

Unrestricted Document Pack

APOLOGIES Committee Services
Committee.clerk@maldon.gov.uk

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE'S OFFICE
DIRECTOR OF STRATEGY, PERFORMANCE
AND GOVERNANCE
Paul Dodson

9 September 2020

Dear Councillor

You are summoned to attend the meeting of the;

STRATEGY AND RESOURCES COMMITTEE

on **THURSDAY 17 SEPTEMBER 2020** at **1.00 pm.**

Please note that this will be a **remote meeting** – Members to access the meeting via Microsoft Teams. Members of the press and public may listen to the live stream on the Council's website: <https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=285&MIId=2240>.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

COMMITTEE MEMBERSHIP	CHAIRMAN	<i>Vacant</i>
	VICE-CHAIRMAN	Councillor Miss S White
	COUNCILLORS	Mrs P A Channer, CC M F L Durham, CC M R Edwards Mrs J L Fleming A L Hull K M H Lagan C Mayes N G F Shaughnessy R H Siddall N J Skeens Mrs J C Stilts C Swain Mrs M E Thompson

Please note: Electronic copies of this agenda and its related papers are available via the Council's website www.maldon.gov.uk.

THIS PAGE IS INTENTIONALLY BLANK



AGENDA
STRATEGY AND RESOURCES COMMITTEE
THURSDAY 17 SEPTEMBER 2020

1. **Chairman's Notices (please see overleaf)**
2. **Apologies for Absence**
3. **Minutes of the Last Meeting** (Pages 7 - 14)

To confirm the Minutes of the Strategy and Resources Committee held on 20 February 2020, (copy enclosed).

4. **Disclosure of Interest**

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

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

5. **Public Participation**

To receive the views of members of the public, of which prior notification in writing has been received (no later than noon on the Tuesday prior to the day of the meeting).

Should you wish to submit a question please complete the online form at:
www.maldon.gov.uk/publicparticipation

6. **IT Policies** (Pages 15 - 32)

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

7. **Consultation on Changes to the Current Planning System** (Pages 33 - 46)

To consider the report of the Director of Strategy, Performance and Governance, (copy enclosed).

8. **Any other items of business that the Chairman of the Committee describes are urgent**

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session. At the start of the meeting an announcement will be made about the recording.



**MINUTES of
STRATEGY AND RESOURCES COMMITTEE
20 FEBRUARY 2020**

PRESENT

Chairman	Councillor B E Harker
Vice-Chairman	Councillor Miss S White
Councillors	R G Boyce MBE, Mrs P A Channer, CC, M R Edwards, Mrs J L Fleming, A S Fluker, A L Hull, K M H Lagan, C Mayes, N G F Shaughnessy, R H Siddall, N J Skeens, Mrs J C Stilts and Mrs M E Thompson
In attendance	Councillors M S Heard and C Morris

794. CHAIRMAN'S NOTICES

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

795. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor C Swain and it was noted that Councillor Miss S White was running late.

796. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the Strategy and Resources Committee held on 29 January 2020 be agreed.

Councillor Miss S White joined the meeting at this point.

797. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer disclosed a non-pecuniary interest as a member of Essex County Council in any item of business relating to the County Council. In relation to Agenda Item 6 – Adoption of Air Quality Action Plan for Market Hill and High Street Maldon 2020 – 2025 she declared that Maldon District Council had been working with Essex County Council on this.

Councillor N Skeens disclosed a non-pecuniary interest in Agenda Item 12A – The Crouch Valley Festival of Food and Drink as he was a member of Burnham-on-Crouch Town Council who would have a view.

798. PUBLIC PARTICIPATION

In accordance with the Council's public participation scheme, Councillor C Morris addressed the Committee as a member of the public and in relation to Agenda Item 6 – Adoption of Air Quality Action Plan for Market Hill and High Street Maldon 2020 – 2025.

799. ADOPTION OF AIR QUALITY ACTION PLAN FOR MARKET HILL AND HIGH STREET MALDON: 2020 - 2025

The Committee considered the report of the Director of Service Delivery, presenting the Air Quality Action Plan (AQAP) for Market Hill and High Street, Maldon (attached as Appendix 1 to the report).

The report reminded Members that the Council had declared an Air Quality Management Area (AQMA) on Market Hill in December 2018, noted work carried out since this decision was made and the public consultation scheduled to start on 2 March.

The Director of Strategy, Performance and Governance apologised and advised that Section 5 of Appendix 1 (page 122 of the agenda pack) contained some errors which needed amendment as follows:

- Cllr White – Ward member for Purleigh ~~and Essex County Councillor for Maldon~~
- Cllr Durham – Ward member for Wickham Bishops and Woodham ~~and Essex County Councillor for Heybridge and Tollesbury Division~~

In response to a question regarding the amendments, the Director of Strategy, Performance and Governance confirmed that he would ensure that the AQAP was amended prior to circulation as part of the public consultation.

A lengthy debate ensued during which a number of Members commented on the AQAP. In response to comments, the Environmental Health Officer provided the following information:

- The AQAP was a statutory requirement because of the AQMA, whereas a clean air zone was not.
- The Council had to provide an annual statistics report to the Department for Environment, Food and Rural Affairs (DEFRA) and there were clearly defined targets for the Council to meet.
- There was detailed information and modelling undertaken which had fed into the detailed improvement plan that would occur as part of each of the actions identified.
- The AQMA targeted nitrogen dioxide which largely related to emissions from tailpipes from motor vehicles.
- The table at paragraph 4.1 of the report set out the action points and these would be highlighted as part of planned consultation events.

- It was acknowledged that anti-idling was a big issue to local residents and this would be addressed through the proposed Air Quality Strategy for the whole district.
- The associated costs had been considered and approved by the Council as part of the decision to fund this work. The work was being undertaken for the Council by Chelmsford City Council, following a procurement exercise.

