parish Trigger is a constraint on the use of delegated powers, and in the interests of maintaining good performance on the determination of planning applications, the Committee decided to recommend to the Council that the following sentence be added to item 4 of the Area Planning Committee Terms of Reference (Minute No. 712 refers):

‘This provision shall not apply to those cases where there is a representation of ‘no comment’ or ‘no objection’ or to minor classes of development affecting residential / domestic properties or within such curtilages involving porches, conservatories, boundary walls / fences, vehicle crossovers, garages, sheds, outbuildings, satellite dishes and replacement windows / doors.’

2.3 When the matter was considered by the Council in February 2014, it was concluded that the Parish Trigger would not be invoked by a representation of ‘no comment’. However, the current template does not provide the Parish or Town Council with this option (please see APPENDIX 1).

2.4 The Local Planning Authority (LPA) has received a number of comments and consultations from Parish or Town Council where it has been indicated that a third option would be beneficial. This can be, for example, where the application relates solely to a technical matter or where an application previously not supported by the council has been allowed at appeal.

2.5 This report therefore seeks agreement to amend the standard consultation template to include the option of ‘no comment’ or ‘no objection’ in line with the Area Planning
2.6 The reduction in applications unnecessarily going to the planning committee will have a positive impact upon the performance of the LPA and will reduce the workload of the Area Planning Committees leaving Members to devote their attention to focus on strategic proposals which are more appropriately within the remit of these Committees.

2.7 In addition, some Parish / Town Councils do not use the standard template which can lead to a lack of consistency. Should comments not be received on the standard template then this will not invoke the Parish Trigger. However, their comments will still be a material planning consideration i.e. their comments will be taken into account. This will be monitored to ensure it does not impact on performance in dealing with applications.

2.8 It should be noted that these changes will not impact on the ability for Members to ‘call-in’ a planning application for consideration by a Committee.

3. IMPACT ON CORPORATE GOALS

3.1 The review and updating of the corporate governance and associated 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 the Corporate Goal of aiming to be an organisation that delivers good quality cost effective and valued services in a transparent way.

4. IMPLICATIONS

(i) **Impact on Customers** – The ability to ensure that planning decisions are taken in a timely, open and transparent way.

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

(iii) **Impact on Risk** – Failure to determine planning applications with the statutory timescales could result in the Council being placed in ‘special measures’ and also an increase in planning appeals with a subsequent impact of staff resources. Planning Services is included on the corporate risk register for 2014 / 15.

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

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

(vi) **Impact on the Environment** – Failure to determine applications within the statutory period could result in an increase in unauthorised developments and delays in investigating breaches in planning control could lead to adverse impacts on the environment resulting in long term harm which might be difficult to mitigate.
5. CONCLUSIONS

5.1 An amendment to the standard template, bringing it in line with the Area Planning Committee Terms of Reference, will assist the Parish or Town Council commenting on planning applications along with reducing of the workload of the Area Planning Committees leaving Members to devote their attention to focus on strategic proposals which are more appropriately within the remit of these Committees.

6. RECOMMENDATIONS

(i) that the amendments to the standard template used for the consultation of the Parish and Town Councils (APPENDIX 2) be agreed.

To the Council:

(ii) that the Parish Trigger will not be invoked if comments made by a Parish / Town Council are not received on the standard template.

Background Papers: None.

Enquiries to:
Matt Leigh, Interim Development Management & Enforcement Manager, (Tel, 01621 875740).
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RESPONSE TO CONSULTATION FROM MALDON DISTRICT COUNCIL ON A PLANNING APPLICATION

RESPONSE FROM MAYLAND PARISH COUNCIL

PLANNING APPLICATION NUMBER, SITE & DETAILS ____________________________

Our views on the above application are: Please tick the appropriate box

1. We recommend the granting of planning permission, for the reasons listed below,

   [ ]

or

2. We recommend the refusal of planning permission, for the reasons listed below,

   [ ]

*REASONS FOR RESPONSE (Please include the relevant policy in the Submission version of the Local Development Plan i.e. Policy D1 – Design Quality and both Environment, Policy S8 Settlement Boundaries and the Countryside)

Signed: ______________________ Date: ______________
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APPENDIX 2

RESPONSE TO CONSULTATION FROM MALDON DISTRICT COUNCIL ON A PLANNING APPLICATION

RESPONSE FROM MAYLAND PARISH COUNCIL

PLANNING APPLICATION NUMBER, SITE & DETAILS ____________________________

Our views on the above application are: Please tick the appropriate box

1. We recommend the granting of planning permission, for the reasons listed below:

   * 

or

2. We have no comment / we raise no objection but wish to make the following comment:

   

or

3. We recommend the refusal of planning permission, for the reasons listed below:

   * 

*REASONS FOR RESPONSE (Please include the relevant policy in the Submission version of the Local Development Plan i.e. Policy D1 – Design Quality and both Environment, Policy S8 Settlement Boundaries and the Countryside)

Signed: _______________________________ Date: ___________________
REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES
to
PLANNING AND LICENSING COMMITTEE
12 NOVEMBER 2015

REVIEW OF DELEGATION ARRANGEMENTS

1. PURPOSE OF THE REPORT

1.1 To seek agreement to recommend to the Council on proposed changes to the existing Planning delegation arrangements in terms of their impact on performance, in particular where the view of a Parish or Town Council is at variance with the Officer recommendation (known as the Parish 'Trigger'), 'major' planning applications and where a planning application has previously been refused at an Area Planning Committee.

2. AREA FOR DECISION / ACTION

2.1 Background

2.1.1 The Planning Services Improvement Plan (PSIP) was prepared and endorsed by this Committee at its meeting on 3 October 2013 (Minute No. 444 refers). The aim of the Improvement Plan is to focus attention and resources on the areas requiring review and improvement and provide a clear framework and timescale for action as well as addressing issues in relation to performance against national indicators. This was partially due to concerns in relation to the Council’s performance in handling major planning applications.

2.1.2 Section 62A of the Town and Country Planning Act 1990 allows certain applications to be made directly to the Secretary of State for Communities and Local Government where the local planning authority has been 'designated'.

2.1.3 The Growth and Infrastructure Act 2013 gives the Secretary of State power to 'designate' local planning authorities, if their performance in handling major planning applications has fallen below an acceptable standard.

2.1.4 Under the original provisions, local planning authorities can be designated as under-performing and placed under 'special measures' by the Secretary of State if:

- 30% or fewer of their decisions on major applications are made within the statutory determination period or such extended period as has been agreed in writing with the applicant.
- More than 20% of major applications decisions are overturned on appeal.
2.1.5 However, in June 2014, the government introduced a new threshold of 40% for decisions on major applications being made within the statutory determination period whilst the threshold for decisions being overturned on appeal would remain at 20%.

2.1.6 Local planning authorities under special measures have the potential for applications to be submitted directly and determined by the planning inspectorate. This removes the local decision making process as well as the application fee.

2.1.7 In July 2015 The Fixing the Foundations productivity plan was published by George Osborne which includes proposals to tighten the planning performance regime which included the threshold for local authorities to determine major applications on time will rise to 50%. The government also said it would legislate to extend the performance regime to include minor applications. The productivity plan does not set a threshold for placing authorities in special measures for their performance in deciding minor applications. The time period for determining a major application is 13 weeks whilst the period allowed for minor applications is eight weeks.

2.1.8 In January 2014 this Committee considered a report from the Head of Planning Services on a number of issues relative to the Planning Services Improvement Plan including a review of delegation arrangements. In the interests of maintaining good performance on the determination of planning applications, the Committee acknowledged there would be an ongoing need to review the Council’s performance by the various constraints placed upon it.

2.1.9 The Department for Communities and Local Government (DCLG) Statistical Release ‘Planning Applications: January to March 2015 shows that local planning authorities delegated 93% of decisions to planning officers; this was consistent with the previous quarter. These figures compare unfavourably with this authority where only 57% were delegated to officers for October to December 2014 and 63% January to March 2015. Which is also well below the national best practise figure of 90%; which allows for planning committees to be focused on applications of major importance or controversial matters.

2.1.10 The effect of the effect of the limited level of delegated applications leads to applications being determined beyond the expiry of the statutory periods of 8 and 13 weeks respectively, affecting applications of all categories, classified as Minor, Other and Major. This reflects poorly in terms of national performance indicators against which all local planning authorities are ‘judged’ by the DCLG. In addition there is a burden placed upon the work of the Area Planning Committees in having to determine many applications of a relatively minor nature and which under any other circumstance would have been delegated to officers for determination.

2.1.11 A benchmarking exercise carried out with the assistance of PAS and the Chartered Institute of Public Finance and Accountancy (CIPFA) in 2013 highlighted the fact that the decision-making elements of the planning application process varied significantly from delegated to Committee applications. The results of this work indicated that the decision making element of delegated applications cost the Council £64 per case, whilst for Committee items this was £513. The vast majority of this cost differential is related to Officer time, both in terms of Officers writing reports, Managers checking those reports, and Committee Services input.
2.1.12 The benefits of increased levels of delegation are not only felt by the Council, but also customers and other stakeholders. Generally, customers want a quick decision whilst objectors to a scheme will also want certainty one way or the other. For businesses, speedy decisions can be crucial as they look to plan for the future and secure the necessary finance. Delays of even just a few weeks whilst the next Planning Committee comes around can be important. Quick decision-making can also help promote economic development which is better for customers, and better for business.

2.2 Parish Trigger

2.2.1 Currently the biggest constraint on delegated powers ‘Parish Trigger’. Whilst recent training for the Parish and Town Councils has resulted in an improvement in the quality of responses there still is often conflict between the parish and officers recommendation.

2.2.2 Removal of the ‘trigger’ in those cases where the Parish supported a development and the Director of Planning and Regulatory Services proposed to refuse would be unlikely to have any serious implications as the ‘status quo’ would be maintained. In such cases the applicant could negotiate and re-submit a further planning application to the Council without payment of a fee (on the assumption that this was an initial application) or could look to lodge an appeal to the Planning Inspectorate.

2.2.3 Furthermore, this would have an additional benefit as amended or subsequent planning applications that are submitted after the initial planning application has been refused by an Area Planning Committee are currently required to go back to the Area Planning Committee for determination. Therefore, when an application is refused by members in accordance with officers recommendation, contrary to the parish objection to the application, all subsequent applications at the site are required to go before the committee.

2.2.4 The Area Planning Committee Terms of Reference regulate which applications are able to be determined by the planning area committees. Currently, in relation to the ‘Parish Trigger’, this states:

“Where a representation from a Parish or Town Council (covering the geographical area in which the proposed development is located) has been received which supports an application which the Director of Planning and Regulatory Services is minded to refuse or objects to an application which the Director of Planning and Regulatory Services is minded to approve.”

2.2.5 It is recommended that this is amended to:

‘Where a representation from a Parish or Town Council (covering the geographical area in which the proposed development is located) has been received which objects to an application which the Director of Planning and Regulatory Services is minded to approve.’

2.2.6 This would result in applications that the Director of Planning and Regulatory Services was minded to approve, when the Parish or Town Council object to, still needing to go before the Area Planning Committee.
2.3 Major Planning Applications

2.3.1 The Town and Country Planning (Development Management Procedure) (England) Order 2015 defines a ‘major development’ as an application involving any one or more of the following:
(a) the winning and working of minerals or the use of land for mineral-working deposits;
(b) waste development;
(c) the provision of dwellinghouses where:
   (i) the number of dwellinghouses to be provided is 10 or more; or
   (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
(e) development carried out on a site having an area of 1 hectare or more;

2.3.2 In relation to major applications the scheme of delegation currently states:

   Applications for major or large scale development which the Director of Planning and Regulatory Services is minded to recommend refusal on the basis of strong policy reasons or because the proposal is contrary to the development plan, subject to his first consulting with the Chairman of the Council or relevant Planning Committee as to the scope of the proposed reasons for refusal.

2.3.3 This power allows for a major application to be refused, under delegated powers, through consultation with the Chairman of the relevant planning committee. At this time there is no delegated authority for approval of major applications.

2.3.4 As stated above the definition of a Major application in the Town and Country Planning (Development Management Order) (2015) includes development carried out on a site having an area of 1 hectare or more. This means that applications for relatively small forms of development such as sheds and fences at schools or on recreational play areas are required to go before the relevant area planning committee.

2.3.5 Furthermore, all applications to vary conditions or for minor amendments to previously approved ‘major developments’ (applications under S.73 of the Town and Country Planning Act (1990) (as amended)) which the Director of Planning and Regulatory Services is minded to approve are required to go before the Area Planning Committee.

2.3.6 Section 73 of the 1990 act allows for applications to be made to vary conditions imposed on planning permissions. As such, where a condition is linked to an approved plan it is possible to achieve an amendment to a scheme by varying that condition. It is not possible to make a conventional application for planning permission for the removal of a condition, as no development is involved. However, in terms of decision making a sec.73 application should be treated just like any other application, and due regard paid to the development plan and other material considerations. This was underlined in brenda wilkinson v rossendale bc 11/4/2002.
where the court described a decision by a local authority, which did not consider the planning merits of allowing a use to continue, as "fatally flawed".

2.3.7 Therefore, the decision maker is unable to revisit the principle of the development and can only consider the details within the condition that is to be varied. This process results in very small alterations or amendment to ‘major’ permissions being put before the appropriate area committee and the resultant additional work required for a committee report.

2.3.8 It is felt that that these minor forms of development and minor amendments to previously approved schemes could be determined by professional Officers taking into account all material and other relevant considerations after first consulting with the appropriate Chairman.

2.3.9 It is therefore, recommended that an additional points be added to the scheme of delegation which states:

‘Applications for major or large scale development which the Director of Planning and Regulatory Services is minded to recommend approval on the basis the proposal is in accordance with the development plan and is defined as a ‘major development’ as the site area exceeds 1 hectare only, subject to his first consulting with the Chairman of the Council or relevant Planning Committee (or the Vice Chairman in the Chairman’s absence).’

‘Applications for major or large scale development which the Director of Planning and Regulatory Services is minded to recommend approval on the basis the proposal is in accordance with the development plan and is made under Section 73 of the Town and Country Planning Act (1990) (as amended) only, subject to his first consulting with the Chairman of the Council or relevant Planning Committee (or the Vice Chairman in the Chairman’s absence).’

2.3.10 This would ensure that the less complex and controversial ‘major developments’ could be dealt with at delegated level whilst the more technical and divisive applications, e.g. 10 or more dwellings, would still be presented to the appropriate area committees.

2.4 Previously refused schemes

2.4.1 As stated above currently all applications similar in nature to a scheme previously refused by an Area Planning Committee on a site are required to go back before the Area Planning Committee. This often results in developments that have been substantially changed to overcome the previous reasons for refusal going back before the committee for consideration. Whilst it is acknowledged that members may have a reasonable expectation to determine an application submitted for consideration after an overturn at committee, as this will ensure that the weight given to any material considerations by members is consistent at the time of determining the new application, it is felt that applications that members decision was consistent with officers could be determined under delegated authority.
2.4.3 It is therefore, recommended that a revision be made to item 9 of the Area Planning Committee Terms of Reference to state:

‘Where an application has been resubmitted following refusal by an Area Planning Committee contrary to Officers recommendation.’

2.4.4 It should be noted that these changes will not impact on the ability for Members to ‘call-in’ a planning application for consideration by a Committee.

3. IMPACT ON CORPORATE GOALS

3.1 The review and updating of the corporate governance and associated 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 the Corporate Goal of aiming to be an organisation that delivers good quality cost effective and valued services in a transparent way.

4. IMPLICATIONS

(i) Impact on Customers – The ability to ensure that planning decisions are taken in a timely, open and transparent way.

(ii) Impact on Equalities – None identified.

(iii) Impact on Risk – Failure to determine planning applications with the statutory timescales could result in the Council being placed in ‘special measures’ and also an increase in planning appeals with a subsequent impact of staff resources. Planning Services is included on the corporate risk register for 2014 / 15.

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

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

(vi) Impact on the Environment – Failure to determine applications within the statutory period could result in an increase in unauthorised developments and delays in investigating breaches in planning control could lead to adverse impacts on the environment resulting in long term harm which might be difficult to mitigate.

5. CONCLUSIONS

5.1 A review of the scheme of delegation is an important component in assisting the timely processing of applications which will improve performance in relation to national indicators. This approach will also have an impact in the reduction of the workload of the Area Committees leaving Members to devote their attention to focus on strategic proposals which are more appropriately within the remit of these Committees.
6. **RECOMMENDATIONS**

To the Council:

(i) that a revision be made to the ‘Parish Trigger’ procedure, by replacing the first sentence of item 4 of the Area Planning Committee Terms of Reference with the following wording:

‘Where a representation from a Parish or Town Council (covering the geographical area in which the proposed development is located) has been received which objects to an application which the Director of Planning and Regulatory Services is minded to approve.’

(ii) that additional points be added to the scheme of delegation which state:

‘Applications for major or large scale development which the Director of Planning and Regulatory Services is minded to recommend approval on the basis the proposal is in accordance with the development plan and is defined as a ‘major development’ as the site area exceeds 1 hectare only, subject to his first consulting with the Chairman of the Council or relevant Planning Committee (or the Vice Chairman in the Chairman’s absence).’

‘Applications for major or large scale development which the Director of Planning and Regulatory Services is minded to recommend approval on the basis the proposal is in accordance with the development plan and is made under Section 73 of the Town and Country Planning Act (1990) (as amended) only, subject to his first consulting with the Chairman of the Council or relevant Planning Committee (or the Vice Chairman in the Chairman’s absence).’

(iii) that a revision be made to item 9 of the Area Planning Committee Terms of Reference with the following wording:

‘Where an application has been resubmitted following refusal by an Area Committee contrary to officers recommendation.’

**Background Papers:** None.

**Enquiries to:**
Matt Leigh, Interim Development Management and Enforcement Manager, (Tel: 01621 875740).
REPORT of
RIVER BLACKWATER TASK AND FINISH WORKING GROUP

to
PLANNING AND LICENSING COMMITTEE
14 JANUARY 2016

RIVER BLACKWATER TASK AND FINISH WORKING GROUP UPDATE

1. PURPOSE OF THE REPORT

1.1 This report provides an overview of the discussions that have taken place at the most recent River Blackwater Task and Finish Working Group.

2. AREA FOR DECISION / ACTION

2.1 Background

2.1.1 This Committee approved the Terms of Reference for the River Blackwater Task and Finish Working Group (the Group) at its meeting on 1 October 2015 (Minute No. 462 refers). The Group was established to explore, consider and review a number of issues that relate to the River Blackwater before reporting back to the Planning and Licensing Committee.

2.1.2 The Group has met on two occasions. This report updates the Committee on the issues that have been considered by the Group and seeks Members views where required.

2.1.3 At the time the Group was established the Committee suggested a number of areas of work to focus on during its early meetings. This report is split into three areas of concern that the working group have considered. The first two areas of work relating to the review leases, licences and moorings and a review of Heybridge Creek are initially for Members information. The third area relates to the review of river safety and enforcement, there a number of recommendations relating to that element.

2.2 Review of Leases, Licences and Moorings

2.2.1 The Council owns a substantial portion of the Blackwater Estuary from Heybridge Creek eastwards to a line crossing the estuary just east of Stansgate Abbey / Marconi Sailing club and running north towards the shore east of Goldhanger. Within this area the Council is responsible for managing leases, licences and moorings. It also licences other activities such as farming of oysters and fishing.

2.2.2 The Council also leases two areas of mudflat from the Crown Estate but immediately sub-leases these areas to Natural England.
2.2.3 **APPENDIX 1** of this report details information received and considered by the Group. For ease of reference the following summary has been prepared to aid discussion at Committee.

2.2.4 The Group was keen to establish an estimate of the overall economic income generated by the river. Income is received through leases and moorings as well as from businesses that operate along its shores that pay National Non Domestic Rates (NNDR), officers are working on an overall estimate and this will be reported at the meeting.

2.2.5 **Leases / Licences**

2.2.5.1 The term Leases and Licences has been applied to formal agreements between the Council and third parties. These generate a total annual income of just over £97,000. The amount charged varies according to the nature of the lease and all are reviewed every five years and their value assessed by the District Valuer.

2.2.5.2 There are approximately 30 leases in total. The lowest value lease is under £100 and the highest just over £25,000. A summary of leases is provided within **APPENDIX 1** but due to commercial sensitivities the values relating to individual leases have been removed. A number of organisations hold more than one lease.

2.2.5.3 This list (**APPENDIX 1**) includes areas of mud that have been leased for the production and farming of oysters. There are currently no licences issued for commercial fishing the area and it is likely that in future greater restrictions will be placed on commercial fishing for certain species and almost certainly on bottom trawling. These restrictions link to European fishing restrictions and there may be benefit in the working group exploring the impact on the Blackwater as part of its remit.

2.2.6 **Moorings**

2.2.6.1 There are three ways in which moorings are managed within the Blackwater:

   i. **Direct management by Maldon District Council (MDC) River Bailiff.** Fees set by and collected by the Council. There is one area managed in this way near the Promenade Park.

   ii. **Indirect management through a Management Agreement with another constituted organisation.** Fees must be no less than 85% of those set by the Council and collected by the third party. Individuals are responsible for supplying and maintaining their mooring and the moorings are available to anyone. There are three arrangements of this type, one example is operated by Maylandsea Bay Sailing Club.

   iii. **Mooring area leased to a third party to manage in its entirety.** Third party normally installs and maintains moorings and sets fees charged to mooring holders. Moorings are available to anyone that the lease holder deems suitable but in most cases this would be restricted. For example moorings are only available to Members of the sailing club holding the lease.
2.2.6.2 The Council receives approximately £8000 from Moorings it manages itself (i) and over £4,250 that are managed by a management agreement (ii). Income that is from mooring areas that are leased to a third party are included in paragraph 2.2.5.1 above.

2.2.7 Income is managed within the Council’s normal financial procedure and income tracked throughout the year. Individual moorings are invoiced at the start of the year and then checked to ensure that payment is received when expected.

2.2.8 The demand for moorings within areas where the Council has direct control is relatively low. Nationally there is a declining in the demand for swing moorings with people preferring to keep their boats in marinas where they can walk to and board their vessel. They remain popular in some areas where there is good club infrastructure or access during a wide range of the tide.

2.2.9 It is recommended later in the report that Members note the review and that the Committee gives further guidance if greater detail is required on any particular element.

2.3 **Review of activity in relation to Heybridge Creek**

2.3.1 Heybridge Creek is at the upper end of the tidal Blackwater Estuary. Within the Creek there are a number of vessels that have been allowed to moor for an extended period. Control of the tidal area below Mean High Water Mark rests with District Council. The southern end of the creek is leased to a third party and an income is received and included in the amounts described in paragraph 2.2.5.1 above. The areas of saltmarsh and sea wall above the Mean High Water Mark are privately owned and there is no public right of access to these areas.

2.3.2 Over time the condition of some of the boats has deteriorated to an extent where they are no longer sea worthy or float. There have been a number of complaints about the visual impact of the area from properties close by.

2.3.3 In August 2013 the Planning and Licensing Committee received a report (Minute No. 262 refers) on this matter which described, in detail, the various vessels that were located within the creek and provided an estimate that it could cost up to £75,000 to clear the area. At that time there were 25 boats and a range of smaller items including tenders, canoes, loose timber and walkways.

2.3.4 Following discussion the Committee *RESOLVED that the Council initiates a multi-agency plan of action to include removal/clearance and de-silting programme and that a further report on this be submitted, such plan to include –*

- *The Environment Agency being pressed to act in relation to the area it leases from the Council;* (Note this is not a direct arrangement with MDC)
- *Planning Services to look at a ‘holistic’ approach to all boatyards and mooring areas around the estuary in addition to the plan for Heybridge Creek and also the planning implications of the proposed action;*
- *The Maldon Harbour Improvement Commissioners being kept informed;* and
- *Checks to ensure that any proposed action does not conflict with any lease/licence to the Council’s tenants*.  

Page 85
2.3.5 The working group understands that since 2013, little work has been done to carry forward the wishes of the Council at that time. In reality priority was given to other work streams, including bidding for Coastal Communities Funding, procurement of repair works for the Hythe Quay. Officers are revisiting the work carried out at that time and will provide Members of the Working group with an update for further discussion in the New Year.

2.3.6 It is worth noting that there is currently no budget provision made for dealing with any clearance work and it is the view of Members of the Working Group, that a robust plan will be required to prevent the problem reoccurring in future. This consistent with the original Committee resolution.

2.3.7 This issue is complex and will involve working with a number of parties to resolve the matter. It is likely the matter will take a number of years to resolve.

2.3.8 It is recommended later in this report that a further report be brought to the next meeting of the working group.

2.4 Review of River Enforcement (Water safety and Speeding)

2.4.1 Members of the committee will already be aware that the Council employs a River Bailiff whom among other duties is responsible for carrying out speed enforcement on the Estuary. Whilst the Council owns the area set out it in paragraph 2.2.5.1 above it is responsible for maintaining the majority navigation equipment from Bradwell to Maldon. This area is approximately 4,200 acres. Colchester Borough Council has similar responsibilities for the Mersea foreshore and River Colne and they make a contribution to the Council as the River Bailiff carries out this work on their behalf.

2.4.2 In 1999 the two Local Authorities created by-laws that may be enforced by the Maldon River Bailiff. Until 2012 the Council provided a high speed rigid inflatable boat from which to enforce the by-laws. After that date, the boat was replaced by a much slower but more flexible fishing style boat.

2.4.3 Members of the Group considered a report of the Group Manager (Leisure, Countryside and Tourism) responsible for this area of work and this is attached as APPENDIX 2.

2.4.4 There is a perception that the problem of speeding Personal Water Craft (PWCs) has increased since the change in enforcement vessel and land based enforcement activity has not been as effective as previously hoped.

2.4.5 In early autumn a meeting was held with a number of Caravan park owners, Essex Police and a watersports club to discuss a variety of issues including ‘anti-social’ use of PWCs. It became clear that there are a number of advantages to tackling the problem again and the Council has since received an offer of financial assistance from one Caravan site owner.

2.4.6 Following a meeting of the working group, a proposal was made at the December meeting of this Committee to include an amount of £15,000 in the 2016 / 17 Capital Programme to purchase two PWCs to target the problem directly. This amount may reduce if financial assistance is forthcoming.
2.4.7 Discussions between the Council and interested parties are continuing and it is hoped that a new enforcement policy can be produced early in the New Year. The new policy would build on the Council existing powers and look to provide speeding PWC users with an alternative to prosecution in a similar way to that used by the police for speeding on the roads. In simple terms someone caught speeding by the River Bailiff could be given the option to attend a Royal Yachting Association PWC proficiency test hosted by a local watersports club.

2.4.8 One early draft of potential scheme / policy is provided as APPENDIX 3 for Members information.

2.4.9 It is recommended later in the report that the Council makes a modest investment in purchasing two PWCs to enable the River Bailiff supported by a suitably trained colleague to increase the Council’s enforcement capability. A review of the Council’s approach to enforcement will also follow.

3. IMPACT ON CORPORATE GOALS

3.1 The Council has a number of Corporate Goals that link directly to the issues raised within this report. The River Blackwater directly supports a local businesses and provides a venue for recreation. By carefully managing the Blackwater the Council is “Creating opportunities for economic growth and prosperity” and “Promoting the Maldon district as a destination of choice”.

3.2 The responsibility for ensuring that water based activities are undertaken safely links to the goal of “Helping communities to be safe, active and health”.

4. IMPLICATIONS

(i) Impact on Customers – The River Blackwater is a popular attraction and taking a more proactive approach to water based enforcement will help to ensure that it managed safely.

(ii) Impact on Equalities – None.

(iii) Impact on Risk – No corporate risks have been identified with this report.

(iv) Impact on Resources (financial) – Direct income from the Blackwater (Several Fishery) Area within the Council’s control make a significant contribution to the Council’s finances.

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

(vi) Impact on the Environment – None.
5. **CONCLUSIONS**

5.1 The River Blackwater continues to be a crucial asset to the entire district. It provides a venue for water and land based recreation alongside important and unique habitats for wildlife. The river is one of the main attractions to visitors.

5.2 The leases, licences and moorings within the Maldon District Council controlled area contribute over £100,000 of direct revenue income. Further income is received through contributions made by local businesses that are linked to the river through their NNDR payments.

5.3 In recent years the Councils approach to Speed enforcement has reduced the deterrent effect of the River Bailiffs presence. There is an opportunity to refresh the Councils approach and to work with a range of organisations for the benefit of everyone that enjoys the river.

6. **RECOMMENDATIONS**

   (i) that the update provided by the Blackwater Task and Finish Working Group on the management of Leases, Licences and Moorings (APPENDIX 1), be noted;

   (ii) that the Blackwater Task and Finish Working Group explores the impact of potential changes in fishing legislation on the upper Blackwater reporting back to this Committee at a later date;

   (iii) that a further report on Heybridge Creek be brought back to the Planning and Licensing Committee at a later date;

   (iv) that the report on River Enforcement (APPENDIX 2), be noted and that enforcement capability be increased through the purchase of two Personal Water Crafts and that external contributions are sought;

   (v) that a revised river enforcement policy is brought back to the Blackwater Task and Finish Working Group and the Planning and Licensing Committee for further consideration.

**Background Papers:** None.

**Enquiries to:**
Ben Brown, Group Manager (Leisure, Countryside and Tourism), (Tel: 01621 876210).
## Lease and Licence Income

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<th>Description</th>
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<td>Moorings (Lawling Creek) &amp; mudberths</td>
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<td>Heybridge</td>
<td>Moorings and slipway</td>
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<td>Maldon</td>
<td>Downs Road Boatyard</td>
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<td>Heybridge</td>
<td>CRS Marine Heybridge Basin</td>
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<td>Foreshore and moorings</td>
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1. PURPOSE OF THE REPORT

1.1 The working group has been asked to explore and review the Council’s approach to enforcement activity on the River and in this case specifically relating to Speed and Unsafe Navigation.

1.2 This report provides some historical context to the issue and highlights current gap in the Council’s capabilities and provides a number of ideas for discussion.

1.3 For clarity this report is intended to be a discussion document only. Details of review / discussion will be reported to the Planning and Licensing Committee for consideration and if require a decision on the next steps will be made at its meeting in January.

2. AREA FOR DISCUSSION

2.1 Background

2.1.1 The Council is responsible for ensuring that the bylaws relating to the tidal River Blackwater are enforced. There are specific bylaws relating a restriction of the speed of ALL water craft within defined areas of the river and to ensuring that all waterborne activities are undertaken in a safe way. A summary of the bylaws will be provided at the meeting (Included as APPENDIX A).

2.1.2 In order to discharge these duties the Council employs a River Bailiff who then is equipped with a boat (photograph in APPENDIX B) from which enforcement activities and other duties are undertaken.

2.1.3 Until 2012 the River Bailiff was equipped with a high speed (80mph) Rigid Inflatable Boat (RIB) which was capable of chasing speeding water craft. A number of prosecutions were pursued as a direct result the Bailiffs enforcement activities. Any income generated through successful prosecutions is retained by the Crown.

2.1.4 It should be noted that whilst the RIB was a capable speed enforcement vessel it was expensive to operate, using significant quantities of fuel on each trip (approximately 80 litres). It had limited flexibility to carry out other duties; for example it could not be used to lay or maintain buoys.
2.1.5  In 2012 a replacement for the RIB was purchased and the Council now owns a smaller fishing style boat (see Appendix 1). This boat is more flexible than the old RIB and is used on a frequent basis for a range of duties. It is relatively slow and has a maximum speed of about 17 mph which makes it less useful for speed enforcement as most engine powered craft are able to outrun it. A programme of land based visits to launch sites was undertaken and details of this will be given at the meeting.

2.1.6  The majority of speed and safe navigation issues relate to Personal Water Craft commonly referred to as Jetskis or Jetbikes. PWCs are generally fast, lightweight and because they relatively cheap are easily purchased as a weekend ‘toy’. Most are capable of speeds in excess of 50mph. No license of formal training is required to own or use a PWC. They do not routinely display a number plate or identifying mark that could be used to identify users. The majority of problems are reported as occurring at High Water close to launch sites and predominantly but not limited to weekends.

2.1.7  PWCs can be launched from slipways all around the river and most of these facilities particularly at caravan parks have facilities to aid with launching and recovery of all craft. All caravan parks should operate a scheme to ensure that all craft launched from their land are registered to the park and check the user has adequate insurance in place. (A list of launch Sites is included as APPENDIX C)

2.1.8  The Stone Watersports Club has introduced a Royal Yachting Association recognised PWC Proficiency Course for its members who wish to use PWCs at the club. As well as training people on using their craft safely, that could potentially help them enjoy it more. The qualification allows owners to receive a discount on their annual insurance. The Club and some caravan parks have introduced a sticker scheme to help identify responsible users.

2.2  Current Issues

2.2.1  The Council has received a number of informal complaints about inappropriate PWC and earlier in the year received a formal letter from the annual Blackwater Safety Meeting organised by the Maldon Harbour Improvement Commissioners about the meetings increased concern about water safety. This letter was supported by the majority of attendees of the meeting. (A summary of complaint or reports of dangerous water based activities is included as APPENDIX D) and will be circulated at the meeting.

2.2.2  A meeting of interested parties was recently organised by the Stone Watersports Club to initiate discussion on whether there could be a river wide solution to the perceived problem. The meeting included two large caravan site owners in Heybridge and was quite productive in that it explored a number of issues and found some potential solutions.

2.2.3  All parties cited the Councils effective lack of enforcement capability as a problem because users knew they could not be caught. There was a discussion on whether alternative craft could be used and PWCs seemed to be favoured tool.
2.3 Potential Enforcement Scheme

2.3.1 If it were minded the Council could take an alternative approach to enforcement issues. One potential scheme would be to purchase two PWCs to then patrol the river. These would allow the River Bailiff and a partner to patrol the river and have the capability of apprehending other PWC users. Two PWCs would ensure a safe mode of operation. The cost of a PWC would be approximately £7,500 the running costs of such craft still need to be explored but anecdotal information seen to date suggest they will be cheap to run and maintain. This is why they are popular. Alternative options could also be explored for example purchasing second hand equipment.

2.3.2 Partners might include trained members of the Ranger service or potentially volunteers from the water sports community. Initial discussion with club/caravan parks suggests that a small pool of volunteers could be established if it were desired. There are no insurance issues associated with this but there could be a requirement to train volunteers.

2.3.3 If volunteers were used then a scheme could potentially be implemented within existing resources. A provisional offer has been received from one of the caravan site owner to buy 1x PWC.

2.3.4 Officers are of the belief that the majority of speeding PWCs users are not aware of bylaws and the potential dangers of speeding in restricted waters. With this in mind there could be benefit in working with the Stone Watersports Club and RYA to encourage the people caught to attend the PWC Proficiency Course at Stone. This might operate on a similar basis to speeding drivers opting to attend a speed awareness course as an alternative to receiving points on their licence. This may be well received and could also contribute to reducing future insurance premiums.

2.3.5 There may be a hard core of deliberately reckless PWC users and these could be pursued in the courts system as has been the case in the past.

2.3.6 It is officers belief that this type of approach may well have significant advantages in that:

- It actively engages with the PWC community
- It recreates genuine enforcement capability
- It offers an alternative to court prosecution which perhaps aligns better with the Councils tourism goals.
- It could be implemented at relatively low cost and assuming 1 PWC could be purchased by a consortium of interested parties, it could be implemented within existing budgets.

3. CONCLUSIONS
3.1 The Councils water based enforcement activities over the last year have raised some public concern and it is felt that a review at this time would be constructive. There are a number of potential options for the future that the Council may, in time wish to consider. A partnership approach to education and enforcement has worked well at tackling issues of a similar nature and this is one of the options that could be explored further.

3.2 Members of the working group are invited to explore the issues raised in more detail with a view to a report being prepared for the Planning and Licensing Committee to determine in January.

4. **RECOMMENDATIONS**

None - This report is intended as a document to promote discussion around current enforcement activities and to highlight one possible option for future consideration by the Planning and Licensing Committee.

**Background Papers:** None

**Enquiries to:** Ben Brown, Group Manager - Leisure, Countryside and Tourism; Tel 01621 876210
APPENDIX A

The River Bailiff's current vessel
APPENDIX C

Formal Launch Sites for PWCs within the River Blackwater

1. Waterside Holiday Park, Main Road, St Lawrence
2. St Lawrence Bay Caravan Park, Main Road, St Lawrence
3. Stone Watersports Club, Main Road, St Lawrence
4. Stone Ramp, Main Road, St Lawrence
5. St Lawrence Estate, Sea View Promenade, St Lawrence
6. Cinque Ports (Park Holidays UK), Canney Road, Steeple
7. Millbeach Seaside Resort, Goldhanger Road, Heybridge
8. Osea Leisure Park, Goldhanger Road, Heybridge
APPENDIX D

Summary of Complaints and Reports of Dangerous Navigation
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PROCESS OF RIVER PROSECUTIONS

STOP INDIVIDUAL

EXPLAIN WHY THEY HAVE BEEN STOPPED

QUESTION AND DECIDE IF
PROSECUTION IS REQUIRED ———— YES — COMPLETE PAPERWORK — OFFER THREE OPTIONS

THE OFFENDER MUST ACCEPT ONE OF THE BELOW AT THE TIME OF THE OFFENCE OR THE ENFORCEMENT OFFICER MUST INFORM HIM/HER THAT A FIXED PENALTY NOTICE WILL BE ISSUED.

PROSECUTION NOT REQUIRED OR SUSTAINABLE

TRAINING COURSE  FIXED PENALTY NOTICE  MAGISTRATES

NO FURTHER ACTION

PROCESS FOR TRAINING  ISSUE NOTICE

COMPLETE STATEMENTS AND PASS TO SOLICITOR

*A TRAINING COURSE WILL BE OFFERED ONCE ONLY, AT THE TIME OF THE FIRST OFFENCE.

**FIXED PENALTY NOTICES WILL BE ISSUED TWICE TO THE SAME OFFENDER, THEREAFTER THE OFFENDER WILL BE DEALT WITH BY THE MAGISTRATES COURT
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REPORT of
DIRECTOR OF CUSTOMERS AND COMMUNITY
to
PLANNING AND LICENSING COMMITTEE
14 JANUARY 2016

PROVISION OF TOURIST INFORMATION SERVICES – BURNHAM-ON-CROUCH

1. PURPOSE OF THE REPORT

1.1 This report seeks Member approval to enter into a short term agreement to allow Visitor information to be provided at premises within Burnham-on-Crouch.

2. AREA FOR DECISION / ACTION

2.1 Background

2.1.1 Members will be aware that until last year the Council worked with the Dengie Project Trust to provide ‘One Place’ a venue for information and others services in Burnham-on-Crouch. One Place closed its doors last autumn and currently the Council is no longer able to provide a face to face information service for visitors.

2.1.2 This Committee has previously agreed that it wished to see the provision of an information service in Burnham-on-Crouch continue (Minute No. 126 refers) and Officers have started to research alternative locations from which to operate.

2.1.3 Members are reminded that the Council received £292,000 through the Coastal Communities fund to promote the Dengie and specifically Burnham-on-Crouch as a visitor destination.

2.1.4 The Council contributed just under £15,000 per year towards One Place and it has been assumed that Members would not wish to change this budget.

2.1.5 Officers are of the belief that if Members wish to continue to provide and information service in the town that it should first look at a short term solution to ensure that a service is provided next season and that longer term options are considered. There are a number of advantages in operating a facility in the short term and it would give the Council an opportunity to fully understand the needs of Burnham-on-Crouch visitors and enable future services to be tailored to the needs in that location.

2.1.6 Experience in Maldon town and from discussion with other visitor information centres shows that the location of a visitor facility is critical to its success and that is must be very close to natural visitor footfall. For this reason, it is suggested that any
future facility should be located within a two minute walk of either the High Street or The Quay.

2.2 **Short Term Solutions**

2.2.1 Initial discussions suggest that there are a number of options that are available in the short term. However, without a Member steer and or authorisation it is difficult to progress beyond initial stages.

2.2.2 This report therefore seeks Members approval to delegate authority to Director of Customers and Community in consultation with the Chairman of this Committee and the Director of Planning and Regulatory Services. Any agreement must meet all of the following conditions:

- Agreement of no longer than two years.
- The total service cost, including initial set up, premises, utilities and staffing must be contained within existing budgets.
- Members must receive an update detailing arrangements at the earliest opportunity.

2.2.3 It is believed that the above will give Officers sufficient flexibility to negotiate with potential partners but will also reassure Members that the Council’s financial interests are being carefully managed.

2.2.4 Any service provided at Burnham-on-Crouch will be provided to the same standard as the Maldon District Tourist Information Centre (TIC) but consideration will be given to opening on Sundays and Bank holidays in Burnham-on-Crouch when visitor numbers likely to be increased.

2.2.5 The Maldon District TIC is open, Monday, Tuesday Thursday, Friday and Saturday from 10am – 4pm.

3. **IMPACT ON CORPORATE GOALS**

3.1 Tourism initiatives and provision of visitor information services, link directly to the corporate goal of “Creating opportunities for economic growth and prosperity” and “Promoting the Maldon district as a destination of choice”.

3.2 Burnham-on-Crouch and its future links with the Wallasea Wild Coast project are seen as a major opportunity for the Maldon District.

4. **IMPLICATIONS**

(i) **Impact on Customers** – Burnham-on-Crouch receives large numbers of visitors each year and the ability to provide high quality information to visitors and the local community from the location is seen as a key tourism priority.

(ii) **Impact on Equalities** – None.
(iii) **Impact on Risk** – No corporate risks have been identified with this report.

(iv) **Impact on Resources (financial)** – The proposals contained within this report will all be implemented within existing budgets.

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

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

5. **CONCLUSIONS**

5.1 There is support for a new visitor information centre within Burnham-on-Crouch which already receives a significant number of visitors each year. The Council already has a budget of £15,000 available to spend on service provision and it is suggested that offices are authorised to create a short term arrangement to provide visitor information within this budget.

6. **RECOMMENDATIONS**

(i) that the Director of Customers and Community be authorised to enter into short term arrangements to provide a visitors information centre in Burnham-on-Crouch, in consultation with the Chairman of the Planning and Licensing Committee and Director of Planning and Regulatory Services;

(ii) that this Committee receives a further update detailing any arrangements that have been made and how the service will be monitored.

Background Papers: None.

Enquiries to:
Ben Brown, Group Manager (Leisure, Countryside and Tourism), (Tel: 01621 876210).
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REPORT of
DIRECTOR OF CUSTOMERS AND COMMUNITY

to
PLANNING AND LICENSING COMMITTEE
14 JANUARY 2016

AND

COMMUNITY SERVICES COMMITTEE
19 JANUARY 2016

AND

FINANCE AND CORPORATE SERVICES COMMITTEE
26 JANUARY 2016

STRENGTHENING COMMUNITIES

1. PURPOSE OF THE REPORT

1.1 To appoint two Members from each of the above Committees onto the Strengthening Communities Task and Finish Working Group.

2. AREA FOR DECISION / ACTION

2.1 Background

2.1.1 The Council on 17 December 2015 approved the creation of a new Task and Finish Working Group to develop a strategy to support the strengthening communities agenda. The District Council has for a number of years had a successful involvement in supporting and delivering projects that help to strengthen our communities. Historically the Council has focussed on those projects aimed at improving the health and wellbeing of our residents, reducing crime and disorder and fear of crime and helping to prepare the community for an emergency situation. Typically the voluntary sector has played a key role in the delivery of those projects, with the District Council acting as an enabler.

2.1.2 Both nationally and at County level there has been recognition of the value of the voluntary sector and the wider community in strengthening communities.

2.1.3 The vision is that Essex has strong, resilient communities of active citizens who are willing and able to take responsibility for their own wellbeing and work together to find local solutions for local problems.
2.1.4 The Essex Partnership Board considered a proposal on 1 December 2015 to develop strengthening communities prototypes designed to:

- be truly community lead rather than something imposed upon them.
- fundamentally change our culture and way of working to achieve this.
- generate greater pace and impact around the work we are doing to improve outcomes and reduce demand and costs.
- provide greater coherence and joining up across projects.
- include opportunities to work upstream of the demand and engage in preventative activities.