In response to a question, the Environmental Health Officer agreed to provide Members with detail of how the Council measured and validated the documents received in respect of the AQAP.

A question was raised regarding the Council's Air Quality Management (Market Hill) Working Group and the Minutes of this meeting being available to Members. In response, the Director of Service Delivery advised that he would look into this matter and respond to Members outside of the meeting.

The Chairman then put the recommendation as set out in the report, subject to the amendments detailed above. This was duly agreed.

RESOLVED that the Air Quality Action Plan for Market Hill and High Street, Maldon (attached as Appendix 1 to the report) be approved for Public Consultation in March 2020.

800. AMENDMENTS TO THE LOCAL INFORMATION REQUIREMENTS FOR THE VALIDATION OF PLANNING APPLICATIONS (LOCAL LIST)

The Committee considered the report of the Director of Service Delivery seeking Members' agreement to commence a formal consultation period of revised local information requirements for the validation of planning applications list (local list).

The report provided background information regarding the validation of planning and other applications submitted under the Town and Country Planning Acts. It was noted that the Council had, in accordance with Governance Guidance, adopted local validation requirements, Local Lists to supplement the national requirements.

It was noted that carrying out regular reviews of the local list was an important process in ensuring a high level of customer service as well as assisting the timely processing of applications. Updating the local list would allow the validation process to become clearer and more streamlined for both the Applicant / Agent.

RESOLVED that the Maldon District Council Planning Validation Requirements List – Update January 2020 (attached as Appendix 2 to the report) be endorsed for public consultation for a period six weeks and then brought back to this Committee to consider the responses received and to agree any alterations with a view to the list being finalised and then published.

801. APPROVAL TO CONSULT ON THE DRAFT LISTS OF LOCAL HERITAGE ASSETS FOR THE PARISHES OF BRADWELL-ON-SEA AND TILLINGHAM

The Committee considered the report of the Director of Strategy, Performance and Governance seeking Members' approval to consult on the Draft Lists of Local Heritage for the Parishes of Bradwell-on-Sea and Tillingham (attached at Appendix 1 to the report).

The report provided background information on listed buildings within the District and how the Planning Practice Guidance encouraged Local Planning Authorities to identify 'non-designated heritage assets' against consistent criteria. Adding them to a 'local list' was considered a positive way of improving the 'predictability of the potential for sustainable development'.

Draft lists for the Parishes of Bradwell-on-Sea and Tillingham had been produced with assistance from local historians. If Members were to approve these for public consultation, they would be published on the Council's website and each relevant Parish Council and owner / occupier would be written to. Consultation responses would be reported to a future meeting of this Committee, along with any updates prior to adoption.

In response to a question regarding how often the assets would be updated the Director of Strategy, Performance and Governance advised that he would check and advise Members accordingly.

The Committee asked that its thanks be passed to the Conservation Officer for his excellent work on the Local lists.

RESOLVED that the Draft Lists of Local Heritage Assets for the Parishes of Bradwell-on-Sea and Tillingham are approved for public consultation.

802. REVIEW OF PENALTY CHARGES FOR ENVIRONMENTAL OFFENCES

The Committee considered the report of the Director of Service Delivery seeking review of the current charging levels imposed by Fixed Penalty Notices (FPN) for various environmental or antisocial behaviour offences, including fly posting, fly tipping, littering, dog fouling, abandoned vehicles and antisocial behaviour. Appendix 1 to the report provided details of the proposed charges.

The report provided background information and statistical information regarding the powers previously used by the Council to issue FPNs to deter residents and visitors from committing such offences. Legislation set out the default and maximum penalty levels and Members were advised that many Councils had moved to charging the maximum penalty which acted as a greater deterrent.

Members were advised that the proposed increase to the level of FPN for anti-social behaviour offences would act as a positive deterrent, sending a strong message to potential offenders.

In response to a question, the Director of Service Delivery confirmed that there was ‘no change’ proposed for the offence - Failure to produce authority to transport waste (Waste Carriers permit / licence).

RECOMMENDED

- (i) That the levels of charge from 1 April 2020 be increased up to the maximum levels permitted under the legislation as set out in **APPENDIX 1** to these Minutes;
- (ii) That that the team continues to support educational campaigns targeting public awareness of environmental offences.

803. PAY POLICY STATEMENT 2020 / 21

The Committee considered the report of the Director of Resources seeking the Council’s approval of a Pay Policy Statement to meet the Localism Act 2011 requirements.

It was noted that the Pay Policy Statement was attached as Appendix 1 to the report and reflected the current arrangements for pay at the Council.

RECOMMENDED that the Pay Policy Statement attached as **APPENDIX 2** to these Minutes be adopted for the financial year 2020 / 21.

804. HUMAN RESOURCES STATISTICS - QUARTER THREE 2019 / 20

The Committee received and noted the report of the Director of Resources presenting Human Resources statistics for the period 1 October to 31 December 2019 (Quarter Three (Q3)).

Statistics and updates relating to the following areas were detailed in the report:

- Labour Turnover;
- Recruitment, including vacancies;
- Staff Sickness Levels;
- Workforce Statistics – attached as Appendix 1 to the report.
- Future Model.

There had been a lot of recruitment during Quarter Three, with increasing success in recruiting permanent employees to key ‘hard to recruit’ roles. Human Resources (HR) continued to work with the Corporate Leadership Team and tier two managers to finalise the new operating model structure and focus was now moving to utilising and improving the model for the Council’s workforce of the future.

Members noted that the overall absence levels had reduced to 191.72 per Full Time Equivalent which was a significant reduction from Quarter Two. In response to a question the Director of Strategy, Performance and Governance reported that Officers had concentrated on addressing long term sickness which had contributed to the reduced

figure. The Director of Strategy, Performance and Governance advised that the Council was below the national average and agreed to circulate Members with further information in respect of this.