2.1.5 The idea of a prototype is for partners to undertake focussed and intensive engagement with their communities and work with them to identify issues, opportunities and assets in the community and achieve:

- an increase in local solutions, delivered locally, demonstrating local cohesion.
- an increase in social capital.

2.2 Maldon District Council Contribution

2.2.1 As mentioned at the beginning of this report, Maldon District Council already makes a significant contribution towards the strengthening communities agenda across the three service directorates. The Community Services Committee is the prime contributor delivering services in partnership or stand-alone. Examples are included within APPENDIX 1 to this report.

2.2.2 The Planning and Licensing Committee, through their work in planning for sustainable communities, plays a key role in supporting this agenda as does the Finance and Corporate Services Committee through the provision of funding and asset management. Examples are included within APPENDIX 2 to this report.

2.2.3 To enable this Council to review activities contributing to the strengthening communities agenda Council approved the creation of Strengthening Communities Task and Finish Working Group made up from Members representing the three main services committees together with the Leader or Deputy Leader of the Council. The agreed terms of reference and Membership is detailed at APPENDIX 3 to this report.

2.2.4 The Task and Finish Working Group will focus on five areas as outlined below:

- There are a number of initiatives underway across the County aimed at harnessing the power of the voluntary sector and individuals to create more resilient communities. It is important that the Council is aware of these initiatives so that it can help to promote them and ensure that they are delivered in a joined up way. The first action of the proposed Working Group will be to gain a clear understanding of all such initiatives, their purpose and proposed activity within the Maldon District.

- Increasing demand for services accompanied by continually reducing resources means that it is more and more important that actions are focussed on areas of greatest need. The second piece of work will focus on the specific needs within the Maldon District to help us ensure that we are clear on
outcomes that we are seeking to deliver and are targeting our resources to deliver the maximum benefit. Initial work has identified a number of important local priorities, including: social isolation, winter warmth, fuel poverty, trips and falls, obesity, housing for older people, mental health.

- The District already benefits from a wealth of voluntary resource and community driven activity focussed on improving the lives of our residents, however it would be helpful to better understand that resource and to look at whether there are untapped opportunities. The third task for the group will be to understand the existing voluntary resource and consider whether there are opportunities for extending this.

- It is recognised that there are a number of funding opportunities available to support a wide range of voluntary initiatives. The Group will look to see whether the District is aware of and capitalising on these opportunities.

- A communication plan will be prepared to ensure that the conclusions arising from the group’s work are properly communicated to interested stakeholders.

2.2.5 Following the completion of the five tasks identified above, the Task and Finish Working Group will prepare a draft Strengthening Communities Strategy and Action Plan for consideration by Members through the Community Services, Planning & Licensing and Finance & Corporate Services Committees.

2.2.6 Key consideration will be placed by the Task and Finish Working Group upon identifying measurable outputs arising from the work proposed within the Action Plan.

3. IMPACT ON CORPORATE GOALS

3.1 These priorities contribute to the Council’s Corporate Goals of ‘Helping communities to be safe, active and healthy’, Delivering good quality, cost effective and valued services’ & ‘Protecting and shaping the District’.

4. IMPLICATIONS

(i) **Impact on Customers** – The Council either delivers directly or in partnership a number of activities which support the local community. By maximising opportunities through developing relationships with partners including the voluntary sector and identifying clear priorities it will be possible to further enhance the service delivery to the public.

(ii) **Impact on Equalities** – The Council provides services to the whole community and there will be no negative impact as a result of this planned work.

(iii) **Impact on Risk** – None identified.

(iv) **Impact on Resources (financial)** – The Council provides a number of both statutory and discretionary services to the public directly or in partnership. External funding streams may be available to improve service delivery.
Meaningful engagement with the voluntary sector (who also have access to external funding) may reduce demands and costs on this authority through the development of alternative service delivery models.

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

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

5. **CONCLUSIONS**

5.1 An opportunity has arisen to review the activities undertaken by this Council connected to the strengthening communities’ agenda. Members forming the Strengthening Communities Task and Finish Working Group will have a detailed understanding of local issues and are ideally placed to develop a strategy to meet local needs harnessing the voluntary sector and focussing Council activities as required.

6. **RECOMMENDATIONS**

(i) that Members note the content of this report and in particular the existing contribution made by this Council to the community through services provided; and

(ii) that two Members from the Community Services, Planning & Licensing and Finance & Corporate Services Committees are nominated to sit upon the Strengthening Communities Task and Finish Working Group.

**Background Papers:** None.

**Enquiries to:** Richard Holmes, Director of Customers and Community, (Tel: 01621 875752).
Community Safety Partnership
- Delivery of Partnership Action Plan.
- Developing Dementia Friendly Communities.
- Facilitating structured alcohol interventions – Open Road.
- Developing child sexual exploitation awareness.
- Providing PREVENT training (WRAP).
- Facilitating Neighbourhood Watch/Farm Watch.
- Developing diversionary activities including street activities.

Social Prescribing / Connect Well
- 56 Staff have been trained to date in advance of 2016 launch.
- Awareness for Members and Parish Councils through newsletters, and health and wellbeing event planned in February 2016.

Community Development
- Developing and leading the local Health and Wellbeing Group.
- Maldon Youth Strategy Group (partnership).
- Southminster Door Step Club 13 – 19 years olds (Partnership).
- New drop in services for partners to deliver outreach services.
- Support for Community groups at Brickhouse Farm and West Maldon Community Centre.
- Older persons event planned for 2016.
- Parents’ Crucial Crew event planned for 2016.
- Support for various projects with the third sector, schools and Maldon CVS such as The Maldon Shed.
- Community Transport Service Level Agreement (SLA).
- Parish Clerk’s Forum.

Community & Living
- Providing fully accredited Ranger service in areas of public open space including contracted services to Town & Parish Councils; set up park Watch & Dog Watch schemes.
- Dealing with antisocial behaviour in parks and on the streets and on the rivers.
Street Scene Enforcement Officers are ensuring the District is kept clean and issues such as fly tipping or dog fouling are dealt with promptly ensuring a respectable environment for local communities to enjoy.

Working closely with Parish and Town Councils to train and enable them to encourage their own communities to participate in activities such as local litter picks and develop pride in the areas they live in.

**Emergency Planning through:**
- Offering external business continuity training to businesses within the District.
- Caravan park – will be working with caravan parks to make emergency/evacuation plans.
- Working with Parish Councils and emergency teams in order to create and develop emergency plans.
- Community Resilience mapping exercise – to ascertain where there are gaps.

**Sports and Leisure Activities**

**Direct service provision through :-**
- The provision of the Blackwater Leisure Centre & Dengie Hundred Sports centre and providing a programme of activities for all of our Communities.
- Leisure Contract – Completion of the Refurbishment Programme, Quest Accreditation, Leisure Card, increased participation in physical activity for our Communities and Priority Group, (low income families, people with disabilities and older people).
- Provision of parks and open spaces, play facilities including conservation opportunities through Friends Groups.
- Provision of events – deliver the Council’s Events Programme.
- The Active Maldon Programme – (including Community Fitness, Body Care programme, led cycle ride programme, led walk programme (Saltmarsh Walks), women and girls’ events).

**Activities for the over 50s including :-**
- Active Life Programme – Leisure Centre programme, over 50’s programme, including Love to Dance & Pilates Classes.
- Work Place Health Programme – an initiative designed to improve the health of colleagues within the Council, improving staff morale and mental wellbeing and reducing short term sickness.
- Seated Exercise Programmes – a gentle exercise programme for older people with compromised health and mobility in an accessible form of exercise.
- Gentle Touch Classes – Gentle Aerobics exercise programme for older people.
- Fitness & Balance Community Classes – floor based exercise programme and seated exercise programme for older people.
- Fitsteps regular programme of walks for all our communities.
o Walking Football – a football programme aimed at the over 50’s but everyone is welcome, (training, matches and tournaments).

Women and Girls’ participation in activities / sports:-
o Taster sessions held at Leisure Centres (weekend taster session including a variety of aerobic classes, cycling programme, swimming programme).
o Cycling activities through Maldon District Cycling Club targeted at women.

Targeting the inactive:-
o Five accessible walking activities.
o A series of led cycling rides through Maldon District Cycling Club.
o Bodycare – six week Primary School Children Programme about the healthy active life style, (Active and Healthy Eating).
o The Football Mash-Up – football coaching for 14-16 year old at the Artificial Grass Pitch (AGP) at the Plume School & Just Play Scheme – Over 16’s Football Coaching and play for everyone to join in.
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ECONOMIC DEVELOPMENT

Maldon Vintage Christmas Fair
- Representation on the Working Party.
- Designed and produced the advertising material.
- Promoted the event internally and externally.
- Provided £1,000 event sponsorship.

School Engagement
- Attended and promoted Plume School Careers Fair to local businesses.

Business Engagement
- Regular participation of local networking events including Burnham Chamber of Commerce, Maldon Business Association incorporating Think Local, Maldon Small Business Networking Group and Coffee and Cream.
- One-to-one business support and training workshops provided via the newly developed Dengie Enterprise Support Service and BEST.
- High Profile Business Awards event planned for April 2016.
- Bradwell Legacy Partnership identifying project opportunities to increase employment opportunities in the Dengie.

Coastal Community Team
- Development of economic plans for the Rivers Blackwater and Crouch; the latter in partnership with Rochford District Council.

HOUSING ACTIVITIES
- Safeguarding and best practice in use of Bed and Breakfast (B&B) and temporary accommodation – planned engagement with the Essex Safeguarding Adults Board (ESAB) and local providers to raise awareness.
- Review of housing related support for victims of domestic abuse – joint work with Essex County Council (ECC), local charities and housing providers to improve communication and ability to prevent homelessness for those at risk.
- Provision of supported housing (independent living) for older people – joint work with social care and local providers of care and support to provide more appropriate options to reduce risks of isolation, impact of fuel poverty, community and home safety.
- Review of housing options for younger people and care leavers – with ECC and voluntary organisations to improve options and reduce risk of homelessness for younger people.
Support for local communities and local organisations to identify and help respond to need for affordable housing in their areas – through development of Housing Strategy, the Rural Community Council of Essex (RCCE) and others.

Prevention of homelessness and use of temporary accommodation – as part of national Gold Standard, working with local Homelessness Forum, local faith groups and other voluntary organisations.

Review of provision for aids and adaptations to meet the needs of older and disabled people – through work with EEC, Chelmsford City Council (CCG) and Housing sub-group of Health and Wellbeing Partnership Group.

Review of provision and demand for supported housing locally for people with learning disability – through joint working with ECC (Social Care) and local voluntary organisations.

Progression of national Gold Standard for prevention of homelessness and engagement with local services – through local Homelessness Forum.

Review and promotion of supported housing for older people – through Housing sub-group of Health and Wellbeing Partnership Group.

Social Prescribing – all staff have been trained (but not yet rolled out to other housing partners).

**PLANNING POLICY**

- Supporting the production of six neighbourhood plans (Langford and Ulting, Burnham-on-Crouch, Mayland, Tollesbury, Latchingdon and Althorne).

- South Maldon and North Heybridge Garden Suburb Community Liaison Panel planned to start in 2016.

- Public consultation on the Site Allocations Development Plan Documents to take place in 2016.

**DEVELOPMENT MANAGEMENT**

- All applications are determined in accordance with the development plan and the National Planning Policy Framework (NPPF), where community lays at the heart of the consideration.

- Defend against adversarial appeals that are against the development plan and the NPPF.
Strengthening Communities Task and Finish Working Group  
Constitution and Terms of Reference

Purpose

To assist the Community Services, Planning & Licensing and Finance & Corporate Services Committees in developing activities and clear outcomes which support the strengthening communities agenda.

Constitution

1. The Task and Finish Working Group (“T&FW Group”) shall consist of two Members from the Community Services Committee, two Members from the Planning and Licensing Committee and two Members from the Finance & Corporate Services Committee together with the Leader or Deputy Leader of the Council. The membership need not reflect the political balance of the Council.

2. The membership of the T&FW Group shall be appointed by the three parent committees and if necessary reviewed annually at their first meeting following the Statutory Annual Meeting of the Council.

3. The Parent Committees shall keep under review the constitution and membership of the T&FW Group.

4. Meetings of the T&FW Group will be called as and when the need arises and will be serviced by the Director of Customers & Community Directorate.

5. Notes will be taken at meetings of the T&FW Group and will be made available electronically to all Members of the Council. A summary of the deliberations following the exploration, consideration and review of matters requested, will be included in reports to Committee. Reports will follow each meeting of the group.

6. At the first meeting of the T&FW Group, Members of the group shall elect a Chairman and should also appoint a Vice-Chairman.

7. For the avoidance of any doubt, the obligation on Members to declare interests in terms of the Council’s Code of Conduct shall apply to meetings of the T&FW Group.

Terms of Reference

1.1 To explore, consider and review the following areas of work before reporting to the three parent committees:

(a) There are a number of initiatives underway across the County aimed at harnessing the power of the voluntary sector and individuals to create more resilient communities. It is important that the Council is aware of these initiatives so that it can help to promote them and ensure that they are delivered in a joined up way. The first action of the proposed working group will be to gain a clear understanding of all such initiatives, their purpose and proposed activity within the Maldon District.

(b) Increasing demand for services accompanied by continually reducing resources means that it is more and more important that actions are focussed on areas of greatest need. The second piece of work will focus on the specific needs within the Maldon District to help us ensure that we are clear on outcomes that we are seeking to deliver and are targeting our resources to deliver the maximum benefit. Initial work has identified a number of important local priorities including: social isolation, winter warmth, fuel poverty, trips and falls, obesity, housing for older people, mental health.
(c) The District already benefits from a wealth of voluntary resource and community driven activity focussed on improving the lives of our residents, however it would be helpful to better understand that resource and to look at whether there are untapped opportunities. The third task for the group will be to understand the existing voluntary resource and consider whether there are opportunities for extending this.

(d) It is recognised that there are a number of funding opportunities available to support a wide range of voluntary initiatives. The Group will look to see whether the District is aware of and capitalising on these opportunities.

(e) A communication plan will be prepared to ensure that the conclusions arising from the groups work are properly communicated to interested stakeholders.

1.1.2 Following the completion of the five tasks identified above the Task and Finish Working Group will prepare a draft Strengthening Communities Strategy and Action Plan for consideration by Members through the Community Services, Planning & Licensing and Finance & Corporate Services Committees. Key consideration will be placed upon identifying measurable outputs arising from the work within the Action Plan.
EXTENSION OF SERVICE LEVEL AGREEMENT FOR LICENSING SERVICES

1. PURPOSE OF THE REPORT

1.1 To consider the extension of the service level agreement with Chelmsford City Council for the provision of licensing services from April 2016 for a further three years.

2. AREA FOR DECISION / ACTION

2.1 The current licensing service agreement with Chelmsford City Council provides the Council with the administrative and professional services required to deliver its day to day functions as a Licensing Authority. The arrangement expires in March 2016 although the contract allows for an extension of the service level agreement for up to three years.

2.2 A full tender exercise was undertaken in 2012 in which all Essex local authorities were invited to tender to undertake the licensing work. This resulted in seven expressions of interest and four authorities submitted tenders. Chelmsford City Council was selected as being the lowest cost (some 25% cheaper than the nearest tender), it also scored highly on service quality in terms of resources and resilience.

2.3 The option of providing the service in-house was also considered. Although at the time it was possible to provide the service in-house for a comparable price, there are significant problems around resilience of a low budget in house service.

2.4 Members subsequently agreed on 8 November 2012 to award the Service Level Agreement (SLA) to Chelmsford City Council for a further three years (Minute No. 568 refers).

2.5 The 2012 agreement provides for contract extension. The current arrangement is working well for both parties and Chelmsford City Council has agreed to extend the service level agreement for a further three years. A price of £41,000 has been negotiated for the first year and this would be subject to an increase on 1 April each year in line with Consumer Price Index (CPI). This price compares favourably with the £40,000 tendered in 2012 and is still £9,725 cheaper than the closest tender in 2012.
2.6 A good relationship has been developed between the two Councils in the delivery of these services and the expected service standards set out in the service level agreement are met. Since the inception of the original service level agreement in 2009 there have been no disputes or defaults in relation to performance. The systems in place for the management and running of the service are well embedded and provide a good level of service for customers. Added value is derived from the proximity of the two Councils which readily allows licensing officers to attend the Princes Road offices and deal with licence holders and applicants within the District. The number of licences issued during the current contract can be seen in APPENDIX 1 of this report and the income generated by the licensing service which is retained by Maldon District Council is set out in APPENDIX 2.

3. IMPACT ON CORPORATE GOALS

3.1 The licensing function plays a key role in delivering the corporate goal of helping communities to be safe, active and healthy.

3.2 The service helps support economic growth and prosperity with effective and appropriate regulation contributing to business development and providing a level playing field to support business growth.

3.3 Outsourcing this service area enables the delivery of good quality and cost effective services.

4. IMPLICATIONS

(i) **Impact on Customers** – Licensing outcomes affect the safety and well-being of a large and diverse group of customers. It is therefore vital that the service is delivered in a consistent and professional manner. Licence holders and applicants are also customers and expect an efficient, timely and accessible service. The extension of the contractor will give continuity for existing customers and seamless delivery of services.

(ii) **Impact on Equalities** – None.

(iii) **Impact on Risk** – A lack of effective resource in this key mandatory area of regulatory services is a significant risk to the Council, with a financial and reputational risk associated with not providing an effective service. The Council is open to legal challenge and appeal on licensing decisions and compensation claims can be considerable. The arrangement with Chelmsford provides a depth of expertise and a larger more resilient workforce which cannot be delivered in house without a significant budgetary impact.

(iv) **Impact on Resources (financial)** – The cost of the Service Level Agreement for 2015 / 16 is £40,882. The price of £41,000 for 2016 / 17 represents a negligible increase. Value for money was clearly demonstrated in the previous tender exercise and a better price is unlikely to be achieved by repeating this process.
(v) **Impact on Resources (human)** – none as there is no change to current arrangements.

(vi) **Impact on the Environment** – minor impact associated with additional travel between the two authorities.

5. **CONCLUSIONS**

5.1 The Council has to make arrangements for the delivery of its statutory licensing services from April 2016. The current service level agreement with Chelmsford City Council expires on 31 March 2016 but contains provision for extension. Chelmsford City Council has indicated its willingness to continue the arrangement and a price has been negotiated to extend for a further three years. The service represents good value for money as tested by procurement in 2012 and further procurement is unlikely to achieve a more competitive price or deliver the same level of quality. The current service is known to be effective and offers a greater depth of service and resilience that could not be achieved in house for the same budget. Continuing the arrangement for a further three years will also avoid client side costs associated with changing providers and offers seamless service delivery and continuity of service to customers.

6. **RECOMMENDATION**

That the Service Level Agreement with Chelmsford City Council for the provision of licensing services to be extended for three years from April 2016.

**Background Papers:** Committee report to Members dated 8 November 2012, Service Level Agreement 2013 - 16.

**Enquiries to:** Ian Haines, Environmental Health and Licensing Manager, (Tel: 01621 875863) or Gill Gibson, Environmental Health Manager – Commercial (Tel: 01621 875813).
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### Licensing Activity from 2013

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<tr>
<td>Taxi Vehicles (New, Renewals and Variations)</td>
<td>108</td>
<td>114</td>
<td>70</td>
<td>89</td>
</tr>
<tr>
<td>Taxi Drivers</td>
<td>39</td>
<td>60</td>
<td>39</td>
<td>121</td>
</tr>
<tr>
<td>Taxi Private Hire Operators</td>
<td>3</td>
<td>1</td>
<td>4</td>
<td>11</td>
</tr>
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</table>
LICENSING FEE INCOME

<table>
<thead>
<tr>
<th>Types of Licence</th>
<th>2013/14</th>
<th>2014/15</th>
<th>2015/16 (Months 1-6)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licensing Act Premises Licences</td>
<td>39,654.00</td>
<td>45,248.00</td>
<td>36,543.50</td>
</tr>
<tr>
<td>Licensing Act Club Premises Certificates</td>
<td>3,795.00</td>
<td>3,795.00</td>
<td>3,545.00</td>
</tr>
<tr>
<td>Licensing Act Temporary Event Notices (TENs)</td>
<td>3,297.00</td>
<td>3,129.00</td>
<td>2,121.00</td>
</tr>
<tr>
<td>Licensing Act Personal Licences</td>
<td>1,436.50</td>
<td>1,651.50</td>
<td>1,193.50</td>
</tr>
<tr>
<td>Scrap Metal Licences</td>
<td>5,130.00</td>
<td>1,260.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Gambling Act</td>
<td>3,660.00</td>
<td>1,360.00</td>
<td>640.00</td>
</tr>
<tr>
<td>Taxi Licences (ALL)</td>
<td>31,667.50</td>
<td>33,881.50</td>
<td>15,629.00</td>
</tr>
<tr>
<td>TOTAL</td>
<td>88,640.00</td>
<td>90,325.00</td>
<td>59,672.00</td>
</tr>
</tbody>
</table>
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REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES
to
PLANNING AND LICENSING COMMITTEE
14 JANUARY 2016

REVISED MALDON DISTRICT COUNCIL COMMUNITY LED PLANNING PROTOCOL

1. PURPOSE OF THE REPORT

1.1 The purpose of this report is to update the Maldon District Council Community Led Planning Protocol which was adopted by the Planning and Licensing Committee in January 2013 (Minute No. 738 refers).

2. AREA FOR DECISION/ ACTION

2.1 Background

2.1.1 Since the introduction of the neighbourhood planning process by Central Government an increasing number of neighbourhood plans have been put forward within the District. The experience gained from undertaking the seven neighbourhood plans in progress has meant that there is a need to update the Community Led Planning Protocol to ensure a transparent process is given to parish and town councils undertaking the neighbourhood planning process.

2.1.2 The neighbourhood planning process has implications for staff resources and the time given for the neighbourhood planning process had been discussed at the November 2012 (Minute No. 563 refers) and January 2013 (Minute No. 738 refers) Planning and Licensing Committee meetings.

2.1.3 On these previous two occasions, the Planning and Licensing Committee determined that in addition to the statutory tasks and responsibilities, the Council should provide 5 - 10 days officer time, and attendance at four meetings, to support each community led plan produced in the District. This support could 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 would include providing ‘critical friend’ 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.
• Attendance at meetings with neighbourhood groups to present the views of the Council on an emerging plan, and provide advice and assistance as required.

2.1.4 It has been found that setting limits on meetings and time available is not productive in the support of neighbourhood planning and it is better to tailor the level of support to each neighbourhood plan, taking into account resources available within the Planning Policy Team and individual requirements of the community group.

2.1.5 The Rural Communities Council of Essex (RCCE) has been assisting Parish and Town Councils with community consultations and attending council meetings to talk about the neighbourhood planning process.

2.1.6 RCCE’s involvement in the neighbourhood planning process has been very successful and has reduced the amount of officer time, particularly in the early stages when a Parish or Town Council is thinking about and developing a framework to commence the neighbourhood planning process. RCCE’s community engagement experience has also assisted Parish and Town Councils in preparing community engagement exercises which are required to be a robust evidence base for the neighbourhood plan.

2.1.7 To make community groups aware of the support available from the Council and RCCE, and ensure that a consistent level of support is provided to all groups, a revised Community Led Planning Protocol has been produced (see APPENDIX 1).

2.2 The Revised Community Led Planning Protocol

2.2.1 The revised protocol outlines the involvement of officers from the Planning Policy Team and RCCE.

2.2.2 The Council has purchased 10 days of time from the RCCE which is to be used to assist parish and town councils with exploring the process of creating a neighbourhood plan as well as assisting with a project plan and community engagement. The involvement of the RCCE in the early stages is important and enables the parish and town council’s to formulate a robust evidence base. RCCE’s involvement in the neighbourhood planning process is included in the revised protocol.

2.2.3 The role of the Planning Policy Team is to provide advice on the production and content of policies in the neighbourhood plan. The Planning Policy team are committed to assisting with the neighbourhood planning process and providing feedback regarding the robustness of policies and the workability of the document itself.

2.2.4 The Council is required by Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 to undertake the environmental assessments of plan. This requirement was not detailed in the previous protocol, and should therefore be included in the update to the protocol to provide a more detailed description of the process.

2.2.5 Once approved, the updated Maldon District Council Community Led Planning Protocol will be shared with all parish and town councils in the District.
3. IMPACT ON CORPORATE GOALS

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

- Enabling, supporting and empowering communities to be safe, active and healthy;
- Protecting and shaping the District and balancing the future needs of the community; and
- Meeting the needs of the District.

4. IMPLICATIONS

(i) **Impact on Customers** -

- Agreeing how the Council will manage the neighbourhood planning process will provide greater certainty and transparency to communities.
- Customers would benefit from the assistance and support provided by the Council involved in the production of neighbourhood plans and would be affected by the level of assistance that the Council can provide. Customers would benefit from greater support being provided by the Council.
- Opportunity for communities to directly plan the future of their area.

(ii) **Impact on Equalities** - Neighbourhood planning has the potential to identify and manage local inequalities that may not have been identified by the Council. Supporting neighbourhood planning could help to address locally based inequalities in the District.

(iii) **Impact on Risk** - It is unknown how many areas may become interested in producing neighbourhood plans, particularly following the successful completion of plans in other areas. The establishment of a number of neighbourhood plans could have a significant impact on existing council resources, and could potentially divert resources away from other tasks and responsibilities including the production of the LDP if sufficient additional resources are not made available.

(iv) **Impact on Resources (financial)** - The greater number of areas that are interested in producing neighbourhood plans would create a larger demand on the Council resources. Financial resources are required to fund the examination and referendum on a neighbourhood plan.

(v) **Impact on Resources (human)** - The greater number of areas that are interested in producing neighbourhood plans would create a larger demand on human resources within the Planning Policy Team.

(vi) **Impact on the Environment** - Neighbourhood plans have the potential to improve the local environment where plans are being produced.
5. CONCLUSIONS

5.1 A Community Led Planning Protocol is required to outline how the Council will support local community groups in the production of neighbourhood plans. This report provides a revised Community Led Planning Protocol for Member approval.

6. RECOMMENDATION

That the revised Community Led Planning Protocol (APPENDIX 1) be approved.

Background Papers:
Environmental Assessment of Plans and Programmes Regulations 2004
Neighbourhood Planning Regulations (2012)
Neighbourhood Planning (Referendum) Regulations 2012
Localism Act (2011)

Enquiries to: John Somers, Senior Planning Policy Officer, (Tel: 01621 876226).
Maldon District Council Community Led Planning Protocol

This briefing note outlines the involvement of Maldon District Council (MDC) and the Rural Community Council of Essex (RCCE) in the support given as part of the production of Community Led Plans. The purpose of this document is to:

1. Outline the steps in the Neighbourhood Development Plan process;
2. Explain the process which MDC will undertake in accordance with the statutory duties including timescales for responses;
3. Explain the assistance available from the RCCE and at which stages they can assist;
4. Set out the level and extent of the advice and guidance that MDC will provide;
5. Set out the responsibilities of the Parish/Town Council /Neighbourhood Forum during the Neighbourhood Development Plan process; and
6. Outline the support available from MDC in relation to other community led plans;
   a) Parish Plans and Village Design Statements
   b) Neighbourhood Development Orders and Community Rights to Build Orders.

1. Steps in the Neighbourhood Development Plan Process and involvement of RCCE and MDC

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Summary of stage</th>
<th>Responsibility for undertaking task</th>
<th>RCCE Involvement</th>
<th>MDC Involvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decision to begin the Neighbourhood Plan process</td>
<td>Parish/Town Council;</td>
<td>Preliminary meeting with the parish/town council to discuss the Neighbourhood Plan process and the steps involved. The RCCE will help with the development of a project plan and inform about organisation of tasks needed. Advice and assistance regarding developing a terms of reference to set out how the group will operate.</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Regulation</td>
<td>Summary of stage</td>
<td>Responsibility for undertaking task</td>
<td>RCCE Involvement</td>
<td>MDC Involvement</td>
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<tr>
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</tr>
<tr>
<td>1990 Act 61G (1) (2)</td>
<td>Town/District Council defines Neighbourhood Plan Boundary (normally parish boundary) and submits to MDC</td>
<td>Parish/Town Council</td>
<td>None</td>
<td>MDC to acknowledge receipt of boundary application.</td>
</tr>
<tr>
<td>Regulation 5, 1990 Act 61G (2) b.</td>
<td>Receipt of area application for Neighbourhood Plan</td>
<td>MDC</td>
<td>None</td>
<td>MDC to confirm receipt of application and advise on consultation dates</td>
</tr>
<tr>
<td>Regulation 6 and 6A</td>
<td>Publicising the application for the Neighbourhood Plan area</td>
<td>MDC</td>
<td>None</td>
<td>MDC to undertake consultation</td>
</tr>
<tr>
<td>Regulation 6A</td>
<td>Decision regarding the Neighbourhood Plan area</td>
<td>MDC</td>
<td>None</td>
<td>MDC to write report to Planning and Licensing Committee (see Section 2)</td>
</tr>
<tr>
<td></td>
<td>Commencement of the Neighbourhood plan evidence gathering – which should include informal consultation and surveys identifying issues and options</td>
<td>Parish/Town Council</td>
<td>Possible attendance at preliminary meeting to discuss the Neighbourhood Plan between Parish/town council and MDC. Meeting/discussions with parish and town council over the consultation and assistance with which groups to contact and the different consultation exercises which can be undertaken, provide examples and inform about record keeping. Assist with appropriate questions for the survey, cross-checking of survey questions to ensure that the questions in the consultation are robust. After evidence base is finalised, inform the need to contact MDC to request a screening opinion for SEA/HRA.</td>
<td>Attendance at preliminary meeting to discuss the Neighbourhood Plan, supply of any evidence base relevant to the Neighbourhood Plan. District Councillors to be invited to the meeting.</td>
</tr>
<tr>
<td>Regulation</td>
<td>Summary of stage</td>
<td>Responsibility for undertaking task</td>
<td>RCCE Involvement</td>
<td>MDC Involvement</td>
</tr>
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</tr>
<tr>
<td>Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004</td>
<td>Parish/Town Council request a Scoping opinion for SEA/HRA for the Neighbourhood Plan</td>
<td>Parish/Town Council</td>
<td>None</td>
<td>MDC will prepare a scoping opinion for HRA /SEA and submit to the three consultation bodies</td>
</tr>
<tr>
<td>14</td>
<td>Parish/Town Council formal consultation on a Draft Neighbourhood Plan for a period of 6 weeks</td>
<td>Parish/ Town Council</td>
<td>Meeting/discussions with parish and town council over the consultation and assistance with which groups to contact and the different consultation exercises which can be undertaken. Assist with appropriate questions for the survey, cross-checking of survey questions to ensure that the questions are robust.</td>
<td>MDC will supply the statutory list of consultees as well as a list of contacts from the LDF database which the Parish/Town Council can edit to send out to relevant consultees. The planning policy team will submit a response to the Neighbourhood Plan if required as a consultee. MDC will update SEA/HRA scoping opinion to reflect any changes since the earlier report. MDC to discuss requirements for the Reg14 consultation</td>
</tr>
<tr>
<td>15</td>
<td>After considering consultation responses and amending plan (if appropriate), the Parish/ Town Council submits to the Local Planning Authority (LPA) the updated Neighbourhood Plan, a consultation statement, statement of how the Neighbourhood plan meets</td>
<td>Parish/ Town Council</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Regulation</td>
<td>Summary of stage</td>
<td>Responsibility for undertaking task</td>
<td>RCCE Involvement</td>
<td>MDC Involvement</td>
</tr>
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</tr>
<tr>
<td></td>
<td>the basic requirements and a map of the area.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Upon receipt of the Information described in Reg 15, the LPA undertakes a consultation of the documents for a period of 6 weeks on behalf of the Parish/Town Council. This stage also includes appointing an examiner in discussion with the Parish/Town Council</td>
<td>MDC</td>
<td>None</td>
<td>Discussions/meeting had between Parish/Town Council and MDC over appropriate examiner</td>
</tr>
<tr>
<td>17</td>
<td>The LPA compiles all responses received and submits the documents to an independent examination.</td>
<td>Local Planning Authority, Parish/Town Council</td>
<td>None</td>
<td>MDC compiles all responses received and submits the documents to an independent examination.</td>
</tr>
<tr>
<td>18</td>
<td>After the examination is held, the LPA receives the examiner’s report and recommendations must be published on the LPA’s website. At this point the LPA must consider each of the Examiner’s recommendations, decide if there are any additional modifications needed to the Neighbourhood Plan or referendum area and whether to approve the plan</td>
<td>Local Planning Authority</td>
<td>None</td>
<td>Attendance and support at examination where there is a hearing. Meeting with Parish/ Town Council to discuss examiner’s comments and any amendments to the Neighbourhood Plan. A report is written to Planning and Licensing Committee with a recommendation of whether to go to referendum.</td>
</tr>
<tr>
<td>Regulation</td>
<td>Summary of stage</td>
<td>Responsibility for undertaking task</td>
<td>RCCE Involvement</td>
<td>MDC Involvement</td>
</tr>
<tr>
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<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Neighbourhood Planning Referendum Regulations</td>
<td>If approved, the Neighbourhood Plan Referendum is held in accordance with the regulations</td>
<td>Local Planning Authority</td>
<td>None</td>
<td>MDC hold referendum</td>
</tr>
<tr>
<td>19, Planning and Compulsory Purchase Act 2004 Act s38A (4) (6)</td>
<td>If a referendum results in more than half those voting (i.e. 50% plus 1), voting in favour of the proposal the LPA must “make” the Neighbourhood Plan as soon as reasonably practical unless: it considers that this would breach, or be incompatible with any EU obligation or any of the Convention Rights.</td>
<td>Local Planning Authority</td>
<td>None</td>
<td>MDC counts the votes received in referendum and announces the results within a week.</td>
</tr>
<tr>
<td>20</td>
<td>The LPA must publish the “made” local plan and bring the decision to local people by way of advertising the decision</td>
<td>Local Planning Authority</td>
<td>None</td>
<td>MDC publishes and formally ‘makes’ the Neighbourhood Plan.</td>
</tr>
</tbody>
</table>
2. Maldon District Council Neighbourhood Plan statutory duties and timeframes

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Timescale:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Publicising the designation of a Neighbourhood Area</td>
<td>MDC to confirm receipt of neighbourhood plan boundary application and advise of the commencement of the 6 week consultation by MDC and published on the website within 2 weeks of receipt of application.</td>
</tr>
<tr>
<td>Regulation 6 Neighbourhood Planning (General) Regulations 2012</td>
<td>A report with recommendations to the Neighbourhood Plan Boundary application sent to the next available Planning and Licensing committee (if submissions have been made) or by the Director of Planning and Regulatory Services (if no submissions are made).</td>
</tr>
<tr>
<td>Scoping Report for SEA/HRA</td>
<td>Initial screening opinion report to be completed within 6 weeks of receipt of request from the Parish/Town Council. Updates at Reg 14 and 16 to be provided within 2 weeks of the beginning of the consultation.</td>
</tr>
<tr>
<td>Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004</td>
<td></td>
</tr>
<tr>
<td>Publicise the submission plan and other relevant documentation and forward comments received to examiner</td>
<td>Publicise within two weeks of receiving the submission documents.</td>
</tr>
<tr>
<td>Regulation 16 Neighbourhood Planning (General) Regulations 2012</td>
<td></td>
</tr>
<tr>
<td>Consideration of Examiner’s Report and provision of ‘Decision Statement’</td>
<td>After receipt of the Examiner’s Report, hold a meeting with parish/Town Council to discuss report within 4 weeks. ‘decision report’ to the next available Planning and Licensing Committee and Full Council.</td>
</tr>
<tr>
<td>Regulation 18 Neighbourhood Planning (General) Regulations 2012</td>
<td></td>
</tr>
<tr>
<td>Arrange Referendum</td>
<td>Referendum to be held as soon as reasonably possible after the ‘decision statement’. The referendum should not be unduly delayed or postponed.</td>
</tr>
<tr>
<td>Regulation 4 Neighbourhood Planning (Referendums) Regulations 2012</td>
<td></td>
</tr>
<tr>
<td>Make the Plan</td>
<td>Decision at the first available meetings of Cabinet/ Council following a positive referendum result</td>
</tr>
<tr>
<td>Regulation 19/20 Neighbourhood Planning (General) Regulations 2012</td>
<td></td>
</tr>
</tbody>
</table>

Further details are available in a Planning Advisory Service document
3. Advice and guidance

The Planning Policy team at Maldon District Council comprises:
- Tim Parton, Team Leader Planning Policy, 01621 876 203 tim.parton@maldon.gov.uk
- John Somers, Senior Planning Policy Officer, 01621 876 226 john.somers@maldon.gov.uk
- Gary Sung, Planning Policy Officer, 01621 876 278 gary.sung@maldon.gov.uk

4. The role of the parish council / neighbourhood forum in the production of neighbourhood plans

In a parished area, the parish council will be the qualifying body responsible for the production of the Neighbourhood Plan: in an un-parished area, a neighbourhood forum will be the qualifying body. The responsibilities of the parish council / neighbourhood forum are as follows:

- Writing the Neighbourhood Plan
- Commissioning or undertaking technical studies for the Neighbourhood Plan
- Undertaking primary survey work
- Attend every meeting/consultation event organised
- Direct financial support

The Council recommends the following approach to producing a neighbourhood plan:

At the start of the process
- Advise MDC of your intention to commence the neighbourhood plan process
- Arrange a meeting with the RCCE to discuss how they can support you.
- Ensure your Neighbourhood Plan Group adopts Terms of Reference (for the steering group and for any topic related research groups) to set out how it will operate.
- In a parished area, establish a clear reporting link between the Neighbourhood Plan Group and the Parish Council.
- Share your Project Plan with the MDC Planning Policy Team so we have an indicative timetable for completion of your Neighbourhood Plan. It will help us to allocate support to you at the appropriate times.
Submission of area application for a neighbourhood plan

- Submit a statement of why you are undertaking a neighbourhood plan, and whether you are a “relevant body” under 61G of the Town and Country Planning Act 1990;¹
- Submit a map showing the boundaries of the area of the Neighbourhood Plan

As you prepare your evidence base and plan

- Seek advice on evidence that is already available.
- Provide regular updates on progress to the Planning Policy Team, especially if it looks like the overall time plan will change.
- Seek assistance from RCCE regarding the consultation process and formulating a robust questionnaire;
- After you have developed your evidence base and are developing vision and objectives, request a screening opinion for SEA and HRA from MDC.

As you are prepare to undertake your draft plan consultation

- Provide a copy of the draft plan to MDC.
- Request MDC to update the Screening Opinion for HRA/SEA for the Reg14 Consultation
- Advise MDC when you are holding the 6 week consultation

Submission of your final plan prior to examination

- Provide a map or statement identifying the area to which the plan relates.
- Provide the Consultation Statement, containing details of those consulted, how they were consulted, summaries of the main issues and concerns raised and how these have been considered (and where relevant addressed) in the proposed Neighbourhood Plan.
- Provide the proposed Neighbourhood Development Plan
- Provide a statement explaining how the Neighbourhood Development Plan meets the ‘basic conditions’
- Provide final copies of any Environmental Statements or Assessments undertaken.

Following the successful examination;

- Provide the Final Plan in an electronic format to the Planning Policy team

¹ Paragraph 2 of section 61G of the Town and Country Planning Act 1990 states that a “relevant body” is a parish council or an organisation or body which is, or is capable of being, designated as a neighbourhood forum (on the assumption that the specified area is designated as a neighbourhood area).
• Provide any support documentation in an electronic format to the Planning Policy team
• Provide results of any primary source data which would be helpful to the Research

5. Support available from MDC in relation to other community led plans

a) Parish Plans and Village Design Statements

Responsibilities of the Council

The Council has no statutory or formal responsibilities to assist in the production of parish plans and village design statements.

Support offered by the Council

The Council will provide up to 5 days officer support time or equivalent, and attendance at a maximum of 4 meetings, for each plan dependant on the complexity of the project and requirements of the community group.

Support may include:
• Providing advice and assistance on the process of producing parish plans and village design statements.
• Providing a basic assessment and review of work being produced, including compliance with local and national planning policy.
• Where appropriate, endorsing a parish plan or village design statement as a supporting document to the Maldon District Local Development Plan.

b) Neighbourhood Development Orders and Community Right to Build Orders

Requirements of the Council

i) Provide comments and advice as a consultee in the production of an order proposal.

The parish or town council (or local community organisation in the case of a community right to build order where the organising body is not required to be a parish or town council) must undertake a consultation of an order proposal with the local community, interested
parties, and Maldon DC. As part of this process, Maldon DC will provide advice on local planning guidance and the appropriateness of the order proposal.

ii) Publication and examination of an order proposal.

Following the submission of an order proposal, the Council will publicise the proposal to bring it to the attention of people that live and work in the area. Following the publication of the order, the Council will organise and finance the examination and appoint an examiner.

As a key stakeholder, Maldon DC will attend the examination to provide the Council’s views. Following the completion of the examination, the Council will publish the final decision made by the examiner.

iii) Referendum and publication of the final outcome

Following the examination, the final adoption of an order is subject to a local referendum where local approval of over 50% of votes is required. It is the responsibility of Maldon DC to finance, organise and manage the referendum process, and publicise the results.

Support offered by the Council

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 every order proposal in the District. The level of support provided will vary depending on the types of proposals and the requirements of the community group.
REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES
to
PLANNING AND LICENSING COMMITTEE
14 JANUARY 2016

HEYBRIDGE PARISH COUNCIL NEIGHBOURHOOD PLAN AREA APPLICATION

1. PURPOSE OF THE REPORT

1.1 The purpose of this report is to make a decision on the appropriateness of the proposed Heybridge neighbourhood plan area boundary application in accordance with Section 61G(6) of the Localism Act 2011.

2. AREA FOR DECISION/ ACTION

2.1 Background

2.1.1 To produce a neighbourhood plan, the Neighbourhood Planning (General) Regulations 2012 requires the community group, parish or town council, or other relevant body proposing the production of a plan, to formally apply to the local planning authority for designation as a neighbourhood area. Under the regulations the Parish Council is required to submit to the District Council:-

a) a map which identifies the area to which the application relates;

b) a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and

c) a statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the 1990 Act

2.1.2 The District Council then will check the documentation to ensure that the documents conform to the regulations, and then advertise the application for a period of six weeks. The Council is not required to consider the appropriateness of why a local community may wish to produce a neighbourhood plan. The role of the local authority as a decision making body is only to administer the neighbourhood planning process in accordance with the Regulations.

2.1.3 Once an application is received, the decision making process by the District Council is only required to consider the following:

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1 Paragraph 2 of section 61G of the Town and Country Planning Act 1990 states that a “relevant body” is a parish council or an organisation or body which is, or is capable of being, designated as a neighbourhood forum (on the assumption that the specified area is designated as a neighbourhood area).
• Is the organisation or body making the application a relevant body for the purposes of section 61G of the 1990 Act?
• Is the mapped area identified in the application appropriate to be designated as a neighbourhood area, and appropriately relates to the organisation or body making the application?
• Have any representations been made which provide acceptable reasons why the application should be approved?
• Are there any other area applications that have been made for this area?

2.1.4 Having considered the above points, the Local Planning Authority must either
• approve the application; or
• refuse the application

2.1.5 If approved, the Council must then publish the decision on its website.

2.1.6 If refused, under Section 61G(6) of the Localism Act 2011, the Local Planning Authority can also consider to modify the boundary of the Neighbourhood Plan; however the modification may be made only with the Parish Council’s consent.