When presenting the report the Director of Service Delivery advised that of those vacancies detailed in the report interviews had been carried out in relation to most posts and appointments were subject to the finalisation of contracts.

RESOLVED that the contents of the report be noted.

805. URGENT ITEM OF BUSINESS

The Chairman announced that in accordance with Section 100b(4) of the Local Government Act 1972 he had agreed to allow the Director of Service Delivery to raise an urgent item of business seeking Members' consideration of financial estimates relating to two events in 2020. Members were advised that it was necessary to consider and make a decision on this item prior to the next meeting of the Committee to reduce potential risks to the Council.

Members were advised that this item was a private and confidential report.

806. EXCLUSION OF THE PUBLIC AND PRESS

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

807. THE CROUCH VALLEY FESTIVAL OF FOOD AND DRINK

The Committee considered the urgent report of the Director of Service Delivery seeking Members review of the financial estimates for the Burnham-on-Crouch Festival Food and Drink 2020 and a similar event within Maldon Promenade Park 2020.

Members were reminded of the decision by this Committee in January 2020 regarding food and drink events in Burnham-on-Crouch and the Maldon Promenade Park. The report provided an analysis of the financial costs associated with the proposed events.

A number of questions were raised by Members and in response the Commercial Manager provided the Committee with additional information regarding staff costs, impact on car parking income, risk of not recruiting enough retailers, insurance and what the start up costs related to. The Committee were advised that although the branding for the Maldon event had not been confirmed it would be different to the Burnham-on-Crouch event.

The Chairman advised that recommendation (ii) should refer to the Council rather than Members. Subject to that amendment he put the recommendations as set out in the report which were subsequently agreed.

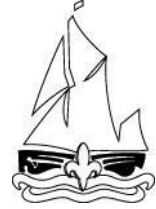
RESOLVED

- (i) That financial estimates for two events in 2020, namely the Burnham-on-Crouch Festival of Food and Drink and a similar event within Maldon Promenade Park, be acknowledged;
- (ii) That the two events detailed in (i) above be underwritten by the Council and authorise Officers to launch both events without delay;
- (iii) That a full financial analysis of the events (detailed in (i) above) be presented to the October 2020 meeting of this Committee along with any supplementary estimate to mitigate any loss at that time, if required.

The meeting closed at 8.35 pm.

B E HARKER
CHAIRMAN

This page is intentionally left blank



REPORT of DIRECTOR OF RESOURCES

**to
STRATEGY AND RESOURCES COMMITTEE
17 SEPTEMBER 2020**

IT POLICIES

1. PURPOSE OF THE REPORT

- 1.1 To update the following policies Maldon District Council due to the addition of new hardware and software following the transformation project. This will provide clear policy requirements for system usage within the organisation both for Members and staff when working in the office or outside in a public setting.
- ICT Acceptable Use (**APPENDIX 1**);
 - Email and Communications (**APPENDIX 2**);
 - Information Security (**APPENDIX 3**).
- 1.2 The introduction of these amended policies will also meet the requirements of a recent internal network security audit recommendation.

2. RECOMMENDATION

That the policies (**APPENDICES 1 - 3**) which set out the security requirements that all staff and Members must adhere to when using Maldon IT systems to ensure data security and appropriate use, be reviewed and agreed (this will also address the required audit recommendation).

3. SUMMARY OF KEY ISSUES

- 3.1 The policies have not been reviewed since the completion of the transformation project and additions of new hardware and software. The policies have now been updated in line with the new council model and infrastructure.

4. CONCLUSION

- 4.1 With the amended IT policies approved, staff and Members will now be able to comply with the policy requirements to work safely and securely with Maldon District Council hardware and software, this reinforces our data security and the responsibilities of the user when working.

5. IMPACT ON STRATEGIC THEMES

- 5.1 These IT Policies ensure we deliver the corporate goal of delivering good quality, cost effective and values services.

6. IMPLICATIONS

- (i) **Impact on Customers** – Ensures data security for customers.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – Reduces risk to data security and unacceptable use.
- (iv) **Impact on Resources (financial)** – Reduces risk of any financial impact of data breach.
- (v) **Impact on Resources (human)** – Additional work to monitor completion of training.
- (vi) **Impact on the Environment** – None.

Background Papers: Partners IT policies.

Enquiries to: Grant Hulley, IT Senior Specialist.

Document Control Sheet

Document title	Acceptable Use Policy
Summary of purpose	We must act appropriately with the information we obtain and hold, and with the systems we use and access. How you use our systems, telephony, email and intranet is important for our reputation and the trust of our customers.
Prepared by	ICT
Status	Final
Version number	V7.2
Approved by	
Date of implementation	1 March 2020
Review frequency	3 Years
Next review date	1 March 2023
Circulation	All Staff via E learning and Intranet
Published on the Council's website	No internal policy only

Validity Statement

This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document.



Acceptable Use Policy

FURTHER INFORMATION

CONTEXT:

We must act appropriately with the information we obtain and hold, and with the systems we use and access. How you use our systems, telephony, email and intranet is important for our reputation and the trust of our customers.

Also see
Information
Security Policy

Contact: Senior
ICT Specialist To
report faults,

APPLICATION OF POLICY:

Everyone who uses information and communications technology this organisation provides (or technology under any ownership used in the course of the business of this organisation) must be aware of these policy statements and the obligations it places upon them. Maldon District Council commits to informing all employees, members, voluntary workers, agency staff, contractors and other third parties of their obligations before they are authorised to access systems and information and **subsequently** at regular intervals. Other organisations, and their users, granted access to technology managed by our organisation must abide by this policy. All those who access information and communications technology may be held personally responsible for any loss or misuse.

Contact: The ICT
team on 01621
854477 To report
a virus or
malware,

Contact: The ICT
team on 01621
854477 In the
event of a
password
breach, or
suspected
breach,

OBLIGATIONS:

- You must not install, access or modify applications, systems or data without the correct authorisation from IT.
- You must maintain the security of information as defined in the Information Security Policy.
- You must not access or interfere with other people's email without their permission, or in their absence, the authorisation of their line manager.
- You must not participate in unlawful, libellous, immoral or offensive activities, including accessing, downloading, storing, creating, copying or disseminating offensive material. This includes, but is not limited to, material of a pornographic, sexual, violent, criminal, racist, sexist or otherwise discriminatory nature. Further, you must not use our systems to perpetrate any form of fraud or piracy.
- You must not publish a website, or any content on a website or social media platform, that could bring the organisation into disrepute. This includes publishing defamatory or knowingly false material about the organisation, colleagues or customers in any online publishing format.
- You must not disclose your password to anyone or ask anyone else for their password. If you suspect your password has become known to anyone else, change it immediately and report it to the Information Security Manager.

Contact: Senior
ICT Specialist,
who acts as the
Information
Security
Manager for
MDC.

- Only subscribe to services with your professional email address when representing the organisation.
- Our facilities and identity must not be used for commercial purposes outside the authority or remit of this organisation, or for personal financial gain.
- You must not attempt to disable or bypass anti-virus, malware or other security protection, and you should take care not to introduce viruses or malware. If you discover a virus or malware, you must notify ICT immediately.
- You must only use software that is appropriately licensed and materials which are not copyrighted, or for which you have been granted use.
- You must only use council data for the purpose it was obtained and not to benefit yourself, a family member or friend
- If you receive or view email or other content not intended for you, protect its confidentiality.
- Take care when replying or forwarding to ensure that only relevant parties are included.
- Report faults with information and communications technology and co-operate with fault diagnosis and resolution.
- If you use our technology or our internet provision for personal use, the organisation takes no responsibility for the security of your personal information. It is recommended you do not carry out personal financial transactions.

MONITORING:

The organisation maintains the right to examine any system or device used in the course of our business, and to inspect any data held there. To ensure compliance with this policy, the volume of internet and network traffic, and the use and content of emails and visited internet sites, may be monitored. Specific content will not be monitored unless there is suspicion of improper use.

This page is intentionally left blank

Document Control Sheet

Document title	Using Email and Digital Communications
Summary of purpose	Email and digital communications are essential channels for our organisation, enabling us to work productively and flexibly. How you communicate through email, instant messaging or audio-visual conferencing and what you publish on the internet is important for our reputation and the trust of our customers and partners. Read the Information Security Policy and Acceptable Use Policy to understand your obligations
Prepared by	ICT
Status	Final
Version number	V1.1
Approved by	
Date of implementation	1 March 2020
Review frequency	3 years
Next review date	1 March 2023
Circulation	All Staff via Intranet
Published on the Council's website	No internal policy only

Validity Statement

This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document.

Using Email and Digital Communications

FURTHER INFORMATION

CONTEXT

Email and digital communications are essential channels for our organisation, enabling us to work productively and flexibly. How you communicate through email, instant messaging or audio-visual conferencing and what you publish on the internet is important for our reputation and the trust of our customers and partners. Read the Information Security Policy and Acceptable Use Policy to understand your obligations.

Also see Information Security Policy, Acceptable Use Policy

Contact: Senior ICT Specialist To report concerns.

Contact: the ICT team on 01621 854477 for any queries on emails.

AUDIENCE

This guidance is relevant for everyone who uses corporate email or digital communication channels in the name of Maldon District Council or acts as a representative of the organisation. It contains good practice and advice, describing the organisation's expectations as you use these channels. All those who access email and digital communications may be held personally responsible for any abuse or inappropriate use.

CHOOSING THE BEST CHANNEL

What do I need to communicate?

If information needs to be recorded or saved, or if you want to get a consistent message to a group of people, email is the answer. Short and insignificant conversation with somebody remote is ideal over instant messaging. Delivering an important, immediate and memorable message is best face to face, either in person or through video conferencing. For instant response combined with two-way dialogue, telephone remains a useful channel.

Channels for sensitive or complex subjects

If you are communicating about these matters, talk to somebody directly, or contact them using telephone or audio-video conferencing rather than email or instant messaging.

This ensures that aural or visual cues are evident in the conversation. Of course, you may need to follow up dialogue with documented notes or information, at which time email becomes an acceptable channel.

EMAIL ETIQUETTE

Keep emails short and to the point. The people receiving your email want to quickly understand how they should prioritise your message. Long emails may not be read to the end.

Use the subject field for a brief and concise description or reference. This helps the recipient organise and manage their email and will help you retrieve it if needed.

Read your email back to yourself before you send it, as it lets you check you are conveying the message you want, as well as correcting spelling or grammar mistakes which shows respect for the intended audience.

Do you need to attach something? When referring to other information or documents, think about whether the recipient can access a link rather than sending an attachment. This reduces the strain on your mailbox storage and theirs. It also reduces duplication as it discourages multiple copies being saved, and ensures the original information remains the key reference location.

Say Hello, Goodbye and who you are. Use a salutation appropriate for your audience. It is common practice to use Hi or Hello in professional emails, or to use Dear in particularly formal emails. Finishing your email with "Kind regards" or "Thanks" above your signature helps to stop communication feeling abruptly closed. Include a signature that provides enough information about who you are without making it unreasonably long. A corporately agreed disclaimer is automatically added to external emails therefore do not add your own version of a disclaimer to your signature.