2.2 Council procedure for making decisions on applications for designation of a neighbourhood area

2.2.1 Following the completion of the six week consultation period, the local authority is required to make a decision on the Neighbourhood Plan area application. The Terms of Reference for the Planning and Licensing Committee include the determination of neighbourhood area applications in the following circumstances:
• where appropriate representations have been received;
• where the area to be designated includes land within another civil parish not represented by the applicant;
• where an application is made by an organisation or body not recognised by section 61G of the 1990 Act; or
• where there are two competing neighbourhood area applications for the same location.

2.2.2 Where no representations have been received, and where the area to be designated is coterminous with or wholly within the area of a civil parish, it is recommended that the decision making process should be delegated to the Strategic Director to determine the application (Minute No. 911 refers). In this instance, Members of the Planning and Licensing Committee will be informed of any delegated decisions made.

2.3 Heybridge Neighbourhood Plan Application

2.3.1 The District Council received a request from Heybridge Parish Council on 6 October 2015 to commence the Neighbourhood Planning process. In accordance with the

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2 Paragraph 2 of section 61G of the Town and Country Planning Act 1990 states that a “relevant body” is a parish council or an organisation or body which is, or is capable of being, designated as a neighbourhood forum (on the assumption that the specified area is designated as a neighbourhood area).
regulations, the District consulted the application for a minimum of six weeks between Monday 12 October 2015 until Thursday 27 November 2015.

2.3.2 The Neighbourhood Plan Boundary chosen by the Parish Council is the same as the Heybridge Parish Council Boundary (see APPENDIX 1).

2.3.3 After consultation of the Neighbourhood Plan Boundary, a total of three submissions were received. As such, under the Council’s Scheme of Delegation a decision on the boundary must be made by the Planning and Licensing Committee.

2.3.4 Submissions were received by Great Totham Parish Council and Essex County Council which raised concerns over the application boundary and general comments were lodged by Gladman Developments (see APPENDIX 2).

2.3.5 Great Totham Parish Council submitted a holding objection to the application so that a meeting could be held between Heybridge Parish Council and Great Totham Parish Council with regards to the ramifications of the boundary which dissects the North Heybridge Garden Suburb.

2.3.6 Essex County Council have raised concerns over the boundary of the Neighbourhood Plan Area in that it dissects the Garden Suburb and would not present a holistic approach to the North Heybridge Garden Suburb which crosses three parishes (Great Totham, Heybridge, and Langford (only country park)).

2.3.7 The Planning Policy Team has also raised concerns to Heybridge Parish Council regarding the neighbourhood plan dissecting the North Heybridge Garden Suburb. The concerns arise as a result of the following:

- The neighbourhood plan boundary dissect the North Heybridge Garden suburb. As a result there would not be a holistic approach to policies managing the garden suburb;
- The North Heybridge Garden Suburb is at an advanced stage with design codes being formulated, and a planning application in the process;
- A Neighbourhood Plan with any policies on the North Heybridge Garden Suburb would place additional policy constraints which could affect the delivery of the site which is at an advanced stage in the planning process;
- The Heybridge Neighbourhood Plan would typically take a year to complete and the urban extension cannot wait until the Heybridge Neighbourhood Plan is complete.

2.3.8 A meeting was held on 15 December 2015 with representatives of Heybridge and Great Totham Parish Council’s and Maldon District Council (MDC) to discuss the boundary and the following options to move forward with the Neighbourhood Plan:

a) **Keep the Neighbourhood Plan Boundary for Heybridge as it is:**

- The neighbourhood plan boundary cuts through the garden suburb, depending on if there are any policies which affect the urban extension could have implications on the remainder of the urban extension which lies in Great Totham (and partly in Langford);
Great Totham would be consulted on the plan and would continue contact and meetings with Heybridge Parish. There wouldn’t be an ability for Great Totham to vote on the plan but the Neighbourhood Planning Regulations state that comments are to be taken into consideration by Heybridge;

If there are no policies for the urban extension, these concerns would be resolved;

**b) Undertake a Joint Neighbourhood Plan:** This option means that Great Totham and Heybridge would complete a Neighbourhood Plan together which would include both parishes and policies applicable to both parishes. Under this option:

- a new neighbourhood boundary consultation of six weeks would need to take place – both parish councils would need to write a letter satisfying the requirements of Regulation 5 of the Neighbourhood Plan Regulations;
- both parishes would need to vote on proposed policies;
- both Parishes would need to input and share resources, however some funding is available from the Government to assist parishes undertaking neighbourhood plans;
- the entire garden suburb (except Langford component) could be dealt with holistically;
- it gives the opportunity for Great Totham and Heybridge to work on policies and issues which affect the entire parishes;
- both Parishes would need to draw up a heads of terms and maintain a strong relationship with each other as there is potential for conflict over competing agendas and issues within the local communities.

**c) Great Totham to give permission for Heybridge to place the neighbourhood plan boundary around the urban extension.** Under this option:

- a new neighbourhood plan boundary consultation of six weeks would need to take place;
- Great Totham give permission for Heybridge to undertake the Neighbourhood Plan;
- both Parish Councils would need to vote on the plan along the process which would affect both parish areas;
- if there were policies regarding the garden suburb urban extension, Heybridge would lead on policies which could have implications for Great Totham residents as some of the residents affected by the plan would be from Great Totham due to being within this parish;
- an agreement would need to be drawn up to clarify the involvement with Great Totham;
- part of Great Totham would in effect be governed by Heybridge policies which may lead to complications if Great Totham want to object to planning schemes but are supported by the Neighbourhood Plan (or vice versa).
d) Great Totham undertake a Neighbourhood Plan which would need to include all of the Garden Suburb. Under this option the above points under option c) would be relevant in reverse for Heybridge and Great Totham.

e) Create a Neighbourhood Forum, on the basis that the plan was only going to deal with the urban extension:
   - a new neighbourhood forum would need to be applied for, it is suggested that there is a 50:50 split between Heybridge and Great Totham;
   - members of the forum don’t have to be part of the Parish Council;
   - the approach isn’t very workable if surrounding settlements such as Heybridge Basin and such are wanting to be considered, this approach would depend on the boundary being applied for, it would not be appropriate if Great Totham were voting on issues such as Heybridge Basin which doesn’t affect Great Totham;

f) Current Neighbourhood Plan boundary submitted by Heybridge is amended to exclude the garden suburb urban extension. Under this option:
   - the Planning and Licensing Committee (January 2016) could resolve to refuse the current boundary and amend the boundary to exclude the garden suburb under Section 61G(6) of the Localism Act 2011, but only with the Parish Council’s consent;
   - the Garden suburb would continue as planned in accordance with the Local Plan and design codes;
   - communication would continue with Great Totham and Heybridge over the specifics and delivery of the Garden Suburb which would be undertaken by the District;

2.3.9 At the meeting, representatives of Great Totham Parish Council confirmed that the Parish Council resolved at its meeting of 14 December to recommend Option (f) as the Parish Council’s position regarding the Heybridge Neighbourhood Boundary Application. Under this option the Neighbourhood Plan boundary should run around the urban extension (shown in APPENDIX 3).

2.3.10 Heybridge Parish Council considered the recommendations of both Great Totham Parish Council and MDC at a Parish Council meeting on the 17 December, and resolved to progress the neighbourhood plan on the basis of Option (f).

2.4 Case Law regarding strategic sites and neighbourhood plans - Daws Hill neighbourhood area, Wycombe

2.4.1 Wycombe District Council received a Neighbourhood Plan Application from the Daws Hill Neighbourhood Forum, which included two strategic sites of district wide significance contributing the largest amount of housing growth for the district. The sites also were at an advanced stage, having planning applications submitted, and development briefs adopted for both sites.

2.4.2 With a neighbourhood plan typically taking a year to complete its stages and with
no certain outcome until after an examination and a referendum, the resolved to refuse
the boundary and modified the neighbourhood plan area to exclude the two strategic
sites.

2.4.3 The Daws Hill Neighbourhood Forum submitted a legal challenge, in the form of a
Judicial Review, against that decision. The group argued in Court that S.61G Town
and Country Planning Act, in requiring the Council to consider and designate such
area as they considered ‘appropriate’, constrained it to place all the land within the
claimed Neighbourhood Area into one or more such areas and that it was not
permitted to exclude any part of the claimed Area from designation in the
Neighbourhood Area. This, they said, was the whole idea of neighbourhood planning
and they argued that the Council had undermined the statutory purpose.

2.4.4 The Neighbourhood Forum argued that the Council, being constrained in this way,
had been wrong to have regard to the wider planning context and circumstances, in
particular, the strategic nature of the two sites, their mature planning status and the
Council’s view that preparing a Neighbourhood Plan would be a disproportionate use
of resources given the planning context, potentially leading to frustration on the part
of local residents.

2.4.5 The Council argued that it had been entitled to have regard to the planning context
and had done what S.61G required of it by designating an Area in which the Forum
could undertake neighbourhood planning.

2.4.6 Lord Justice Sullivan found that the reasons given by the Council for the exclusion of
the two strategic sites from the Neighbourhood Area were sound and the council
therefore acted lawfully. The Court of Appeal rejected the narrow approach to
construction, and accordingly held that there was no undermining of the statutory
purpose. They concluded that the Council had been entitled to designate a smaller
area than that claimed on the basis of the matters which they had taken into account in
reaching their view as to what was an ‘appropriate’ area for designation.

2.5 Assessment of the Heybridge Neighbourhood Plan

2.5.1 Is the organisation or body making the application a relevant body for the purposes of
section 61G of the 1990 Act?

2.5.1.1 Yes, the Parish Council is a ‘relevant body’ for the purposes of Section 61G of the
1990 Act.

2.5.2 Is the mapped area identified in the application appropriate to be designated as a
neighbourhood area, and appropriately relates to the organisation or body making
the application?

2.5.2.1 The Planning Policy Team consider that the inclusion of the southern component of
the North Heybridge Garden Suburb would be inappropriate for the following
reasons:

- The partial inclusion of the North Heybridge Garden suburb could have the
potential to cause conflict to the holistically planned approach of the North
Heybridge Garden Suburb;
• The Heybridge Garden Suburb is of District significance and is at an advanced stage having had planning applications submitted for all strategic sites allocated in the Garden Suburb, the Garden Suburb Strategic Masterplan Framework has been endorsed by Council, and design codes are currently being produced.

2.5.3 *Have any representations been made which provide acceptable reasons why the application should be approved?*

2.5.3.1 A total of three representations have been received, two of which have concerns over the appropriateness of the Neighbourhood Plan boundary.

2.5.4 *Are there any other area applications that have been made for this area?*

2.5.4.1 There are no other Neighbourhood Plan area applications made for the area indicated by Heybridge Parish Council.

2.6 **Conclusion**

2.6.1 For the reason outlined above, it is recommended that the Planning and Licensing Committee refuse the Heybridge Neighbourhood Plan application.

2.6.2 Heybridge Parish Council has acknowledged the concerns raised by MDC and consultation representations regarding the Neighbourhood Planning Boundary. In collaboration with Heybridge Parish Council, it is therefore recommended that the Neighbourhood Planning Boundary is amended to exclude the area of the North Heybridge Garden Suburb as set out in **APPENDIX 3**, in accordance with Section 61G(6) of the Localism Act 2011.

3. **IMPACT ON CORPORATE GOALS**

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

- Enabling, supporting and empowering communities to be safe, active and healthy;
- Protecting and shaping the District and balancing the future needs of the community; and
- Meeting the housing needs of the District.

4. **IMPLICATIONS**

(i) **Impact on Customers** - The amendment of the neighbourhood area application will provide communities with the opportunity to directly plan the future of their area and allow certainty for the provision of the North Heybridge Garden Suburb.

(ii) **Impact on Equalities** - Neighbourhood plans have the potential to identify and manage local inequalities that may not have been identified by the
Council. Supporting neighbourhood area applications could help to address locally based inequalities in the District.

(iii) **Impact on Risk** - The Council has a statutory duty to make decisions on neighbourhood area applications. Without agreeing a way forward for the Heybridge Neighbourhood Plan, the Council is at risk of not meeting its statutory requirements.

(iv) **Impact on Resources (financial)** - The greater number of areas that are interested in producing neighbourhood plans would create a larger demand on the Council resources. Financial resources are required to fund the examination and referendum on a neighbourhood plan.

(v) **Impact on Resources (human)** - The greater number of areas that are interested in producing neighbourhood plans would create a larger demand on human resources within the Planning Policy Team.

(vi) **Impact on the Environment** - Neighbourhood plans have the potential to improve the local environment in an area where a plan has been produced.

5. **CONCLUSIONS**

5.1 The inclusion of the southern component of the North Heybridge Garden Suburb with the Heybridge Neighbourhood Plan Boundary would be inappropriate for the following reasons;
- The partial inclusion of the North Heybridge Garden suburb could have the potential to cause conflict to the holistically planned approach of the North Heybridge Garden Suburb;
- The Heybridge Garden Suburb is of District significance and is at an advanced stage having had planning applications submitted for all strategic sites allocated in the Garden Suburb, the Garden Suburb Strategic Masterplan Framework has been endorsed by the Council, and design codes are currently being produced.

6. **RECOMMENDATION**

That the Heybridge Neighbourhood Planning Boundary is amended to exclude the area of the North Heybridge Garden Suburb as set out in **APPENDIX 3**, in accordance with Section 61G(6) of the Localism Act 2011.

**Background Papers:**
Neighbourhood Planning (General) Regulations (2012)
Localism Act (2011)

**Enquiries to:** John Somers, Senior Planning Policy Officer (Tel: 01621 876226).
Heybridge Neighbourhood Boundary (As submitted)
Consultation responses received

**Essex County Council (ECC) Response:**

Planning Policy  
Maldon District Council  
Princes Road  
Maldon  
CM9 5DL  
policy@maldon.gov.uk

By email

Dear Sir/Madam,

RE: HEYBRIDGE NEIGHBOURHOOD PLAN AREA CONSULTATION

Thank you for consulting Essex County Council (ECC) on the proposed boundary of the Heybridge Neighbourhood Plan Area as put forward by Heybridge Parish Council. This letter represents ECC’s technical officer comments to the consultation. ECC notes the proposed boundary straddles a strategic allocation in the submitted Maldon Local Development Plan, and provides some comment. In addition, other advice is provided to inform any forthcoming preparation of a neighbourhood plan, and in particular the key strategic infrastructure identified in the submitted Maldon Local Development Plan.

**General**

ECC delivers a wide range of public services upon which it can provide guidance and advice for those carrying out neighbourhood planning projects. A reference guide (currently being updated) setting out the main ECC services that may need to be considered when carrying out neighbourhood planning can be accessed below.


The Parish Council should contact ECC as plan preparation progresses to ensure the most up to date information is provided.

**Relationship to the Maldon District Pre Submission Local Plan (2014 – 2029)**

Maldon District Council submitted its Local Development Plan (LDP) to the Secretary of State for Examination-in-Public (EiP) on 25 April 2014. The LDP seeks to set out how growth requirements will be accommodated in the District over the next 15 years to 2029. It will be used to guide the delivery of homes, employment, retail, community facilities and infrastructure provision and provide details of strategic allocations for housing and employment development and how this will be phased over the plan period.
Essex County Council (ECC) Response (continued):

The Planning Inspector’s ‘initial findings’ report following examination in January 2015, was published 8 May 2015, and recommended the plan to be unsound based on a lack of provision for gypsies and travellers. Following a request from Maldon District Council, the Secretary of State issued a direction, and has called in the plan “to test whether the Planning Inspector has taken a proportionate and balanced view on the local plan as a whole in the light of national planning policy.” A decision is still awaited from DCLG.

However, the Submitted Plan has progressed through the planning process and therefore MDC attaches some material weight in relation to LDP Policies S1, S2, S3, S4, S6, S7, S8, H1, H2, H3, H5, I1 and I2 in decision making. Policy S4 – Maldon and Heybridge Strategic Growth, outlines the proposed infrastructure to be provided at North Heybridge Garden Suburb, and is supplemented by the ‘Updated Infrastructure Phasing Plan, Jan 2015’. The Garden Suburb amounts to some 1,235 dwellings to be provided by sites S2d – North of Heybridge (1,035 dwgs), S2e – North of Holloway Road (100 dwgs) and S2f – West of Broad Street Green (100 dwgs).

For North Heybridge, Policy S4 identifies the following:

- 1,235 dwellings (including affordable housing and dwellings which meet the housing needs for an older population).
- A new primary school, two early year childcare facilities and contributions towards the expansion of the Plume School.
- Provision for youth and children’s facilities.
- A new outer relief road to the north of Heybridge between Broad Street Green Road and Langford Road.
- A country park focused to the west of Maypole Road.
- A strategic flood alleviation scheme as well as appropriate drainage and sewerage infrastructure including sustainable urban drainage systems (SUDS) within the development.

In addition, the proposed neighbourhood plan area also includes a strategic allocation at Heybridge Swifts (S2(h) for 100 dwgs (Policy S2 – Strategic Growth).

North Heybridge Garden Suburb Masterplan

Maldon DC has also adopted the Strategic Masterplan Framework (SMF) for the North Heybridge Garden Suburb (NHGS), which provides supplementary guidance to the LDP. It has been developed in partnership between Maldon District Council and the developers / landowners and has taken into account consultation with relevant stakeholders and the local community. Relevant partner organisations including Essex County Council, the Environment Agency and the NHS have also been closely engaged in the process.

Planning consent for the development of sites within the NHGS Suburb areas will only be granted by MDC if the proposals are in accordance with the respective adopted masterplan.
Essex County Council (ECC) Response (continued):

Planning applications have been submitted for all 3 sites within the NHGS, and are presently being considered through the development management process. ECC has been seeking to ensure that the infrastructure requirements identified above are satisfactorily considered within these applications, and their funding appropriately identified in any s10s heads of terms.

Consequently, ECC recommends that the neighbourhood plan fully reflects the strategic vision and strategy of the emerging Local Plan, as required in the National Planning Policy Framework (NPPF), paragraph 184, which states:

‘The ambitions of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area.’

In addition, paragraph 16 also states that neighbourhoods should:

‘develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;’

Highways

ECC in its role as Highways Authority was commissioned to undertake a considerable amount of highway modelling to support the submitted LDP. The Infrastructure Delivery Plan (IDP) and Phasing Schedule identifies the following highway infrastructure to be provided by the planned development in the submitted LDP, and to be funded by SELEP/ECC funding and ‘pooled’ developer contributions. The junctions within the proposed neighbourhood plan area are underlined below:

- delivery of the North Heybridge Relief Road
- off-site Highways Improvements
  - B1018 Langford Approach/Heybridge Approach
  - B1018/Heybridge Approach/A414 Roundabout
  - A414/Spital Road Roundabout (now SELEP Local Growth Fund)
  - A414/B1018 Limebrook Way (now SELEP Local Growth Fund)
  - A414 Oak Corner Junction

The highway modelling also identified two junctions in Heybridge which would experience significant congestion issues in 2026 with no additional growth, and where mitigation measures were not feasible due to spatial constraints. However, the introduction of the North Heybridge Link Road would allow a ‘nil detriment’ situation to be achieved at these junctions:

- B1018 The Causeway / The Square / B1022 The Street Roundabout
- B1022 Colchester Road / B1026 Goldhanger Road Roundabout

An outline planning application has been submitted for part of the Garden Suburb by Countryside Properties, with detailed planning permission sought for:
Essex County Council (ECC) Response (continued):

• the new relief road between Broad Street Green Road and Langford Road

Minerals

ECC is the Minerals Planning Authority (MPA), and adopted the Essex Minerals Local Plan in July 2014. The proposed neighbourhood plan area, including Osea Island, is largely covered by Policy S8 - Minerals Safeguarding Area for sand and gravel, which seeks to prevent the sterilisation of mineral resources.

Policy S8 states “… Proposals which would unnecessarily sterilise mineral resources or conflict with the effective workings of permitted minerals development or Preferred Mineral site allocation shall be opposed.”

Policy S8 requires that a non-mineral proposal located within a MSA which exceeds defined thresholds shall be supported by a minerals resource assessment to establish the existence, or otherwise, of a mineral resource capable of having economic importance. This will ascertain whether there is an opportunity for the prior extraction of that mineral to avoid the sterilisation of the resource as required by the National Planning Policy Framework (paragraphs 143 and 144).

The proposed neighbourhood plan area is part covered by strategic development sites identified in the submitted Local Development Plan, and are currently subject to submitted planning applications. These allocations are North of Heybridge (S2(d)); Land North of Holloway Road (S2(e)); and West of Broad Street Green Road (S2(f)).

The proposal lies within the MSA for sand and gravel and exceeds the 5ha threshold as defined in Policy S8 for this mineral and is unaccompanied by a mineral resource assessment. Policy S8 would therefore ordinarily require the Minerals Planning Authority to place a holding objection on the proposal until such a time as a minerals resource assessment can be submitted.

In requesting a Mineral Resource Assessment the MPA advises that mineral extraction is discouraged close to existing residential properties, a 100m buffer zone between the extraction face to the facade of a residential property would normally be required (see paragraph 5.20 of the RMLP) and this should be factored into the assessment of the potential for prior extraction when undertaking the mineral resource assessment.

It is noted that in this instance the proposed strategic allocations in part, both adjoins the defined settlement of Heybridge comprising residential properties, and adjoins a number of residential properties on the eastern boundary, which would need to be protected by the 100m buffer zone referred to above. In addition the site adjoins Heybridge Wood, a designated Ancient Woodland and Local Wildlife Site which would also be afforded some protection / standoff margin. Therefore, by virtue of the location of the proposal and proximity to adjoining sensitive properties and ancient woodland, it is considered that the area of any deposit would be very constrained and thus, in this instance the MPA does not propose to request a Mineral Resource Assessment in relation to the Strategic Allocations.
Essex County Council (ECC) Response (continued):

The above approach reflects the MPA’s consultation response to planning application FUL/MAL/15/00885 concerning West of Broad Street Green Road (S2(f)), and concluded that in this instance the MPA does not propose to request a Mineral Resource Assessment and has no objections to the proposal.

There are no site allocations for mineral extraction in the adopted Minerals Plan.


Waste

ECC as Waste Planning Authority raises no issues.

Sustainable Drainage Systems

It is recommended that neighbourhood plan policies require new development of all scales to incorporate sustainable drainage systems.

As the Lead Local Flood Authority (LLFA) Essex County Council is responsible for overseeing flood risk from surface water, groundwater and ordinary watercourses. The LFA is therefore expected to provide support to Local Planning Authorities and the development industry on sustainable drainage proposals. The Sustainable Drainage Systems Design Guide was adopted in December 2014, and assists in identifying the level of treatment necessary in considering new development. This document forms the local standards for Essex and, together with the National Standards, strongly promotes the use of SuDS which help to reduce surface water runoff and mitigate flood risk.

From the 15th of April 2015 Essex County Council, as the Lead Local Flood Authority, began acting as a statutory consultee to the planning application process with regard to surface water and groundwater flooding on all major planning applications. The Local Planning Authority will approve SuDS as part of the planning application process. ECC expects any new development to comply with the following guidance:

i. The minimum requirements set out in the Non-statutory Technical Standards for Sustainable Drainage Systems.


iii. The CIRIA SuDS manual which sets out best practice for SuDS design.
Essex County Council (ECC) Response (continued):


For further information and enquiries, please contact Essex County Council’s SuDS team at suds@essex.gov.uk or telephone 08457 430430.


In addition, an outline planning application has been submitted for part of the Garden Suburb by Countryside Properties, with detailed planned permission is sought for:

- the Strategic Flood Alleviation works to the north of the new relief road, including the outfall to the River Blackwater

The creation of these works is designed to capture and divert existing surface water flows away from the Application Site and Heybridge during severe weather.

Heritage

Unlocking Essex’s Past (UEP) is a website that makes it possible to search the Essex Historic Environment Record (EHER) online, making information about the heritage of the county more accessible and encouraging exploration and conservation. The Essex Historic Environment Record (over 30,000 records) includes details of all listed buildings, scheduled monuments, designated and other non-designated heritage assets. It does not provide an assessment of the significance of those heritage assets, in the form of a Historic Environment Characterisation. The latter has been prepared for Maldon District, and combined with the EHER providers a good historical environment background for the neighbourhood plan.

However, where a site on which development is proposed includes or has the potential to include heritage assets applications should describe the significance of any heritage assets affected. As a minimum the Historic Environment Record should have been consulted and an appropriate assessment produced. ECC was consulted with regards these matters in relation to the submitted planning applications at the Garden Suburb.

The link to the EHER is included below:

http://unlockingessex.essexcc.gov.uk/uep/custom_pages/home_page.asp?

ECC can provide the parish council with relevant sites in the neighbourhood plan area if necessary.
Essex County Council (ECC) Response (continued):

Strategic Environmental Assessment/Sustainability Appraisal

ECC notes, and welcomes, the District Council’s ‘Community Led Planning Protocol’ and ‘Neighbourhood planning update and briefing note to towns and parishes’. The protocol clarifies that the District Council will carry out a screening opinion exercise for any neighbourhood plan, primarily once the baseline report has been completed, in order to ascertain whether they are likely to trigger significant environmental effects.

A strategic environmental assessment may be required, for example, where:
- a neighbourhood plan allocates sites for development;
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan; and
- the neighbourhood plan is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Maldon Local Plan.

In addition, where a neighbourhood plan could potentially affect a European protected site, it will be necessary to screen the plan in relation to the Conservation of Habitats and Species Regulations (2010), as amended (the ‘Habitats Regulations’).

The exercise is a legal requirement and involves consulting the statutory agencies and publicising its findings on whether or not further environmental assessment is required for the plan.

Conclusion

ECC looks forward to engaging constructively, actively and on an on-going basis during the preparation of the Heybridge Neighbourhood Plan. This will ensure the continuation of a robust long-term strategy for the area that provides a reliable basis on which ECC may plan future services and provide the required social and physical infrastructure for which it is responsible.

Please do not hesitate to contact me if you require further information or would like to discuss this response in more detail.

Yours sincerely,

Kevin Fraser
Principal Planner
Great Totham Parish Council Response:

GREAT TOTHAM PARISH COUNCIL
C R Potter, Clerk to the Council
19 Mill Road, Great Totham, Maldon, Essex, CM9 8DH

Date: 25 November 2015

Dear Mr Somers,

Heybridge Parish Council
Application under Part 2(5)(1) of the Neighbourhood Planning (General) Regulations 2012 for the Designation of a Neighbourhood Area

I refer to Heybridge Parish Council’s application under the above Regulations.

The Great Totham Parish Council objects to the application in respect of that part of the proposed plan boundary to the north of Heybridge which is co-terminus with the civil parish boundaries of Heybridge and Great Totham and which traverses the area proposed as the North Heybridge Garden Suburb included in the submitted Maldon District Local Development Plan.

The Great Totham Parish Council is currently examining the implications of this part of the proposal including anticipated discussions with Heybridge Parish and Maldon District Councils in December. The purpose of this formal objection is to cause the deferral of a decision on the application until such time as the plan boundary details can be fully considered and resolved.

Yours sincerely

Clerk to the Council
Response by Gladman Developments

Re: Heybridge Neighbourhood Development Plan – Application for Neighbourhood Area Designation

Dear Sirs,

Gladman Developments Ltd (Gladman) specialise in the promotion of strategic land for residential development with associated community infrastructure. This letter provides Gladman’s representations on the application made by Heybridge Parish Council for the designation of a Neighbourhood Area, for the purposes of preparing a Neighbourhood Development Plan.

At this stage Gladman have no specific comments to make on the application for the Neighbourhood Area designation. However, as the first formal stage of preparing a Neighbourhood Plan, Gladman would like to take the opportunity to comment on the Heybridge Neighbourhood Area application to highlight a number of key requirements to which the development of the emerging Neighbourhood Plan should have regard. Gladman wish to participate in the Neighbourhood Plan’s preparation and to be notified of further developments and consultations in this regard.

Neighbourhood Plans - Guidance and Legislation

The National Planning Policy Framework (The Framework) sets out the Government’s planning policies for England and how these are expected to be applied. In doing so it sets out requirements for the preparation of neighbourhood plans and the role these should take in setting out policies for the local area. The requirements set out in the Framework have now been supplemented by the guidance contained in the Neighbourhood Planning chapter of the PPG.

Paragraph 16 of the Framework sets out the positive role that Neighbourhood Plans should play in meeting the development needs of the local area. It states that:

“The application of the Presumption (In Favour of Sustainable Development, set out in paragraph 14 of Framework) will have implications for how communities engage in neighbourhood planning. Critically it will mean that neighbourhoods should: Develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;

Plan positively to support local development, shaping and directing development in their area that is outside of the strategic elements of the Local Plan”

Further guidance on the relationship between Neighbourhood Plans and strategic policies for the wider area set out in a Council’s Local Plan is included in paragraph 184 of the Framework:

“The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date plan is in place as quickly as possible. Neighbourhood Plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood Plans should not promote less development than is set out in the Local Plan or undermine its strategic policies”.

Before a Neighbourhood Plan can proceed to referendum in must be tested against the Neighbourhood Plan Basic Conditions, set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 and further detailed in paragraph 065 of the Neighbourhood Plan PPG. These Basic Conditions are:

a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan
b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order
c) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order
d) The making of the neighbourhood plan contributes to the achievement of sustainable development
e) The making of the neighbourhood plan is in general conformity with the strategic policies contained within the development plan for the area of the authority
f) The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations
Response by Gladman Developments (continued)

g) Prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

If a Neighbourhood Plan is not developed in accordance with the Neighbourhood Plan Basic Conditions there is a real risk that it will fail when it reaches Independent Examination.

Relationship with Local Plans

To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, Neighbourhood Plans should be prepared to conform to up-to-date strategic policy requirements set out in Local Plans. Where an up-to-date Local Plan has been adopted and is in place for the wider authority area, it is the strategic policy requirements set out in this document that a Neighbourhood Plan should seek to support and meet. When a Local Plan is emerging or is yet to be found sound at Examination, there will be lack of certainty over what scale of development a community must accommodate or the direction the policies in the Neighbourhood Plan should take.

The Development Plan for Maldon consists of the Maldon District Council Replacement Local Plan which covered the period to 2011. The Replacement Local Plan is considered to be both out-of-date and time expired against the requirements of the Framework. Therefore, there is no up-to-date Development Plan in place consistent with the requirements of the Framework to which the neighbourhood plan can be based or tested against.

The emerging Maldon District Council Local Development Plan is expected to cover the period to 2029 and was submitted to the Secretary of State in April 2014. The Inspector published his interim findings and found the plan unsound recommending its withdrawal. The Inspector’s letter dated 3rd June 2015 states:

“My Interim Findings are that all the Plan’s housing policies, taken together, are fundamentally unsound because the Plan does not identify and meet objectively assessed housing needs and it is not based on adequate, up-to-date and relevant evidence as required in national policy”.

At the Council’s request, the Local Plan has since been called in by the SoS for determination. Given the current uncertainty over the status of the emerging Local Plan, Gladman question the Parish Councils ability to progress the Neighbourhood Plan at this time and recommend that the progression of the Plan is delayed until the strategic requirements are confirmed in an up-to-date adopted Local Plan.

Although the Neighbourhood Plan PPG indicates that Neighbourhood Plans can be advanced before an up-to-date Local Plan is in place, Gladman would strongly question the ability to progress a Neighbourhood Plan on this basis. If a Neighbourhood Plan is progressed prior to an up-to-date Local Plan being prepared, or the strategic policies and development requirements set out in an emerging Local Plan change, then the work on the Neighbourhood Plan is likely to be abortive. A Neighbourhood Plan cannot be consistent with the requirements of the Framework or the meet the Neighbourhood Plan Basic Conditions if it is progressed on a development plan that is out-of-date.

Woodcock judgment The recent Woodcock High Court judgment demonstrates the implications for progressing a neighbourhood plan where there is no local plan in place nor a five year housing land supply. In summary, this High Court judgment demonstrates the following key points:

- That §14 and §49 of the Framework in regard to five year housing land supply and the weight to be given to extant housing land supply policies applies equally to both emerging and ‘made’ neighbourhood plans as other development plan documents otherwise adopted and/or emerging by the local planning authority.
- There is nothing in policy or statute that elevates neighbourhood planning to a level above the wider development plan that enables special consideration.
- Neighbourhood plans must respect national policy and the core planning principles outlined within the Framework.
- Prematurity must be assessed against the whole of the requirements of the PPG. In neighbourhood planning, there is no requirement for planning bodies to produce an objective assessment of housing needs, as there is no requirement to consider the effectiveness or justification of a plan.
Response by Gladman Developments (continued)

Given the recent Woodcock Judgment, in the event the Council are unable to identify a 5 year housing land supply, the housing policies contained in the Neighbourhood Plan will be found out-of-date before they are even adopted. Gladman recommend that it would be appropriate to delay the progression of the Neighbourhood Plan until the strategic priorities for the wider area are more certain.

Neighbourhood Plan Policies and Proposals

In accordance with the Neighbourhood Plan Basic Conditions, Neighbourhood Plan policies should align with the requirements of the Framework and the wider strategic policies for the area set out in the Council’s Local Plan. Neighbourhood Plans should provide a policy framework that complements and supports the requirements set out in these higher-order documents, setting out further, locally-specific requirements that will be applied to development proposals coming forward.

The Framework is clear that Neighbourhood Plans cannot introduce policies and proposals that would prevent development from going ahead. They are required to plan positively for new development, enabling sufficient growth to take place to meet the strategic development needs for the area. Policies that are clearly worded or intended to place an unjustified constraint on further sustainable development taking place would not be consistent with the requirements of the Framework or meet the Neighbourhood Plan Basic Conditions.

Communities should not seek to include policies in Neighbourhood Plans that have no planning basis or are inconsistent with national and local policy obligations. Proposals should be appropriately justified by the findings of a supporting evidence base and must be sufficiently clear to be capable of being interpreted by applicants and decision makers. Policies and proposals should be designed to add value to policies set out in Local Plan and national guidance, as opposed to replicating their requirements.

The community should liaise with the Council’s planning team to seek advice on the appropriateness of the Neighbourhood Plan’s proposals.

Sustainability Appraisal/Strategic Environmental Assessment

The preparation of a Neighbourhood Plan may fall under the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) that require a Strategic Environmental Assessment (SEA) to be undertaken where a Plan’s proposals would be likely to have significant environmental effects. The requirement to undertake an SEA will be dependent on a Neighbourhood Plan’s proposals, but is likely to be necessary where a Plan is proposing specific allocations or site designations. In accordance with Schedule 1 of the SEA Regulations, a Screening Assessment of a Neighbourhood Plan’s proposals should be completed to assess whether an SEA must be prepared. Where an SEA is required this should be commenced at the earliest opportunity, alongside the preparation of the emerging Neighbourhood Plan, to ensure the Neighbourhood Plan’s proposals have been properly considered through the SEA process, and appropriately justified against other reasonable alternatives.

Where an adequate SEA has not been undertaken a Neighbourhood Plan is unlikely to meet the Neighbourhood Plan Basic Conditions.

Although Neighbourhood Plans do not require a Sustainability Appraisal (SA) of their proposals, preparing an SA can help to show how a Neighbourhood Plan will contribute to the achievement of sustainable development, a Neighbourhood Plan Basic Condition. Where an SEA is required, extending this assessment to the preparation of an SA in unlikely to require significant additional input.

The Council’s planning team will be able to advise on the likely need for an SEA of the Neighbourhood Plan’s proposals. To be compatible with EU obligations, further appraisals, such as a Habitats Regulations Assessment, may also be required depending on local circumstances. I hope you have found this letter to be constructive. Should you have any queries in relation to our response please do not hesitate to contact us.

Yours faithfully

John Fleming
Gladman Developments Ltd
Heybridge Neighbourhood Plan (as recommended)

Key
- Proposed draft Heybridge Neighbourhood Area
- Submitted Neighbourhood Area

Maldon District Council
Proposed draft amendment to the boundary for designation of a neighbourhood area for Heybridge.

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RESPONSE TO THE REVIEW OF THE COMMUNITY INFRASTRUCTURE LEVY

1. PURPOSE OF THE REPORT

1.1 To present to Members the drafted response to the consultation issued by the Department for Communities and Local Government (DCLG) in respect of a review of the Community Infrastructure Levy (CIL). The consultation commenced on 19 November 2015 and although responses are to be received by 24 December, the DCLG will continue to accept them up to 15 January 2016.

2. AREA FOR DECISION / ACTION

2.1 This report is for Members to acknowledge and agree the drafted response to the CIL Review which will be submitted to the DCLG on 15 January 2016.

2.2 Background

2.2.1 The Community Infrastructure Levy (CIL) was introduced in April 2010. It sought to provide a faster, fairer, more certain and transparent means of collecting developer contributions for infrastructure than individually negotiated Section 106 (S106) agreements.

2.2.2 The Maldon District CIL Charging Schedule was submitted to the Secretary of State for Examination in Public in September 2014 (Minute No. 404 refers). The CIL Charging Schedule is based on the infrastructure costs arising as a result of development put forward in the Local Development Plan (LDP). Given this direct relationship between the two documents, the appointed Inspector (Mr David Vickery) advised the Council that the CIL Examination could only take place after the Maldon District Local Development Plan examination had been concluded. The examination of the CIL Charging Schedule has therefore been suspended due to delays with the examination of the LDP.

2.2.3 The purpose of the review is to assess the extent to which CIL does or can provide an effective mechanism for funding infrastructure, and to recommend changes that will improve its operation in support of the Government’s wider housing and growth objectives. The review group is considering, and has asked questions, on the following specific issues:

- the relationship between CIL and S106 in the delivery of infrastructure, including the role of the Regulation 123 list and the pooling restrictions;
• the impact of CIL on development viability;
• the exemptions and reliefs from CIL;
• the administrative arrangements and governance related to charging, collecting and spending CIL;
• the ability of CIL to fund and deliver infrastructure in a timely and transparent way;
• the impact of the neighbourhood portion on the receptiveness to development by local communities; and
• the geographical scale at which CIL is collected and charged.

However it has been made clear that the review group’s recommendations should also take into account the Government’s pre-election manifesto commitment that ‘when new homes are granted planning permission, we will make sure local communities know up-front that necessary infrastructure such as schools and roads will be provided’.

2.2.4 It is anticipated that the review group will be in a position to report to the Minister for Housing and Planning by the end of March 2016, and that their report will include:

• an assessment of whether CIL is meeting its objectives and any recommendations for future change;
• an assessment of the relationship between CIL and S106, and how this is working in practice;
• an analysis of the operation of the CIL system and specific recommendations of how it could be improved; and
• an assessment of how CIL is deployed by local authorities both to deliver infrastructure and to support community engagement.

2.1.4 This review is important as it is the first comprehensive review since the introduction of CIL. The drafted response has been prepared by the S106 / CIL officer who has extensive experience of working with CIL (at Chelmsford City Council) and who is well placed to advise Members on the efficiencies and deficiencies of the CIL regime and thus draft an appropriate response. The draft response is attached at APPENDIX 1.

3. IMPACT ON CORPORATE GOALS

3.1 Obtaining income from CIL towards strategic infrastructure required to deliver the growth strategy of the LDP has the potential to support the following corporate goals which underpins the Council’s vision for the District:

• Helping communities to be safe, active and healthy;
• Protecting and shaping the District;
• Creating opportunities for economic growth and prosperity; and
• Focusing on key projects.
4. IMPLICATIONS

(i) **Impact on Customers** - Customers will benefit from the delivery of strategic infrastructure projects, ensuring there is sufficient capacity at nurseries, schools, medical facilities, water and sewerage facilities, and on the highways network, to accommodate growth allocated in the LDP. Where required infrastructure is not delivered, this could result in infrastructure deficits for key services which will detrimentally affect the quality of life of existing residents.

(ii) **Impact on Equalities** – All residents should have equal access to services and facilities in their area. Infrastructure improvements outlined in the LDP and IDP will ensure that access to services and facilities is available to all residents. The collection of income from CIL will enable the delivery of strategic infrastructure projects across the District.

(iii) **Impact on Risk** – The implementation of CIL and the subsequent collection of income from CIL liable developments is essential to support the delivery of strategic infrastructure. Without CIL income there is a risk that strategic infrastructure will not be delivered.

(iv) **Impact on Resources (financial)** – The receipt of income from CIL liable developments once CIL has been implemented will assist in the provision of infrastructure across the District.

(v) **Impact on Resources (human)** – The implementation and processing of the CIL Regulations will impact officer time.

(vi) **Impact on the Environment** – It is essential that strategic infrastructure is delivered to support growth planned in the District. Where development comes forward without the infrastructure in place, this could have detrimental impacts on the environment, such as increased congestion on roads, the need to travel further to access key services and facilities, and the failure to provide appropriate wildlife areas in major developments.

5. CONCLUSIONS

5.1 The response to the CIL review is important as it will help to convey to the review group the critical issues relating to the current CIL process.

6. RECOMMENDATION

That the response to the Community Infrastructure Levy Review (APPENDIX 1) be approved and the response submitted to the Department for Communities and Local Government on Friday 15 January 2016.

Background papers: CIL Review published by DCLG on 19 November 2015

Enquiries to: Joy Thomas, S106 /CIL Officer (Tel: 01621 875879) or Tim Parton, Spatial Planning Team Leader (Tel: 01621 876203).
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### Draft Responses to the Community Infrastructure Levy (CIL) Review

<table>
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<tr>
<th>Question</th>
<th>Suggested response</th>
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<tr>
<td><strong>Infrastructure</strong></td>
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<tr>
<td>i. To what extent is CIL contributing, or will contribute, to infrastructure to support development and is that infrastructure being delivered?</td>
<td>Depending on the timing of the implementation of CIL by Maldon District Council, it is anticipated that CIL will contribute to the provision of green infrastructure (including allotments, sports hall facilities, sports pitches etc.), health care, improvements to the waste collection depot, education, and some transport infrastructure, as set out in the Maldon District Infrastructure Delivery Plan (IDP).</td>
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<td>ii. Has the role of the Planning Authority changed with the introduction of CIL and if so where has this worked most effectively?</td>
<td>N/A</td>
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<td>iii. How are large items of essential infrastructure critical for key sites or growth locations being secured in the CIL and S106 system?</td>
<td>Through pooling via a number of S106 agreements (as identified in the IDP) and through provision by individual developers in respect of the larger schemes. The Council is seeking to deliver infrastructure essential for the delivery of strategic growth through pooled S106 contributions between a number of strategic sites allocated in the submitted Maldon District Local Development Plan (LDP). Non-strategic infrastructure which is not essential for delivery of strategic growth is proposed to be delivered through future CIL contributions. S106 contributions rather than CIL were used for the delivery of essential infrastructure because the Council does not have an adopted CIL Charging Schedule (a schedule was submitted in September 2014, however PINS has delayed any examination of the CIL Charging Schedule until further progress has been made on the examination of the LDP), there is uncertainty about exactly how future CIL receipts may be spent by the Council, and the CIL contributions are unlikely to come forward at a sufficient rate to allow the early delivery of essential infrastructure. This is on the basis of the provision of essential items through pooling arrangements and all the S106 agreements being in place prior to the implementation of CIL.</td>
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<td>iv. What role are CIL and S106 playing alongside other sources of infrastructure funding and could changes to CIL (e.g. the ability to borrow against it or in kind contributions) allow it to be more effective?</td>
<td>Other funding which may become available e.g. through a Local Enterprise Partnership, will be used where possible. However the provisions within the CIL Regulations for the option to accept in kind contributions are such that this process is very complex. An authority which has accepted an in kind contribution has indicated that this will not be used again due to the complexities which arose during the process.</td>
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| v. What has been the impact of pooling restrictions? Is there a difference between authorities which have adopted CIL and authorities which have not adopted CIL? | In the case of Maldon, the pooling of S106 contributions has been identified to enable the delivery of strategic infrastructure items essential for the implementation of a number of strategic sites. The response to questions (iii) above outlines why the Council had to rely on S106 contributions to deliver essential infrastructure to support strategic growth allocated in the LDP.  