Avoid snap responses. Never send an email in anger. Email can be very impersonal, so it may encourage people to feel bolder in making criticism or pointing out things they are dissatisfied with than they would be in communicating it verbally. Whilst it may be tempting to respond in kind, it is always better to wait until your initial irritation is gone and then either speak to them in person or construct a considered response

MANAGING EMAIL

Don't let email overwhelm you by setting a little time aside each day to deal with it. Consider whether senders need you to respond, retain or just read then delete. Use flags and reminders for emails which require a response you cannot immediately provide. Empty the deleted items folder intermittently and archive old items in your mailbox regularly to prevent it becoming unusable.

If you are able to work flexibly or remotely, you may collect email on your mobile phone or online. As technology enables us to work from almost anywhere with an internet or phone connection, it can be difficult to know where to draw the line. The relaxation of traditional work boundaries can cause feelings of pressure on your work life balance and difficulty switching off from work.

<p>You are not expected to read and answer emails outside your normal working hours. Urgent matters can be communicated by telephone. There is no expectation you are always available just because you have connectivity.</p> <p>Avoid peer pressure and do not get involved in competitive situations over email responses</p>	<p>Be considerate of the time and day when sending emails. If you manage others, you should avoid setting an expectation that your team need to work when you work.</p> <p>Set an out-of-office response when you are unable to read your emails for at least one working day or more. This helps to manage the expectations of those contacting you.</p>	<p>You do not need to check emails when you are off sick, on holiday or non-working days, but you should ensure they are managed on your behalf or that senders have an alternative point of contact.</p> <p>You are responsible for managing your work time. Look for early signs of email invasion into your personal time and act quickly.</p>
--	---	---

SENSITIVITY

Give some thought to whether a message needs to be marked differently to usual. Most messages and their attachments don't need to be marked as confidential or private, and when they aren't, the assumption is that the message can be forwarded and the attachment changed as required. Please do not use auto-forward rules on your emails as this restricts your ability to manage them according to their sensitivity.

Most email applications make it easy to mark emails with a sensitivity level. If in doubt, start your subject line with the appropriate word to indicate sensitivity. Be aware that marking with a sensitivity level does not prevent recipients distributing the content.

Remember privacy and confidentiality cannot be assured on most digital channels. Secure email should be used for sensitive information about individuals, or is sensitive due to quantity (e.g. large datasets of personal details) or content which is commercial in confidence

Confidential messages and attachments should not be freely copied or forwarded. Distribution should be limited to those who need to be informed.

Private indicates the content is only to be shared between the sender and recipient. The recipient should seek the sender's permission before distributing or sharing the information.

Marking digital correspondence with Personal tells the recipient that the content is about the sender. The recipient should seek the

DIGITAL COMMUNICATIONS AND THE LAW

The law applies to email and digital communications in the same way as it does to the written or spoken word, regardless of intent or ignorance. Think carefully about what you say and how you say it. The organisation will assist law enforcement agencies when requested, including passing on all data held on email.

The law of copyright applies to electronic and digital forms in the same way as it does to traditional publications. Take care not to infringe copyright when reproducing any material in email, attachments or digital communications. Seek advice from Legal Services if you are unsure.

Everything contained in the email system is the organisation's intellectual property.

Data Protection and Freedom of Information

It is a criminal offence to collect, hold and process personal data on computers unless the Information Commissioner's Office is notified. This organisation is registered as a data processor.

Information held in emails about a person may have to be revealed if they request it. Be mindful that email is included in the information subject to disclosure under the Freedom of Information Act 2000. It is also a legal requirement that information held is accurate and is only kept for as long as it is needed.

Human Rights Act 1998

Article 8 of this Act applies to emails and digital correspondence sent at work and gives individuals the right to privacy over such communications. However, monitoring individuals' email and digital correspondence at work may be justified if it is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety, for the economic wellbeing of the country, for the prevention of disorder or crime, for protection of health or morals or for the protection of the rights and freedoms of others.

Obscene Publications Act 1959 and 1964

Material sent through the email system or shared digitally during working time or from the organisation's equipment could contravene this act, and information will be passed to appropriate authorities if requested.

Defamation

Critical comments or defamatory remarks about individuals, groups or organisations must not be included in corporate email or shared through digital channels when acting as a representative of the organisation. You must not reproduce any critical comments or defamatory remarks made by third parties as the law may interpret this as libel and you may be held liable for the contents.

Harassment and Discrimination

Comments or remarks sent by email or shared digitally may amount to harassment under anti-discrimination laws. Because there are no visual or tonal signals in digital communications, it is possible to cause offence to the recipient or reader where none was intended.

Contracts

It is possible to inadvertently form a contract through an exchange of email. A contract does not necessarily need a signature to come into force, and in any event, your email signature has the same weight in law as your manuscript signature. If you do not have the authority to create or vary a contract, take care in your email correspondence, and seek advice from Legal Services if needed.

Hacking

Unauthorised access to our network or systems, including email, can lead to theft, destruction or alternation of essential data. It is a criminal offence to access any computer system you are not authorised to use, or to delete or amend data or systems to the detriment of the organisation

REPORTING EMAIL OR DIGITAL COMMUNICATIONS

Abusive or Obscene Content

Make sure you know and understand your obligations around inappropriate and unacceptable communications: see the Acceptable Use Policy. If you are unsure as to whether email or digital communication content could be offensive, do not send or share it. Remember you represent our organisation in all communications and should not do anything to bring it into disrepute.

Abusive or obscene content is not defined by what you consider abusive or obscene; it is what anyone could find to be abusive or obscene.

If you receive offensive material by email from an unknown source, do not reply or participate in any way as this may confirm to the sender that your email address exists and lead to further unwanted email. Inform your line manager and ICT.

If you receive offensive material from a known source, request they stop this in future and please tell your manager. You may notify ICT if you choose.

Viruses and Malware

Anti-virus and anti-malware tools are used throughout our network. Nonetheless some suspicious communications may find their way to you by masking themselves as a trusted correspondent or domain, or by being inconspicuous enough to avoid detection. Think carefully before opening attachments or following links you weren't expecting. Delete suspicious emails straight away, notifying the sender by separate email (not by replying) if you think there was a chance of authenticity. If you mistakenly open an attachment or follow a link which proves to be bogus, notify ICT immediately who will try to limit any issues; stop working on your PC or mobile device and do not attempt to remove any virus or malware yourself.

This page is intentionally left blank

Document Control Sheet

Document title	Information Security Policy
Summary of purpose	Information is essential to delivering services to citizens and businesses. Information security refers to the defence of information or information systems from unauthorised or unintended access, destruction, disruption or tampering. It is important our organisation acts appropriately with the information we obtain and hold. Confidentiality, integrity and availability of information must be proportionate and appropriate to maintain services, comply with the law and provide trust to our customers and partners.
Prepared by	ICT
Status	Final
Version number	V2.2
Approved by	
Date of implementation	1 March 2020
Review frequency	3 years
Next review date	1 March 2023
Circulation	All Staff via Intranet
Published on the Council's website	No internal policy only

Validity Statement

This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document.

Information Security Policy

FURTHER INFORMATION

CONTEXT

Information is essential to delivering services to citizens and businesses. Information security refers to the defence of information or information systems from unauthorised or unintended access, destruction, disruption or tampering. It is important our organisation acts appropriately with the information we obtain and hold. Confidentiality, integrity and availability of information must be proportionate and appropriate to maintain services, comply with the law and provide trust to our customers and partners.

Contact: The ICT team on 01621 854477 In the event of an information breach, or suspected breach.

APPLICATION OF POLICY

Everyone who accesses information this organisation holds must be aware of these policy statements and their responsibilities in relation to information security. Maldon District Council commits to informing all employees, members, voluntary workers, agency staff, contractors and other third parties of their obligations before they are authorised to access systems and information and subsequently at regular intervals.

Contact: Senior ICT Specialist, who acts as the Information Security Manager for MDC.

Other organisations, and their users, granted access to information held by our organisation must abide by this policy. All those who access information may be held personally responsible for any breach or misuse.

OBLIGATIONS

- Only access systems and information for which you are authorised.
- Only use systems and information for the purposes authorised.
- Comply with all applicable legislation and regulation.
- Comply with controls communicated by the Information Asset Owner.
- Do not disclose confidential or sensitive information to anyone without the permission of the Information Asset Owner.
- Ensure confidential or sensitive information is protected from view by unauthorised individuals.
- Do not copy, transmit or store information to devices or locations (physical or digital) where unauthorised individuals may gain access to it; the security of devices and locations you use are your responsibility.
- Protect information from unauthorised access, disclosure, modification, destruction or interference.
- Keep passwords secret and do not allow anyone else to use your access to systems and accounts (unless Maldon IT team require it to make updates)

- Notify the Information Security Manager of any actual or suspected breach of information security policy and assist with resolution
- Co-operate with compliance, monitoring, investigatory or audit activities in relation to information.

ROLES AND RESPONSIBILITIES

The Organisation

- Ensures compliance with law governing the processing and use of information.

Senior ICT Specialist

- Assures information security within the organisation.
- Promotes information security at executive management level.
- Provides an annual statement about the security of information assets.
- Supports Information Asset Owners to assess risks and implement controls.

Senior Legal Specialist

- Manages the investigation and mitigation of information breaches.
- Assess the risks to the information they are responsible for.
- Define the protection measures of the information they are responsible for, taking consideration of the sensitivity and value of the information.
- Communicate the protection controls to authorised users and ensure controls are followed.

Directors, Managers and Line Managers

- Ensure their employees are fully conversant with this policy and all associated standards, procedures, guidelines and relevant legislation; and are aware of the consequences of non-compliance.
- Develop procedures, processes and practices which comply with this policy for use in their business areas.
- Ensure all contractors and other third parties to which this policy may apply are aware of their requirement to comply.

Employees

- Conduct their business in accordance with this policy.
- Take responsibility for familiarising themselves with this policy and understanding the obligations it places on them.

This page is intentionally left blank



REPORT of DIRECTOR of STRATEGY, PERFORMANCE AND GOVERNANCE

**to
STRATEGY AND RESOURCES COMMITTEE
17 SEPTEMBER 2020**

CONSULTATION ON CHANGES TO THE CURRENT PLANNING SYSTEM

1. PURPOSE OF THE REPORT

- 1.1 The Government is consulting on changes to the current planning system. This consultation is proposing significant changes to the planning system, which will impact on the annual housing target for Maldon District, and the ability to deliver affordable housing on sites under 50 dwellings in size. Officers have drafted responses to this consultation, for this Committee to consider prior to them being submitted. The consultation closes on 1 October 2020.

2. RECOMMENDATION

That this Committee agree the proposed response to the Changes to the Current Planning System consultation, as set out in **APPENDIX 1**.

3. SUMMARY OF KEY ISSUES

- 3.1 Ahead of the wholesale changes to the planning system proposed in the “Planning for the Future” White Paper (a report on this will be provided to Members at a later date), the Government is proposing changes to the current planning system. The consultation has 35 questions, the draft responses for these are in **APPENDIX 1**.
- 3.2 The main body of this report will summarise the proposed changes, which fall under the following headings:
- The standard method for assessing housing numbers in strategic plans;
 - Delivering First Homes;
 - Supporting small and medium-sized developers;
 - Extension of the Permission in Principle consent regime.
- 3.3 **The standard method for assessing housing numbers in strategic plans**
- 3.3.1 The local housing need for Local Planning Authorities (LPAs) is calculated using a standard method. The outcome of the calculation is used as the minimum housing need figure in Local Development Plans (LDPs), and as the delivery target in the annual Housing Delivery Test (HDT). The HDT is a measure of housing delivery over the previous three years compared to the housing requirement over the same

period. An increasing scale of sanctions are applied to a LPA area if the delivery of homes falls below the housing requirement. Maldon District has consistently passed the Housing Deliver Test (HDT) since its introduction.