The pooling restrictions have severely limited the amount of contributions towards infrastructure projects which the Council can obtain from all strategic sites allocated in the LDP. The Council has 8 strategic sites allocated for significant levels of growth in the Maldon and Heybridge area, however pooling restrictions allow only 5 sites to contribute toward the delivery of key infrastructure projects which relate to most sites allocated in the area. This situation reduces the potential deliverability of essential infrastructure where contributions are reliant upon fewer sites coming forward, and the sites which can contribute are required to pay higher contributions towards the essential infrastructure items, which therefore reduces contributions which can viably be provided towards other elements such as affordable housing.  

However this does not take account of windfall sites which could ‘muddy the water’. Also there is uncertainty for authorities where sites have been refused permission, but which may be allowed on appeal. There is also an issue with sites which form part of pooling arrangements but which do not go ahead (e.g. the planning permission expires). There is nothing in the CIL regulations which allows for such sites to then be discounted from the pooling arrangement and replaced with a newly permitted site. |
| vi. What impact do exemptions and reliefs have on delivering infrastructure? | Self build exemptions (specifically for new dwellings) are a huge revenue loss to local authorities, and their cumulative impact could still have a significant impact on existing infrastructure, and without income, on the ability of an authority to provide infrastructure in future (albeit possibly on a more localised scale). Whilst the impact of these may result in greater pressure on infrastructure, the lack of CIL income may result in the authority not being in a position to provide the necessary improvements to alleviate this pressure. The monitoring of these exemptions and reliefs is also time consuming for local authorities with nil return. Affordable Housing relief comes with its own problems and again pressure on infrastructure can be significant where a scheme is restricted to affordable housing. This could be exacerbated if ‘Starter Homes’ are given the same benefit in respect of relief from payment of CIL. |
| vii. How are local authorities who have not adopted CIL making provision for infrastructure and how effective are these approaches? | Please refer to the responses to questions (iii) and (v) above. Maldon has set out pooling arrangements for strategic sites in an IDP. However this also refers to items of infrastructure which it foresees as being delivered through CIL. The issue with this is that there may be disagreement among potential developers as to what is ‘fair’ in respect of the expectations of the local authority as far as payments are concerned in respect of each item of infrastructure (mostly in connection with highways/public transport). CIL would be more transparent in respect of financial contributions, however any additional infrastructure would of course be confined to site specific elements. The pooling of S106 contributions towards strategic infrastructure projects is an extremely complicated process in relation to forward planning the delivery of infrastructure alongside housing development, where financial contributions will be provided at different times, and by a number of different parties. Arrangements regarding how S106 contributions are collected and used towards the delivery of infrastructure is also highly complex. The negotiation and production of agreements to clarify S106 contributions and payment |
mechanisms related to pooling arrangements is a time consuming process, and results in delays to the progression of planning applications and decisions.

The pooling of S106 is therefore not considered to be an effective approach to delivering strategic infrastructure, however where there are delays to the examination of both the Maldon District LDP and CIL Charging Schedule (both documents submitted to PINS in 2014), the only option available to deliver infrastructure which is essential to support strategic growth in the District is to seek contributions from developers through pooled S106 arrangements.

<table>
<thead>
<tr>
<th>Viability</th>
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<tbody>
<tr>
<td>viii. Has a lack of viability resulted in a failure to develop a CIL?</td>
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<td>ix. Have viability concerns resulted in a low CIL level and has this had an adverse impact on the delivery of infrastructure to support development?</td>
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<td>x. Are there appropriate tools available for establishing viability? Would standardisation using just one methodology be helpful or feasible?</td>
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<td>xi. Do you have specific examples where non-viability on account of CIL has prevented development?</td>
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<td>Question</td>
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<td>xii. Is CIL impacting on affordable provision?</td>
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<td>xiii. In setting a CIL Charging Schedule has the development community played their part and been properly consulted on issues of local viability?</td>
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**Charge-setting**

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<th>Question</th>
<th>Answer</th>
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<tr>
<td>xiv. Is the EIP process suitably robust?</td>
<td>There have been some consistent challenges to CIL rates from developers and the retail sector, and some of these challenges have been successful resulting in changes to CIL rates. However examiners have become hardened to viability arguments and profit margins.</td>
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<td>xv. Should there be a requirement to review charging schedules at set times, if so when and why?</td>
<td>This should be at the discretion of the local authority.</td>
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<td>xvi. Should partial reviews (e.g. types of use or location) be possible?</td>
<td>Yes – there may be instances where an authority finds that CIL is stifling development of a certain type and/or wishes to reduce the CIL only in one area.</td>
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**CIL Regulations and Guidance**

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<th>Question</th>
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<tr>
<td>xvii. Are the CIL regulations and guidance easy to understand?</td>
<td>No. Poor drafting of the Regulations caused some confusion and has resulted in amendments, and some of the clauses contain vague wording. There is a lack of guidance and clarity in respect of the Exceptional Circumstances Relief (ECR) process, and in circumstances where 2 opinions from Counsel had been obtained, the results were diametrically opposed views. Substantial clarification is required in respect of what constitutes State Aid. There are no timescales in the Regulations relating to the ECR process so developers have little guidance of what to expect</td>
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in the way of response from local authorities once an ECR application has been submitted. There is also confusion concerning the requirements for reporting on CIL and at what stage this is appropriate.

| xviii. Are there improvements that could be made to the arrangements for collecting and spending CIL? | Again, clarification of reporting requirements would assist. It would also be helpful if some CIL income could be used to boost pooled contributions, where infrastructure costs have increased for example, and where it has become difficult to provide infrastructure for this reason (see also responses to questions (iii), (v) and (vii) above). This could be limited to a percentage of the overall cost of the piece of infrastructure. |
| Neighbourhood issues |
| xix. How have the requirements for the Neighbourhood proportion of CIL been implemented? | N/A |
| xx. Is this encouraging communities to support development? | This could play a part in support for development as the community will have more control over what they could gain in the way of improved facilities. However this could be limited as smaller sites of one or two dwellings may not generate enough income to allow a parish or town council to provide anything meaningful. |
| Overall system |
| xxi. Has the introduction of CIL made the system for securing developer contributions and delivering infrastructure simpler, fairer, more predictable, transparent and efficient? | CIL does make the system of collection more transparent in that the developer can obtain a good idea of the financial payments prior to submitting a planning application. However on a larger scheme this would not take into account any ‘on site’ requirements. The system is not simple nor is it efficient. There are many complexities within the regulations which require amendment. The complexities within the regs relate to calculating CIL liable floorspace (and issues with offsetting existing floorspace), dealing with the exemptions and relief applications, the appeals, the transfer of income to parish/town councils, and ensuring the Regulation 123 list is robust. In respect of infrastructure delivery the main issue will lie with the governance of CIL. The |
income generated must be used on items within the Reg 123 list, but the decision as to how this is spent is the key to this.

| xxii. Is the relationship between CIL and S106 fit for purpose and how is this working in practice? | The main problem with CIL and S106 is the avoidance of ‘double dipping’. The restrictions related to ‘double dipping’ are unnecessary and should therefore be removed. From experience of recent development in Maldon District, including strategic developments with significant infrastructure contributions and associated viability testing, developers are able to provide a certain amount of funding towards planning obligations as specified within viability testing, irrespective of whether this is through CIL or S106. Where a local authority CIL Charging Schedule is in place and CIL contributions are required, this will reduce the amount of contributions which can be viably be provided towards other S106 related projects. However, the overall financial contribution from a developer towards planning obligations (CIL and/or S106) will remain the same, and will be informed through appropriate viability testing. The key concern from a developer’s perspective is not whether contributions are paid through S106 or CIL, but instead focused on the total amount required towards planning obligations, and ensuring the delivery of infrastructure projects which are essential to enable the development to come forward. Allowing CIL receipts to assist in contributing towards projects receiving S106 contributions could provide the opportunity for CIL funding to fill funding gaps, bring development forward sooner where S106 funding sources are delayed, and support the viability of strategic sites where large S106 contributions are required. The removal of restrictions relating to ‘double dipping’ should therefore be considered, or the reduction of restrictions to allow a certain percentage of CIL funding to be used to support the delivery of a project which has received S106 funding. |
xxiii. Is there a better way of funding the infrastructure needed to support development?

As outlined in question vii above, the arrangements for pooling S106 contributions across a number of sites is highly complex and time consuming. It is therefore acknowledged that the use of CIL would provide a more effective mechanism for delivering strategic infrastructure. However, despite submitting a CIL Charging Schedule to PINS in September 2014, Maldon District Council still has not been able to examine the Charging Schedule due to delays associated with the Local Plan.

Housing development on sites proposed to be allocated in a Local Plan will continue to come forward where there are delays to the adoption of a Plan. However, examination of the Maldon District CIL Charging Schedule was suspended where there were delays to the Local Plan examination, and local authorities are not able to charge CIL until a CIL Charging Schedule is in place. Therefore, where there are delays to the examination of a Local Plan, the local area is at risk of failing to deliver infrastructure proposed to be funded through CIL.

Greater support is required from Government to enable CIL Charging Schedules to come forward irrespective of delays to the production of Local Plans.
REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES
to
PLANNING AND LICENSING COMMITTEE
14 JANUARY 2016

MALDON AND HEYBRIDGE CENTRAL AREA MASTERPLAN

1. PURPOSE OF THE REPORT

1.1 To present to Committee the project brief for the Maldon and Heybridge Central Area Masterplan.

2. THE MALDON AND HEYBRIDGE CENTRAL AREA MASTERPLAN

This report is for Members’ information only.

2.1 Introduction

2.1.1 The character, vitality and cultural importance of the Maldon and Heybridge Central Area are critical to the prosperity of Maldon District and to the quality of life of the people who live there and the experience it offers to visitors. The Maldon and Heybridge Central Area incorporates Maldon Central, the Causeway Regeneration Area and the Leisure Quarter and forms the District’s focus for employment, retail, community and tourism facilities.

2.1.2 A significant amount of development is expected to take place in Maldon District over the next 15 years and the Maldon and Heybridge Central Area will be required to meet the needs of a growing population. It will be a thriving and vibrant destination that has strong connections with surrounding areas and is supported by its heritage assets, waterways and green spaces. It will need to support an increase in the number of employed people and a more diversified thriving economy in order to deliver a successful future and its role as a tourism and leisure destination needs to be strengthened.

2.1.3 The Local Development Plan (LDP) provides the planning strategy for future growth over the next 15 years and sets out the key principles for development and regeneration in the Central Area within Policy S5.

2.1.4 The Council wishes to promote a coordinated approach to development and regeneration of the Central Area which builds upon work undertaken in connection with the LDP. In order to promote the objectives set out in Policy S5, the Council is seeking to appoint suitably qualified consultants with relevant experience to prepare a

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1 Henceforth referred to as the ‘Central Area’
Strategic Masterplan Framework and Action Plan to guide future development and area improvements within the Maldon and Heybridge Central Area.

2.2 **Aims of the Central Area Masterplan**

2.2.1 The purpose of the Strategic Masterplan Framework is to:

- set out a spatial framework for the development and regeneration of the Central Area;
- develop recommendations on the location, mix, scale and design of new development and the treatment of the public realm and landscape setting which reflects the distinctive character and heritage of the Maldon and Heybridge Central Area;
- identify opportunities for the delivery of key projects identified in Policy S5;
- advise on an appropriate approach to transport and car parking management;
- prepare an Action Plan for the delivery of key projects and interventions.

2.2.2 The Masterplan is required to align with the Policy S5 requirements and the key projects which are required to reinforce the existing land uses to create jobs and ensure a skilled employment base, attract inward investment, maintain a unique and vibrant High Street, improve connectivity throughout the area to the wider community and take the opportunities presented by the waterfront for regeneration, diversification and cultural attractions for leisure and recreation whilst being resilient to flood risk. With a focus on economic and physical regeneration, the Masterplan will incorporate three sub-areas:

- **The Causeway Regeneration Area** - a predominantly industrial and large format retail area including a 24 hour Tesco Extra supermarket, Carr’s Flour Mills and Bentalls shopping centre. This area also includes Heybridge Centre.
- **Maldon Central Area** - the historic centre of Maldon and principal focus for commercial activity. It includes a traditional, linear high street with 86 listed buildings.
- **The Leisure Quarter** - the Leisure Quarter provides high quality, open space within the town centre running alongside the Blackwater estuary. It is a regional tourist attraction with walks along the estuary, Promenade Park and Hythe Quay. The area also contains the principal leisure centre in the district and other leisure facilities. The Battle of Maldon site is a short walk from the eastern side of Promenade Park and although of national significance it is largely unrecognised.

2.3 **The Project Brief**

2.3.1 The project brief for the Maldon and Heybridge Central Area Masterplan is provided in **APPENDIX 1**. The project brief is required to be published on the Contract Finder website for a month, before the project is awarded to the successful tender.

2.3.2 A significant amount of work has already been undertaken which will inform the preparation of the Central Area Masterplan. The Masterplan should build directly on the guidance contained in the Maldon and Heybridge Central Area Intermediate Study.
and the Causeway Regeneration Area Development and Improvement Plan. In particular, it should be specific on where new investment should be directed and where the preparation of more detailed guidance will be required.

2.3.3 The appointed consultant will be required to review and build upon the existing evidence base and work undertaken to date in preparing the Strategic Masterplan Framework. The Council expects the Strategic Masterplan Framework to contain the following main elements:

- A spatial framework setting out land use, design and management principles and development proposals for different sub-areas of the Central Area;
- A transport and movement framework including a strategy for pedestrians and cyclists and a parking strategy;
- The identification of a prioritised list of key projects including priority projects for early delivery;
- An Action Plan setting out the key steps necessary to deliver key projects including identification of key partners and funding sources

3. IMPACT ON CORPORATE GOALS

3.1 Planning supports corporate goals which underpin the Council’s vision for the District and in particular protecting and shaping the District and balancing the future needs of the community and meeting the housing needs of the District.

4. IMPLICATIONS

(i) **Impact on Customers** – The character, vitality, and cultural importance of the Maldon and Heybridge Central Area are critical to the prosperity of Maldon District and to the quality of life of customers (both residents and visitors).

(ii) **Impact on Equalities** – Not applicable.

(iii) **Impact on Risk** – Failure to appropriately masterplan the Maldon and Heybridge Central Area could result in uncoordinated development which fails to provide for the best interests of the Council and its customers.

(iv) **Impact on Resources (financial and human)** – The production of the Maldon and Heybridge Central Area Masterplan requires financial resources to employ consultants to undertake the work required in the project brief.

(v) **Impact on the Environment** – Appropriately masterplanning the Maldon and Heybridge Central Area will result in improvements to the local environment, and will support sustainable development appropriate for the area.

5. CONCLUSIONS

5.1 The Council wishes to promote a coordinated approach to development and regeneration of the Central Area which builds upon work undertaken in connection
with the LDP. In order to promote the objectives set out in Policy S5, the Council is seeking to appoint suitably qualified consultants with relevant experience to prepare a Strategic Masterplan Framework and Action Plan to guide future development and area improvements within the Maldon and Heybridge Central Area.

6. **RECOMMENDATION**

That the Maldon and Heybridge Central Area Masterplan project brief included as **APPENDIX 1** be agreed.

**Background Papers:**

- The Maldon and Heybridge Central Area Contextual Study (Allies and Morrison, June 2012)
- The Maldon and Heybridge Central Area Intermediate Study (Allies and Morrison, August 2014)
- The Causeway Regeneration Area Development and Improvement Plan, (BBP Regeneration, August 2015)

**Enquiries to:** Tim Parton, Spatial Planning Team Leader, (Tel: 01621 876203).
Project Brief: Preparation of a Strategic Masterplan Framework for the Maldon and Heybridge Central Area

1.0 Introduction

1.1 The character, vitality and cultural importance of the Maldon and Heybridge Central Area are critical to the prosperity of Maldon District and to the quality of life of the people who live there and the experience it offers to visitors. The Maldon and Heybridge Central Area incorporates Maldon Central, the Causeway Regeneration Area and the Leisure Quarter and forms the District’s focus for employment, retail, community and tourism facilities.

1.2 A significant amount of development is expected to take place in Maldon District over the next 15 years and the Maldon and Heybridge Central Area will be required to meet the needs of a growing population. It will be a thriving and vibrant destination that has strong connections with surrounding areas and is supported by its heritage assets, waterways and green spaces. It will need to support an increase in the number of employed people and a more diversified thriving economy in order to deliver a successful future with its role as a tourism and leisure destination strengthened in relation to the natural beauty and ecology of the Blackwater estuary.

1.3 The LDP provides the planning strategy for future growth over the next 15 years and sets out the key principles for development and regeneration in the Central Area. Policy S5 states that:

‘The Central Area will continue to act as the focal point within the District for retail, commercial, industrial, community and tourism activities. It will be a thriving and vibrant destination that has strong connections with surrounding areas and is supported by its heritage assets, waterways and green spaces. The development and regeneration strategy for the Central Area comprises the following:

1) Development and regeneration will take place in accordance with a masterplan endorsed by the Council;
2) Maldon Town Centre will be promoted as a market town that serves a wider rural catchment area. Proposals for retail, office, housing, community, leisure uses and other town centre uses will be supported where they contribute to regeneration and diversification of the centre. The provision of a high quality market will be encouraged and supported;
3) Renewal of the Causeway Regeneration Area to improve the supply of high quality Use Class B floorspace (commercial and industrial), and increase employment. This will include the provision of: modern workspaces suitable for small and medium sized enterprises; start-up units; support for existing businesses that are seeking to expand and mixed-use developments which enable significant numbers of jobs to be created.
4) Retain the role of the Central Area as a tourist, arts and cultural centre, offering a range of accommodation and visitor attractions and facilities;
5) Increase public access next to, and enhance the setting of the riverside to create a vibrant environment that incorporates a range of uses;

Henceforth referred to as the ‘Central Area’
6) Maintain and encourage the wider use of walking and cycling across the area through an improved public realm and improved linkages and connectivity between the town centre, the Causeway, the Hythe, and the Leisure Quarter and other key attractions;

7) Preserve and enhance the quality of the historic character including the built environment, archaeology and historic skyline within the context of its riverside, estuarine and rural location;

8) Actively manage traffic and visitors to the town and surrounding area through enhanced public transport provision and the use of effective car park management;

9) Protect the sensitive environmental relationship between the Central Area and the adjacent environmentally designated areas including the River Blackwater and Chelmer and Blackwater Navigation; and

10) Minimise all forms of flood risk and ensure that flood infrastructure are effectively managed.

1.4 The Council wishes to promote a coordinated approach to development and regeneration of the Central Area which builds upon work undertaken in connection with the LDP. In order to promote the objectives set out in Policy S5, the Council is seeking to appoint suitably qualified consultants with relevant experience to prepare a Strategic Masterplan Framework and Action Plan to guide future development and area improvements within the Maldon and Heybridge Central Area.

2.0 Aims

2.1 The purpose of the Strategic Masterplan Framework is to:

- Set out a spatial framework for the development and regeneration of the Central Area;
- Develop recommendations on the location, mix, scale and design of new development and the treatment of the public realm and landscape setting which reflects the distinctive character and heritage of the Maldon and Heybridge Central Area;
- Identify opportunities for the delivery of key projects identified in Policy S5;
- Advise on an appropriate approach to transport and car parking management;
- Prepare an Action Plan for the delivery of key projects and interventions

2.2 The Masterplan is required to align with the Policy S5 requirements and the key projects which are required to reinforce the existing land uses to create jobs and ensure a skilled employment base, attract inward investment, maintain a unique and vibrant High Street, improve connectivity throughout the area to the wider community and take the opportunities presented by the waterfront for regeneration, diversification and cultural attractions for leisure and recreation whilst being resilient to flood risk. With a focus on economic and physical regeneration, the Masterplan will incorporate three sub-areas:

- The Causeway Regeneration Area- a predominantly industrial and large format retail area including a 24 hour Tesco Extra supermarket, Carr’s Flour Mills and Bentalls shopping centre. This area also includes Heybridge Centre.
• **Maldon Central Area**- the historic centre of Maldon and principal focus for commercial activity. It includes a traditional, linear high street with 86 listed buildings

• **The Leisure Quarter**- the Leisure Quarter provides high quality, open space within the town centre running alongside the Blackwater estuary. It is a regional tourist attraction with walks along the estuary, Promenade Park and Hythe Quay. The area also contains the principal leisure centre in the district and other leisure facilities. The Battle of Maldon site is a short walk from the eastern side of Promenade Park and although of national significance it is largely unrecognised.

2.3 The Maldon and Heybridge Central Area will need to support an increase in the number of employed people and a more diversified thriving economy in order to deliver a successful future. In particular this area will need to support existing businesses and their future accommodation needs and will facilitate managed economic growth through the renewal and regeneration of its key employment areas, such as the Causeway Area. Business support is essential to maintain or enhance current economic levels in the District and to encourage further growth through newly formed businesses. The focus will be on the provision of modern commercial floorspace that supports a range of emerging economic sectors, including the provision of accommodation for small and medium sized enterprises, such as incubation units, to support the District’s entrepreneurial base.

2.4 The key assets within the area should be well connected to form a single leisure and tourism destination. Tourism is an important part of the local economy due to the proximity to the coast and distance from London, and will be supported and encouraged throughout the Central Area. As such, key tourism infrastructure, including visitor accommodation and visitor attractions, will be concentrated within this area. There is a need to grasp new opportunities to ensure that the needs of the more demanding visitors are catered for. To enhance the tourism offer and experience, it will be necessary to improve access and links between the main areas. This will be developed through improved signage arrangements, new art works, tourist trails and green infrastructure which could help to make a more legible Central Area. Improved access and links would help ‘the visitor experience’ as well as having a positive impact on the local community and their understanding of the heritage of the Maldon District.

2.5 The extent of the study area is illustrated on the following plan.
2.2 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.

2.4 The evolution of Maldon and Heybridge in terms of heritage, local character and economy is a direct function of its situation on the Blackwater estuary and the navigation. Maldon geography has therefore been central in informing its character and sense of place. The natural and built environments are both key assets for the Central Area. The high quality built environment with its unique buildings and physical features, such as the Hythe, make it the place it is and why people want to visit. The built environment and the public places, such as the Promenade Park, contain many key cultural and heritage features which are a major draw and make the place unique and interesting.

2.5 The lower end of the High Street has potential for improvement. This part of the Town Centre has relatively low footfall compared to the rest of the High Street, which suggests that the area is isolated from key assets around it including the Hythe, the middle and upper High Street and other areas such as the Leisure Quarter. The lower end of the High Street is a critical part of the Central Area, as it connects and links to the Hythe, the Leisure Quarter and the middle and upper sections of the High Street.

2.6 It is intended that the Strategic Masterplan Framework will be adopted as a Supplementary Planning Document.

3.0 Project Brief

3.1 A significant amount of work has already been undertaken which will inform the preparation of the Central Area Masterplan including:

- **The Maldon and Heybridge Central Area Contextual Study (Allies and Morrison, June 2012)**
  This Study provides an urban analysis of the area and outlines opportunities for improvement.

- **The Maldon and Heybridge Central Area Intermediate Study (Allies and Morrison, August 2014)**
  This Study follows on from the Contextual Study. It further analyses the Maldon and Heybridge Central Area, sets out possible area strategies for The Causeway Regeneration Area, Maldon Central and the Leisure Quarter and recommendations for key opportunity sites. It also incorporates details of the vision workshop and test and review session undertaken with key stakeholders.

- **The Causeway Regeneration Area Development and Improvement Plan, (BBP Regeneration, August 2015)**
This report focusses on the issues that are holding the Causeway Regeneration Area back and devises practical and deliverable solutions to help the area fulfil its economic development potential. The Development and Improvement Plan takes account of the Maldon District Economic Prosperity Strategy that articulates a high-level vision for the development of the local economy over the next 15 years and corresponds with the priorities of the Essex Growth Strategy and Integrated County Strategy.

3.2 The Masterplan should build directly on the guidance contained in the Maldon and Heybridge Central Area Intermediate Study and the Causeway Regeneration Area Development and Improvement Plan. In particular, it should be specific on where new investment should be directed and where the preparation of more detailed guidance will be required.

3.3 The appointed consultant will be required to review and build upon the existing evidence base and work undertaken to date in preparing the Strategic Masterplan Framework. All documents are available on the Council’s web site: [http://www.maldon.gov.uk/info/856/local_development_plan/422/pre-submission_local_development_plan_evidence_base](http://www.maldon.gov.uk/info/856/local_development_plan/422/pre-submission_local_development_plan_evidence_base). The consultant will also be expected to review:

- Relevant National and Local planning policy guidance including LDP Policies;
- Previous studies relating to the Maldon and Heybridge Central Area referred to in Section 3
- Relevant evidence base documents including the Maldon Retail Study (White Young Green, July 2015) and the Employment Evidence and Policy Update (Hardisty Jones, July 2015)
- Relevant SPDs
- Recent Planning Applications including Lidl, Aquila/Aldi, The Moorings on Causeway, Orths Garage Site and White Horse Lane Car Park, Maldon Town Centre
- Hythe Quay improvements and links with Northey Island and the Battle of Maldon site – Coastal Revival Funding – Leisure Quarter
- Key environmental initiatives such as the proposed Green Infrastructure network and the role of Promenade Park as the central greenspace in the District

3.4 In accordance with Policy S5, the Strategic Masterplan Framework will be required to incorporate a number of key projects that will contribute to the delivery of the development strategy for the Central Area. These projects are identified in the following table and will be delivered alongside other programmes and projects through the Central Area Masterplan.

<table>
<thead>
<tr>
<th>AREA</th>
<th>KEY PRODUCTS</th>
<th>OBJECTIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entire Central Area</td>
<td>Improved connectivity</td>
<td>Improve the links between and within Promenade Park and the town centres of Maldon, Heybridge and surrounding areas through a programme of public realm enhancements</td>
</tr>
<tr>
<td>Entire Central Area</td>
<td>Riverside access</td>
<td>Where possible ensure public access along the river is delivered and improved</td>
</tr>
</tbody>
</table>
### APPENDIX 1
Maldon District Council

<table>
<thead>
<tr>
<th>Location</th>
<th>Project Description</th>
</tr>
</thead>
</table>
| Entire Central Area       | **Museums**
|                           | Improved and complimentary museum provision including interpretation of the battle of Maldon |
|                           | **Vocational training and skills**
|                           | Investigate feasibility of increased and improved education/training provision      |
| Maldon Central            | **Town Market**
|                           | Provision for a permanent high quality town centre market                            |
| Maldon Central            | **Lower High Street**
|                           | To explore the feasibility of a street market and/or promotion of a local food and drink quarter |
| Maldon Central            | **Car park review**
|                           | Effective town centre car park management and usage                                   |
| Maldon Central            | **The Hythe (1)**
|                           | Increased leisure provision e.g. café/restaurant facility and associated retail use   |
| Maldon Central            | **The Hythe (2)**
|                           | Improved boating access and mooring facilities                                        |
| Leisure Quarter           | **Promenade Park / Upper Blackwater visitor centre**
|                           | Provision of a multi-use hub in the park to include: exhibition and conference space; café / restaurant facility; park rangers office space; associated retail; evening uses; and other community functions |
| Leisure Quarter           | **Leisure Quarter (1)**
|                           | Increased leisure uses with associated retail use                                     |
| Leisure Quarter           | **Leisure Quarter (2)**
|                           | Investigate feasibility of a park and ride facility to improve public transport connectivity between the town centre and leisure quarter |
| Causeway Regeneration Area| **The Causeway and Sadd’s Wharf**
|                           | In line with other plan policies, employment-led mixed-use development incorporating a range of employment generating uses, such as: leisure; recreation; retail; hotel accommodation; and modern office space |

3.5 The Council expects the Strategic Masterplan Framework to contain the following main elements:

- A spatial framework setting out land use, design and management principles and development proposals for different sub-areas of the Central Area;
- A transport and movement framework including a strategy for pedestrians and cyclists and a parking strategy;
- The identification of a prioritised list of key projects including priority projects for early delivery;
- An Action Plan setting out the key steps necessary to deliver key projects including identification of key partners and funding sources

3.6 The consultants will be required to work closely with the Council’s Steering Group and to facilitate a stakeholder workshop on masterplan options prior to preparation of the Draft Strategic Masterplan Framework. The draft Strategic Masterplan Framework will be the subject of public consultation and the consultants will be
required to prepare material for public consultation and to assist the Council as required in undertaking public consultation.

4.0 Expertise Required

4.1 Submissions are invited from consultants who are able to demonstrate expertise in the following areas:

- Urban design
- Landscape and public realm design
- Town centre development and regeneration
- Heritage and historic townscape
- Traffic and parking management
- Community and stakeholder engagement

5.0 Submission Requirements and Assessment

5.1 In response to this brief, tenderers are required to provide:

i. Details of proposed approach and how you propose to comply with the project brief within the defined timescale;

ii. Indicative work programme;

iii. A fixed price quotation for undertaking the work outlined in the submission including number of days for each named personnel (time and expenses);

iv. Examples of similar commissions involving the preparation Town Centre masterplans and regeneration strategies including demonstration of subsequent outcomes;

v. CVs of named personnel and their proposed role in the project including details of relevant experience in preparation of Design Guides;

vi. Details of your professional liability insurance;

vii. Contact details of two referees.

5.2 Please confirm within your submission any conflicts of interest which should be considered in relation to other current or future work being undertaken by your company.

6.0 Budget

6.1 The maximum budget for this project is £40,000 (excluding VAT but inclusive of expenses).

7.0 Timescales

7.1 The indicative timetable for the award of the contract is as follows.

1) Deadline for Return of Quotation: February 2016
2) Interviews week commencing February 2016
3) Appointment of consultants: February 2016
4) Inception Meeting: w/c February 2016
5) Completion of Draft Masterplan: end May 2016
6) Public consultation: July 2016
7) Final Masterplan: end September 2016

8.0 Reporting and project management arrangements

8.1 The consultant will work closely with the council to ensure that agreed services are being executed and delivered to the highest standards according to critical timings and best practice. The council will be able to supply OS base maps.

8.2 Your point of contact at the council will be Tim Parton, Spatial Planning Team Leader. You should nominate one person from your company to manage the brief through to completion and act as the primary contact. A Steering Group has been established of key officers within the Council and consultants should allow for three meetings with the steering group during the course of the project.

8.3 The project will be administered by email and telephone wherever practicable with project meetings and workshops at the Council offices at inception and draft report stage.

9.0 Performance Indicators

9.1 In addition to the timescales set out in section 7 above, the Council will also require the following:
   - Regular updates on the progression of the work will be provided to the Council every two weeks;
   - Responses to email and telephone correspondence from the Council within two days;

10.0 Questions and further information

10.1 Please send your submission to the following contact details (submissions by email are preferred)

   Email: tim.parton@maldon.gov.uk

10.2 Postal: Tim Parton, Spatial Planning Team Leader, Maldon District Council, Council Offices, Princes Road, Maldon, Essex CM9 5DL

10.3 If you should require any further information please contact Tim Parton, Spatial Planning Team Leader, Tel: 01621 876203. Please note that, for reasons of fairness, we will send questions and their answers to the other consultants we have invited to submit a proposal.
11.0 Evaluation Methodology

The contract will be awarded taking into consideration the following criteria:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Sub Criteria</th>
<th>Marks</th>
<th>Weightings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Price</td>
<td>/10</td>
<td></td>
<td>40%</td>
</tr>
<tr>
<td>Quality</td>
<td>Ability to comply with the specification in the project brief set out in section 3 above</td>
<td>/10</td>
<td>40%</td>
</tr>
<tr>
<td></td>
<td>Examples of previous work</td>
<td>/10</td>
<td>10%</td>
</tr>
<tr>
<td></td>
<td>Ability to meet the work programme set out in section 7 above</td>
<td>/10</td>
<td>10%</td>
</tr>
</tbody>
</table>

The following scoring methodology will be used for the quality criteria:

<table>
<thead>
<tr>
<th>Score</th>
<th>Interpretation</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 1</td>
<td>Either no answer is given or the answer provides no evidence that the Tenderer meets any of MDC’s requirements.</td>
</tr>
<tr>
<td>2 - 3</td>
<td>The answer provides some evidence that the Tenderer meets some of MDC’s requirements but only in a minimal way.</td>
</tr>
<tr>
<td>4 - 5</td>
<td>The answer provides satisfactory (or better) evidence that the Tenderer partially meets MDC’s requirements.</td>
</tr>
<tr>
<td>6 - 7</td>
<td>The answer provides good (or better) evidence that the Tenderer meets a majority of MDC’s requirements.</td>
</tr>
<tr>
<td>8 - 9</td>
<td>The answer provides good (or better) evidence that the Tenderer meets nearly all of MDC’s requirements.</td>
</tr>
<tr>
<td>10</td>
<td>The answer provides excellent evidence that the Tenderer fully meets all/exceeds MDC’s requirements.</td>
</tr>
</tbody>
</table>

The resultant price and quality scores will be transferred across to the overall evaluation model where weightings will be applied to give total scores out of 100%.
APPENDIX 1: Quotation Form

Please complete this form and include within the submission.

General Conditions

GENERAL CONDITIONS OF CONTRACT to be observed by the Contractor in the execution of the work as detailed in the specification and all work incidental thereto for and on behalf of the Maldon District Council.

DEFINITIONS

1. For the purpose of this Contract:
   
   (a) “Employer” shall mean the Maldon District Council, Council Offices, Princes Road, Maldon
   
   (b) “Supervising Officer” shall mean Mr David Coleman, Planning Policy Team Leader, Maldon District Council or other such person appointed from time to time by the Employer and notified to the Contractor to act as Supervising Officer for the purpose of the Contract
   
   (c) “The Services” means all services included within the Specification Documents which are required to be carried out in strict accordance with the terms of the Quotation, General Conditions of Contract.

MARGINAL NOTES

2. The interpretation or construction of the conditions shall not be affected by any index, marginal notes or headings.

CONTRACTOR’S OBLIGATION

3. The Contractor shall with due diligence and in good workmanlike manner execute the services to the satisfaction of the Supervising Officer

VARIATIONS

4. The Supervising Officer may, without invalidating the contract change the work or the period in which they are to be carried out. Any such instructions shall be valued by the Supervising Officer on a fair and reasonable basis.

STATUTORY OBLIGATIONS, FEES AND CHARGES

5. The Contractor shall comply with all notices required by any statute, any statutory instrument, rule or order or any regulations or bylaws applicable to the Services and charges in respect of the Services legally recoverable from him.

CONTRACTORS REPRESENTATIVE

6. The Contractor shall at all reasonable times keep a competent person in charge and inform the Supervising Officer of their name and of any change.

SUB-CONTRACTING

7. The Contractor shall not sub-contract the services or any part thereof without the written consent of the Supervising Officer which consent shall not be unreasonably withheld.
INTELLECTUAL PROPERTY RIGHTS

8. Copyright, patent rights and any other intellectual property rights and title in any material produced by the Contractor for the Authorities during this contract shall vest in the Authority unless otherwise expressly agreed or approved by the Supervising officer or an Authorities’ authorised representative in writing.

PERFORMANCE

9. During the Agreement Period the Contractor will comply with its obligations under the contract and will perform the Services strictly in accordance with the provisions of the Specification and quotation documents and to the entire satisfaction of the Supervising Officer.

VALUE ADDED TAX

10. The Contractor shall include in his quotation for all incidental costs and expense he may incur under the Finance Act 1972 and regulations made thereunder to pay Value Added Tax at the standard rate on the supply of all goods and services to him by suppliers and sub-contractors, whether nominated or otherwise.

PAYMENT

11. (i) The Council will pay the fixed price sum in equal instalments in line with satisfactory completion of the work within each stage.

(ii) Fixed Day rates shall be paid one month in arrears according to the contractor submitting accurate and substantiated schedules.

(iii) Maldon District Council shall pay the undisputed sums due to the contractor in cleared funds within 30 days of receipt and agreement of invoices for services completed to the reasonable satisfaction of the Council.

(iv) Each invoice shall contain all appropriate references and a detailed breakdown of the services and shall be supported by any other documentation reasonably required by the Supervising Officer to substantiate the invoice.
Form of Quotation & Pricing Schedule

To: Maldon District Council

I/We the undersigned, hereby offer and undertake to execute and complete the whole of the services as detailed in strict accordance with the Specification, Brief and General Conditions of Contract to the complete satisfaction of Mr Tim Parton, Planning Policy Team Leader, Council Offices, Princes Road, Maldon, Essex CM9 5DL for the total amounts as follows:

Fixed price for the project: £

I/We hereby declare that:-

(1) This is a bona fide competitive quotation and the amount has not been fixed or adjusted under or by or in accordance with any agreement or arrangement with any other person.

(2) The amount or approximate amount of my/our proposed quotation has not been and will not be communicated to any person other than the person calling for these quotations.

(3) I/We have not made any agreement with any other person that they shall refrain from submitting a quotation or as to the amount of any other quotation to be submitted.

I/We understand that you are not bound to accept the lowest or any quotation you may receive.

I/We understand that no increased cost of labour and/or materials will be allowed during the period of the Contract.

I/We understand that the successful quotation, together with the Council’s written acceptance thereof, will form a binding Contract between the Council and the successful contractor.

Yours faithfully

Signed ...............................................................….

For and on behalf of ............................................…

Address ...............................................................…

.......................................................…......................

............................Post Code...............................

Date................................................………………..
REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES
to
PLANNING AND LICENSING COMMITTEE
14 JANUARY 2016

MALDON DISTRICT DESIGN GUIDE PROJECT BRIEF

1. PURPOSE OF THE REPORT

1.1 To present to Committee the project brief for the production of a Maldon District Design Guide.

2. THE MALDON DISTRICT DESIGN GUIDE

This report is for Members’ information only.

2.1 Introduction

2.1.1 The Council currently uses the Essex Design Guide (Essex County Council, 1997) to provide guidance on design in relation to the determination of planning applications. Although this provides a useful tool in relation to County-wide guidance, the assessment of design quality in the District would benefit from more locally specific design guidance for Maldon District.

2.1.2 The Local Development Plan (LDP) sets out the planning strategy for future growth over the next 15 years which is based on an understanding of the unique and distinguishing features of the District. In accommodating growth requirements, the Council will seek to ensure that development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment. LDP Policy D1 provides the policy basis within which the Design Guide Supplementary Planning Document (SPD) is to be prepared.

2.1.3 In order to promote the objectives set out in LDP Policy D1 and to ensure that development is of a high design quality which will enhance the historic and built environment of the District, the Council is seeking to appoint suitably qualified consultants with relevant experience to prepare a Maldon District Design Guide. The new Design Guide, together with the design policies in the LDP will be the key mechanism for delivering high quality design in the District.

2.2 Aims of the Design Guide

2.2.1 The Council is seeking to deliver an innovative and bespoke Design Guide to help developers, applicants and Council officers to improve the quality of design in new
development across the District. Recognised principles of good design should be sought to create a high quality built environment for all types of development, irrespective of location within the District. Although visual appearance and the architecture of individual buildings are important factors, good design should improve connections between people and places, and should integrate new development into the natural, built and historic environment.

2.2.2 The SPD will be used by:

- Applicants and developers when preparing their development schemes
- Planning officers to assess the design quality of development proposals when determining applications and offering pre-application advice
- Council members when assessing development proposals

2.2.3 The Design Guide should be an effective tool for achieving high quality design that can be used by developers and designers to prepare high quality development proposals and also by planning officers when assessing applications. It should be concise and easy to use, and should be tailored to Maldon District’s particular characteristics and needs. This includes designing sites that take into account future growth whilst safeguarding and enhancing the historic environment and mitigating and adapting to the potential impacts of climate change. Significant importance is placed on Place Shaping to encourage an integrated approach to development and the creation of successful places that will complement and enhance the character of the District.

2.2.4 The new Design Guide is proposed to:

- provide an effective tool that can be used by developers and their design teams and Council officers in the design and assessment of development proposals;
- set out clearly and briefly what the purpose of the guide is, how it is structured and how it should be used;
- set out the design process that should be followed in order to achieve high quality design – this should include the need to consider future growth planned for the area, and designing sites that deliver sustainable development;
- distinguish between best practice in rural and urban areas, where required;
- be highly visual to assist the user and inform their understanding;
- be easy to use and simple to navigate; and
- clearly signpost where the user can access more detailed guidance and when this should be taken into account.

2.2.5 The Design Guide is proposed to incorporate the following key elements:

- Review of local character and vernacular, and the policy context including national policy. This stage to be based on the Maldon District Characterisation Assessment.
- Development of set of key urban design principles for creating successful places building on policies in LDP and other relevant guidance.
• Development of specific District-wide guidance for the distinct areas of the District identified in the Maldon District Characterisation Study in terms of:
  • Layout
  • Scale
  • Density
  • Streetscape
  • Amenity
  • Facades
  • Materials
  • Climate change
  • Access and parking
  • Householder extensions

• A design checklist that highlights criteria for assessing the design of development.

2.3 The Project Brief

2.3.1 The project brief for the Maldon District Design Guide is provided in APPENDIX 1. The project brief is required to be published on the Contract Finder website for a month, before the project is awarded to the successful tender.

3. IMPACT ON CORPORATE GOALS

3.1 Design supports corporate goals which underpin the Council’s vision for the District and in particular protecting and shaping the District and balancing the future needs of the community and meeting the housing needs of the District.

4. IMPLICATIONS

(i) Impact on Customers – High quality design ensures that new development is visually attractive, responsive to local character, promotes healthy communities, and creates buildings which are durable, adaptable, and provide a safe and accessible environment.

(ii) Impact on Equalities – High quality design should ensure that new development is accessible to all people.

(iii) Impact on Risk – Failure to provide guidance on design could result in poor quality development which is not visually attractive, does not respond to local character, and does not promote healthy communities.

(iv) Impact on Resources (financial and human) – The production of the Design Guide requires financial resources to employ consultants to undertake the work required in the project brief.

(v) Impact on the Environment – Guidance on high quality design will result in improvements to the local environment and will support sustainable development.
5. **CONCLUSIONS**

5.1 In order to promote the objectives set out in LDP Policy D1 and to ensure that development is of a high design quality which will enhance the historic and built environment of the District, the Council is seeking to appoint suitably qualified consultants with relevant experience to prepare a Maldon District Design Guide. The new Design Guide, together with the design policies in the LDP will be the key mechanism for delivering high quality design in the District.

6. **RECOMMENDATION**

That the Maldon District Design Guide project brief included as **APPENDIX 1**, be agreed.

**Background Papers:**
- Essex Design Guide (ECC, 1997)
- Maldon District Characterisation Assessment (Qube, 2006)

**Enquiries to:** Tim Parton, Spatial Planning Team Leader, (Tel: 01621 876203).
Project Brief: Preparation of a Design Guide Supplementary Planning Document (SPD) for Maldon District

1.0 Introduction

1.1 Maldon District has a built environment with a distinctive character that is closely related to its local environment and history. National planning policy places great importance on the design of the built environment and states that high quality design should ensure that new development is visually attractive, responsive to local character, helps to promote healthy communities, and creates buildings which are durable, adaptable, and function well within the surrounding area to create a safe and accessible environment. Good design should enable and encourage people to live healthy lifestyles, reduce the risk of crime, create accessible environments which are inclusive for all sectors of society, and increase opportunities for social interaction.

1.2 A significant amount of development is expected to take place in Maldon district over the next 15 years and if the character and quality of our towns and villages is to be maintained and enhanced it is vital that new development is designed to a high standard. The District Council has therefore put good quality design at the centre of its drive towards sustainable development and wants to promote and deliver high quality design throughout the district and to inspire developers and designers to do the same.

1.3 Significant improvements in the quality of new development can be achieved if proposals are informed by a proper understanding of both key design principles and the character of the area in which they are situated. The Council is therefore seeking to appoint suitably qualified consultants with relevant experience to prepare a Design Guide SPD for Maldon District. The Design Guide, together with the design policies in the Local Development Framework (LDP) will be the key mechanism for delivering high quality design in the district.