- 3.3.2 Currently, the standard method comprises a baseline of household projections which are then adjusted to take account of affordability and capped to limit the increase for an area. Step 1 of the current method sets the baseline using a 10-year average of the 2014-based national household growth projections. Step 2 goes on to adjust the Step 1 outcome based on the affordability of the area. Step 3 then applies a 40% cap to limit the increases an individual local authority can face. The current standard method uses the 2014 Household Projections as the base of the calculation. For 2020, this gives Maldon District an annual local housing need of 308 dwellings, which compares well with the LDP housing target of 310 dwellings per year.
- 3.3.3 Step 1 of the proposed change uses a baseline of whichever is the higher of 0.5% of existing housing stock in each local authority OR the latest projected average annual household growth over a 10-year period, using the most up to date household projections (i.e. the 2018 household projections). The use of the most up to date household projection is welcomed. The use of housing stock is designed to provide stability in the calculation, however, this approach penalises smaller LPAs with small housing stocks, as the household growth projection will always be larger than 0.5% of the housing stock.
- 3.3.4 Step 2 – Adjusting for market signals: The standard method will include two adjustments to the baseline using the workplace-based median house price to median earnings ratio. Initially it is proposed that the ratio for the most recent year for which data is available should be used, in order to address current affordability of homes. This is the same as the current methodology. A second adjustment incorporates how affordability has changed over the last 10 years.
- 3.3.5 Step 3 – The 40% cap is abolished.
- 3.3.6 Therefore, the proposed method results in a local housing need of 623 dwellings per annum for Maldon District. More than double the result for 2020, using the existing method. Table 1 below shows the outcome of the current and proposed standards methods, and two alternative options.

Table 1 – Outcomes of standard methodology with alternative options for comparison:

Methodology	Annual housing need target
Existing standard method	308
Proposed standard method	623
Alternatives:	
Existing methodology applied to 2018 Household projections	368
Proposed standard method with 40% cap (LDP target 310 dwelling per annum (dpa))	434

3.3.7 Not only would this housing need figure be the minimum figure for future updates of the Local Plan, it will also be used for the HDT. When applied to the HDT, it is likely that the District will pass the HDT next year, but fail, in 2022. Sanctions for HDT failure range from preparing an Action Plan to support housing delivery, to adding 20% onto the Five-Year Housing Land Supply, through to the LDP policies becoming 'out of date' and planning applications being assessed against the National Planning Policy Framework (NPPF), rather than the LDP.

3.3.8 Further proposals on the standard methodology are included in the White Paper; the local housing need figure may therefore increase further.

3.4 **Delivering First Homes**

3.4.1 The Government wants to help people buy their own home. The concept of First Homes will give people the opportunity to buy a discounted home in their local area, rather than need to move elsewhere. The scheme is suggesting a minimum discount of 30%, to improve affordability by lowering deposit and mortgage requirements. The discount on a First Homes house remains in perpetuity.

3.4.2 The Government intends that a minimum of 25 per cent of all affordable housing units secured through developer contributions should be First Homes. This will be a national threshold. First Homes will replace, as a priority, other affordable home-ownership products, such as shared-ownership. The Government proposes that, under the new system, a policy compliant planning application should seek to capture the same amount of value for affordable housing as would be captured under the local authority's up-to-date published policy.

3.4.3 In Maldon District, the predominant forms of affordable housing secured on new developments are affordable rented homes, and, to a much smaller degree, shared-ownership properties. The LDP sets out the proportion of affordable homes required on eligible sites in different areas of the District. On sites, the aim is to achieve a mix of 80% affordable rent and 20% intermediate affordable (e.g. Shared-Ownership) properties, depending on site viability.

3.4.4 In 2019 / 20 a total of 150 affordable homes were completed in the District. Of these 98 were affordable rent (65%), and 52 shared-ownership (35%).

3.4.5 If 25% of all affordable homes on a site were to be First Homes, applying that to the total number of affordable homes delivered last year, then there would be 38 First Homes; which would reduce the number of Shared-Ownership homes to 14, leaving the number of affordable rented homes unaffected at 98.

3.4.6 However, if the proportion of Shared-Ownership properties on a particular site was less than 25% of the total number of affordable homes on that site, then the First Homes would completely replace any Shared-Ownership properties on the site and reduce the number the affordable rented homes on the site too.

3.4.7 Discount Market Housing has had a very limited role in delivering affordable housing in the District, as the discounts usually applied are not sufficient to make housing affordable to local people. The minimum discount for First Homes would be 30% from market price which will be set by an independent registered valuer. The

valuation should assume the home is sold as an open market dwelling without restrictions. Local authorities will have discretion to increase the discount to 40% or 50%. The need for greater discount would need to be evidenced in the Local Plan making process. Where discounts of more than 30% are applied to First Homes, the requirement for a minimum of 25% of units onsite to be First Homes will remain in place.

- 3.4.8 The Government recognises that local authorities may need to review the tenure mix for the remainder of the affordable housing that they are seeking to secure. Where local authorities choose to update their tenure mix to reflect this policy, or increase the discount on First Homes, they can do this through a Local Plan review, although the Government believes that prioritising the replacement of home-ownership tenures by First Homes will reduce the need for this. Any Local Plans or Neighbourhood Plans being prepared, submitted within six months of the First Homes requirement being enacted will not need to reflect the First Homes policy requirements.
- 3.4.9 The Government proposes that First Homes be exempt from the Community Infrastructure Levy (CIL), which will restrict a local authority's ability to fund and deliver infrastructure to support growth.