1.4 The LDP sets out the planning strategy for future growth over the next 15 years which is based on an understanding of the unique and distinguishing features of the district. In accommodating growth requirements, the Council will seek to ensure that development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment. Policy D1 provides the policy basis within which the Design Guide SPD is to be prepared and states that all development must:

1) Respect and enhance the character and local context and make a positive contribution in terms of:-
   a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
   b) Height, size, scale, form, massing and proportion;
   c) Landscape setting, townscape setting and skylines;
   d) Layout, orientation, and density;
   e) Historic environment particularly in relation to designated and non-designated heritage assets;
f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geo-diversity value; and

g) Energy and resource efficiency.

2) Provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces;

3) Contribute positively towards the public realm and public spaces around the development;

4) Protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight;

5) Include safe and secure vehicle and cycle parking in accordance with the Council’s adopted parking standards;

6) Maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian and cycle routes;

7) Maximise opportunities for sport and physical activity;

8) Contribute to and enhance local distinctiveness;

9) Incorporate design measures to reduce social exclusion, the risk of crime, and the fear of crime; and

10) Encourage inclusive design and effective use of internal and external space.

1.5 The natural, historic and built environment of the District is distinctive in character and diverse in its location across towns and villages in rural, coastal, and estuarine environments. However, there are concerns that the unique character of some parts of the District is gradually being eroded by insufficient and inconsistent design principles. When located close to, or in the setting of a heritage asset, new development should respect the importance, character and local context of that asset. Good design should seek to positively respond to the important features of the asset, and enhance its overall setting and function.

1.6 The Council expects all development to support the principles of inclusive design, to ensure that new development can be used by all people, and to seek to deliver green infrastructure benefits where appropriate. Design should also seek to reduce social exclusion within the District, and seek to improve people’s access to housing, employment, and required services and facilities. The design of new development should also maximise people’s ability to access required services and facilities by sustainable methods of transport, particularly through the provision of high quality pedestrian and cycle routes.

1.7 In order to promote the objectives set out in Policy D1 and to ensure that development is of a high design quality which will enhance the natural, historic and built environment of the district, the Council is seeking to appoint suitably qualified consultants with relevant experience to prepare a new Design Guide for Maldon District. The new Design Guide, together with the design policies in the Local Development Framework will be the key mechanism for delivering high quality design in the district.
2.0 Aims

2.1 The Council is seeking to deliver an innovative and bespoke Design Guide to help developers, applicants and Council officers to improve the quality of design in new development across the district. Recognised principles of good design should be sought to create a high quality built environment for all types of development, irrespective of location within the District. Although visual appearance and the architecture of individual buildings are important factors, good design should improve connections between people and places, and should integrate new development into the natural, built and historic environment.

2.2 The SPD will be used by:

- Applicants and developers when preparing their development schemes
- Planning officers to assess the design quality of development proposals when determining applications and offering pre-application advice
- Council members when assessing development proposals

2.3 The Design Guide should be more than just a wealth of information. It needs to be an effective tool for achieving high quality design that can be used by developers and designers to prepare high quality development proposals and also by planning officers when assessing applications. It should be concise and easy to use, and should be tailored to Maldon District’s particular characteristics and needs. This includes designing sites that take into account future growth whilst safeguarding and enhancing the natural and historic environment and mitigating and adapting to the potential impacts of climate change. Significant importance is placed on Place Shaping to encourage an integrated approach to development and the creation of successful places that will complement and enhance the character of the District.

2.4 The new Design Guide should:

- provide an effective tool that can be used by developers and their design teams and Council officers in the design and assessment of development proposals;
- set out clearly and briefly what the purpose of the guide is, how it is structured and how it should be used;
- set out the design process that should be followed in order to achieve high quality design – this should include the need to consider future growth planned for the area, and designing sites that deliver sustainable development;
- distinguish between best practice in rural and urban areas, where required;
- be highly visual to assist the user and inform their understanding;
- be easy to use and simple to navigate; and
- clearly signpost where the user can access more detailed guidance and when this should be taken into account.

2.5 In order for the Guide to be an effective tool it should be easy to identify the underlying national and local policy that support the Guide and give it weight in planning decisions. Consideration should also be given to how community groups could use the Guide to assist with the preparation of neighbourhood plans.

2.6 The Design Guide should also have strong links with the Building for Life 12 guidance and should encourage developers to achieve ‘Built for Life’ accreditation. Developers
should be able to identify from using the Guide whether their schemes would be eligible for the ‘Built for Life’ accreditation and recognise that by following the guide their schemes will be eligible.

2.7 It is intended that the Design Guide will be adopted as a Supplementary Planning Document.

3.0 Scope of Design Guide

3.1 Significant improvements in the quality of new development can be achieved if proposals are informed by a proper understanding of both key design principles and the character of the area in which they are situated. The Council does not want to stifle innovation but wishes to ensure that new development reflects the character of its context. The Design Guide should build on the Maldon District Characterisation Assessment (Qube, 2006) which provides essential guidance to developers on the essential characteristics of towns, villages and hamlets in the area. The Design Guide should be applicable to the whole of the district and distinguish between best practice in urban and rural areas, and reflect appropriate local characteristics and distinctiveness.

3.2 The District Characterisation Assessment provides a detailed assessment categorising the settlements within the District and the design forms representative of each settlement type and uses a number of case studies to identify and illustrate their defining qualities in terms of spatial form, layout, relationship to existing adjacent development and detailing. Settlements are classified according to the following settlement types:

- The Main Towns- Maldon, Heybridge and Burnham-on-Crouch
- The Agricultural Settlements
- The maritime/Riverside Settlements
- The Arcadian Settlements

3.3 The Design Guide will be required consider design forms appropriate to each settlement type and to provide guidance on the form of development that would be appropriate in terms of overall scale, density, massing, height, landscape, layout and access. It will also be required to provide advice on the palette of materials to be used in the construction of new developments most appropriate and sympathetic to each settlement type. The main focus of the Guide should be to provide a tool that can be used to design and assess development proposals and there should be a strong and easily recognisable connection between the tool and national and local policy.

3.4 In preparing the Design Guide, reference should also be made to the Strategic Masterplan Frameworks (SMFs) for the South Maldon and North Heybridge Garden Suburbs. The Council is committed to the delivery of high quality, vibrant and distinctive new neighbourhoods based on garden suburb principles and the SMFs (which have been endorsed by the Council as material considerations for Development Management purposes) include design guidance for these areas. Strategic Design Codes are currently being prepared for both Garden Suburbs. The Council is also in the process of commissioning consultants to prepare a masterplan for the Central Area of Maldon and Heybridge.
3.5 The Design Guide should incorporate the following key elements:

- Review of local character and vernacular, and the policy context including national policy. This stage to be based on the Maldon District Characterisation Assessment

- Development of set of key urban design principles for creating successful places building on policies in LDP and other relevant guidance

- Development of specific district-wide guidance for the distinct areas of the district identified in the Maldon District Characterisation Study in terms of:
  - Layout
  - Scale
  - Density
  - Streetscape
  - Amenity
  - Facades
  - Materials
  - Climate change
  - Access and parking
  - Landscape design and/or greenspace
  - Householder extensions

- A design checklist that highlights criteria for assessing the design of development

3.6 The Design Guide should be user-friendly document and provide a clear design/assessment tool and relevant information necessary to inform both developers/designers and planning officers on how to deliver high quality design. It will be important that the design policies in the LDF can be easily tied to the guidance in the Design Guide. While the Design Guide will be used to determine applications, its principal focus should be to assist the design process. The Design Guide should be applicable to the whole of the district and distinguish between best practice in urban and rural areas, where relevant and necessary.

3.7 In preparing the Design Guide, the appointed consultant will be required to engage with officers and other key stakeholders.

4.0 Key Stages and Outputs

Phase 1 – Review of Baseline information

4.1 The Consultant will be required to review all existing sources of information to understand the work undertaken to date. This would include:

- Relevant National and Local planning policy guidance including LDP Policies;
- Maldon District Characterisation Assessment (Qube, 2006)
APPENDIX 1
Maldon District Council

- Relevant supplementary planning documents within the Council’s Local Development Plan evidence base.
- South Maldon Garden Suburb Strategic Masterplan Framework and North Heybridge Strategic Masterplan Framework with particular regard to Character Areas and Garden Suburb Principles

4.2 In order to understand key design issues facing the District and the areas where particular guidance is required, the Consultant will be required to facilitate a workshop with officers and other key stakeholders.

4.3 In the light of this review, the consultant will advise the Council and agree the scope and content of the Design Guide.

Phase 2- Preparation of Draft Design Guide

4.4 The consultant will prepare a draft Design Guide to be expressed and presented through words and graphics including three-dimensional and section drawings and annotated photographs or sketches.

4.5 Preparation of the Draft Design Guide will include a workshop to be attended by officers and key stakeholders to test and review the draft guidance.

4.6 The consultant will present the Draft Design Guide to a meeting of the Planning & Licensing Committee.

Phase 3- Consultation on Draft Design Guide

4.6 The consultant will prepare material for public consultation and assist the Council as required in undertaking public consultation

Phase 4- Final Design Guide

4.7 The consultant will review responses to public consultation and recommend changes to the Design Guide for approval by Planning & Licensing Committee.

5.0 Submission Requirements and Assessment

5.1 In response to this brief, tenderers are required to provide:

I. Details of proposed approach and how you propose to comply with the project brief within the defined timescale;
II. Indicative work programme;
III. A fixed price quotation for undertaking the work outlined in the submission including number of days for each named personnel (Phases 1-2 only) (time and expenses);
IV. Examples of similar commissions involving the preparation of Design Guides including demonstration of subsequent outcomes;
V. Hourly and daily fee rates for different grades of personnel - Director, Associate, Principal Consultant, Senior Consultant, Consultant for Phases 3 and 4 and any additional work which may be commissioned by the Council;
APPENDIX 1
Maldon District Council

VI. CVs of named personnel and their proposed role in the project including
details of relevant experience in preparation of Design Guides;
VII. Details of your professional liability insurance;
VIII. Contact details of two referees.

5.2 Please confirm within your submission any conflicts of interest which should be
considered in relation to other current or future work being undertaken by your
company.

6.0 Budget

6.1 The maximum budget for undertaking Phases 1 and 2 is £30,000 (excluding VAT but
inclusive of expenses).

6.2 Additional work may be needed to prepare detailed guidance to support the Design
Guide. Any further work in Phases 3 and 4 will be commissioned on the basis of the
submitted hourly rates. The maximum budget for phases 3-4 is £5,000.

7.0 Timescales

7.1 The indicative timetable for the award of the contract is as follows.

1) Deadline for Return of Quotation: February 2016
2) Interviews week commencing February 2016
3) Appointment of consultants: February 2016
4) Inception Meeting: w/c February 2016
5) Completion of Phase 1: March 2016
6) Completion of Phase 2: June 2016
7) Phase 3: Consultation on Draft Design Guide July/August 2016

8.0 Reporting and project management arrangements

8.1 The consultant will work closely with the council to ensure that agreed services are
being executed and delivered to the highest standards according to critical timings
and best practice. The council will be able to supply OS base maps.

8.2 Your point of contact at the council will be Tim Parton, Spatial Planning Team
Leader. You should nominate one person from your company to manage the brief
through to completion and act as the primary contact.

8.3 The project will be administered by email and telephone wherever practicable with
project meetings and workshops at the Council offices at inception and draft report
stage.

9.0 Performance Indicators

9.1 In addition to the timescales set out in section 7 above, the Council will also require
the following:
• Regular updates on the progression of the work will be provided to the Council every two weeks;
• Responses to email and telephone correspondence from the Council within two days;

10.0 Questions and further information

10.1 Please send your submission to the following contact details (submissions by email are preferred)

E mail: tim.parton@maldon.gov.uk

10.2 Postal: Tim Parton, Spatial Planning Team Leader, Maldon District Council, Council Offices, Princes Road, Maldon, Essex CM9 5DL

10.3 If you should require any further information please contact Tim Parton, Spatial Planning Team Leader, Tel: 01621 876203. Please note that, for reasons of fairness, we will send questions and their answers to the other consultants we have invited to submit a proposal.

11.0 Evaluation Methodology

The contract will be awarded taking into consideration the following criteria:

<table>
<thead>
<tr>
<th>Criteria / Sub Criteria</th>
<th>Marks</th>
<th>Weightings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Price</td>
<td>/10</td>
<td>40%</td>
</tr>
<tr>
<td>Quality</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quality of proposed approach to meeting the requirements of the project brief set out in sections 3 and 4 above</td>
<td>/10</td>
<td>40%</td>
</tr>
<tr>
<td>Examples of previous work</td>
<td>/10</td>
<td>10%</td>
</tr>
<tr>
<td>Ability to meet the work programme set out in section 7 above</td>
<td>/10</td>
<td>10%</td>
</tr>
</tbody>
</table>

The following scoring methodology will be used for the quality criteria:

<table>
<thead>
<tr>
<th>Score</th>
<th>Interpretation</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 1</td>
<td>Either no answer is given or the answer provides no evidence that the Tenderer meets any of MDC’s requirements.</td>
</tr>
<tr>
<td>2 - 3</td>
<td>The answer provides some evidence that the Tenderer meets some of MDC’s requirements but only in a minimal way.</td>
</tr>
<tr>
<td>4 - 5</td>
<td>The answer provides satisfactory (or better) evidence that the Tenderer</td>
</tr>
<tr>
<td>Score</td>
<td>Description</td>
</tr>
<tr>
<td>-------</td>
<td>-------------</td>
</tr>
<tr>
<td>6 - 7</td>
<td>The answer provides good (or better) evidence that the Tenderer meets a majority of MDC’s requirements.</td>
</tr>
<tr>
<td>8 - 9</td>
<td>The answer provides good (or better) evidence that the Tenderer meets nearly all of MDC’s requirements.</td>
</tr>
<tr>
<td>10</td>
<td>The answer provides excellent evidence that the Tenderer fully meets all/exceeds MDC’s requirements.</td>
</tr>
</tbody>
</table>

The resultant price and quality scores will be transferred across to the overall evaluation model where weightings will be applied to give total scores out of 100%.
APPENDIX 1: Quotation Form

Please complete this form and include within the submission.

General Conditions

GENERAL CONDITIONS OF CONTRACT to be observed by the Contractor in the execution of the work as detailed in the specification and all work incidental thereto for and on behalf of the Maldon District Council.

DEFINITIONS

1. For the purpose of this Contract:
   - (a) “Employer” shall mean the Maldon District Council, Council Offices, Princes Road, Maldon
   - (b) “Supervising Officer” shall mean Mr David Coleman, Planning Policy Team Leader, Maldon District Council or other such person appointed from time to time by the Employer and notified to the Contractor to act as Supervising Officer for the purpose of the Contract
   - (c) “The Services” means all services included within the Specification Documents which are required to be carried out in strict accordance with the terms of the Quotation, General Conditions of Contract.

MARGINAL NOTES

2. The interpretation or construction of the conditions shall not be affected by any index, marginal notes or headings.

CONTRACTOR’S OBLIGATION

3. The Contractor shall with due diligence and in good workmanlike manner execute the services to the satisfaction of the Supervising Officer.

VARIATIONS

4. The Supervising Officer may, without invalidating the contract change the work or the period in which they are to be carried out. Any such instructions shall be valued by the Supervising Officer on a fair and reasonable basis.

STATUTORY OBLIGATIONS, FEES AND CHARGES

5. The Contractor shall comply with all notices required by any statute, any statutory instrument, rule or order or any regulations or bylaws applicable to the Services and charges in respect of the Services legally recoverable from him.

CONTRACTORS REPRESENTATIVE

6. The Contractor shall at all reasonable times keep a competent person in charge and inform the Supervising Officer of their name and of any change.

SUB-CONTRACTING

7. The Contractor shall not sub-contract the services or any part thereof without the written consent of the Supervising Officer which consent shall not be unreasonably withheld.
INTELLECTUAL PROPERTY RIGHTS

8. Copyright, patent rights and any other intellectual property rights and title in any material produced by the Contractor for the Authorities during this contract shall vest in the Authority unless otherwise expressly agreed or approved by the Supervising officer or an Authorities’ authorised representative in writing.

PERFORMANCE

9. During the Agreement Period the Contractor will comply with its obligations under the contract and will perform the Services strictly in accordance with the provisions of the Specification and quotation documents and to the entire satisfaction of the Supervising Officer.

VALUE ADDED TAX

10. The Contractor shall include in his quotation for all incidental costs and expense he may incur under the Finance Act 1972 and regulations made thereunder to pay Value Added Tax at the standard rate on the supply of all goods and services to him by suppliers and sub-contractors, whether nominated or otherwise.

PAYMENT

11. (i) The Council will pay the fixed price sum in equal instalments in line with satisfactory completion of the work within each stage.

(ii) Fixed Day rates shall be paid one month in arrears according to the contractor submitting accurate and substantiated schedules.

(iii) Maldon District Council shall pay the undisputed sums due to the contractor in cleared funds within 30 days of receipt and agreement of invoices for services completed to the reasonable satisfaction of the Council.

(iv) Each invoice shall contain all appropriate references and a detailed breakdown of the services and shall be supported by any other documentation reasonably required by the Supervising Officer to substantiate the invoice.
Form of Quotation & Pricing Schedule

To: Maldon District Council

I/We the undersigned, hereby offer and undertake to execute and complete the whole of the services as detailed in strict accordance with the Specification, Brief and General Conditions of Contract to the complete satisfaction of Mr David Coleman, Planning Policy Team Leader, Council Offices, Princes Road, Maldon, Essex CM9 5DL for the total amounts as follows:

Fixed price for the completion of Phases 1 and 2: £

For phases 3 and 4 the following hourly and day rates for personnel will be applied for any additional work which may be commissioned:

<table>
<thead>
<tr>
<th>Personnel</th>
<th>Hourly Rate (£)</th>
<th>Daily Rate (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Associate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal Consultant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Consultant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultant</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

I/We hereby declare that:-

(1) This is a bona fide competitive quotation and the amount has not been fixed or adjusted under or by or in accordance with any agreement or arrangement with any other person.

(2) The amount or approximate amount of my/our proposed quotation has not been and will not be communicated to any person other than the person calling for these quotations.

(3) I/We have not made any agreement with any other person that they shall refrain from submitting a quotation or as to the amount of any other quotation to be submitted.

I/We understand that you are not bound to accept the lowest or any quotation you may receive.

I/We understand that no increased cost of labour and/or materials will be allowed during the period of the Contract.

I/We understand that the successful quotation, together with the Council’s written acceptance thereof, will form a binding Contract between the Council and the successful contractor.

Yours faithfully

Signed ..................................................................................................................…

For and on behalf of ..............................................................................................…

Address ..................................................................................................................…

..................................................................................................................Post Code

Date..................................................................................................................
REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES
to
PLANNING AND LICENSING COMMITTEE
14 JANUARY 2016

MALDON DISTRICT COUNCIL RESPONSE TO THE CHELMSFORD LOCAL
PLAN ISSUES AND OPTIONS CONSULTATION

1. **PURPOSE OF THE REPORT**

1.1 Chelmsford City Council (CCC) published the Chelmsford Local Plan Issues and
Options consultation document in November 2015. This report presents the Maldon
District Council response to the consultation.

2. **CHELMSFORD LOCAL PLAN ISSUES AND OPTION CONSULTATION
DOCUMENT**

2.1 Introduction

2.1.1 The current Chelmsford Local Plan was adopted in February 2008, providing a
strategy for growth up to 2021. A focused review was undertaken in 2013. A new
Local Plan is therefore being produced to provide a strategy for growth and manage
development up to 2036.

2.1.2 The issues and options consultation is the first stage of consultation on the new
Chelmsford Local Plan. The consultation document sets out planning issues in the
Chelmsford City Council (CCC) area over the next 20 years, and proposes options to
address identified issues. The consultation document considers the amount and
location of new homes and jobs, the need for new infrastructure to support growth,
and how to protect important landscapes and habitats in the future.

2.1.3 The proposed timescales for the production of the new Local Plan are as follows:

- Preferred Options Summer 2016
- Pre-submission Local Plan Spring 2017
- Submission Local Plan Summer 2017
- Independent Examination Winter 2017
- Adoption Spring 2018

2.1.4 The deadline for providing consultation responses is the Thursday 21 January 2016.
2.2 Content of New Local Plan Issues and Options consultation document

2.2.1 Assessment of objectively assessed needs for housing

2.2.1.1 The consultation document confirms that the assessment of the Chelmsford’s housing market area includes the local authority areas of Braintree, Colchester, and Tendring. The Maldon District Council Strategic Housing Market Assessment (DCA, 2014) confirmed that when considering household movement and travel to work patterns Maldon District is a single housing market area. The City Council is preparing this new Local Plan on the basis that it will meet the identified housing requirements for the CCC area only. The new Local Plan therefore is not seeking to make provision for the unmet housing requirements of any other local authorities.

2.2.1.2 The latest household projections indicate that 657 new homes per year will be required in the CCC area. The household projections should be adjusted to ensure there are enough homes to support the number of jobs that are forecast to be provided. Other adjustments can be applied if the supply of housing has been suppressed in the past. A number of indicators can be used to identify whether an adjustment is required, such as house price rises and levels of employment growth.

2.2.1.3 The CCC Objectively Assessed Housing Study concluded that the household projections for the CCC area should be raised to reflect the projected number of jobs in the area. CCC has therefore identified 775 dwellings per year as the Council’s Objectively Assessed Housing need.

2.2.1.4 CCC is continuing to assess the future need for affordable housing in the CCC area. Where this further assessment may result in an increase in overall housing need, the Council has considered it prudent to test a higher quantum of development. A 20% uplift to the Council’s Objectively Assessed Housing requirement has therefore been added, which represents a total of 14,000 new dwellings for the period up to 2036, 930 dwellings per annum.

2.2.1.5 The uplifted figure of 930 dwellings per annum has been used in the consultation document to test three spatial options for the distribution of growth. The Council’s housing and jobs targets will continue to be tested taking into account evidence base updates and consultation responses. The final housing targets will be contained within the next stage of the Local Plan consultation, the Preferred Options stage.

2.2.2 Gypsy and Travellers

2.2.2.1 The Essex-wide Gypsy and Traveller and Travelling Showpersons' Accommodation Assessment (2014 GTAA) is the most recent assessment of need. It identifies a requirement of 55 additional pitches to be developed between 2013 and 2033 within the CCC area. The 2014 GTAA also identifies a need for at least two publicly provided transit Gypsy and Traveller sites to be delivered in Essex County with at least 10 pitches per site. CCC is not proposing to include sites for transit pitches within the Local Plan.
2.2.3  **Employment**

2.2.3.1 There are a number of economic forecasts that cover projected employment in the CCC area. The primary forecast used by the Council's demographic consultants Edge Analytics was the East of England Forecasting Model (EEFM) which has been prepared on behalf of all Essex Authorities. The number of jobs identified to meet the latest demographic forecasts for the CCC area was 727 new jobs per year. However, the employment projections for the CCC area indicate a higher jobs number. As outlined above, the identified objectively assessed need for housing has therefore increased to account for the higher employment projections.

2.2.3.2 Taking into account past growth and forecasts within the East of England Forecasting Model, alongside demographic forecasts (Greater Essex Demographic Forecasts - Edge Analytics Phase 7 Report), CCC considers employment growth of 887 jobs per year, a robust number to sustain the local economy. The new Local Plan will therefore allocate appropriate employment land to seek to accommodate this level of jobs growth.

2.2.3.3 The Chelmsford Employment Land Review has assessed the demand for future office floorspace against likely demand. This concludes that there could be a need for up to 49,900sqm of new office floorspace. The consultation document therefore includes a proposed target of 50,000 sqm of new office floorspace.

2.2.4  **Retail**

2.2.4.1 As part of the evidence base support the new Local Plan, a Retail Capacity Study has been produced to assess the need for new shopping space, for food (convenience) and non-food (comparison) items. The Study identified a current and growing requirement for more convenience floorspace for Chelmsford City and South Woodham Ferrers over the Plan period. The Study identified limited capacity for new non-food floorspace in the CCC area after 2020.

2.2.4.2 The consultation document therefore includes a proposed target of 1,900 sqm and 11,500 sqm of new retail floorspace at South Woodham Ferrers and Chelmsford City respectively.

2.2.5  **Spatial options for housing growth**

2.2.5.1 The Local Plan consultation document has identified three Spatial Options for accommodating growth in the CCC area up to 2036. The distribution of growth within the three Spatial Options is set out in the table overleaf:
Table 1: Summary of the spatial options for growth:

<table>
<thead>
<tr>
<th>Locations</th>
<th>Option 1 Urban Focus</th>
<th>Option 2 Urban Focus and Growth on Strategic Transport Corridor</th>
<th>Option 3 Urban Focus and Growth in Key Villages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chelmsford Urban Area</td>
<td>2,500</td>
<td>2,500</td>
<td>2,500</td>
</tr>
<tr>
<td>West Chelmsford</td>
<td>3,000</td>
<td>2,500</td>
<td>2,250</td>
</tr>
<tr>
<td>North Chelmsford (Broomfield)</td>
<td>1,500</td>
<td>1,250</td>
<td>750</td>
</tr>
<tr>
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</tr>
<tr>
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<td>600</td>
<td>500</td>
</tr>
<tr>
<td>North South Woodham Ferrers</td>
<td>2,000</td>
<td>1,750</td>
<td>1,250</td>
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<tr>
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<td>1,000</td>
</tr>
<tr>
<td>Howe Green</td>
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</tr>
<tr>
<td>Rettendon Place</td>
<td>1,250</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boreham</td>
<td></td>
<td>800</td>
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</tr>
<tr>
<td>Danbury</td>
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<td>100</td>
<td></td>
</tr>
<tr>
<td>Bicknacre</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Ford End</td>
<td></td>
<td></td>
<td></td>
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<tr>
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<tr>
<td>East Hanningfield</td>
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<tr>
<td>Woodham Ferrers</td>
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<td></td>
<td></td>
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<tr>
<td><strong>TOTALS</strong></td>
<td><strong>14,000</strong></td>
<td><strong>14,000</strong></td>
<td><strong>14,000</strong></td>
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</table>

* In Option 3 the 1,700 new homes identified in total for locations 13 to 17 also includes location 9 (Rettendon Place).

2.2.5.2 CCC has identified that up to 2,500 new homes alongside new offices, shops and other commercial development can be accommodated on brownfield land in Chelmsford City. All spatial options therefore include 2,500 dwellings on brownfield land, leaving 11,500 dwellings to be accommodated on greenfield sites across the CCC area.

2.2.5.3 The initial outputs from the SLAA suggest that approximately 18,500 new homes could be provided on deliverable sites outside of the green belt and identified green wedges. The consultation document notes that locations within and close to Chelmsford City and South Woodham Ferrers, as the main city and town, offer the most sustainable locations for future development growth.

2.2.5.4 The identified spatial options seek to focus large amounts of greenfield development at key locations rather than providing a more dispersed approach. This strategy is more beneficial in seeking to deliver necessary infrastructure as it provides an appropriate ‘critical mass’. However greenfield developments that are very large will often have significant infrastructure requirements and long lead-in times which render such sites undeliverable within the Plan period. The spatial options therefore do not include locations for growth that exceed 3,000 dwellings.

2.2.5.5 The three spatial options all provide the same amount of development on brownfield sites in Chelmsford City. The difference between each of the spatial options therefore relates to the distribution of development on greenfield sites.

2.2.6 **Option 1 – Urban Focus**

2.2.6.1 Option 1 seeks to concentrate new development at locations within and/or close to the existing urban areas that are within Chelmsford. These are the urban areas of
Chelmsford, where the majority of new development would be planned, on land to the north of the town of South Woodham Ferrers, and on land to the north and east of Great Leighs which is two miles south of Braintree and which would provide linkages to development planned in Braintree District.

2.2.6.2 Growth proposed on land to the north of South Woodham Ferrers is likely to have the largest impact on residents of Maldon District. This proposed allocation includes the following:

- 2,000 dwellings
- 1,000sqm of office floorspace
- 1,900sqm of convenience retail floorspace
- Proposed delivery between 2021-2031
- The following infrastructure requirements:
  - Two new primary schools;
  - Additional secondary school provision;
  - Additional healthcare provision;
  - Strategic pedestrian/cycle connectivity;
  - Improvements to inter-urban bus services Local highway network improvements;
  - Highway capacity improvements to A132;
  - Potential improvements to the wider strategic highway network;
  - New Neighbourhood Centre/focus;
  - Open space, leisure, recreation and community facilities;
  - Green Buffer to north and west.

2.2.7 Option 2 – Urban Focus and Growth on Key Transport Corridors

2.2.7.1 Option 2 also promotes development at locations within and/or close to the existing urban areas, but to a lesser extent than contained in Option 1. The remaining development would be planned at locations on the key transport corridors serving the CCC area, notably the A130/A131 and A132. Option 2 includes new development to the north of South Woodham Ferrers and Rettendon Place.

2.2.7.2 Growth proposed on land to the north of South Woodham Ferrers and Rettendon Place is likely to have the largest impact on residents of Maldon District. In this option the South Woodham Ferrers allocation is reduced to 1,750 dwellings with phasing and infrastructure requirements consistent with Option 1, and the Rettendon Place allocation includes the following:

- 1,250 dwellings
- Proposed delivery between 2021-2031
- The following infrastructure requirements:
  - Two new primary schools;
• Additional secondary school provision;
• Additional healthcare provision;
• Highway capacity improvements to A132;
• Potential improvements to the wider strategic highway network;
• Improvements to inter-urban bus services;
• New Neighbourhood Centre/focus;
• Open space, leisure, recreation and community facilities.

2.2.8 Option 3 – Urban Focus and Growth in Key Villages

2.2.8.1 Option promotes a more dispersed approach to planning for new development within and/or close to the existing urban areas, but to a lesser scale that Options 1 and 2. Option 3 continues to recommend large scale growth in South Woodham Ferrers of 1,250 dwellings. Infrastructure requirements are consistent with other options except education where the lower housing allocation would require only one primary school to be provided.

2.2.8.2 The remaining development would be distributed to settlements outside of the green belt that provide existing local services and facilities, including the following growth which could potentially impact upon residents of Maldon District:

a) Howe Green:
- 800 dwellings
- Proposed delivery between 2021 and 2026
- The following infrastructure requirements:
  - New primary school
  - Additional secondary school provision
  - Additional healthcare provision
  - Improvements to inter-urban bus services
  - Improvements to A12/A130 Junction
  - New Neighbourhood Centre/focus
  - Open space, leisure, recreation and community facilities

b) Boreham
- 800 dwellings
- Proposed delivery between 2021 and 2026
- The following infrastructure requirements:
  - New primary school
  - Additional secondary school provision
  - Additional healthcare provision
  - Improvements to inter-urban bus services
  - Local highway network improvements
  - New Neighbourhood Centre/focus
  - Open space, leisure, recreation and community facilities
  - Green Buffer to west to ensure separation
c) **Danbury**
- 100 dwellings
- Proposed delivery between 2021 and 2026
- The following infrastructure requirements:
  - Additional primary provision
  - Additional secondary school provision
  - Additional healthcare provision
  - Improvements to inter-urban bus services
  - Local highway network improvements
  - Open space, leisure, recreation and community facilities

d) **Bicknacre**
- 100 dwellings
- Proposed delivery between 2021 and 2026
- The following infrastructure requirements:
  - Additional primary provision
  - Additional secondary school provision
  - Additional healthcare provision
  - Improvements to inter-urban bus services
  - Local highway network improvements
  - Open space, leisure, recreation and community facilities

e) **Distribution to the settlements of Rettendon Place, Ford End, Great Waltham, Little Waltham, East Hanningfield, and Woodham Ferrers**
- 1,700 dwellings - specific allocations would be determined at the Local Plan Preferred Options stage, the allocations would be dependent on constraints, infrastructure capacity, and land supply
- Proposed delivery between 2021 and 2026
- The following infrastructure requirements:
  - New primary provision/school
  - New secondary provision
  - New healthcare provision
  - Improvements to inter-urban bus services
  - Open space, leisure, recreation and community facilities

2.2.9 **Discounted options**

2.2.9.1 The consultation documents outline the following options for accommodating growth which had been discounted:

a) **Development in the Green Belt** - Green belt is a national planning policy designation. The Government attaches great importance to its protection and permanence. The consultation documents notes that there is more than sufficient land available for development outside of the green belt identified through the Council's Strategic Land Availability Assessment (SLAA).

b) **Development of a large new settlement** - In order for a new settlement to successfully function as a place, it would need to be self-supporting in terms of services and facilities. Significant new infrastructure would be required in relation to transport links, shops, schools, healthcare etc. To support this level
of infrastructure, a new sustainable settlement would need to contain over 5,000 new homes. The consultation document stated that no appropriate locations have been identified to sufficiently accommodate a new settlement of this size.

2.2.10 **Highways infrastructure:**

2.2.10.1 The Highways Authority has given initial views on the potential strategic transport mitigation measures required to deliver and accommodate growth proposed in the consultation document, which are listed below:

- The future widening of the A12
- The planned Chelmsford North East By-pass (A130)
- Potential new Western Relief Road for Chelmsford
- Improvements to the A132 serving South Woodham Ferrers
- Development of a third and potentially fourth Park and Ride site,
- development of new strategic cycleways and footpaths and measures to enhance public transport across the district, but especially within new development areas

2.2.10.2 Further modelling work will be undertaken to test the options and to identify and confirm the actual mitigation measures which would be required once the preferred options for development have been identified. New or improved transport infrastructure will therefore be confirmed through the next stage of the production of the Local Plan, the Preferred Options stage.

2.3 **Maldon District Council (MDC) response to the Chelmsford Local Plan**

2.3.1 The consultation document requests comments to be provided through responses to 30 questions. **APPENDIX 1** therefore presents the MDC response to all 30 questions within the consultation document.

2.3.2 As part of ongoing Duty to Cooperate discussions with CCC, and to assist the production of the MDC response to the CCC Local Plan consultation, an Officer meeting was undertaken on 7 December 2015. The notes of this meeting are provided in **APPENDIX 2**.

3. **IMPACT ON CORPORATE GOALS**

3.1 Planning supports corporate goals which underpin the Council’s vision for the District and in particular protecting and shaping the District and balancing the future needs of the community and meeting the housing needs of the District.
4. IMPLICATIONS

(i) **Impact on Customers** – Proposals for growth in the CCC area could have an impact upon capacity of services and facilities in the south west of the District, and on levels of congestion on transport routes used by MDC residents.

(ii) **Impact on Equalities** – Proposals for growth in the CCC area could have an impact upon ability of MDC residents to access services and facilities in the south west of the District, and impact upon travel times to the surrounding area.

(iii) **Impact on Risk** – Not applicable.

(iv) **Impact on Resources (financial and human)** – The need to assess CCC’s emerging proposals for growth and working with CCC through the Duty to Cooperate will impact upon resources within the Planning Policy Team.

(v) **Impact on the Environment** – Proposal for growth in the CCC area could have an impact upon the environment within Maldon District. The Planning Policy Team will need to work closely with CCC to determine the impact of emerging proposals for growth on Maldon District.

5. CONCLUSIONS

5.1 Chelmsford City Council published the Chelmsford Local Plan Issues and Options consultation document in November 2015. This report presents the Maldon District Council response to the consultation.

6. RECOMMENDATION

That the proposed response to the Chelmsford Local Plan Issues and Options consultation document included as **APPENDIX 1** be approved.

Background Papers:
Chelmsford Local Plan Issues and Options consultation document
http://www.chelmsford.gov.uk/new-local-plan

Enquiries to: Tim Parton, Spatial Planning Team Leader, (Tel: 01621 876203).
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Maldon District Council response to the Chelmsford City Council Local Plan Issues and Options Consultation

The Chelmsford City Council (CCC) Local Plan Issues and Options consultation includes 30 questions covering all sections of the Plan. The interests of Maldon District Council (MDC) do not require a response to all consultation questions, however for clarity all 30 questions are set out below.

**Question 1**  
*Do you think that Section 3 provides an adequate range of facts and figures about Chelmsford today? If no, please explain why. Where possible, please support your answer with reference to any evidence.*

No comment.

**Question 2**  
*Do you support what should drive the new Local Plan Vision? If no, please explain your answer and suggest any changes.*

No comment.

**Question 3**  
*Do you agree with what should be covered in the Vision? If no, please explain your answer and suggest any changes.*

No comment.

**Question 4**  
*Do you have any comments on how the Council has calculated its Objectively Assessed Housing need? Please explain your answer. Where possible, please support your answer with reference to any evidence.*

No comment.

**Question 5**  
*Do you have any comments on the housing number (930 homes per year) used for testing in this consultation? Please explain your answer. Where possible, please support your answer with reference to any evidence.*

The housing target of 930 dwellings per annum is based on a 20% uplift to the Council’s objectively assessed housing need (OAHN) of 775 dwellings per annum. The Joint OAHN Study (Peter Brett Associates, 2015) identifies that the CCC area is relatively unaffordable compared with country, regional and national ratios, and the CCC Strategic Housing Market Assessment for the area also identified significant need for affordable housing (DCA, 2013) which has not been met during a period of lower housing completions since 2009/10. The
purpose of the uplift is therefore to allow the Issues and Options consultation to continue while a further assessment of the need for affordable housing in the CCC area is undertaken.

The 20% buffer across the Plan period presents an increase of 3,100 dwellings from the OAHN target, and therefore represents a significant proportion of housing allocations which are required to be located on greenfield sites. Through the Duty to Cooperate Maldon District Council (MDC) is keen to review further assessment work on the affordable housing need in the CCC area to gain an understanding of how this will impact upon the Local Plan housing target.

It is acknowledged that the 20% buffer represents a rough estimate for testing purposes at this stage. The results of the additional work may require amendments to potential levels of growth across the CCC area. MDC would therefore like to work closely with CCC to ensure that the implications of any amendments are fully assessed and understood.

**Question 6**
Do you have any comments on how the new Local Plan could meet the accommodation needs of Travellers?

No comment.

**Question 7**
Do you have any comments on how the Council has calculated its job requirement number? Please explain your answer. Where possible, please support your answer with reference to any evidence.

No comment.

**Question 8**
Do you have any comments on the job requirement number (887 jobs per year) used for testing in this consultation? Please explain your answer. Where possible, please support your answer with reference to any evidence.

No comment.

**Question 9**
Do you have any comments on how the Council has calculated its retail capacity forecasts? Please explain your answer. Where possible, please support your answer with reference to any evidence.

No comment.

**Question 10**
Do you have any comments on the retail floorspace requirements used for testing in this consultation? Please explain your answer. Where possible, please support your answer with reference to any evidence.

No comment.

**Question 11**
Do you have any comments on how the Council has calculated its office need forecasts? Please explain your answer. Where possible, please support your answer with reference to any evidence.

No comment.

**Question 12**
Do you have any comments on the office floorspace requirements used for testing in this consultation? Please explain your answer. Where possible, please support your answer with reference to any evidence.

No comment.

**Question 13**
Do you think that we have missed any issues related to future employment and economic development to be addressed in the new Local Plan? If yes, please explain why. Where possible, please support your answer with reference to any evidence.

No comment.

**Question 14**
Do you think that we have missed any issues related to highways, transportation and accessibility to be addressed in the new Local Plan? If yes, please explain why. Where possible, please support your answer with reference to any evidence.

Paragraphs 5.43 onwards set out how highways, transportation, and accessibility have been considered within the production of the Local Plan Issues and Options consultation document. This section refers to key corridors within Chelmsford City Centre, the railway station, and sets out a vision for the CCC areas transport system to offer enhanced connectivity and access to opportunities for residents, commuters, visitors and business. A number of objectives are listed in order to present ‘strategic zonal focuses’ which will inform the identification of future projects to achieve the overarching vision.

The CCC area has strong commuting links to surrounding areas, and in particular with Maldon District where CCC’s overall commuting flows are third highest with Maldon District, including the second highest in-commuting flows of the 6 areas represented in Figure 8 of the Plan. Although connectivity for commuters is recognised within the vision, this is not reflected in the Strategic Zonal Focus within Table 3. It is therefore recommended
that improving connectivity for commuters from Maldon District and other surrounding areas with the CCC area should be included as an aim within the ‘Outer’ section of Table 3.

Transport links between Maldon District and the CCC area were considered in detail during the production of the Maldon District Local Development Plan (LDP). The A414 between Maldon and Chelmsford and the A132 / Rettendon roundabout were recognised as key transport routes for commuters within both Maldon District and the CCC area where there are high levels of congestion at peak periods. These transport links are therefore highly sensitive to proposals for growth which could increase the use of these routes at peak periods.

Through the Duty to Cooperate MDC would like to work closely with CCC to consider the impact of proposals for growth in the south east of the CCC area which could have implications for the A414 between Maldon and Chelmsford, and the A132 between the Rettendon roundabout and the B1012 Burnham Road.

**Question 15**
Do you think that we have missed any issues related to protecting the environment to be addressed in the new Local Plan? If yes, please explain why. Where possible, please support your answer with reference to any evidence.

No comment.

**Question 16**
Necessary infrastructure will be needed to support development in the new Local Plan. Do you think that we have missed any issues? If yes, please explain why. Where possible, please support your answer with reference to any evidence.

It is acknowledged that the need for new or improved transport infrastructure will be assessed further once the preferred locations for new development have been identified. MDC would welcome further information on the potential impacts of growth options on the highways network to assist in the detailed consideration of sites for strategic growth. Through the Duty to Cooperate MDC would like to work closely with CCC to consider the impact of proposals for growth in the south east of the CCC area which could have implications for the A414 between Maldon and Chelmsford, and the A132 between the Rettendon roundabout and the B1012 Burnham Road.

In relation to education, healthcare, community facilities, recreation and leisure, there are strong links between the two authority areas where needs for key services and facilities are satisfied across the local authority boundaries. Through the Duty to Cooperate MDC would like to work closely with CCC to consider the impact of proposals for growth in the south east and east of the CCC area which could have implications for infrastructure provision in relation to education, healthcare, community facilities, recreation and leisure facilities which is accessed by residents of Maldon District.
Question 17
Do you agree with the proposed settlement hierarchy i.e. City or Town, Key Service Settlement, Service Settlement and Small Settlement? If no, please explain why. Where possible, please support your answer with reference to any evidence.

No comment.

Question 18
Do you agree with the classification of individual settlements within the Settlement Hierarchy? If no, please explain why. Where possible, please support your answer with reference to any evidence.

No comment.

Question 19
Do you support the proposed Spatial Principles?

The Spatial Principles in section 6 of the Local Plan consultation document have been used to guide the identification of locations for growth. MDC supports the Spatial Principles identified, particularly in relation to maximising the use of brownfield land and locating development in well connect sustainable locations.

When considering locations for strategic growth, an important consideration should be opportunities to use available existing infrastructure capacity within the District. Using existing infrastructure capacity, rather than developing additional infrastructure items, presents the most sustainable approach to delivering growth.

In relation to the principle of ensuring that new development is served by necessary infrastructure, it is therefore recommended that this should go further to seek to identify locations where there is available infrastructure capacity which can be used to accommodate future growth.

Question 20
How do you think that new development growth in Chelmsford should be provided in the new Local Plan?

The consultation document sets out three spatial options for accommodating the 14,000 dwellings required to meeting the areas objectively assessed needs for housing. MDC provides the following comments on each of the options:

Option 1 – Urban Focus

This option seeks to concentrate new development at locations within and/or close to the existing urban areas that are within Chelmsford. These are the urban areas of Chelmsford, where the majority of new development would be planned, on land to the north of the town of South Woodham Ferrers and on land to the north and east of Great Leighs which is two miles
south of Braintree and which would provide linkages to development planned in Braintree District.

Growth proposed on land to the north of South Woodham Ferrers is likely to have the largest impact on residents of Maldon District. The B1012 Lower Burnham Road leading to the A132 around South Woodham Ferrers and the Rettendon roundabout is an important transport link for residents of Maldon District. The Lower Burnham Road, junctions on the A132 along the northern boundary of South Woodham Ferrers, and the Rettendon roundabout experience high levels of congestion at peak periods.

It is acknowledged that the need for new or improved transport infrastructure will be assessed further once the preferred locations for new development have been identified. MDC would welcome further information on the potential impacts of growth options on the highways network to assist in the detailed consideration of sites for strategic growth. Through the Duty to Cooperate MDC would like to work closely with CCC to consider the impact of proposals for growth in South Woodham Ferrers where this could impact on journey times for Maldon District residents travelling west towards the A130 and beyond.

Due to the location of South Woodham Ferrers close to the south eastern boundary between Maldon District and the CCC area, there are strong links between the two authority areas in relation to the use of services and facilities such as education, healthcare, community facilities, recreation and leisure facilities. Through the Duty to Cooperate MDC would like to work closely with CCC to consider the impact of proposals for growth in South Woodham Ferrers which could have implications for infrastructure provision in both local authority areas in relation to education, healthcare, community facilities, and recreation and leisure facilities which are accessed by residents of both authorities.

Proposals for growth in South Woodham Ferrers include 1,000 sqm of floorspace and 1,900 sqm of floorspace for food retail (convenience goods). The submitted Maldon District Local Development Plan has allocated 3.4 hectares of employment land in Burnham on Crouch. The Maldon District Retail Study (July 2015) identified residual capacity in Maldon District for between 1,900 and 2,700 sqm of convenience goods floorspace, which the Study recommended should be directed towards Burnham on Crouch. It is acknowledged that the purpose of including 2,900sqm of employment and retail floorspace within proposed options for growth in South Woodham Ferrers is to support the proposed development of 2,000 dwellings. However, if South Woodham Ferrers is taken forward as a preferred option for growth, MDC would like to work with CCC through the Duty to Cooperate to consider further the potential impact of additional retail and office floorspace in South Woodham Ferrers on the provision of employment and retail facilities in Maldon District. Through this process, MDC would seek clarification that the level of office and retail growth in South Woodham Ferrers would not inhibit the ability to locate such facilities in sustainable locations for residents of Maldon District in the future.

Option 2 – Urban Focus and Growth on Key Transport Corridors

This option also promotes development at locations within and/or close to the existing urban areas, but to a lesser extent than contained in Option 1. The remaining development would be planned at locations on the key transport corridors serving the CCC area, notably the A130/A131 and A132. Option 2 includes new development to the north of South Woodham Ferrers and Rettendon Common.
Growth proposed on land to the north of South Woodham Ferrers and Rettendon Place is likely to have the largest impact on residents of Maldon District. The comments provided in relation to Option 1 regarding the B1012 Lower Burnham Road, leading to the A132 around South Woodham Ferrers and the Rettendon roundabout, are equally relevant for Option 2. Through the Duty to Cooperate MDC would like to work closely with CCC to consider the impact of proposals for growth in South Woodham Ferrers and Rettendon Common where this could impact on journey times for Maldon District residents travelling west towards the A130 and beyond.

As outlined in relation to Option 1, through the Duty to Cooperate MDC would like to work closely with CCC to consider the impact of proposals for growth in both South Woodham Ferrers and Rettendon Common which could have implications for infrastructure provision in both local authority areas in relation to education, healthcare, community facilities, and recreation and leisure facilities which are accessed by residents of both authorities.

Similarly, comments provided in relation to Option 1 for employment and retail growth in South Woodham Ferrers are also relevant for Option 2. MDC would like to work with CCC through the Duty to Cooperate to consider further the potential impact of additional retail and office floorspace in South Woodham Ferrers on the provision of employment and retail facilities in Maldon District. Through this process, MDC would seek clarification that the level of office and retail growth in South Woodham Ferrers would not inhibit the ability to locate such facilities in sustainable locations for residents of Maldon District in the future.

Option 3 – Urban Focus and Growth in Key Villages

This option promotes a more dispersed approach to planning for new development within and/or close to the existing urban areas, but to a lesser scale that Options 1 and 2. Option 3 continues to recommend large scale growth in South Woodham Ferrers. The remaining development would be distributed to settlements outside of the Green Belt that provide existing local services and facilities which includes Boreham, Danbury, Howe Green, Bicknacre and Rettendon Place.

Transport links between Maldon District and the CCC area were considered in detail during the production of the Maldon District Local Development Plan (LDP). The A414 between Maldon and Chelmsford and the A132 / Rettendon roundabout were recognised as key transport routes for commuters within both Maldon District and the CCC area where there are high levels of congestion at peak periods. These transport links are therefore highly sensitive to proposals for growth which could increase the use of these routes at peak periods.

Option 3 presents the highest number of locations for growth in the south east of the CCC area. Growth proposed in the south east of the CCC area is likely to have the largest impact on residents of Maldon District. The comments provided in relation to Options 1 and 2 regarding the B1012 Lower Burnham Road, leading to the A132 around South Woodham Ferrers and the Rettendon roundabout, are equally relevant for Option 3. Through the Duty to Cooperate MDC would like to work closely with CCC to consider the impact of proposals for growth in the south east of the CCC area which could have implications for the A414 between Maldon and Chelmsford, and the A132 between the Rettendon roundabout and the B1012 Burnham Road.
There are strong links between settlements in the south east of the CCC area and Maldon District in relation to the use of services and facilities such as education, healthcare, community facilities, recreation and leisure facilities. Through the Duty to Cooperate MDC would like to work closely with CCC to consider the impact of proposals for growth in south east of the CCC area which could have implications for infrastructure provision in both local authority areas in relation to education, healthcare, community facilities, and recreation and leisure facilities which are accessed by residents of both authorities.

Similarly, comments provided in relation to Options 1 and 2 for employment and retail growth in South Woodham Ferrers are also relevant for Option 3. MDC would like to work with CCC through the Duty to Cooperate to consider further the potential impact of additional retail and office floorspace in South Woodham Ferrers on the provision of employment and retail facilities in Maldon District. Through this process, MDC would seek clarification that the level of office and retail growth in South Woodham Ferrers would not inhibit the ability to locate such facilities in sustainable locations for residents of Maldon District in the future.

**Question 21**
If you ticked ‘None of the above’, can you suggest any alternative or additional Option that should be considered in the new Local Plan? Where possible, please support your answer with reference to any evidence.

No comment.

**Question 22**
Which location(s) do you support for new development growth in the new Local Plan?

No comment.

**Question 23**
Are there any alternative or additional locations for new development growth that should be considered in the new Local Plan? Where possible, please support your answer with reference to any evidence. If you are promoting a site for development and did not submit it as part of the ‘Call for Sites 2014’ please follow the instructions at [www.chelmsford.gov.uk/shlaa](http://www.chelmsford.gov.uk/shlaa)

No comment.

**Question 24**
Do you have any comments on the following road and transportation improvements as shown on the Spatial Options plans?

**Highways capacity improvements to the A132**

The B1012 Lower Burnham Road leading to the A132 around South Woodham Ferrers and the Rettendon roundabout is an important transport link for residents of Maldon District. The
Lower Burnham Road, junctions on the A132 along the northern boundary of South Woodham Ferrers, and the Rettendon roundabout experience high levels of congestion at peak periods.

It is acknowledged that highways capacity improvements to the A132 will be assessed further once the preferred locations for new development have been identified. MDC would welcome further information on the potential impacts of growth options on the highways network to assist in the detailed consideration of improvements that may be required to the A132. Through the Duty to Cooperate MDC would like to work closely with CCC to consider improvement options to the A132 where these works could impact on journey times for Maldon District residents travelling west towards the A130 and beyond.

**Question 25**
*Do you have any comments on the approach of discounting development growth in the Green Belt in the new Local Plan?*

No comment.

**Question 26**
*Do you have any comments on the approach of discounting a large new settlement in the new Local Plan?*

No comment.

**Question 27**
*Do you have any comments on the issues that the new Local Plan policies need to cover? Please explain your answer.*

No comment.

**Question 28**
*Do you have any comments on the existing six Special Policy Areas?*

No comment.

**Question 29**
*Do you think there are other large facilities or sites which should be considered as Special Policy Areas? Please explain your answer.*

No comment.

**Question 30**
*Have we missed anything? Please indicate what other matters should be considered and why.*
No comment.
Duty to Co-operate Meeting
Chelmsford City Local Plan
Second Meeting with Maldon District Council- 07th December 2015 at 1pm,
Goldfish Bowl, Chelmsford City Council
Meeting Notes

Summary of Actions agreed at meeting

Action 1- CMS to update TP on whether the retail capacity study included Burnham on Crouch in its research and evidence.

Action 2- TP to inform CCC on the details of the SHLAA site to the North East of South Woodham Ferrers on the Chelmsford/Maldon border.

Action 3- A meeting with MDC and CCC Members in early 2016 will be organised after the end of the Issues and Options Consultation and Maldon’s response to this.

1. Welcome and Introductions

Attendees:
(CMS) Claire Stuckey, Senior Planning Policy Officer, Chelmsford City Council
(JMP) Jeremy Potter, Senior Planning Policy Officer, Chelmsford City Council
(MP) Michael Packham, Planning Intern, Chelmsford City Council
(TP) Tim Parton, Maldon District Council

Actions from DtC meeting held on 07.12.15:
1. Completed
2. Completed
3. On-going (See Action 3 above)
4. On-going
5. Completed (discussed in today’s meeting)
6. On-going (Derek Stebbing trying to arrange a date)

7. Will be covered in consultation on MDC’s LDP.

2. Chelmsford’s Local Plan Issues and Options Consultation

2.1 CMS outlined the dates of the consultation period for the Issues and Options Plan, the document scope and commented that exhibitions and events will be running throughout this period.

2.2 TP raised some questions concerning the document which were answered as follows:

1. What will improvements to the A132 be? - There is no scheme in place at the moment and modelling work is underway by ECC which will help to inform the Preferred Options document.

2. Concerning the 1000sqm of office floorspace in SWF, are CCC aware of specific demand there? – Not specifically, a relatively small allocation is initially proposed to ensure some business use in any new development in SWF.

3. Is the retail floor space outlined in the Issues and Options document based on evidence? – Yes, it has been informed by the Retail Capacity Study.

Action 1- CMS to update TP on whether the retail capacity study included Burnham on Crouch in its research and evidence.

4. How is the phasing worked out for development? – A generalised process looking at for example land availability and infrastructure requirements.

5. Will a new secondary school be needed in SWF? – No, evidence indicates that the current school could have capacity to accommodate extra demand.

6. What is the Green Buffer to the North of SWF for/ how would this work in practice? – the main purpose is to maintain the current settlement pattern and prevent coalescence into Woodham Ferrers.
8. How will traveller’s sites be developed? – Sites could be provided as part of larger housing allocations and made a requirement of site allocation policies.
9. Do these sites include transit sites within them? – No, these are not included.
10. Is the inclusion of 1 primary school rather than 2 for SWF in Option 3 due to capacity already there? – Yes, information indicates that the 1 primary school could have capacity to accommodate new growth through this option.
11. Is funding for the Chelmsford City Growth Area Project only related to Chelmsford City, or would it include any works on the A414 towards Maldon? Priorities for the project are currently being identified. These works would mainly relate to existing problems within the Chelmsford City area, where improvements will be provided in the next few years.
12. Concerning Danbury in Option 3 do you have details of any Highways Improvements? – These will be outlined further through the preferred options plan after further consultation with ECC.
13. Concerning Option 3 and the allocation of the 1700 dwellings in smaller settlements, how would we identify growth in each area? – This would be identified in the preferred options plan also but would have regard to locational constraints, infrastructure capacity and land supply.

2.3 MDC will present their response to the consultation on the 14th Jan to their members and so will have comments finalised before Christmas to go to this Committee.

3. Call for Sites- both authorities

3.1 Cross-boundary considerations were discussed concerning the Parishes of South Woodham Ferrers and Danbury and the potential growth in these two areas. A site identified in the MDC SHLAA update to the North East of SWF in Maldon’s area was discussed as a site which could work well with the potential Chelmsford development proposals in the SWF area.
Action 2- TP to inform CCC on the details of the site to the North East of South Woodham Ferrers on the Chelmsford/Maldon border.

4. Maldon/Chelmsford cross-boundary considerations

4.1 There were no further significant issues at this point.

5. Maldon Council LDP update

5.1 TP updated CCC on the status of the MDC LDP. MDC are still waiting on the response from CLG who have appointed a new Inspector to consider the Plan. MDC are producing a Site Allocations Development Planning Document to outline where rural homes, rural employment land and District traveller’s sites will be allocated.

5.2 The Site Allocations Preferred Options are expected to be produced for consultation in the Spring of next year.

6. Future Liaison

6.1 It was agreed again that a meeting in the New Year would be beneficial with Members and Officers in order to further add to the Duty to Co-operate work between authorities.

Action 3- A meeting with MDC and CCC Members in early 2016 will be organised after the end of the Issues and Options Consultation and Maldon’s response to this.

7. AOB

7.1 The new train station to the North East of Chelmsford was discussed concerning whether plans are on track and it is still going ahead. CCC informed MDC that it is still going ahead, funds are in place and plans are progressing.
REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES
to
PLANNING AND LICENSING COMMITTEE
14 JANUARY 2016

CHANGES TO NATIONAL PLANNING POLICY CONSULTATION

1. PURPOSE OF THE REPORT

1.1 To seek the Committee’s endorsement of the response to the Department for Communities and Local Government’s (CLG’s) consultation on changes to national planning policy.

2. AREA FOR DECISION/ ACTION

2.1 Background

2.1.1 The government has launched a consultation on proposed changes to national planning policy, these changes ties in with the Housing and Planning Bill and will involve the first major revision to the National Planning Policy Framework (NPPF) since its publication in 2012. National Planning Policy Guidance (PPG) will also change in due course. The set of changes are outlined in APPENDIX 1 of this report, it comes embedded with a set of 23 questions. A separate equalities assessment, which is also part of the government consultation, is available from the gov.uk website.

2.1.2 A summary of the issues being proposed and the draft consultation response is attached as APPENDIX 1 for the Committee to approve.

2.2 Timetable for the consultation

2.2.1 The CLG consultation was scheduled to last for 11 weeks from Monday 7 December 2015 to 22 January 2016. This deadline has been extended to Monday 22 February 2016. An inquiry is being conducted by the CLG Select Committee within the consultation period.

2.3 How the proposed changes to national planning policy affects the District

2.3.1 The consultation contains some important proposals for the alteration of the NPPF and PPG which will have a profound effect on affordable housing need in this District. The proposed changes will also affect how much control the Council can have to shape growth on brownfield sites and rural exception sites. A summary of the proposals is outlined below.
2.3.2 Affordable Housing:
- Extending the definition of affordable to mean a wider range of products.
- Remove policy that keeps affordable housing ‘in perpetuity’ because this limits the current availability of home ownership options for households whose needs are not met by the market.
- Links with emerging starter homes policy, but also with ‘rent to buy’ and ‘discount market sales’ products.
- Housing and Planning Bill has statutory requirement for Councils to identify a proportion of starter homes to be delivered on all suitable reasonably - sized housing developments.

2.3.3 Supporting New Settlements:
- Local Authorities should take a proactive approach to planning for new settlements where they can meet the sustainable development objectives of national policy.
- Local Authorities should work proactively with developers coming forward with proposals for new settlements in their area.

2.3.4 Supporting Housing Development on Brownfield land:
- Brownfield registers will be a vehicle for granting permission in principle for new homes on suitable brownfield sites. Ambition is for 90% of brownfield land suitable for housing to have planning permission by 2020
- Substantial weight should be given to the benefits of using brownfield land for housing (in effect, a form of ‘presumption’ in favour of brownfield land).
- Proposals for housing on brownfield sites should be supported, unless overriding conflicts with the Local Plan or the National Planning Policy Framework can be demonstrated and cannot be mitigated.

2.3.5 Small Sites:
- Proposals for sustainable development on small sites of less than ten units to be strongly supported by national policy.
- Apply approach above for brownfield land to other small sites, provided they are within existing settlement boundaries and well-designed to promote or reinforce local distinctiveness.

2.3.6 Ensuring housing delivery on allocations:
- Housing delivery test - comparing the number of homes that local planning authorities set out to deliver in their Local Plan against the net additions in housing supply in a local planning authority (see CLG consultation, paragraph 31 for proposed options).
- Where significant under delivery is identified over a sustained period, action to be taken to address this.
2.3.7 Starter Homes - unviable and underused commercial and employment land:

- “Underused” and “unviable” commercial and employment land to be released under the exception site policy for starter homes.
- Paragraph 22 of the Framework amended to make clear that unviable or underused employment land should be released unless there is significant and compelling evidence to justify why such land should be retained for employment use.
- At a minimum, this would include an up-to-date needs assessment and significant additional evidence of market demand.
- Widen the scope of the current exception site policy for starter homes to incorporate other forms of unviable or underused brownfield land, such as land which was previously in use for retail, leisure and non-residential institutional uses. This would release more land for starter homes.
- Amend the exception site policy to make it clearer that planning applications can only be rejected if there are overriding design, infrastructure and local environmental (such as flood risk) considerations that cannot be mitigated.

2.3.8 Starter Homes - Encouraging starter homes within mixed use commercial developments:

- Any existing mixed use commercial developments containing unlet commercial units, could be converted to housing including as starter homes.

2.3.9 Starter Homes - Encouraging starter homes in rural areas:

- Propose to deliver starter homes through the existing rural exception sites policy.
- Local planning authorities would, exceptionally, have the flexibility to require a local connection test.

2.3.10 Starter Homes - Enabling communities to identify opportunities for starter homes:

- Neighbourhood plans can allocate appropriate small-scale sites in the Green Belt specifically for starter homes
- This will support local areas in giving affordable home ownership opportunities to young people and young families by enabling a small level of development that is sympathetic to local concerns and is clearly supported by local people.

3. **IMPACT ON CORPORATE GOALS**

3.1 Responding to the proposed changes to national planning policy consultation will help to support and deliver the following Corporate Goals for the District:

- Helping communities to be safe, active and healthy;
- Protecting and shaping the District; and
- Delivering good quality, cost effective and valued services;
4. **IMPLICATIONS**

(i) **Impact on Customers** – Changes to affordable housing will likely have a negative effect on residents seeking to access existing affordable housing products. Promotion of starter homes will benefit residents seeking to buy a home.

(ii) **Impact on Equalities** – The equalities impact assessment identifies negative outcomes for protected vulnerable groups but this is offset by benefits to vulnerable groups within the aspiring home owners group. The overall, quantified impact is not revealed by the assessment.

(iii) **Impact on Risk** – The proposed changes will put at risk the ability of the Council to meet its identified affordable housing needs.

(iv) **Impact on Resources (financial)** – Additional requirements upon the Council will create additional financial burdens for the Council.

(v) **Impact on Resources (human)** – Unknown at this time, however the proposed changes suggests that officers will need to refresh affordable housing evidence, report housing delivery to CLG and maintain a brownfield land register. The Council will have a new statutory duty to support starter homes.

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

5. **CONCLUSIONS**

5.1 The proposed changes to national planning policy will potentially have an impact on the Council’s ability to deliver affordable housing, therefore the response to the consultation.

6. **RECOMMENDATION**

    That Members note the proposed changes to national planning policy and approve the proposed response to the consultation on changes to national planning policy, included in **APPENDIX 1**.

**Background Papers:**
Consultation on proposed changes to national planning policy, 2015
Consultation on proposed changes to national planning policy - Equalities Statement, 2015

**Enquiries to:** Gary Sung, Planning Policy, (Tel: 01621 876278).
CHANGES TO NATIONAL PLANNING POLICY CONSULTATION
DRAFT RESPONSE

AFFORDABLE HOUSING

Description:

- Requirement for affordable housing to be ‘in perpetuity’ is to be removed.

The current affordable housing definition is subject to ‘in perpetuity’ restrictions. This limits the current availability of home ownership options for households whose needs are not met by the market.

- Links with emerging starter homes policy. But also with ‘rent to buy’ and ‘discount market sales’
- Housing and Planning Bill has statutory requirement for a proportion of starter homes to be delivered on all suitable reasonably-sized housing developments

Questions:

Q1. Do you have any comments or suggestions about the proposal to amend the definition of affordable housing in national planning policy to include a wider range of low cost homes?

The existing Affordable Housing definition is consistent with the suggested methodology for assessing Objectively Assessed Need including the demand for affordable housing in the Housing Market Area that a Local Planning Authority is responsible for. The existing assessment also takes into account and seeks to meet the requirements that the same Authority in its role as a Local Housing Authority are obliged to meet in statute, i.e. towards homeless families (Housing Act Pt VII) and for the allocation of housing giving reasonable preference towards those in priority need (Housing Act Part VI). This has to be the priority in securing affordable housing and any widening of definition or deviation from this should only be when there is an adequate supply in place or committed.

The plethora of potential options for affordable housing shows that innovation has not been constrained in theory but in most cases the conflict between local requirements and financial viability does not allow for anything more than strategic priorities as other options would only compromise the local authorities' attempts to meet these needs.

Relaxing the requirement to make available in perpetuity reduces the longer term financial benefit, especially when other forms of subsidy such as HCA grant remain as a liability. To remove this, in some cases would in effect lift any subsidy from the property and convert it to a benefit for the individual in which case better value would be more likely if used as a personal grant to acquire through subsidised...
homeownership across the much wider range of existing rather than new-build homes, similar to Do It Yourself Shared Ownership (DIYSO) in the 1990's. There is already an established practice in identifying the requirement for intermediate homes, i.e. to meet the need from those who can afford more than social rent but not to buy or rent in the open market. SHMAs also provide detailed information about the variance between local income and wage levels and the cost of buying and renting on the open market. It is not therefore clear why any additional information should be required to inform policy in the future as to this need as the only variance in practice appears to be the lifting of retaining any subsidy in perpetuity. This Council is not aware of any cases where the issue of perpetuity has been a barrier (usually this is waived in the case of a mortgagee in possession) and it is the problems securing mortgages, the lack of choice and the growing gap between partial equity of the existing home and the rising cost of any alternate property, especially those that are larger, that is usually the most frequent reasons for limited demand.

The proposed definition for affordable starter homes appears to use arbitrary rather than evidence based criteria for age and values. In a district where the average household income is approximately £30,000 per annum, it is not clear how this definition would be of any practical assistance and seems more likely to assist with encouraging sales to another group who would, because of the premium associated with new-build homes, already be able to access an existing home on the open market.

This Council is very supportive of assisting households who want to own their own homes and welcomes the interest in stimulating a more appropriate supply. We have therefore sought to promote innovation that is more closely linked to identified local need and does not require any amendment to the existing range of tenure through options such as those provided by Rentplus. As a model that uses a rent-to-buy approach over a medium to longer period of time with the option for additional investment or subsidy if required to retain a higher proportion of homes for rent, this gives more flexibility and helps to ensure that future supply remains strategically relevant to local needs. We would suggest that where local authorities can demonstrate that they are already planning to meet this demand for home ownership from those currently within the scope of affordable housing, that flexibility is allowed as an alternate to other types of tenure that are being proposed which may be less relevant and give poorer value.

The Council recommends that it is given the flexibility to innovate with alternative affordable housing models but rejects a top-down prescription of Starter Homes which is currently not a product suited to local needs.

Q2. Do you have any views on the implications of the proposed change to the definition of affordable housing on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter?

The government believes that starter homes policy would release more land for starter home developments but there would still be a loss of existing affordable
housing products and this frames the context of the Equalities Statement. This statement tacitly acknowledges that:

“Broadening the affordable housing definition… could result in fewer numbers of existing affordable housing products being built [and] have a negative impact on a number of protected groups who are less likely to access low cost home ownership but it will benefit other Protected Groups.”

The Council concurs with CLG that there would be fewer existing affordable housing products but question the accuracy of CLG’s analysis that starter homes benefits other protected groups. The Council believes there would be fewer numbers of existing affordable with resulting negative impact on a number of protected groups, but also that there are limited benefits to Protected Groups particularly as the benefits of starter homes policy would be opportunity of access and financial subsidy.

There are no restrictions on who can access Starter Homes, as long as they are under 40 and a first time buyer. This leaves the scheme open to many non-protected groups who would already be able to access a home on the open market. Further there would be price competition for starter homes which would favour groups with higher incomes. Conversely, there are no restrictions on the Starter Homes products that may be sold, including size, value (up to 250k) and quality. Therefore benefits can vary in accordance to value of the property, where there would be greater benefits accruing to those able to buy the most expensive properties eligible under the scheme. The maximum financial subsidy would be £90,000 in London and £50,000 in this District but purchases of lower value properties such as a value of £180,000 would only gain £36,000, this makes the scheme inherently regressive regardless of the characteristics of potential beneficiaries.

It would also provide perverse incentives to inflate prices and/or build larger homes as the amount ‘saved’ would increase on higher value products. Of course larger homes would not be conducive with the Council’s adopted housing mix policy which requires smaller (1-2 bedroom) properties are built.

Regarding the beneficiaries of Starter Homes policy, CLG’s equalities statement is unspecific, primarily because the assessment uses a proxy instead of looking at likely effects on income groups divided into deciles. The Council suspects that it favours higher income percentiles at the cost of delivering properties in the lowest 3 percentiles. In Maldon, this could worsen our housing need by reducing the overall amount of genuinely affordable housing (for people on low incomes) and reduce the assumed recycling rate for new properties.

“As we don’t know the characteristics of households which will move into starter homes (except they will be first time buyers aged under 40) we have used ‘aspire to own their own home’ as a proxy for a starter home buyer.”
Using this proxy, which is then reliant on data from the English Housing Survey, means that the Equalities Statement is deficient on whether it is able to estimate accurately its likely effects on protected groups. Anecdotal evidence from the Council’s OAN/SHMA work highlights that there could be major flaws when using survey based data because the accuracy of the information depends on whether the recipient understands the question and responds accurately, and whether they do what they say they will do. In other words, the data is aspirational. The provision of starter homes is aimed at meeting aspiration homebuyers, which lacks local profiling evidence (apart from age) and quantity of need, whereas the need for affordable homes has to be demonstrated through robust evidence prepared by the Council, including the SHMA and viability studies.

In conclusion, more research needs to be undertaken to model the beneficiaries of starter homes.

If starter homes are in addition to currently planned affordable housing provision:

“starter home developments would lead to additional homes which otherwise would not have been built in the short to medium term”

Due to the infrastructure constraints in our district, particularly regarding restrictions on starter homes development on retail, employment and brownfield due to flood zone constraints, the Council believes that additional starter homes be delivered only in limited quantities. There will be some starter homes on rural exception sites but this should be limited in quantity.

The majority of land supply comprise of either committed developments or allocations on greenfield land, it is estimated that starter homes would be directed to these sites which would directly reduce the amount of existing affordable products. As per the government’s Equality Statement, this is likely to disadvantage a higher proportion of people with disabilities and some other protected characteristics, anything that reduces the proportion of affordable housing must also have a proportional impact on these groups.

Implications of Starter Homes policy in Maldon District:

- There is are no restrictions on who can access Starter Homes, as long as they are under 40 and a first time buyer.
- There is little scope for starter Homes to boost housing supply in this District.
- Because of the locations of available brownfield sites, commercial and employment sites, pressure for Starter Homes is likely to be focused on Strategic Allocations in lieu of existing Affordable Housing products – mainly intermediate rent and affordable rent.
- The SHMA will be rendered out-of-date.
Changes to remove the ‘in-perpetuity’ aspect of affordable homes will make it more difficult to meet the Council’s overall affordable housing needs. The Council is in agreement that there would be fewer existing affordable housing products in lieu of starter home products and that this would disadvantage protected groups. Critically, the Council finds that, as the characteristics of the beneficiaries of starter homes is unknown, more work must be undertaken by CLG to determine the equalities impact of this policy.

**INCREASING DENSITY AROUND COMMUTER HUBS**

**Description:**

The government is promoting higher density around commuter hubs where we are seeking to promote more efficient land use around commuter hubs. Definition of a commuter hub is:

- a) a public transport interchange (rail, tube or tram) where people can board or alight to continue their journey by other public transport (including buses), walking or cycling; and
- b) a place that has, or could have in the future, a frequent service to that stop. We envisage defining a frequent service as running at least every 15 minutes during normal commuting hours.

**Questions:**

**Q3. Do you agree with the Government’s definition of commuter hub? If not, what changes do you consider are required?**

Considering the rail stations along the Crouch Valley line, the single track line limits the current schedule to 2 tph (trains per hour, currently 1 train every 40 minutes). An increase in line speed and an additional platform would be required to increase the frequency above this but even Network Rail’s Strategic Plans for the Anglian route would only deliver maximum frequencies of 1 every 30 minutes. The stations in Maldon are therefore exempt.

Conversely, Witham and Chelmsford will be classed as commuter hubs. However Hatfield Peverel is not a hub but it is unclear, with the planned Beaulieu Park station and passing loop upgrade, if it could be made one in the future.

No comment – there are no commuter hubs in the District.

**Q4. Do you have any further suggestions for proposals to support higher density development around commuter hubs through the planning system?**

No comment – there are no commuter hubs in the District.
Q5. Do you agree that the Government should not introduce a minimum level of residential densities in national policy for areas around commuter hubs? If not, why not?

No comment – there are no commuter hubs in the District.

SUPPORTING NEW SETTLEMENTS

Description:

- LPAs should take a proactive approach to planning for new settlements where they can meet the sustainable development objectives of national policy.
- LPAs should work proactively with developers coming forward with proposals for new settlements in their area.

Questions:

Q6. Do you consider that national planning policy should provide greater policy support for new settlements in meeting development needs? If not, why not?

The Council has worked proactively with developers in bringing forward strategic sites in the Local Development Plan which includes 2 large scale urban extensions of c.1200 dwellings each. Preparatory work for the urban extensions include, with the help of ATLAS (Advisory Team for Large Applications), developer forum meetings and collaboration on the production and implementation of adopted Garden Suburb Masterplans.

In the Council’s experience, promoting large scale sustainable urban extensions could be supported by amendments to the NPPF which recognise:

- Delay associated with delivery not only due to need for infrastructure, but also sensitivities to local housing market that can affect viability and timing.
- LPAs need support in defending the approach of relying on larger scale developments from challenges to five year supply.

Currently paragraph 52 of the NPPF would, in reality, only be brought into use at Local Plan examinations, but an amendment to enable further weight at S.78 appeals would be helpful. The Council supports amendments to provide greater support for new settlements or extensions to existing villages and towns that follow the principles of Garden cities.

SUPPORTING HOUSING DEVELOPMENT ON BROWNFIELD LAND

Description:

- Intention that brownfield registers will be a vehicle for granting permission in principle for new homes on suitable brownfield sites. Ambition is for 90% of brownfield land suitable for housing to have planning permission by 2020
• To ensure that all possible opportunities for brownfield development are pursued, make clearer in national policy that substantial weight should be given to the benefits of using brownfield land for housing (in effect, a form of ‘presumption’ in favour of brownfield land). We propose to make it clear that development proposals for housing on brownfield sites should be supported, unless overriding conflicts with the Local Plan or the National Planning Policy Framework can be demonstrated and cannot be mitigated.

Questions

Q7. Do you consider that it would be beneficial to strengthen policy on development of brownfield land for housing? If not, why not and are there any unintended impacts that we should take into account?

Assuming Maldon could place appreciable weight on the emerging Local Development Plan, there should be a limited amount of land that would gain permission for development under this policy subject to resisting pressure to develop employment land. The impact of this policy depends on which parcels of land would have to added to the brownfield register. It is currently unclear if the Brownfield Register would be a criteria-based list or if the Council would retain discretion on which land is included.

Maldon has large areas of Brownfield land in urban areas which are also in Flood Risk zone 2/3, and these areas should be excluded from the presumption in favour of brownfield land, or a sequential test and flood risk mitigation should be required as a minimum. The policy should make clear that the Council’s other policies e.g. on design and housing mix, still apply at reserved matter stage. In addition, the cumulative impact on infrastructure of several starter homes developments on brownfield sites could lead to unsustainable growth.

Other sources of brownfield land in the district would be garden centres, nurseries, farmsteads and light industrial land. Developments in rural brownfield land which would result in isolated dwellings which would unlikely comply with NPPF policies on isolated dwellings or character and should not be given permission in principle.

The Council is concerned permission in principle on brownfield land could lead to unsustainable development in the District.

SMALL SITES

Description:

• Proposals for sustainable development on small sites of less than 10 units are strongly supported by national policy.
• We propose to apply the approach described above for brownfield land to other small sites, provided they are within existing settlement boundaries and well-designed to promote or reinforce local distinctiveness.
Questions

Q8. Do you consider that it would be beneficial to strengthen policy on development of small sites for housing? If not, why not? How could the change impact on the calculation of local planning authorities’ five-year land supply?

The Council supports the presumption in favour of small sites as it would support the delivery of policy compliant SHLAA sites in settlement boundaries. The presumption should be subject to the provisions in the NPPF for high quality design, heritage, character and flood risk.

There a limited number of small sites within settlement boundaries in Maldon District and the effect of this policy change is likely to be limited. The Local Development Plan accounts for total of circa 100 policy compliant SHLAA sites and around 150 windfall sites (not all within settlement boundaries) over 15 years. This is the equivalent of just 0.5 year’s supply.

Given the limited availability of sites within settlement boundaries, the proposed changes will not have a significant effect on the District’s five-year housing land supply and the majority of supply would still have to be delivered by residential extensions onto greenfield land.

Small sites with starter homes should not be exempt from existing policy requirements, especially if not brownfield and therefore requiring little or no remediation work.

Q9. Do you agree with the Government proposal to define a small site as a site of less than 10 units? If not, what other definition do you consider is appropriate, and why?

A small site of 10 houses can be a large site in rural areas. The impact of a small site would depend on location and setting, 10 flats would be a small site in one of the main urban towns of Maldon or Burnham, but 10 houses would be a large site even in one of the District’s larger villages.

The Council would suggest using a lower limit - 5 to define small sites. Currently emerging policy, backed by the Council’s latest evidence, states that sites of more than 5 would also attract affordable housing requirements.

These issues suggests that size of small sites should be a local decision, reflecting the proportion of existing sites being developed that are viable (why incentivise when already an adequate supply?) and any definition should also include consideration for the amount of floorspace in the development.
Q10. Do you consider that national planning policy should set out that local planning authorities should put in place a specific positive local policy for assessing applications for development on small sites not allocated in the Local Plan?

There is no need for this policy, the emerging Local Development Plan already has policy S8 which supports sustainable developments within the defined settlement boundary. Further top-down requirements from national guidance would slow down the rate of local plan adoption. Policies for small sites should be a local decision where this can be shown in Local Plans to be necessary or desirable, otherwise national policy would undermine local plan making and certainty about future supply and impact on existing and planned infrastructure.

ENSURING HOUSING DELIVERY ON ALLOCATIONS

*Description:*

- Housing delivery test - comparing the number of homes that local planning authorities set out to deliver in their Local Plan against the net additions in housing supply in a local planning authority (see para 31 for options).
- Amend planning policy to make clear that where significant under-delivery is identified over a sustained period, action needs to be taken to address this.

*Questions:*

Q11. We would welcome your views on how best to implement the housing delivery test, and in particular:

- What do you consider should be the baseline against which to monitor delivery of new housing?
- What should constitute significant under-delivery, and over what time period?
- What steps should be taken in response to significant under-delivery?
- How do you see this approach working when the housing policies in the Local Plan are not up-to-date?

The baseline to measure delivery should be in accordance to the Council’s trajectory in the emerging or adopted Local Plan, in other words, the Council’s planned rate of growth.

The Council disagrees with the suggested time period for measuring under-delivery as two years would be a mechanistic approach which would not account for variations in local housing delivery or the possibility of a downturn in national economic growth. The Council’s rate of housing delivery was negatively affected for 4 years after the 2008 recession. We would suggest that under-delivery over 5 years would account for these external factors.
Q12. What would be the impact of a housing delivery test on development activity?
No comment

STARTER HOMES - UNVIABLE AND UNDERUSED COMMERCIAL AND EMPLOYMENT LAND

Description:
- Unviable or underused commercial and employment land is released under the exception site policy for starter homes.
- Paragraph 22 of the Framework amended to make clear that unviable or underused employment land should be released unless there is significant and compelling evidence to justify why such land should be retained for employment use.
- At a minimum, this would include an up-to-date needs assessment and significant additional evidence of market demand.
- Widen the scope of the current exception site policy for starter homes to incorporate other forms of unviable or underused brownfield land, such as land which was previously in use for retail, leisure and non-residential institutional uses. This would release more land for starter homes.
- Amend the exception site policy to make it clearer that planning applications can only be rejected if there are overriding design, infrastructure and local environmental (such as flood risk) considerations that cannot be mitigated.

Questions:

Q13. What evidence would you suggest could be used to justify retention of land for commercial or similar use? Should there be a fixed time limit on land retention for commercial use?
No comment

Q14. Do you consider that the starter homes exception site policy should be extended to unviable or underused retail, leisure and non-residential institutional brownfield land?
No comment

Q15. Do you support the proposal to strengthen the starter homes exception site policy? If not, why not?
Starter homes can help meet some of the local housing requirements but should only be supported where there is evidenced need from within the local HMA.
STARTER HOMES - ENCOURAGING STARTER HOMES WITHIN MIXED USE COMMERCIAL DEVELOPMENTS

Description:

- Is there potential to encourage a greater proportion of housing in general and starter homes in particular within mixed use commercial developments across the country, for example new town centre developments or existing town centre regeneration.
- Any existing mixed use commercial developments containing unlet commercial units, could be converted to housing including as starter homes.

Questions:

Q16: Should starter homes form a significant element of any housing component within mixed use developments and converted unlet commercial units?

Only in some cases where this is shown to be both viable and sustainable, especially taking into account the variation of values in medium and longer term and the likely longer term housing needs of those who may be eligible.

Likely areas affected in the District included the Causeway Industrial Area, the Maldon Town Centre Central Area and Burnham Town Centre. As many of these areas are subject to flood risk zone 2, it would be important that the Council retains discretionary control on conversions of commercial units in this area.

STARTER HOMES - ENCOURAGING STARTER HOMES IN RURAL AREAS

Description:

- deliver starter homes through the existing rural exception site policy.
- Local planning authorities would, exceptionally, have the flexibility to require a local connection test.

Questions:

Q17. Should rural exception sites be used to deliver starter homes in rural areas? If so, should local planning authorities have the flexibility to require local connection tests?

The Council operates an established process with a robust methodology for determining local connections for existing affordable housing which could be extended to Starter Homes. But local connection tests make valuation and sale complex, with a significant effect on viability. Nevertheless, bringing forward rural exception sites without use in perpetuity to support local housing requirements is a self-defeating process and fails to justify the grounds for an exception.
Q18. Are there any other policy approaches to delivering starter homes in rural areas that you would support?

Yes. Where viable, in response to identified local requirements and where this would not have an adverse impact on meeting other forms of housing need.

STARTER HOMES - ENABLING COMMUNITIES TO IDENTIFY OPPORTUNITIES FOR STARTER HOMES

Description:

- Amend national planning policy so that neighbourhood plans can allocate appropriate small-scale sites in the Green Belt specifically for starter homes
- This will support local areas in giving affordable home ownership opportunities to young people and young families by enabling a small level of development that is sympathetic to local concerns and is clearly supported by local people.

Questions:

Q19. Should local communities have the opportunity to allocate sites for small scale Starter Home developments in their Green Belt through neighbourhood plans?

No Comment - The District does not contain any greenbelt land.

STARTER HOMES - BROWNFIELD LAND IN THE GREEN BELT

Description:

- Amend national planning policy to allow for the development of brownfield land in the Green Belt providing it contributes to starter homes and subject to local consultation.
- Policy test in paragraph 89 of the National Planning Policy Framework that prevents development of brownfield land where there is any additional impact on the openness of the Green Belt to give more flexibility and enable suitable, sensitively designed redevelopment to come forward.
- Make it clear that development on such land may be considered not inappropriate development where any harm to openness is not substantial.

Questions:

Q20. Should planning policy be amended to allow redevelopment of brownfield sites for starter homes through a more flexible approach to assessing the impact on openness?

No comment – The District does not contain any greenbelt land.
TRANSITIONAL ARRANGEMENTS

Description:

- Introduce a transitional period for the amended affordable housing definition so that local planning authorities can consider making amendments to their local policies.
- LPAs may need to develop new policy as a result, and carry out a partial review of the Local Plan but Having considered the extent of their likely impact on plans that have already been adopted and plans that are in preparation, we have not identified a strong justification for transitional arrangements

Questions:

Q21. We would welcome your views on our proposed transitional arrangements.

No comment

Q22. What are your views on the assumptions and data sources set out in this document to estimate the impact of the proposed changes? Is there any other evidence which you think we need to consider?

The Council believes that more research needs to be undertaken to model the beneficiaries of starter homes and this should be compared to an detailed impact assessment on current protected groups who access Affordable Housing.

Q23. Have you any other views on the implications of our proposed changes to national planning policy on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter?

No comment
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REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES
to
PLANNING AND LICENSING COMMITTEE
14 JANUARY 2016

AND

FINANCE AND CORPORATE SERVICES COMMITTEE
26 JANUARY 2016

CHARGING FOR PREPARING, NEGOTIATING AND COMPLETING LEGAL AGREEMENTS RELATING TO PLANNING APPLICATIONS

1. PURPOSE OF THE REPORT

1.1 This report is to obtain agreement from Members in respect of the fees and charges made relating to the preparation, negotiation and completion of legal agreements which may be necessary in respect of approved planning applications.

2. AREA FOR DECISION / ACTION

2.1 This report is for Members to agree the policy of charging and the rate at which charges should be made for the preparation, negotiation and completion of planning legal agreements to reflect the time spent on these by officers of the Council.

2.2 Background

2.2.1 There are circumstances, when planning permission is granted for a development, where it is necessary to prepare an agreement under Section 106 (S106) of the Town and Country Planning Act 1990 (as amended) in order to ensure that appropriate planning contributions and/or infrastructure are provided as part of the development. There may also be circumstances when a Deed of Variation is required for an existing S106 agreement where a planning permission has been amended, the Council recently tendered for legal advice in respect of legal agreements resulting from most of the strategic sites which is to be provided by NPLaw. Legal advice on two of the strategic sites is also being provided by Attwaters Jamieson Hill, and until recently Essex Legal Services provided assistance in respect of minor legal agreements such as Unilateral Undertakings and Deeds of Variation.

2.2.2 The provision of legal advice on minor matters such as Unilateral Undertakings and Deeds of Variation can to some extent now be dealt with by the S106 / Community Infrastructure Levy (CIL) Officer appointed in late summer 2015, and this has resulted in a number of Deeds of Variation and Unilateral Undertakings being dealt with ‘in house’. 
2.2.3 For the purpose of dealing with such matters, it is accepted practice that applicants / developers are expected to pay for this as part of the process of preparing, negotiating and completing such legal agreements. The purpose of this report is therefore for Members to agree a policy of charging, and that such fees will be based on the hourly rate (including on-costs) of the S106 / CIL Officer.

3. IMPACT ON CORPORATE GOALS

3.1 The recovery of costs incurred in respect of officer time relating to the preparation, negotiation and completion of S106 legal agreements has the potential to support the following corporate goals which underpins the Council’s vision for the District:

- Helping communities to be safe, active and healthy;
- Protecting and shaping the District;
- Creating opportunities for economic growth and prosperity; and
- Focusing on key projects.

4. IMPLICATIONS

(i) **Impact on Customers** - Customers will benefit from the delivery of infrastructure / planning contributions in connection with smaller developments within the District. Where required infrastructure is not delivered, this could result in infrastructure deficits for key services which will detrimentally affect the quality of life of existing residents.

(ii) **Impact on Equalities** – All residents should have equal access to services and facilities in their area. Infrastructure improvements will ensure that access to services and facilities is available to all residents. The collection of planning contributions will enable the delivery of infrastructure projects across the District.

(iii) **Impact on Risk** – The collection of income from developments is essential to support the delivery of infrastructure. Without such income there is a risk that infrastructure will not be delivered.

(iv) **Impact on Resources (financial)** – The receipt of income from planning contributions will assist in the provision of infrastructure across the District.

(v) **Impact on Resources (human)** – The processing of legal agreements will impact on officer time.

(vi) **Impact on the Environment** – It is essential that infrastructure is delivered to support growth planned in the District. Where development comes forward without the infrastructure in place, this could have detrimental impacts on the environment, such as increased congestion on roads and the need to travel further to access key services and facilities.
5. CONCLUSIONS

5.1 The recovery of costs in respect of the preparation, negotiation and completion of legal agreements under S106 of the Town and Country Planning Act 1990 (as amended) is accepted practice, and it is important that this is adopted when dealing with such agreements ‘in house’. This will generate some income for the authority in order to cover the costs resulting from this part of the planning application process. The amount generated is difficult to ascertain, but is likely to exceed £2,000 in any financial year.

6. RECOMMENDATIONS

To the Planning and Licensing Committee:

(i) that Members agree to the principle of charging for time taken in the preparation, negotiation and completion of legal agreements where such work is undertaken ‘in house’.

To the Finance and Corporate Services Committee:

(ii) that the Council agrees to a policy of charging for time taken in the preparation, negotiation and completion of legal agreements where such work is undertaken ‘in house’, and such fees will be based on the hourly rate (including on-costs) of the S106 / CIL Officer.

Background papers: None.

Enquiries to: Joy Thomas, S106 / CIL Officer, (Tel: 01621 875879).
REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES

to
PLANNING AND LICENSING COMMITTEE
14 JANUARY 2016

UPDATE - ALLOCATION OF GRANTS FOR PRESERVATION, PROTECTION AND ENHANCEMENT OF THE HISTORIC ENVIRONMENT

1. PURPOSE OF THE REPORT

1.1 To update Members on the allocation of the 2015 – 2016 budget for historic building and historic area conservation work. This report provides a six month update from April 2015 to November 2015.

1.2 To request that Members agree the implementation of a recommendation made in an internal audit report that one of the standard conditions placed on all grant offers is no longer used.

2. AREA FOR DECISION / ACTION

2.1 Provision is made within the Planning (Listed Buildings and Conservation Areas) Act 1990 for Local Authorities to make discretionary grants for the repair, maintenance and preservation of Listed Buildings and the statutory duty for the preservation or enhancement of their Conservation Areas. There are 1,032 entries on the Statutory List of Buildings of Architectural or Historic Interest in the District. There are 14 Conservation Areas designated by the Local Authority for their Architectural and Historic Interest in the District. Some Conservation Areas have further planning controls by way of an Article 4(2) Direction approved by Council to counter insensitive alteration and introduction of modern materials to the historic environment that can erode special character and appearance.

2.2 Each grant scheme supports necessary repairs to Listed Buildings and significant and positive enhancements in Conservation Areas throughout the District. The grant schemes are considered to be an effective method of proactively working with owners of historic properties, rather than the Council only being able to resort to enforce against unauthorised activity which is resource intensive and less effective. Heritage Assets are a finite resource and irreplaceable. The grant schemes are supported by local craftsmen using traditional skills and supplying local traditional materials. The grant schemes work on a percentage of the cost of works up to a maximum grant of £750. APPENDIX 2 illustrates some of the grant funded works.

2.3 £7,110 has been committed to the Historic Building grant scheme. Grants have assisted the owners of nationally important listed buildings in the Maldon District to carry out essential repairs in a sympathetic and appropriate manner. A list of
properties that have been allocated a Historic Building Grant is set out in APPENDIX 1, and photographs of a selection of projects are presented in APPENDIX 2.

2.4 £407 has been committed to the Windows and Doors grant scheme. This grant scheme is for properties within Conservation Areas where an Article 4(2) Direction was implemented by the Council to maintain character and appearance. The two properties allocated Windows and Doors grants are included APPENDIX 1, and photographs of one of these projects are presented in APPENDIX 2.

2.5 £1,502 has been committed to the Conservation Area Enhancement grant scheme. This grant scheme implements the recommendations of the Conservation Area Reviews and Appraisals that are a statutory requirement for the continued preservation or enhancement of the District’s Conservation Areas. A list of properties allocated a Conservation Area Enhancement Grant is set out in APPENDIX 1, and photographs of a selection of projects are presented in APPENDIX 2.

2.6 £397 has been spent of the Consultancy Budget on an expert structural engineer’s report for a vulnerable listed building in Purleigh. A photograph and description of this case is included in APPENDIX 2.

2.7 £924 has been allocated from the Events Budget for the Maldon District Heritage Winter Talks and the Conservation and Design Awards. Further details of these events are included in APPENDIX 2.

2.8 An internal audit report on the processes in place for the grants made one “medium priority” recommendation for improvement. The report is reproduced as APPENDIX 3. The report noted that the offer letter that is sent to applicants clearly states that the Council may recover the grant from them under sections 58 & 80 of the Planning (Listed Buildings and Conservation Areas) Act 1990 if during the period of three years beginning with the day on which the grant is made, the recipient disposes of the interest held in the property on that day (the relevant interest), or any part of that interest, by way of sale exchange or lease for a term of not less than 21 years.

2.9 Since these grants are to repair listed buildings in a conservative manner using traditional materials and craftsmanship, and not to fund betterment, the benefit of the grant stays with the building. Also, due to limited resources, there are no systematic checks in place to establish when properties are sold. The advice of the internal auditor was therefore that the current policy is neither necessary nor workable. It is recommended that this condition relating to grant recovery is therefore omitted from future grant offers.

3. IMPACT ON CORPORATE GOALS

3.1 The recommendations of this report would support Corporate Goals by protecting and shaping the District and balancing the future needs of the community and delivering good quality, cost effective and valued services in a transparent way.
4. IMPLICATIONS

(i) **Impact on Customers** – Positive and proactive through engagement with historic building owners and the public via understanding, interpretation and education. Understanding and appreciation of our valued historic environment will allow the public, residents and communities to better appreciate, understand and enjoy this finite resource.

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

(iii) **Impact on Risk** – None identified.

(iv) **Impact on Resources (financial)** – Administration of grant schemes and grant allocation by signatory budget holder.

(v) **Impact on Resources (human)** – Conservation Officer makes a site visit before work commences to check eligibility and after work to check quality of execution. This enables very positive engagement with historic building owners. The Spatial Planning assistant carries out the required administration in the form of offer letters and processing payment.

(vi) **Impact on the Environment** – Positive. The care, repair and maintenance of the historic environment and its preservation or enhancement and promotion and interpretation sustain the historic environment for people, communities and future generations to understand, appreciate and enjoy.

5. CONCLUSIONS

5.1 This budget is an important factor in enabling the proper repair and sensitive preservation and enhancement of the historic environment throughout the District. The budget allows a positive and proactive measure of engagement with historic building owners / occupiers and in partnership with other heritage bodies to properly repair, maintain, preserve and enhance the statutorily protected historic environment in the District.

5.2 Grant funded projects are acknowledged through the Maldon District Conservation and Design Awards. Local business and specialist contractors are utilised using traditional methods of repair and local materials. Local historians and amenity societies share their academic research through talks to the public and liaison with the Council’s Historic Environment Team to further our understanding of the District’s diverse and unique heritage.

6. RECOMMENDATIONS

(i) that the Committee notes the six month update of allocation of the Building Conservation Grant Schemes in the Environmental Initiatives Budget 2015 / 16;
(ii) that the Committee agrees to the recommendation of an internal audit report; that future grant offer letters omit the reference to reclaiming the grant if the property is sold within three years.

**Background Papers:** None.

**Enquiries to:** Tim Howson, Conservation Officer (Tel: 01621 875725).
## CONSERVATION AREA (CA) GRANT SCHEMES 2015 / 16

### WINDOWS & DOORS 304 4813

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<td>Mountsville Cottage, The Street, Purleigh</td>
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SOME OF THE GRANT FUNDED WORKS

HISTORIC BUILDINGS GRANT SCHEME

Burnham clocktower

This Tudoresque clocktower was built in 1877 to commemorate a local benefactor whose wealth came from the oyster trade. It is the most distinctive landmark in Burnham High Street. It is grade II listed and falls within the Burnahm-on-Crouch Conservation Area. The work commissioned by the Town Council involved raking-out hard cement mortar and repointing in lime mortar. Eroded bricks were replaced or turned and certain elements were repainted. A grant of £750 contributed towards the total cost of £18,144.
Woodfield Cottages were built in 1873 to house the workers of Bentalls, a successful local manufacturer of agricultural equipment. The modest cottages are a rare survival of early shuttered concrete construction. There are three parallel terraces of forty cottages at right angles to the road with contemporary outhouses, gardens and communal water pumps. The cottages originally had flat concrete roofs and were referred to as the ‘Flat Tops’, but due to problems with water penetration slate covered gabled roofs and ridgeline stacks were added in 1918. Like many of the cottages, No. 155 had suffered some modern replacement windows to the detriment of its historic character.

A Historic Building Grant of £750 helped to encourage the new owner to reinstate vertically-sliding sash windows which are close to the original design. The total cost of the work was £2,675. The porch illustrated in the photograph was not grant-funded but did obtain Listed Building Consent, its scale and form being in accordance with the Council’s guidance booklet on the cottages.
Fox Cottage, Holloway Road, Heybridge

Fox Cottage is one of a pair of charming 17th century timber-framed houses which are listed grade II. The front windows were very crude 1970s casements and a grant of £750 persuaded the owner to replace them with finely-detailed traditional casements. The total cost of the work was £2,932.
Norton Hall is a grade II listed Georgian manor house. It has an excellent survival of historic sash windows with original, hand-made glass. A grant of £750 contributed towards the total cost of £4,000 for the repair of four of these windows.
21 Tenterfield Road is part of a long Victorian brick terrace of cottages in the Maldon Conservation Area. Many of the houses in Tenterfield Road retain their original windows and front doors and this is an important aspect of the street’s special character. There is an Article 4 restriction on the road, aimed at preserving traditional windows and doors where they survive and encouraging their reinstatement elsewhere. No. 21 has an uncharacteristic aluminium front door and 1970s windows. A grant of £257 has been offered towards the total cost of £643 for replacing the front door with a Victorian-style, four-panel, painted-timber door. Planning permission has also been granted to reinstate sash windows, and the owners hope to apply for a grant for these in the future.
Mountville Cottage is a 19th century house in the Purleigh Conservation Area. The property had suffered some damp problems. The hard cement render, dating from the mid-20th century and decorated with rather crude pargetting, was trapping moisture against the structure. A grant of £750 assisted with the cost of replacing the impervious cement render with breathable lime render. The total cost of the work was £3,100.
69 Mount Pleasant is part of a Victorian brick terrace in the Maldon Conservation Area. It has an original front bay window which had become severely rotten. Much of the charm of the window is the shimmering surface of its original handmade glass, which would have been lost if the windows was completely replaced. A grant of £260 contributed towards the overall cost of £650 to repair the window.
Eastcroft is a remarkably well-preserved Georgian cottage. It is firmly-dated by documentary evidence to 1799. It is unique in the Maldon District in that it retains its original lead-glazed front windows.

This year, a structural engineer’s report was submitted to the Council which alleged that this important cottage was in such poor condition that it needed to be demolished and rebuilt. In order to challenge this argument, the Conservation Officer sought the expert advice of Ed Morton, a structural engineer who specialises in the conservation of historic buildings. Mr Morton joined the Conservation Officer on a site meeting at which he was able to get the other structural engineer to concede that demolition was not necessary. Mr Morton subsequently produced a brief report demonstrating that this important building is perfectly capable of repair. Ed Morton’s advice, which cost the Council £397.50, has, we hope, stopped-dead at an early stage the owner’s original intention to demolish. It has provided invaluable evidence in support of the case we have made to the owner; that his resources would be much better spent on repairing what is a very special building.
EVENTS

Conservation and Design Awards

The Maldon District Conservation and Design Awards have reached their 32nd year. At a ceremony on the 3rd of November, nine exemplary projects were presented with awards. The top awards have gone to the conversion of a Victorian schoolhouse in Great Braxted, a new shopfront in Maldon High Street, and a highly sustainable project to renovate and extend a cottage in Heybridge Basin.

The total cost of this event in 2015, excluding officer time and the selection of cakes for the ceremony (which have not yet been bought), and including the cast metal plaques, mini-bus hire and venue hire, stands at £823.78.

Building Conservation Winner
The Old School House, Gt Braxted

Building Conservation Highly Commended
72 High Street, Burnham-on-Crouch

Design Winner
Coes, 81 High Street, Maldon

Design Highly Commended
Friary West, Maldon

Sustainability Winner
Square Cottage, Heybridge Basin

Sustainability Highly Commended
The Maldon Shed

Nature Conservation Highly Commended
Carters Apiary Maldon

Townscape Regeneration Prize
Bright’s Path, High Street, Maldon

Townscape Regeneration Prize
Rose & Crown, High Street, Maldon
Another season of monthly winter talks has been organised; each focusing on a different aspect of the Maldon District’s rich history and heritage. These talks are free to the public and extremely popular, with attendance normally between 70 and 120 people. The total cost of venue hire, speakers’ expenses, and printing leaflets is £385.
Lord Rayleigh (standing on the left) gave a speech at the end of John Smith’s talk on Maldon and the Strutt Family. This was an excellent and very well attended event.
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Appendix 3

Internal Audit Report 2014/15 – Grants & Direct Payments

1. Executive Summary

Auditor:
Sarah Firman - Auditor
Angie Mitchell – Audit & Fraud Manager

Distribution List:
Fiona Marshall - Chief Executive
Ka Ng - Director of Resources
Nick Fenwick – Acting Interim Director of Planning & Regulatory Services
Paul Gayler – Strategic Housing Manager
Jackie Longman – Conservation Officer
Andrew Barnes - Senior Manager, BDO

Date of Issue:
05/08/15

Acknowledgements:
Internal Audit would like to thank the following Officers for their assistance during the course of this review:
Chris Dispirito – Senior Housing Officer
Chris Rust – Community Development Officer
Jane Hepple – Spatial Planning & Implementation Assistant
Jackie Longman – Senior Conservation & Urban Design Officer

Overall Opinion: Substantial Assurance
There is basically a sound system of control designed to achieve system/process objectives at risk. In this audit there is just one Medium priority recommendation which does not undermine the system's overall integrity.

Number of Recommendations:
0 : High
1 : Medium

Scope of Review:
To ensure that there are effective controls and procedures in place for issuing grants.

- To identify grants currently issued by Maldon District Council
- For significant payments identify the criteria for award
- Assess the processes in place to award grants, to verify eligibility for award
- Identify any circumstances when grants may need to be repaid.
- Assess the processes in place to ensure all monies when applicable are correctly repaid
- Ensure budgetary control is exercised
- Ensure payments made were in accordance with agreed criteria and processes
- Identify processes in place to ensure relevant works are carried out to the agreed specifications
- Sample testing to ensure processes are being correctly followed
- Research to find if there are any alternatives to the grants available
- Assess if payment has achieved its purpose
## Appendix 3

### Internal Audit Report 2014/15 – Grants & Direct Payments

#### 2. Recommendations and Action Plan

<table>
<thead>
<tr>
<th>Key Findings</th>
<th>Implications</th>
<th>Recommended Opportunity for Improvement</th>
<th>Priority</th>
<th>Management Response and Agreed Actions</th>
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<td><strong>1.1 Historic Building Grants</strong></td>
<td>We are stating a policy that we are not currently fully enforcing.</td>
<td>To determine the policy for recovery of Historic Building Grants, ensuring value for money in the approach applied.</td>
<td>Medium</td>
<td><strong>Agreed: Yes</strong></td>
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</table>

   - The offer letter that is sent to applicants clearly states that the Council may recover the grant from them under sections 58 & 80 of the Planning (Listed Buildings and Conservation Areas) Act 1990 if a condition to which the grant is subject not complied with or is contravened; or during the period of 3 years beginning with the day on which the grant is made, the recipient disposes of the interest held in the property on that day (the relevant interest), or any part of that interest, by way of sale exchange or lease for a term of not less than 21 years.

   - Due to lack of resources there are no checks in place to check if properties are sold. Officers may receive calls from The Land Registrar when carrying out searches or estate agents, or they could notice something in the local press.

   - We are stating a policy that we are not currently fully enforcing.

   - It is noted that the grants do not exceed £750, therefore putting a charge on the property has not been justified due to:

     - The charge currently costs £50
     - The internal administration costs relating to identifying sold properties and to applying the charge.

   - The grants are used to restore the listed building, not for a personal reason. If the property is sold the building is still benefiting from the repairs which were the subject of the grant.

   - If the policy is to not pursue recovery, the content of the offer letter may be reviewed, alternatively if the policy is to pursue recovery a system for identifying when properties have been sold will need to be determined.

   - Agreed: Yes

**Action to be taken:**

Agreed that the current policy is neither workable nor provides value for money, and as these grants are to repair listed buildings in a conservative manner using traditional materials and craftsmanship, and not to fund betterment, the benefit of the grant stays with the building.

A report will be taken to the next Policy & Licencing Committee (October 2015) to propose removal of the reference within the offer letter to reclaiming the grant.

**Responsible Officer:**

Jackie Longman – Senior Conservation & Urban Design Officer

**Target Date:** October 2015
3. Management Summary

**Background**

This review was undertaken in accordance with the 2014/15 Internal Audit Plan. The purpose of this audit was to gain assurance that there are robust procedures in place for the allocation of grants.

**Highlighted Effectiveness**

- Full detailed process map used to issue the Historic Building Grant
- Detailed service level agreement in place for the Community Grant for the Citizens Advice Bureau
- All Historic Buildings Grants tested followed the approved award criteria
- All KPI’s in the service level agreement for the Citizens Advice Bureau had been met
- All Disabled Facilities Grants tested were issued in accordance with the grants criteria
- An accurate commitment and actual spend spreadsheet was maintained for Historic Buildings Grant and Disabled Facilities Grant

**Key Findings**

**Community grant For the Citizens Advice Bureau**

The grant is issued in accordance with a Service Level Agreement which is approved by members. The Service level agreement has details of the services to be provided, how these will be monitored and consequences if service levels are not met.

To ensure we are receiving the required level of service a KPI report is produced and meetings take place every six months. The KPI report shows the number of clients using the different services, the number of staff and the hours the centre was open. This information indicates the Citizens Advice Bureau is meeting the service level agreement, and the grant is being spent to meet the needs of the residents of Maldon.

The service level agreement is approved for one year at a time, the current SLA expires on the 31st March 2016. Alternative options for an Advice Service will be reviewed in 2015 ready for 2016/17, as part of a procurement exercise which will enable the Council to ensure and demonstrate value for money.

**Historic Buildings Grant**

Grants are awarded for the specialist repair of listed buildings using traditional techniques and working with traditional materials. There are 1032 entries on the statutory list of listed buildings in the District. Eligibility for grants is assessed following a site visit with specialist advice from the Conservation Officer.

The P & L Committee (15 April 2010) approved the following grant allocations to the Historic Buildings Grant Scheme 40% of the lower of two estimates for eligible works totalling £500 – £1,500
up to a maximum of £600 per application, per financial year and 30% of the lower of two estimates for eligible works totalling £1,500 - £2,500 up to a maximum of £750 per application, per financial year.

A good process map is followed ensuring all grants are issued within the agreed criteria. Application forms are only issued after advice from the Conservation Office who ensures the property is listed and the works will be in keeping. Two quotes are always obtained to ensure value for money, and the grant is based on the lower of the quotes. The Conservation Officer carries out site visits to ensure works have been completed to the agreed standard before grant payment is issued.

Nineteen grants were awarded in 2014-15 (to Jan 2015). Three client files were tested, and all were found to fully meet the standards required to issue the grant. Each file contained proof the building was listed, a completed application form detailing the repairs required, two quotes, a grant offer letter, before and after photos and a signed completion letter.

The only issue identified relating to Historic Building Grants was a lack of any process to establish if the property had been sold within three years of the issue of the grant. The offer letter sent to applicants clearly states that the Council may recover the grant from them under sections 58 & 80 of the Planning (Listed Buildings and Conservation Areas) Act 1990 if a condition to which the grant is subject is not complied with or is contravened; or if during the period of 3 years beginning with the day on which the grant is made, the recipient disposes of the interest held in the property on that day (the relevant interest), or any part of that interest, by way of sale exchange or lease for a term of not less than 21 years.

### Disabled Facilities Grant

Disabled Facilities Grants are a means tested mandatory grant. Disabled Facilities Grants help with the cost of providing facilities and adaptions to enable the occupant the maximum degree of independence. The amount paid is based on a financial assessment; the work must benefit the occupant and be necessary and appropriate.

Process notes followed by the team ensure the grant criteria are fully met. Initially an Occupational Therapist (OT) must submit a report of recommendations for the adaptions that are required. A financial assessment form is sent out for completion by the client, so the Council can assess what percentage of the works can be covered by the grant. The information is entered on to the Ferret system, which will work out any contributions the client will have to make. Contact is maintained with the client throughout the process, and site visits are made to ensure the work will meet their needs then to check the work has been completed to specification. Three quotes are required to ensure value for money, and the grant is based on the lower quote regardless of who the client contracts to carry out the work.

At the time of the audit 31 grants had been issued in 2014/15. Testing was carried out on five client files, and all relevant information was found. Only one issue was identified which was the need to meet the client’s needs in the future. One client had a bathroom alteration, and then a year later they required a stair lift to access the bathroom. This appears to be a one off, where the staff member was new to post and not questioning the OT. A further file tested demonstrated that staff had thought about the clients future needs. The Strategic Housing Manager and Senior Housing Officer confirmed that team working practices have been reviewed to ensure a more comprehensive service taking all matters into account (beyond the scope of the DFG funding), with the aim of completing all adaptions at the same time. If staff believe a proposed adaption will not meet the client’s needs, the matter is referred back to the OT.

Any snagging issues identified during site visits (which ensure work is completed to the agreed specification) are brought to the attention of the contractor to be dealt with before final payment is approved. When the client needs to be happy with quality of the work and satisfied that it will fully meet their needs, the client signs off the works. A completion certificate is issued when all parties are fully happy with the work carried out.
REPORT of
DIRECTOR OF CUSTOMERS AND COMMUNITY
to
PLANNING AND LICENSING COMMITTEE
14 JANUARY 2016

VALUE OF TOURISM TO THE LOCAL ECONOMY

1. PURPOSE OF THE REPORT

1.1 The Council has set the corporate objective of ‘Making the Maldon District a destination of choice’ and through a variety of initiatives it supports the local tourism sector.

1.2 This report details the findings of the annual Value of Tourism to the Local Economy report and provides a brief overview of some of the work undertaken by the Tourist Information Centre (TIC) over last 12 months.

2. AREA FOR DECISION / ACTION

2.1 This report is for Members’ information only.

2.2 Background

2.2.1 Members may be aware that each year, the Council commissions a report to establish the value of tourism. In more recent years this activity has been co-ordinated by Visit Essex to understand tourism trends across the County and there is a cost saving associated with this approach.

2.2.2 The value of Tourism report is produced externally using the Cambridge Method - one of two recognised methods of analysing data from a variety of sources to create an overall view of tourism. The Maldon specific report is attached as APPENDIX 1. The reports are produced retrospectively and relate to calendar years.

2.2.3 The survey is a very useful indication of tourism activity across the District and is the most cost effective measure currently available. However, it does have limitations and it is the opinion of officers that the Council should work with destinations and accommodation providers to try to gather additional information that will help our understanding of visitor trends.

2.2.4 Elsewhere on the agenda of this meeting Members will note that a Tourism Group will be established as part of the Dengie Gateway Project and will be open to any business or attraction who wishes to participate. The aim of the group is to share best practice and where relevant, to work together to promote the district as a destination.
of choice. An early task for the group will be to work on improving collection of visitor information and it is anticipated this will complement future surveys.

2.2.5 The TIC continues to assist and support local attractions, events and accommodation providers and the following paragraphs provide a brief summary.

2.2.6 The TIC provides a box office services selling tickets, programmes and taking donations. From April 2014 to March 2015 the TIC processed 4367 box office transactions for 78 events and 30 separate organisations. This equated to just under £45k in financial transactions. The TIC provides this service to directly benefit the local community and as part of the promotion of events locally. If the event is commercially operated a small (10%) commission charge is made but no charge is made to charitable events. The new tourism website to be launched early 2016, will enable online transactions as well as the face to face and telephone options, making the service even more accessible for our residents and visitors.

2.2.7 Analysis of the type of enquiries made at the TIC, face to face or via the phone continue to show that the majority of users are residents, even during July and August over 65% of enquires are deemed as residents or those who live locally e.g. Chelmsford, rather than visitors e.g. those for outside of the locality. It should be noted these figures are based on those who engaged with staff. This is a good indicator that the TIC is promoting leisure pursuits, services, events and activities to local residents as well as promoting the location further afield. The most common type of enquires relate to events, transport and coast and countryside.

2.2.8 Over 36,000 people made direct use of the TIC services during 2014 either in person, telephone and via email, this figure is slightly lower than previous years but this is more than likely due to the Footfall recording system not always operational for an extended time, rather than a genuine decline in users. During 2015 there has been a dramatic increase in email enquiries as a direct result of online promotions and customer reviews of the beach huts in particular. Also the entrance figures for 2015 show it to be the busiest year to date (35,519 people Jan. to Nov.).

2.3 Value of Tourism to the Local Economy Survey

2.3.1 Member’s attention is drawn to page 2 of APPENDIX 1 which sets out headline figures that are then explained in more detail later in survey report.

2.3.2 Using the data available it is estimated that there were over 3.7 Million visitors to the Maldon District and the value of those visitors would be worth £183 Million to the local economy. Whilst these numbers are high it is worth noting that they should only be used cautiously as an indicator and not a definitive figure. As highlighted earlier in the report to add greater value, it would useful to include other visitor data to create a wider picture and specific information on areas within the district.

2.3.3 To put these figures into context, it is estimated that 500,000 visitors come to the Promenade Park each year. It has been some time since visitor surveys were successfully carried out at the Promenade Park. As far as officers are aware a visitor survey has not been carried out in Burnham or other ‘honeypot’ locations but it is known that many visitors will be attracted to those locations.
2.3.4 During the coming visitor season it is intended that the Council, with assistance from other organisations, will aim to collect the following data:

- Sea wall ‘footfall’ between Promenade Park and Northey Island – Assisted by Natural England.
- Stays at local accommodation – Assisted by accommodation providers.
- Visitors figures to attractions within the District – assisted by participating attractions.
- Visitor survey at specific locations in Maldon, Burnham-on-Crouch, Heybridge Basin, Tollesbury.
- Visitor footfall surveys at destinations across the district.
- Attendance at sporting events – Assisted by event organisers.
- The new Tourism website will also provide further diagnostics information on visitors and in time could allow enquiry data to be analysed.
- Car parking figures will continue to be reviewed and coach parking in particular – Car parking attendants will assist but carrying out surveys of the coach companies on site and the website could offer the opportunity to pre-book a coach parking space enabling us to collect the company details/location.

3. IMPACT ON CORPORATE GOALS

3.1 This report and tourism initiatives discussed, link directly to the corporate goal of “Creating opportunities for economic growth and prosperity” and “Promoting the Maldon district as a destination of choice”.

4. IMPLICATIONS

(i) Impact on Customers – There a no direct impacts on customers as a result of this report although, clearly any actions taken as a result may impact on visitor and the local community in the longer term.

(ii) Impact on Equalities – None.

(iii) Impact on Risk – No corporate risks have been identified.

(iv) Impact on Resources (financial) – The annual survey costs £800+ VAT and which is met within the overall Tourism budget. Whilst the Council is able to access support through the Dengie Gateway project the additional measures proposed in paragraph 2.2.4 above can be collected within existing resources.

(v) Impact on Resources (human) – None

(vi) Impact on the Environment – None.
5. **CONCLUSIONS**

5.1 The report on the Value of Tourism to the Local economy of the Maldon District shows that tourism continues to grow and contribute strongly to the economic prosperity of the district. Additional measures planned for the coming 2016 season will strengthen the understanding of visitor trends.

5.2 The Council’s Tourist Information Centre continues to support local attractions, accommodation providers and event organisers by providing assistance and box office functions. Visitor numbers at the TIC have continued to grow year on year and there have been a significant increase electronic enquiries. This trend is expected to continue as the new tourism website is developed as part of the Dengie Gateway Project and social media platforms developed.

5.3 Officers from the Customers and Community Directorate work closely with staff based within the Planning and Licencing Directorate to ensure matters they are responsible for dovetail with the strategic activities being taken forward. A number of strategic projects are also managed and delivered across the two directorates examples include ‘Coastal Teams’, ‘Coastal Communities Fund’ and ‘Sense of Place’.

6. **RECOMMENDATIONS**

That the contents of this report be noted.

Background Papers: None.

Enquiries to:
Ben Brown, Group Manager (Leisure, Countryside and Tourism), (Tel: 01621 876210).
Economic Impact of Tourism

Produced by:
Destination Research
Sergi Jarques, Director

Maldon - 2014
**Economic Impact of Tourism – Headline Figures**

**Maldon - 2014**

- Total number of trips (day & staying): 3,708,600
  - Total staying trips: 146,600
  - Total staying nights: 511,000
  - Total staying spend: £22,180,000
  - Associated spend: £15,848,000
  - Total visitor spend: £150,013,000
  - Indirect / induced spend: £32,626,000
  - Total Tourism Value: £182,639,000
  - Full time equivalent jobs: 2,410
  - Total actual tourism related employment: 3,265
  - Percentage of all employment: 14.2%

- Total day trips: 3,562,000
  - Total day trip spend: £122,664,000

**Day Trips**

- Day trips Volume: 3,147,000
- Day trips Value: £121,977,000

**Overnight trips**

- Number of trip: 151,000
- Number of nights: 577,100
- Trip value: £21,918,000

- Total Value: £179,256,900
- Actual Jobs: 3,212

**Annual variation**

- Total Value: 1.9%
- Actual Jobs: 1.6%

**Average length stay (nights x trip)**

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2014</th>
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<tr>
<td>Average length stay</td>
<td>3.82</td>
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<td>Spend x overnight trip</td>
<td>£145.15</td>
<td>£151.30</td>
<td>4%</td>
</tr>
<tr>
<td>Spend x night</td>
<td>£37.98</td>
<td>£43.41</td>
<td>14%</td>
</tr>
<tr>
<td>Spend x day trip</td>
<td>£38.76</td>
<td>£34.44</td>
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</table>
### Type of Accommodation

- **Paid Accommodation**: 70%
- **Friends / relatives / second homes**: 30%

### Breakdown of expenditure

- **Accommodation**: 42%
- **Shopping**: 18%
- **Food and drink**: 12%
- **Entertainment**: 5%
- **Travel**: 23%

### Trips by Purpose

- **Holiday**: 70%
- **Business**: 15%
- **Friends / relatives**: 12%
- **Other**: 3%
- **Study**: 2%

### Type of employment

- **Direct (tourism industries)**: 79%
- **Indirect**: 19%
- **Induced**: 2%

### Seasonality - Day visitors

<table>
<thead>
<tr>
<th>Month</th>
<th>Day trips</th>
<th>Day spend</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan</td>
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<td>Mar</td>
<td>7.7%</td>
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<tr>
<td>Apr</td>
<td>6.6%</td>
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</tr>
<tr>
<td>May</td>
<td>8.9%</td>
<td>8.9%</td>
</tr>
<tr>
<td>Jun</td>
<td>7.6%</td>
<td>5.6%</td>
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<tr>
<td>Jul</td>
<td>9.2%</td>
<td>5.7%</td>
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<tr>
<td>Aug</td>
<td>10.6%</td>
<td>15.5%</td>
</tr>
<tr>
<td>Sep</td>
<td>6.8%</td>
<td>4.6%</td>
</tr>
<tr>
<td>Oct</td>
<td>9.0%</td>
<td>9.0%</td>
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<tr>
<td>Nov</td>
<td>8.6%</td>
<td>9.6%</td>
</tr>
<tr>
<td>Dec</td>
<td>8.5%</td>
<td>8.0%</td>
</tr>
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</table>

### Seasonality - Overnight visitors

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<tr>
<th>Month</th>
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<th>Overnight spend</th>
</tr>
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<td>Jan</td>
<td>5.2%</td>
<td>3.1%</td>
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<tr>
<td>Feb</td>
<td>7.0%</td>
<td>5.2%</td>
</tr>
<tr>
<td>Mar</td>
<td>7.2%</td>
<td>5.5%</td>
</tr>
<tr>
<td>Apr</td>
<td>8.5%</td>
<td>8.6%</td>
</tr>
<tr>
<td>May</td>
<td>9.1%</td>
<td>11.2%</td>
</tr>
<tr>
<td>Jun</td>
<td>8.2%</td>
<td>10.5%</td>
</tr>
<tr>
<td>Jul</td>
<td>10.4%</td>
<td>16.4%</td>
</tr>
<tr>
<td>Aug</td>
<td>10.7%</td>
<td>12.6%</td>
</tr>
<tr>
<td>Sep</td>
<td>8.8%</td>
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<tr>
<td>Oct</td>
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</tr>
<tr>
<td>Dec</td>
<td>8.8%</td>
<td>7.1%</td>
</tr>
</tbody>
</table>
Contents

Contextual analysis

Volume of Tourism

Staying Visitors - Accommodation Type
  Trips by Accommodation
  Nights by Accommodation
  Spend by Accommodation Type

Staying Visitors - Purpose of Trip
  Trips by Purpose
  Nights by Purpose
  Spend by Purpose

Day Visitors
  Trips and Spend by Urban, Rural and Coastal Area

Value of Tourism

Expenditure Associated With Trips
  Direct Expenditure Associated with Trips
  Other expenditure associated with tourism activity
  Direct Turnover Derived From Trip Expenditure
  Supplier and Income Induced Turnover
  Total Local Business Turnover Supported by Tourism Activity

Employment

  Direct
    Full time equivalent
    Estimated actual jobs

  Indirect & Induced Employment
    Full time equivalent
    Estimated actual jobs

  Total Jobs
    Full time equivalent
    Estimated actual jobs

  Tourism Jobs as a Percentage of Total Employment

Appendix I - Cambridge Model - Methodology
Contextual analysis

**Domestic tourism**
In 2014, British residents took 92.6 million overnight trips in England, totalling 273 million nights away from home, with expenditure of £18.1 billion. The number of domestic trips was 9% lower than in 2013, and the amount spent fell by 3% (in nominal terms).

The East of England region experienced a 1% increase in overnight trips during 2014. Bednights were up 10% on 2013 and expenditure was up by 14%. This resulted in an increase in the average length of trips (the number of night per trip) from 3.1 nights per trip in 2013 to 3.3 in 2014. The average spend per night was up from £51.9 per night in 2013 to £53.4 in 2014. The region received a few more visitors in 2014 than in the previous year. More importantly, however, those who did visit stayed for longer and spent more per night than in 2013.

**Visits from overseas**
The number of visits to the UK in 2014 reached a record 34.4 million, after several years of growth since 2010. Average spend per visit was £636 in 2014, down on the peak of £650 per visit in 2013, reflecting the relative weakness of sterling leading up to 2013.

London is a key destination for inbound visitors to the UK. In 2014, 17.4 million visitors spent time in the capital, spending just short of £11.8bn. This represents 54% of all inbound visitor spending. The rest of England attracted 14.2 million inbound visitors who spent an estimated £7.3bn, representing 33% of all inbound visitor spend.

Overseas trips to the East of England region were 5% up on 2013 to reach 2.1 million overnight trips. The total number of nights was up by 17% to reach 16.8 million in 2014. Spend was also up, by 9% to £967 million in 2014.

The International Passenger Survey (IPS) is conducted by Office for National Statistics and is based on face-to-face interviews with a sample of passengers travelling via the principal airports, sea routes and the Channel Tunnel, together with visitors crossing the land border into Northern Ireland. The number of interviews conducted in England in 2014 was 34,754. This large sample size allows reliable estimates to be produced for various groups of passengers despite the low proportion of travellers interviewed. The IPS provides headline figures, based on the county or unitary authority, for the volume and value of overseas trips to the UK. The sample for East of England was 2,383 interviews.
How accurate is the Regional data?

The regional data has to be interpreted with lots of caution, as the IPS has never been designed to be able to produce highly accurate results at regional level. Whilst the survey gives good precision at the national level, regional breakdowns of the data will almost inevitably lead to less reliable results. For example although the sample size for Merseyside was 322 in 2004 the margin of error for visits to this area is 40.9%. We have to bear in mind that although the IPS matches accurately the overall volume of overseas visitors coming to the UK, the IPS does not give a precise picture of where these overseas visitors stayed during their stay in the UK. This is because some interviews are not done in a few regional airports. For example until 2005 no interviews were carried at Prestwick and Liverpool airports, which may have resulted into less accurate estimates for Scotland and Northern England.

The International Passenger Survey (IPS) data is a key driver for the Cambridge model and as outlined above, needs to be used with caution when looking at regional level data. We have applied a 3 year rolling average to this data to help smooth out short term market fluctuations and highlight longer-term trends.

Day visitors

During 2014, GB residents took a total of 1,585 million Tourism Day Visits to destinations in England, Scotland or Wales. Around £54 billion was spent during these trips.

The largest proportion of visits were taken to destinations in England (1,345 million visits or 85% of the total) while 8% of visits (127 million) were taken to Scottish destinations and 6% to places in Wales (90 million). The distribution of expenditure during visits broadly reflects this pattern.

The regional distribution of visits generally reflects the population distribution with the notable exception of London which is the destination for 17% of visits but place of residence for just 13% of the population. Within the English regions, the highest volume of visits was taken in London (274 million visits) where the total value of day visits during 2014 was around £10.7 billion.

The volume and value of Tourism Day Visits in England decreased slightly between 2013 and 2014 from 1,370 million to 1,345 million with a similar level of decrease in expenditure. The East of England region experienced a 1% decrease in the volume of trips between 2013 (131 million trips) and 2014 (130 million trips) and a 5% decrease in the overall value (£4.1bn to £3.9bn).
Volume of Tourism
### Staying Visitors - Accommodation Type

#### Trips by Accommodation

<table>
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<th></th>
<th>UK</th>
<th>Overseas</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Serviced</td>
<td>35,000</td>
<td>6,600</td>
<td>41,600</td>
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<tr>
<td>Self catering</td>
<td>1,000</td>
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<td>Camping</td>
<td>16,000</td>
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<td>26,200</td>
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<tr>
<td>Group/campus</td>
<td>2,000</td>
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<tr>
<td>Paying guest</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Second homes</td>
<td>4,000</td>
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<tr>
<td>Boat moorings</td>
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<td>Other</td>
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<td>4,500</td>
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<tr>
<td>Friends &amp; relatives</td>
<td>34,000</td>
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### Nights by Accommodation

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<tr>
<td>Second homes</td>
<td>11,000</td>
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<th>2014</th>
<th>Comparison</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>382,000</td>
<td>511,000</td>
<td>-11%</td>
</tr>
</tbody>
</table>

### Spend by Accommodation Type

<table>
<thead>
<tr>
<th></th>
<th>UK</th>
<th>Overseas</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Serviced</td>
<td>£6,814,000</td>
<td>£653,000</td>
<td>£7,467,000</td>
</tr>
<tr>
<td>Self catering</td>
<td>£52,000</td>
<td>£202,000</td>
<td>£254,000</td>
</tr>
<tr>
<td>Camping</td>
<td>£2,176,000</td>
<td>£542,000</td>
<td>£2,718,000</td>
</tr>
<tr>
<td>Static caravans</td>
<td>£4,213,000</td>
<td>£0</td>
<td>£4,213,000</td>
</tr>
<tr>
<td>Group/campus</td>
<td>£252,000</td>
<td>£1,130,000</td>
<td>£1,382,000</td>
</tr>
<tr>
<td>Paying guest</td>
<td>£0</td>
<td>£0</td>
<td>£0</td>
</tr>
<tr>
<td>Second homes</td>
<td>£369,000</td>
<td>£641,000</td>
<td>£1,010,000</td>
</tr>
<tr>
<td>Boat moorings</td>
<td>£361,000</td>
<td>£0</td>
<td>£361,000</td>
</tr>
<tr>
<td>Other</td>
<td>£21,000</td>
<td>£345,000</td>
<td>£366,000</td>
</tr>
<tr>
<td>Friends &amp; relatives</td>
<td>£2,796,000</td>
<td>£1,613,000</td>
<td>£4,409,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>2014</th>
<th>Comparison</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>£17,054,000</td>
<td>£5,126,000</td>
<td>£22,180,000</td>
</tr>
</tbody>
</table>

Serviced accommodation includes hotels, guesthouses, inns, B&B and serviced farmhouse accommodation. Paying guest refers to overseas visitors staying in private houses, primarily language school students. Other trips includes nights spent in transit, in lorry cabs and other temporary accommodation.
### Staying Visitors - Purpose of Trip

#### Trips by Purpose

<table>
<thead>
<tr>
<th>Purpose</th>
<th>UK</th>
<th>Overseas</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Holiday</td>
<td>92,000</td>
<td>9,700</td>
<td>101,700</td>
</tr>
<tr>
<td>Business</td>
<td>13,000</td>
<td>4,600</td>
<td>17,600</td>
</tr>
<tr>
<td>Friends &amp; relatives</td>
<td>15,000</td>
<td>7,200</td>
<td>22,200</td>
</tr>
<tr>
<td>Other</td>
<td>2,000</td>
<td>2,100</td>
<td>4,100</td>
</tr>
<tr>
<td>Study</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total 2014</strong></td>
<td>123,000</td>
<td>23,600</td>
<td>146,600</td>
</tr>
<tr>
<td><strong>Comparison 2013</strong></td>
<td>128,000</td>
<td>23,000</td>
<td>151,000</td>
</tr>
<tr>
<td><strong>Difference</strong></td>
<td>-4%</td>
<td>3%</td>
<td>-3%</td>
</tr>
</tbody>
</table>

#### Nights by Purpose

<table>
<thead>
<tr>
<th>Purpose</th>
<th>UK</th>
<th>Overseas</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Holiday</td>
<td>311,000</td>
<td>49,000</td>
<td>360,000</td>
</tr>
<tr>
<td>Business</td>
<td>32,000</td>
<td>14,400</td>
<td>46,400</td>
</tr>
<tr>
<td>Friends &amp; relatives</td>
<td>35,000</td>
<td>53,900</td>
<td>88,900</td>
</tr>
<tr>
<td>Other</td>
<td>4,000</td>
<td>11,700</td>
<td>15,700</td>
</tr>
<tr>
<td>Study</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total 2014</strong></td>
<td>382,000</td>
<td>129,000</td>
<td>511,000</td>
</tr>
<tr>
<td><strong>Comparison 2013</strong></td>
<td>454,000</td>
<td>123,100</td>
<td>577,100</td>
</tr>
<tr>
<td><strong>Difference</strong></td>
<td>-16%</td>
<td>5%</td>
<td>-11%</td>
</tr>
</tbody>
</table>

#### Spend by Purpose

<table>
<thead>
<tr>
<th>Purpose</th>
<th>UK</th>
<th>Overseas</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Holiday</td>
<td>£11,542,000</td>
<td>£1,953,000</td>
<td>£13,495,000</td>
</tr>
<tr>
<td>Business</td>
<td>£3,811,000</td>
<td>£941,000</td>
<td>£4,752,000</td>
</tr>
<tr>
<td>Friends &amp; relatives</td>
<td>£1,554,000</td>
<td>£1,839,000</td>
<td>£3,393,000</td>
</tr>
<tr>
<td>Other</td>
<td>£147,000</td>
<td>£392,000</td>
<td>£539,000</td>
</tr>
<tr>
<td>Study</td>
<td>£0</td>
<td>£0</td>
<td>£0</td>
</tr>
<tr>
<td><strong>Total 2014</strong></td>
<td>£17,054,000</td>
<td>£5,126,000</td>
<td>£22,180,000</td>
</tr>
<tr>
<td><strong>Comparison 2013</strong></td>
<td>£16,737,000</td>
<td>£5,181,000</td>
<td>£21,918,000</td>
</tr>
<tr>
<td><strong>Difference</strong></td>
<td>2%</td>
<td>-1%</td>
<td>1%</td>
</tr>
</tbody>
</table>

### Day Visitors

#### Trips and Spend by Urban, Rural and Coastal Area

<table>
<thead>
<tr>
<th>Area</th>
<th>Trips</th>
<th>Spend</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban visits</td>
<td>1,073,000</td>
<td>42,509,000</td>
</tr>
<tr>
<td>Countryside visits</td>
<td>870,000</td>
<td>27,262,000</td>
</tr>
<tr>
<td>Coastal visits</td>
<td>1,619,000</td>
<td>52,893,000</td>
</tr>
<tr>
<td><strong>Total 2014</strong></td>
<td>3,562,000</td>
<td>122,664,000</td>
</tr>
<tr>
<td><strong>Comparison 2013</strong></td>
<td>3,147,000</td>
<td>121,977,000</td>
</tr>
<tr>
<td><strong>Difference</strong></td>
<td>13%</td>
<td>1%</td>
</tr>
</tbody>
</table>
Value of Tourism
Expenditure Associated with Trips:

### Direct Expenditure Associated with Trips

<table>
<thead>
<tr>
<th></th>
<th>Accomm.</th>
<th>Shopping</th>
<th>Food and Drink</th>
<th>Attractions</th>
<th>Travel</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>UK Tourists</td>
<td>£5,453,000</td>
<td>£2,188,000</td>
<td>£4,340,000</td>
<td>£1,813,000</td>
<td>£3,260,000</td>
<td>£17,054,000</td>
</tr>
<tr>
<td>Overseas tourists</td>
<td>£1,505,000</td>
<td>£1,424,000</td>
<td>£1,157,000</td>
<td>£525,000</td>
<td>£516,000</td>
<td>£5,127,000</td>
</tr>
<tr>
<td>Total Staying</td>
<td>£6,958,000</td>
<td>£3,612,000</td>
<td>£5,497,000</td>
<td>£2,338,000</td>
<td>£3,776,000</td>
<td>£22,181,000</td>
</tr>
<tr>
<td>Total Staying (%)</td>
<td>31%</td>
<td>16%</td>
<td>25%</td>
<td>11%</td>
<td>17%</td>
<td>100%</td>
</tr>
<tr>
<td>Total Day Visitors</td>
<td>£0</td>
<td>£29,197,000</td>
<td>£55,934,000</td>
<td>£14,612,000</td>
<td>£22,921,000</td>
<td>£122,664,000</td>
</tr>
<tr>
<td>Total Day Visitors (%)</td>
<td>0%</td>
<td>24%</td>
<td>46%</td>
<td>12%</td>
<td>19%</td>
<td>100%</td>
</tr>
<tr>
<td>Total</td>
<td>2014</td>
<td>£6,958,000</td>
<td>£32,809,000</td>
<td>£61,431,000</td>
<td>£26,697,000</td>
<td>£144,845,000</td>
</tr>
<tr>
<td>%</td>
<td>5%</td>
<td>23%</td>
<td>42%</td>
<td>12%</td>
<td>18%</td>
<td>100%</td>
</tr>
<tr>
<td>Comparison 2013</td>
<td>6,784,000</td>
<td>£32,699,000</td>
<td>£61,134,000</td>
<td>£16,361,000</td>
<td>£26,915,000</td>
<td>£143,893,000</td>
</tr>
<tr>
<td>Difference</td>
<td>2.6%</td>
<td>0.3%</td>
<td>0.5%</td>
<td>3.6%</td>
<td>-0.8%</td>
<td>0.7%</td>
</tr>
</tbody>
</table>

#### Breakdown of expenditure

- **Total Staying (%):**
  - Accomm.: 31%
  - Shopping: 16%
  - Food and Drink: 25%
  - Attractions: 11%
  - Travel: 17%

- **Total Day Visitors:**
  - Shopping: 24%
  - Food and Drink: 46%
  - Attractions: 12%
  - Travel: 19%

### Other expenditure associated with tourism activity

#### Other expenditure associated with tourism activity - Estimated spend

<table>
<thead>
<tr>
<th>Second homes</th>
<th>Boats</th>
<th>Static vans</th>
<th>Friends &amp; relatives</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>£1,486,000</td>
<td>£3,587,500</td>
<td>£6,047,500</td>
<td>£4,727,000</td>
<td>£15,848,000</td>
</tr>
</tbody>
</table>

Spend on second homes is assumed to be an average of £2,000 on rates, maintenance, and replacement of furniture and fittings. Spend on boats assumed to be an average of £2,000 on berthing charges, servicing and maintenance and upgrading of equipment. Static van spend arises in the case of vans purchased by the owner and used as a second home. Expenditure is incurred in site fees, utility charges and other spending and is estimated at £2,000. Additional spending is incurred by friends and relatives as a result of people coming to stay with them. A cost of £175 per visit has been assumed based on national research for social interactions.
**Direct Turnover Derived From Trip Expenditure**

Business turnover arises as a result of tourist spending, from the purchase of supplies and services locally by businesses in receipt of visitor spending and as a result of the spending of wages in businesses by employees whose jobs are directly or indirectly supported by tourism spending.

<table>
<thead>
<tr>
<th></th>
<th>Staying Visitor</th>
<th>Day Visitors</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation</td>
<td>£7,067,000</td>
<td>£1,119,000</td>
<td>£8,186,000</td>
</tr>
<tr>
<td>Retail</td>
<td>£3,575,000</td>
<td>£28,905,000</td>
<td>£32,480,000</td>
</tr>
<tr>
<td>Catering</td>
<td>£5,332,000</td>
<td>£54,256,000</td>
<td>£59,588,000</td>
</tr>
<tr>
<td>Attractions</td>
<td>£2,429,000</td>
<td>£15,463,000</td>
<td>£17,892,000</td>
</tr>
<tr>
<td>Transport</td>
<td>£2,266,000</td>
<td>£13,753,000</td>
<td>£16,019,000</td>
</tr>
<tr>
<td>Non-trip spend</td>
<td>£15,848,000</td>
<td>£0</td>
<td>£15,848,000</td>
</tr>
<tr>
<td><strong>Total Direct</strong></td>
<td><strong>£36,517,000</strong></td>
<td><strong>£113,496,000</strong></td>
<td><strong>£150,013,000</strong></td>
</tr>
<tr>
<td><strong>Comparison 2013</strong></td>
<td><strong>£32,199,900</strong></td>
<td><strong>£112,718,000</strong></td>
<td><strong>£144,917,900</strong></td>
</tr>
<tr>
<td><strong>Difference</strong></td>
<td>13%</td>
<td>1%</td>
<td>4%</td>
</tr>
</tbody>
</table>

Adjustments have been made to recognise that some spending on retail and food and drink will fall within attractions or accommodation establishments. It is assumed that 40% of travel spend will take place at the origin of the trip rather than at the destination.

**Supplier and Income Induced Turnover**

<table>
<thead>
<tr>
<th></th>
<th>Staying Visitor</th>
<th>Day Visitors</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indirect spend</td>
<td>£5,463,000</td>
<td>£20,589,000</td>
<td>£26,052,000</td>
</tr>
<tr>
<td>Non trip spending</td>
<td>£3,328,000</td>
<td>£0</td>
<td>£3,328,000</td>
</tr>
<tr>
<td>Income induced</td>
<td>£1,917,000</td>
<td>£1,329,000</td>
<td>£3,246,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£10,708,000</strong></td>
<td><strong>£21,918,000</strong></td>
<td><strong>£32,626,000</strong></td>
</tr>
<tr>
<td><strong>Comparison 2013</strong></td>
<td><strong>£11,327,000</strong></td>
<td><strong>£23,012,000</strong></td>
<td><strong>£34,339,000</strong></td>
</tr>
<tr>
<td><strong>Difference</strong></td>
<td>-5%</td>
<td>-5%</td>
<td>-5%</td>
</tr>
</tbody>
</table>

Income induced spending arises from expenditure by employees whose jobs are supported by tourism spend.

**Total Local Business Turnover Supported by Tourism Activity – Value of Tourism**

<table>
<thead>
<tr>
<th></th>
<th>Staying Visitor</th>
<th>Day Visitors</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct</td>
<td>£36,517,000</td>
<td>£113,496,000</td>
<td>£150,013,000</td>
</tr>
<tr>
<td>Indirect</td>
<td>£10,708,000</td>
<td>£21,918,000</td>
<td>£32,626,000</td>
</tr>
<tr>
<td><strong>Total Value</strong></td>
<td><strong>£47,225,000</strong></td>
<td><strong>£135,414,000</strong></td>
<td><strong>£182,639,000</strong></td>
</tr>
<tr>
<td><strong>Comparison 2013</strong></td>
<td><strong>£43,526,900</strong></td>
<td><strong>£135,730,000</strong></td>
<td><strong>£179,256,900</strong></td>
</tr>
<tr>
<td><strong>Difference</strong></td>
<td>8%</td>
<td>0%</td>
<td>2%</td>
</tr>
</tbody>
</table>
Employment
**Employment**

The model generates estimates of full time equivalent jobs based on visitor spending. The total number of ‘actual’ jobs will be higher when part time and seasonal working is taken into account. Conversion of full time equivalent jobs into actual jobs relies on information from business surveys in the sectors receiving

**Direct employment**

<table>
<thead>
<tr>
<th>Sector</th>
<th>Staying Visitor</th>
<th>Day Visitor</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Accommodation</strong></td>
<td>101 (19%)</td>
<td>16 (1%)</td>
<td>117 (6%)</td>
</tr>
<tr>
<td><strong>Retailing</strong></td>
<td>28 (5%)</td>
<td>225 (18%)</td>
<td>252 (14%)</td>
</tr>
<tr>
<td><strong>Catering</strong></td>
<td>73 (14%)</td>
<td>745 (58%)</td>
<td>818 (45%)</td>
</tr>
<tr>
<td><strong>Entertainment</strong></td>
<td>34 (6%)</td>
<td>217 (17%)</td>
<td>251 (14%)</td>
</tr>
<tr>
<td><strong>Transport</strong></td>
<td>13 (2%)</td>
<td>77 (6%)</td>
<td>90 (5%)</td>
</tr>
<tr>
<td><strong>Non-trip spend</strong></td>
<td>288 (54%)</td>
<td>0 (0%)</td>
<td>288 (16%)</td>
</tr>
<tr>
<td><strong>Total FTE</strong></td>
<td><strong>2014 537</strong></td>
<td><strong>1,280</strong></td>
<td><strong>1,817</strong></td>
</tr>
<tr>
<td><strong>Comparison</strong></td>
<td><strong>2013 464</strong></td>
<td><strong>1,268</strong></td>
<td><strong>1,732</strong></td>
</tr>
<tr>
<td><strong>Difference</strong></td>
<td>16%</td>
<td>1%</td>
<td>5%</td>
</tr>
</tbody>
</table>

**Estimated actual jobs**

<table>
<thead>
<tr>
<th>Sector</th>
<th>Staying Visitor</th>
<th>Day Visitor</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Accommodation</strong></td>
<td>150 (22%)</td>
<td>24 (1%)</td>
<td>174 (7%)</td>
</tr>
<tr>
<td><strong>Retailing</strong></td>
<td>42 (6%)</td>
<td>337 (18%)</td>
<td>378 (15%)</td>
</tr>
<tr>
<td><strong>Catering</strong></td>
<td>110 (16%)</td>
<td>1,117 (59%)</td>
<td>1,227 (47%)</td>
</tr>
<tr>
<td><strong>Entertainment</strong></td>
<td>48 (7%)</td>
<td>306 (16%)</td>
<td>355 (14%)</td>
</tr>
<tr>
<td><strong>Transport</strong></td>
<td>18 (3%)</td>
<td>109 (6%)</td>
<td>127 (5%)</td>
</tr>
<tr>
<td><strong>Non-trip spend</strong></td>
<td>328 (47%)</td>
<td>0 (0%)</td>
<td>328 (13%)</td>
</tr>
<tr>
<td><strong>Total Actual</strong></td>
<td><strong>2014 696</strong></td>
<td><strong>1,893</strong></td>
<td><strong>2,589</strong></td>
</tr>
<tr>
<td><strong>Comparison</strong></td>
<td><strong>2013 611</strong></td>
<td><strong>1,876</strong></td>
<td><strong>2,487</strong></td>
</tr>
<tr>
<td><strong>Difference</strong></td>
<td>14%</td>
<td>1%</td>
<td>4%</td>
</tr>
</tbody>
</table>

**Indirect & Induced Employment**

<table>
<thead>
<tr>
<th>Sector</th>
<th>Staying Visitor</th>
<th>Day Visitors</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Indirect jobs</strong></td>
<td>160</td>
<td>374</td>
<td>534</td>
</tr>
<tr>
<td><strong>Induced jobs</strong></td>
<td>35</td>
<td>24</td>
<td>59</td>
</tr>
<tr>
<td><strong>Total FTE</strong></td>
<td><strong>2014 195</strong></td>
<td><strong>399</strong></td>
<td><strong>593</strong></td>
</tr>
<tr>
<td><strong>Comparison</strong></td>
<td><strong>2013 210</strong></td>
<td><strong>426</strong></td>
<td><strong>636</strong></td>
</tr>
<tr>
<td><strong>Difference</strong></td>
<td>-7%</td>
<td>-6%</td>
<td>-7%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sector</th>
<th>Staying Visitor</th>
<th>Day Visitors</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Indirect jobs</strong></td>
<td>182</td>
<td>427</td>
<td>609</td>
</tr>
<tr>
<td><strong>Induced jobs</strong></td>
<td>40</td>
<td>28</td>
<td>67</td>
</tr>
<tr>
<td><strong>Total Actual</strong></td>
<td><strong>2014 222</strong></td>
<td><strong>454</strong></td>
<td><strong>676</strong></td>
</tr>
<tr>
<td><strong>Comparison</strong></td>
<td><strong>2013 239</strong></td>
<td><strong>486</strong></td>
<td><strong>725</strong></td>
</tr>
<tr>
<td><strong>Difference</strong></td>
<td>-7%</td>
<td>-6%</td>
<td>-7%</td>
</tr>
</tbody>
</table>
### Tourism Jobs as a Percentage of Total Employment

<table>
<thead>
<tr>
<th></th>
<th>Staying Visitor</th>
<th>Day Visitors</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total employed</td>
<td>22,949</td>
<td>22,949</td>
<td>22,949</td>
</tr>
<tr>
<td>Tourism jobs</td>
<td>918</td>
<td>2,347</td>
<td>3,265</td>
</tr>
<tr>
<td>Proportion all jobs</td>
<td>4%</td>
<td>10%</td>
<td>14%</td>
</tr>
<tr>
<td>Comparison 2013</td>
<td>850</td>
<td>2,362</td>
<td>3,212</td>
</tr>
<tr>
<td>Difference</td>
<td>8%</td>
<td>-1%</td>
<td>2%</td>
</tr>
</tbody>
</table>

### Full time equivalent (FTE)

<table>
<thead>
<tr>
<th></th>
<th>Staying Visitor</th>
<th>Day Visitor</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct</td>
<td>537</td>
<td>73%</td>
<td>1,280</td>
</tr>
<tr>
<td>Indirect</td>
<td>160</td>
<td>22%</td>
<td>374</td>
</tr>
<tr>
<td>Induced</td>
<td>35</td>
<td>5%</td>
<td>24</td>
</tr>
<tr>
<td>Total FTE 2014</td>
<td>732</td>
<td>9%</td>
<td>1,678</td>
</tr>
<tr>
<td>Comparison</td>
<td>674</td>
<td>-1%</td>
<td>1,695</td>
</tr>
<tr>
<td>Difference</td>
<td>9%</td>
<td>2%</td>
<td>696</td>
</tr>
</tbody>
</table>

### Estimated actual jobs

<table>
<thead>
<tr>
<th></th>
<th>Staying Visitor</th>
<th>Day Visitor</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct</td>
<td>696</td>
<td>76%</td>
<td>1,893</td>
</tr>
<tr>
<td>Indirect</td>
<td>182</td>
<td>20%</td>
<td>427</td>
</tr>
<tr>
<td>Induced</td>
<td>40</td>
<td>4%</td>
<td>28</td>
</tr>
<tr>
<td>Total Actual 2014</td>
<td>918</td>
<td>8%</td>
<td>2,347</td>
</tr>
<tr>
<td>Comparison</td>
<td>850</td>
<td>-1%</td>
<td>2,362</td>
</tr>
<tr>
<td>Difference</td>
<td>8%</td>
<td>2%</td>
<td>40</td>
</tr>
</tbody>
</table>

Actual jobs are estimated from surveys of relevant businesses at locations in England and take account of part time and seasonal working.
The key 2014 results of the Economic Impact Assessment are:

- **3.7 million trips** were undertaken in the area
- **3.6 million** day trips
- **0.1 million** overnight visits
- **0.5 million** nights in the area as a result of overnight trips
- **£145 million** spent by tourists during their visit to the area
- **£12 million** spent on average in the local economy each month.
- **£22 million** generated by overnight visits
- **£123 million** generated from irregular day trips.
- **£183 million** spent in the local area as result of tourism, taking into account multiplier effects.

- **3,265 jobs** supported, both for local residents from those living nearby.
- **2,589 tourism jobs** directly supported
- **676 non-tourism related jobs** supported linked to multiplier spend from tourism.
Appendix I - Introduction about Cambridge Model

This report examines the volume and value of tourism and the impact of that expenditure on the local economy. The figures were derived using the Cambridge Economic Impact Model and the research was undertaken by Destination Research.

The model utilises information from national tourism surveys and regionally based data held by Destination Research. It distributes regional activity as measured in those surveys to local areas using ‘drivers’ such as the accommodation stock and occupancy which influence the distribution of tourism activity at local level.

Limitations of the Model

The methodology and accuracy of the above sources varies. The results of the model should therefore be regarded as estimates which are indicative of the scale and importance of visitor activity in the local area. It is important to note that in the national tourism surveys the sample sizes for each area changes year on year. This is as a result of the random probability nature of the methodology. As such, the results of the Cambridge Model are best viewed as a snapshot in time and we would caution against year-on-year comparisons.

It should be noted that the model cannot take into account any leakage of expenditure from tourists taking day trips out of the area in which they are staying. While it is assumed that these may broadly balance each other in many areas, in locations receiving significant numbers of day visitors from London, there is likely to be an underestimate in relation to the number of overseas day visitors staying in holiday accommodation in London.

Whilst it is important to be aware of these issues, we are confident that the estimates we have produced are as reliable as is practically possible within the constraints of the information available.

Rounding
All figures used in this report have been rounded. In some tables there may therefore be a slight discrepancy between totals and sub totals.

Data sources
The main national surveys used as data sources in stage one include:
• Great Britain Tourism Survey (GBTS) - information on tourism activity by GB residents;
• International Passenger Survey (IPS) information on overseas visitors to the United Kingdom;
• Day Visits in the annual Great Britain Day Visitor Survey using information on visits lasting more than 3 hours and taken on an irregular basis

These surveys provide information down to a regional level. In order to disaggregate data to a local level the following information sources are used:

• Records of known local accommodation stock held by Destination Research;
• VisitEngland’s surveys of Visits to Attractions, which provide data on the number of visitors to individual tourist attractions;
• Mid-2014 estimates of resident population as based on the 2011 Census of Population;
• Selected data from the 2011 Census of Employment;
• Selected data on the countryside and coast including, national designations and length of the coastline.
Staying Visitors

The GBTS provides information on the total number of trips to the region and the relative proportions using different types of accommodation. By matching these figures to the supply of such accommodation, the regional average number of trips per bedspace or unit of accommodation can be derived. The IPS provides information on the total number of trips by overseas visitors to the region.

Day Visitors

Information on day trips at the regional level is available from the Day Visits in Great Britain survey. The survey includes all leisure-related trips from home. It should be noted that a large proportion are local trips made by people resident in the locality. The model uses information from the survey to estimate the number of longer day trips (defined as those lasting at least 3 hours and involving travel of more than 20 miles) and irregular trips lasting more than 3 hours.

Impact of tourism expenditure

This section examines the impact of the tourism expenditure in terms of the direct, indirect and induced expenditure as well as an estimate of the actual jobs (both direct and indirect) supported by tourism expenditure in the district.

The GBTS, IPS and Day Visits to Great Britain survey data on the breakdown of visitor spending. The impact of this initial round of expenditure will be subsequently increased by multiplier effects. These arise from the purchase of supplies and services by the businesses in receipt of visitor expenditure (indirect impacts), and by the income induced-effects arising from the spending of wages by employees in the first round of business and in subsequent expenditure in supplier business (induced impacts).

The New Earnings Survey which provides information on wage levels by industry sector and region; An internal business database which includes data on the structure of business expenditure, local linkages and multiplier ratios drawn from a wide range of business and economic studies carried out by Geoff Broom Associates, PA Cambridge Economic Consultants and others. By applying the breakdown to the estimates of visitor spending, the model generates estimates of total direct spending.

Evidence from national studies suggests that some minor adjustments are required to match visitor spend to business turnover – for example, some expenditure on food and drink actually takes place in inns and hotels that fall in the accommodation sector and within attractions. More significantly, expenditure on travel costs associated with individual trips is equally likely to take place at the origin of the trip as the destination. Therefore the model assumes that only 40% of travel expenditure accrues to the destination area.

Number of full time job equivalents

Having identified the value of turnover generated by visitor spending, it is possible to estimate the employment associated with that spending. Wages for staff and drawings for the proprietors will absorb a proportion of that turnover. By applying these proportions to the overall additional turnover in each sector, the amount of money absorbed by employment costs can be calculated. The New Earnings Survey provides data from which the average costs by business sector, adjusted to take account of regional differences, can be calculated.
After allowing for additional costs such as National Insurance and pension costs, an average employment cost per full time equivalent job can be estimated. The number of such jobs in the local area can then be estimated by dividing the amount of business expenditure on wages and drawings by the average employment cost per job.

**Number of Actual Jobs**

The model generates estimates of full time equivalent jobs based on visitor spending. However, the total number of actual jobs will be higher when part time and seasonal working is taken into account. The full time equivalent jobs arising directly from visitor spending are converted into actual jobs using information from business surveys in the sectors receiving visitor spending. In general, the conversion factor varies around 1.5 in those sectors.

The indirect and induced jobs arise across a much wider range of employment sectors. Therefore, the average 1.16 for all sectors based on Census of Employment data has been used to convert full time equivalent jobs in this sector to actual jobs.

The employment estimates generated by the model include both self employed and employed people supported by visitor expenditure. The model also includes an estimate of the additional jobs arising in the attractions sector, which are not related to visitor expenditure. However, the numbers do not include other tourism-related employment such as jobs in local authorities arising from their tourism functions, e.g. tourist information staff, additional public health, parks and gardens, public conveniences, maintenance sections and jobs arising from capital investment in tourism facilities.
REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES
to
PLANNING AND LICENSING COMMITTEE
14 JANUARY 2016

UPDATE ON APPEAL DECISIONS

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 April 2015 to October 2015.

2. AREA FOR DECISION / ACTION

2.1 This report is for Members’ information only but particular attention is drawn to the Council’s current performance of all appeals (paragraph 2.4), the new threshold for major appeals performance (paragraph 2.10) and the current level of appeals (paragraph 2.13).

2.2 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.

2.3 There were no appeals against Enforcement Notices in the period covered in this report. However, planning enforcement is a crucial part of the planning function as it ensures that development undertaken within the District is of the high standard and accords with the Development Plan. Dealing with the appeals from such action is a labour intensive process; particularly as they are often dealt with through the Public Inquiry or the Hearing process. Members have previously been made aware of the likelihood of an increase in enforcement appeals due to a more proactive response to planning enforcement by the Authority. The Council is currently defending four appeals against enforcement notices that have been served (three hearing and one public inquiry) and it is likely that there will be a demonstrable increase in the number of enforcement appeals over the next twelve months that will put additional strain on resources within the Planning Service.
2.4 Appeal results by application decision type: Quarters One and Two is as follows:

<table>
<thead>
<tr>
<th>Application decision type</th>
<th>Allowed by the Planning Inspectorate (PINS) (i.e. the applicant was successful)</th>
<th>Dismissed by PINS (i.e. the Council was successful)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Appeals against Officer Delegated decisions</td>
<td>5</td>
<td>19</td>
</tr>
<tr>
<td>2a. Appeals against Central Area Planning Committee decisions as per report recommendation</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2b. Appeals against Central Area Planning Committee decisions where decision made contrary to the report recommendation i.e. member overturn</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>3a. Appeals against South Eastern Area Planning Committee decisions as per report recommendation</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>3b. Appeals against South Eastern Area Planning Committee decisions where decision made contrary to the report recommendation i.e. member overturn</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>4a. Appeals against North Western Area Planning Committee decisions as per report recommendation</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>4b. Appeals against North Western Area Planning Committee decisions where decision made contrary to the report recommendation i.e. member overturn</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>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</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Numbers Total</td>
<td>12</td>
<td>25</td>
</tr>
<tr>
<td>Decisions as a %</td>
<td>33%</td>
<td>67%</td>
</tr>
</tbody>
</table>

2.5 Appeal by type of appeal

<table>
<thead>
<tr>
<th>1. Appeal type (Planning applications)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Householder appeals</td>
<td>2</td>
</tr>
<tr>
<td>Written Representation</td>
<td>31</td>
</tr>
<tr>
<td>Hearing</td>
<td>2</td>
</tr>
<tr>
<td>Public Inquiry</td>
<td>2</td>
</tr>
<tr>
<td>Total appeals</td>
<td>37</td>
</tr>
</tbody>
</table>
2. Appeal type (Appeals against Enforcement Notices)

<table>
<thead>
<tr>
<th>Written Representation</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Inquiry</td>
<td>None</td>
</tr>
<tr>
<td>Appeals withdrawn</td>
<td>None</td>
</tr>
<tr>
<td>Total enforcement appeals</td>
<td>0</td>
</tr>
</tbody>
</table>

2.5 Nationally the average time taken to decide appeals based on last reported figures is 29 weeks for ‘written representations’, 28 weeks for ‘hearings’ and 37 weeks for ‘public inquiries’.

2.6 There are 53 appeals decisions outstanding for the Council where a decision is awaited by the Planning Inspectorate and the number of appeals remains an all-time high, having doubled over the past two years. Very recently, a number of appeals have been upgraded from a written representation to informal hearings and from informal hearings to public inquiries, mainly due to the Planning Inspectors examining the Council’s five year land supply position.

2.7 The Council’s performance for the success rate (appeals dismissed i.e. the Council was successful in defending the appeal) is now 67%. This is a total reverse of the position for Maldon as for many years performance has fluctuated between 32% and 41%. The national picture for many years shows that appeals allowed (i.e. Councils have lost defending the appeal) has been fluctuating at between 34% and 35%. Therefore, this means that the Council is now performing at a much higher level and above the national average.

2.8 In the past six months the Council has maintained that significant material weight must be provided to relevant policies (with modifications) which have been subject to hearing sessions (with the exception of Policy H6), given that they are at such an advanced stage. Nevertheless this has increased increase the number of appeals for residential development in the rural areas. More recently the Council has also defended the position on the five year land supply which has been acknowledged in the Council’s favour on two recent appeal decisions but do not form part of the statistics reported in paragraph 2.4 above.

2.9 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 20%. However, in the Spending Review and Autumn Statement 2015 Government announced the strengthening of the performance regime for major appeals, by lowering the threshold for the quality of decisions to 10% of all major decisions overturned on appeal.

2.10 No date has been given for when the new 10% threshold for major appeals comes into effect but is likely to be fairly imminent.

2.11 Members have been previously been made aware that the Council’s performance against the government target has been close to 14% but has recently improved to 8.57% which has improved from 12.68% reported for the previous six months period. However, there are 13 major appeals still in progress so worst case scenario is over 20% if all these were allowed by the Planning Inspectorate). Although there is reason
to be optimistic about the outcome of major appeals in the light of several recent
decisions where the Inspector has acknowledged the Council’s five year land supply
position, this matter of performance still requires attention and vigilance, particularly
in light of the revised threshold to 10%.

2.12 There are currently 54 outstanding appeals where decisions are yet to be made by t the
Planning Inspectorate. These are as follows:

<table>
<thead>
<tr>
<th>Appeal Type</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Inquiry</td>
<td>7</td>
</tr>
<tr>
<td>Hearing</td>
<td>10</td>
</tr>
<tr>
<td>Written Representation</td>
<td>33</td>
</tr>
<tr>
<td>Householder Appeal Process</td>
<td>4</td>
</tr>
</tbody>
</table>

3. IMPACT ON CORPORATE GOALS

3.1 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’.

4. IMPLICATIONS

(i) **Impacts on Customers** – The Council’s 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 have doubled in the
past two years and the resourcing appeals at this level will need reviewing.
Temporary arrangements have been made to deal with the increase in appeals
but very recently the number of hearings and public inquiries has increased
which has required additional external support being provided. Public
Inquiries also require the assistance of barristers which add to the cost of
defending appeals. This matter will need monitoring and reviewing. Much will also depend on a final decision from the DCLG on the Councils Local Development Plan.

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

5. **CONCLUSIONS**

5.1 Performance in appeals decisions has improved considerably in the past six months although there are still a number of outstanding appeals.

5.2 The imminent change in the DCLG threshold for major appeal performance from 20% to 10% of appeals allowed has significant implications for the Council.

5.4 Resourcing appeals will continue to be an issue if the level of the appeals received remain higher than previous years and/or and nature of appeal type changes, including an expected increase in enforcement appeals and public inquiries.

6. **RECOMMENDATION**

That the contents of this report be noted particularly in respect of the changes to Governments’ threshold on performance from major planning appeals being lowered from 20% to 10%.

**Background Papers:** None.

**Enquiries to:** Nick Fenwick, Director of Planning and Regulatory Services or Matt Leigh, Interim Development Management & Enforcement Manager (Tel: 01621 875870).
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REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES

to
PLANNING AND LICENSING COMMITTEE
14 JANUARY 2016

ECONOMIC DEVELOPMENT UPDATE

1. PURPOSE OF THE REPORT

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

2. AREA FOR DECISION / ACTION

2.1 This report is for Members’ information only.

3. SUB-REGIONAL PARTNERSHIPS

3.1 SE LEP (South East Local Enterprise Partnership) – Coastal Group (the Group)

3.1.1 Maldon District Council participated in a meeting of the Coastal Group on 24 November to discuss joint external funding opportunities and the production of a brief paper proposing the areas of future activity and development that the wider Coastal Group members could consider.

3.1.2 The meeting, which took place in London, was attended by representatives from Essex County Council (ECC), Medway, Tendring, Dover, Swale and Rother Councils. The aim of the Group is the raise the profile of the SELEP Coastal areas through joint working to identify areas of future activity and development.

3.1.3 The Group agreed three top priorities:

- Visitor economy;
- Employability and skills;
- Public realm and built environment.

3.1.4 The Group discussed each of the three themes and sub-themes to develop project concepts to investigate further. Through this process seven potential project ideas have been identified. Specific organisations have agreed to work up a two page document outlining the potential for each project across the Coastal Funding Group, to bring back to the Group for discussion in January 2016.
3.2 Haven Gateway Partnership (HGP)

3.2.1 At a meeting of HGP held on 3 December 2015 attended by officers and members updates were received on a range of items including the following: the 2015 / 16 Memorandum of Understanding between HGP and Essex County Council (ECC), A120, Enterprise Zones, the Half Year Finance Report and the proposed 2016 / 17 Business Plan and draft budget.

3.2.2 A special Strategic Officers Group meeting has been arranged on Monday 25 January 2016 at Colchester to look at the main areas for future investment and how best to use the accumulated Haven Gateway balances from 2015 / 16.

4. ECONOMIC PROSPERITY STRATEGY DELIVERY

4.1 Priority One – Increase the Supply of High Quality, Flexible Premises

4.1.1 Maldon District Enterprise Centre Feasibility Study

4.1.1.1 Invitations to quote to complete a feasibility study for an Enterprise Centre have been invited from ten organisations. The selected organisations have been identified as having specialist knowledge and experience of studies linked to economic development and business growth. The study is expected to cost a maximum of £15,000.

4.1.1.2 Funded from the Magnox socio-economic scheme and supported by the Bradwell Legacy Partnership, the study will look at the demand, economic impact, indicative design and costing, and identification of any development constraints for an Enterprise Centre to be located in the Maldon District.

4.1.1.3 Members will recall that the Employment Evidence and Policy Update (July 2015) commissioned by the Council as an independent review of the economic and employment growth prospects of the Maldon District, identified demand for small, flexible office units, let on flexible terms, with good broadband connectivity. The study also commented that it is unlikely that these units could be delivered by commercial developers, with no public intervention.

4.1.1.4 It is proposed to present the study findings and recommendations to the next Planning and Licensing Committee in March 2016.

4.2 Priority Two – Support Diversification and Enterprise

4.2.1 Development of a Brand for the District: Sense of Place Project

4.2.1.1 The aim of the project is to raise the profile and positioning of the district in order to support business growth and enhance the impact of tourism by development of a brand, identity and story which represents the district in its entirety. The key project milestones are:

* Establishment of Sense of Place Steering Group;
* Engagement with stakeholders from the private and public sector;
• Creation of a new place narrative (Place Story) and graphic language;
• Establishment of a Place Board.

4.2.1.2 Following agreement by the Council on 17 December 2015, a Sense of Place workshop, to which all Members are invited to attend, will take place on Monday 18 January 2016. The purpose of the workshop is to provide Members with a detailed update on the Place Story and to seek their views on the project to date.

4.2.1.3 It is now proposed that the launch of the Place Story and associated marketing material will take place late February / early March 2016 to capitalise on the engagement support and momentum that the project has generated to date, particularly in the private sector.

4.3 **The European Union (EU) LEADER Programme.**

4.3.1 The Essex Rivers Local Action Group (LAG) has received £1.8m from the European Union LEADER Programme as part of the Rural Development Programme for England. The programme will run until 2020 and allocated funding must be spent within the next five years.

4.3.2 The purpose of the programme is to deliver innovation and sustainable employment opportunities to those who live and work in the LAG geographical area based on a number of priorities - the details of which are available on the Essex Rivers website: www.essexrivers.co.uk.

4.3.3 All projects must demonstrate that they are contributing to economic growth and/or job creation and provide match funding.

4.3.4 The next meeting of the LAG will take place on Tuesday 26 January and is being hosted by Maldon District Council (MDC) at Stow Maries. Board members will consider applications received to date, which currently include two from the Maldon District.

4.4 **Bradwell Legacy Partnership (BLP)**

4.4.1 The BLP met on 7 December 2015 at Bradwell-on-Sea to review progress on the 2014 / 15 Action Plan, agree a list of potential project opportunities which had the potential to attract funding from the Magnox Socio-economic scheme, and review the groups’ terms of reference.

- **Dengie Enterprise Support** - The meeting was pleased to note that the Dengie Enterprise Support service had delivered some 68 advice sessions, and had supported a wide range of local entrepreneurs seeking to develop business ideas in, for example, snacks manufacturing, pest control, photography, equestrian holidays, cookery, and disability diagnostics. Ten local trading businesses had also taken the opportunity to use the service. The BLP meeting supported a recommendation to fully utilise the previously approved grant allocation of £15,000 for the advice service by extending the existing supplier contract to the end of March 2015. In view of the success of the drop-in advice service, it was agreed to seek opportunities to continue the service for a further 12 months. Officers will now be inviting quotes from interested
suppliers to continue the service until March 2017.

- **BLP Terms of Reference** - Proposals to revise the BLP terms of reference, with a view to making them fit for purpose, were also discussed and agreed. In particular, the group was anxious to engage with key stakeholders and to utilise partner’s knowledge and experience to identify and drive projects which would have a demonstrable impact on the economic well-being of the Dengie.

It was agreed to revise core membership to include representation from the Greater Essex Business Board (GEBB) and the Rural Community Council for Essex (RCCE). Attendance by other stakeholders and interested parties will be at the invitation of the group. The meeting also agreed not to appoint a chairman and to continue with the role of a Meeting Facilitator. The revised terms of reference will be presented to Members for endorsement in March 2016.

- **BLP Action Plan** - The meeting was updated on project activity associated with the 2014/15 Action Plan which was endorsed by the Planning & Licensing Committee in September 2014. It was noted that Action Plan recommendations 1 and 2, unique identity / branding and marketing project, were now being progressed through the Sense of Place project, and that some progress was being made with developing a skills offer at Stow Maries Aerodrome with an anticipated bid to the Magnox Socio-economic scheme by the Trustees.

The Dengie Gateway Project Officer also reported that work on upgrading the Saltmarsh 75 route, which had been allocated £20,000 by the Partnership, was now progressing along with other activities linked to the Coastal Community Fund project known as the Dengie Gateway.

The meeting also supported the proposal to deliver the Business to Business (B2B) event to coincide with National Apprenticeship Week, 14 to 18 March 2016.

- **New Project Opportunities** - The meeting also discussed a range of business and tourism growth project opportunities which could be enabled through the Magnox Socio-economic scheme and agreed to progress the development of a number of ideas including:
  - Business Enterprise Hub and Growth Hub (developing the current service);
  - Tourism Hub (Burnham-on-Crouch);
  - Arts and Culture programme;
  - Circular off-road Dengie Cycle Path;
  - Ferry provision between Bradwell, Tollesbury and Mersea;
  - Using the Bradwell reactor cladding as a screen for art imagery;
  - Extending broadband provision using non-fibre alternative delivery mechanisms.

Other proposals from the RCCE included a range of activities which would help build resilient communities, as well as development of ‘demand
responsive transport’, and tailored support to small retail and independent traders.

Project ideas will now be developed by Officers with a view to identifying partners and linkages with key strategic themes of local, regional and national funding agencies. The 2016 / 17 Action Plan, which will replace the 2014 / 15 Action Plan endorsed by the Planning and Licensing Committee in 2014, will be circulated for comment early in the New Year.

4.5 Coastal Community Team – Economic Plans

4.5.1 Economic Plans for the Maldon and Blackwater Estuary Coastal Community Team and the River Crouch Coastal Community Team, developed from local consultation events and online questionnaires, were circulated for public consultation purposes on 4 December 2015. Awareness of the consultation process, as well as website links to the draft Plans, were also widely circulated using social media. Members were also forwarded copies of the draft Plans for information and comment.

4.5.2 The public consultation process closed on 18 December 2015 and contributions are being collated.

4.5.3 Stakeholders were encouraged to comment and all contributions will be acknowledged and are being accommodated in the final plans. The Plans will be launched by the Teams in late January 2016, in accordance with the Department for Communities and Local Government (DCLG) requirements.

4.5.4 Members will be asked to formally endorse the Plans at the next Planning and Licensing Committee.

4.6 Business Awards

4.6.1 The Chairman of MDC has decided that he would like to establish an annual ‘Maldon Business Award’ and is working with officers to finalise the inaugural event which will be held at Braxted Park on Thursday 14 April 2016.

4.6.2 The categories for the awards are as follows:

- Fast Track Business of the Year;
- Customer Focus Award;
- Workplace Skills Award;
- Environmental Business Award;
- Social Impact Award;
- Business of the Year (Overall winner from above categories).

4.6.3 It is anticipated that the Award scheme will open for entries mid-January during which businesses can either nominate themselves or be nominated by another.

4.6.4 Further details will be circulated to Members in due course.
4.7 Priority Three – Improve Skills and Training Provision

4.7.1 London Southend Airport – Consultative Committee

4.7.1.1 The Chairman of the Council and the Economic Development Manager attended a meeting held on Wednesday 18 November at London Southend Airport.

4.7.2 The Chairman welcomed the new Chief Executive Officer (CEO) of Stobart Aviation, Glyn Jones who staged that his aim was to achieve a target of 2.5 million passengers in three years, within the current number of annual flights which stands at 53,300. The strategic plan to achieve the passenger target is based on the following:

- Increased terminal based income generation;
- Increased inbound market;
- Increased private jet movements;
- Reduced turnover of staff.

4.7.3 Mr Jones was cordially invited to visit the District of Maldon in the spirit of partnership working, which was noted in the minutes.

4.8 Priority Four – Improve Connectivity

4.8.1 Broadband update

4.8.1.1 Essex Superfast Broad are currently preparing a list of the key business parks throughout the County, and their status in terms of superfast connectivity, with a view to submitting a request to BT to expand the rollout further. This opportunity has arisen due to savings achieved during the initial phases of the deployment.

4.8.1.2 Officers have provided ECC with details of key business parks throughout the district based on the information within the Maldon Local Development Plan (LDP), which contains an alphabetical list of employment sites with supporting information from the Employment Evidence and Policy Update by Hardisty Jones Associates in July 2015 and states the following:

A market-led assessment of the preferred locations for further employment allocations suggests that these are:

- Maldon;
- Heybridge;
- Burnham-on-Crouch;
- Latchingdon;
- South of the District.
5. **ECOMOMIC PROSPERITY AND TOURISM WORKING GROUP**  
   (the Working Group)

5.1 The Working Group met last in November and considered three issues that are not detailed elsewhere on this agenda or within the Economic Development update.

5.2 **Markets**

5.2.1 The meeting discussed the extension to the existing Butt Lane market contract which is undertaken by the Maldon Market Co-operative. Since discussions earlier in the year it is fair to say that there have been some improvements to the overall market offer and in particular the range of stalls has increased on Thursdays.

5.2.2 Officers will continue to monitor the range and quality of the stalls and a report will be prepared for the January meeting of the Working Group before consideration by the appropriate programme Committees. This report will also detail the support provided by the Council to the organisers.

5.2.3 The Burnham-on-Crouch Market contract is currently out to tender and the outcome of the exercise will be reported back to Members of the Working Group.

5.3 **The Dengie Gateway Project (Coastal Communities Fund (CCF))**

5.3.1 The meeting was provided with an overview of progress relating to the CCF funded Dengie Gateway Project. Members will be aware that this project seeks to increase visitor numbers to the District, through the promotion of the coast and the development of stronger links to the Wallasea Island.

5.3.2 Outcomes so far:

- New tourism website due for a public launch in March;
- Increased social media presence of Maldon attractions;
- Audit of brown tourism signage carried out;
- Audit of ‘destination’ signage carried out for Maldon and Burnham-on-Crouch;
- Survey of coastal trail undertaken;
- New district branding in development (see paragraph 4.2.1);
- Marine Management Organisation license applied for increased pontoon capacity at Burnham-on-Crouch.

5.3.3 Project documentation is held on the Councils Project drive under Project 223 which is available to Members.

5.4 **Coastal Revival Fund bid**

5.4.1 Members will be aware the Council and two organisations within the District submitted three separate bids to the Coastal Revival Fund. Despite receiving positive feedback about the merits of the Council’s bid it was ultimately unsuccessful. Officers will look to utilise the Maldon and Heybridge Central Area Master planning process to take forward aims of the CRF bid.
6. **IMPACT ON CORPORATE GOALS**

6.1 The work of the Economic Development Team, and the further evolution of SE LEP and our sub-regional partnerships, will help to protect and shape the District, and balance the future needs of the community.

7. **IMPLICATIONS**

7.1 Economic development is about improving the long-term economy of the Maldon district, by attracting new businesses, increasing skills, encouraging investment, increasing job opportunities, attracting visitors and identifying opportunities for sustainable growth and development.

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

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

(iii) **Impact on Risk** – Capacity of the Council to deliver economic development functions arising from the sub-regional partnerships, and project initiation and implementation.

(iv) **Impact on Resources (financial)** – Maldon District Council needs to continue to align itself with SE LEP priorities and the Economic Plan for Essex (EPfE) and work in partnership with key stakeholders to attract match funding in an environment of changing economic governance.

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

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

8. **CONCLUSIONS**

8.1 This report provides Members with a progress update on delivering activity associated with the District’s Economic Prosperity Strategy (EPS).

9. **RECOMMENDATION**

That the contents of the report be noted.

**Background Papers:** Coastal Communities Fund / Dengie Gateway Project documentation

**Project Drive 223**

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