3.5 Supporting small and medium-sized developers

- 3.5.1 Small and medium-sized builders (SMEs) make an important contribution to overall housing supply. Small sites typically build out more quickly than larger sites, as they are less constrained by the market absorption rate. SMEs build mainly on smaller sites. As well as having national importance, SMEs play a significant role in local areas – providing people with increased choice in type and design of housing. A range of builders, using different designs, across different site sizes, in different locations increases build out rates and overall supply. To support SMEs in the medium term during economic recovery from Covid-19, the Government is proposing to reduce the burden of contributions on SMEs for more sites for an initial period of 18 months. Support for SME builders is welcomed, although how the Government intends to provide it will have a negative effect on the provision of affordable housing in the villages in Maldon District.
- 3.5.2 To stimulate economic recovery with a particular focus on SMEs, the threshold for requiring affordable housing contributions could be raised. The intention is to reduce the burden of developer contributions, as smaller sites are more likely to be delivered by SMEs. The consultation suggests that site size threshold for the provision of affordable housing could increase to 40 or 50 dwellings. In comparison, the LDP requires affordable housing on sites of more than 10 dwellings. Currently there are four sites, of between 11 - 50 dwellings, with planning permission in the District. All four of these sites are located in villages; historically, sites of this range have tended to be located in villages rather than larger settlements within the District. Although affordable housing can be delivered through Exception Sites in the rural areas of the District, none of these have come forward at this time. In all likelihood market housing sites for 11 - 50 homes are often the only opportunity to deliver affordable housing in rural areas. If affordable housing is excluded from these sites, that opportunity will be lost.

- 3.5.3 It is not clear what the 18-month period would apply to. Whether it only refers to the submission of planning applications, or would require development to commence on site within the 18-month period.

3.6 **Extension of the Permission in Principle consent regime**

- 3.6.1 Permission in Principle was introduced in 2017 as a new faster way of obtaining planning permission for housing-led development, which reduced the need for landowners and developers to incur significant costs to establish the principle of development for housing. This was done by giving authorities the power to grant Permission in Principle to suitable sites allocated on registers of brownfield land. Subsequently, Permission in Principle by application was introduced in 2018, for minor development (i.e. small sites that support fewer than 10 dwellings).
- 3.6.2 Permission in Principle is designed to separate decision making on ‘in principle’ issues addressing land use, location, and scale of development from matters of technical detail, such as the design of buildings, tenure mix, transport and environmental matters. The aim is to give up-front certainty that the fundamental principles of development are acceptable before developers need to work up detailed plans and commission technical studies. It also aims to ensure that the principle of development only needs to be established once.
- 3.6.3 The Government proposes to remove the restriction in the current Permission in Principle regulations on major development. This will enable applications for Permission in Principle to be made for a far wider range of sites (from 10 - 150 dwellings), enabling more landowners and developers to use this route to secure permission for housing development
- 3.6.4 The existing restrictions in the Permission in Principle Regulations relating to Environmental Impact Assessment (EIA) and Habitats requirements will remain, reflecting the fact that Permission in Principle is granted on the basis of limited technical information and there is not sufficient environmental information for these requirements to be accurately assessed at the point of decision.
- 3.6.5 This means Permission in Principle by application will not in practice be a route to permission for large sites capable of delivering more than 150 dwellings, or more than 5 hectares – the EIA Regulations 2017 Schedule 2 threshold for urban development, save where a screening opinion has been obtained which concluded the proposal was not EIA development. Similarly, Permission in Principle will not be suitable for sites in areas where, applying the Conservation of Species and Habitats Regulations 2017, there is a probability or risk that the project is likely to have a significant effect on a European site, unless the application was accompanied by an appropriate assessment demonstrating there was unlikely to be significant impact on the site.
- 3.6.6 To date there have been two ‘Permission in Principle’ valid applications in the District, and no approvals.
- 3.6.7 There are only small pockets of brownfield land in the District, outside areas allocated in the LDP. It is unclear, taking in to account the limited number of applications submitted under the existing regime, to fully assess the impact on the District through an increase in Permissions in Principle.

4. CONCLUSION

- 4.1 The Government's consultation proposes major changes to the current planning system that will impact on Maldon District, in particular on minimum local housing need requirement, and the delivery of affordable housing. Committee approval is sought for the draft consultation response at **APPENDIX 1**.

5. IMPACT ON STRATEGIC THEMES

- 5.1 The implementation of these changes will impact on the following strategic themes: Performance and Efficiency, Planning for the Future, Growth and Infrastructure, Economic Development.

6. IMPLICATIONS

- (i) **Impact on Customers** – Implementation of these changes may result in increased numbers of planning appeals, thus removing decision making from the local level to the Planning Inspectorate.
- (ii) **Impact on Equalities** – This could affect the Council's ability to deliver the types of affordable housing that are required to meet local needs, impacting on vulnerable residents.
- (iii) **Impact on Risk** – Implementation of these changes may mean the local planning authority is at risk of planning by appeal due to changes to how housing need is calculated, and performance measured, this could undermine public confidence in the decision-making.
- (iv) **Impact on Resources (financial)** – The implementation of these changes may result in increased numbers of planning applications and planning appeals, resulting in increased staff resource requirements and increased financial resources required to defend planning appeals. It may increase the number of awards of appeal costs against the Council.
- (v) **Impact on Resources (human)** – The implementation of these changes may result in increased numbers of planning applications and planning appeals, resulting in increased staff resource requirements.
- (vi) **Impact on the Environment** – Implementation of these changes may result in increased levels of housing development in the countryside, outside of settlement boundaries.
- (vii) **Impact on Strengthening Communities** – None.

Background Papers: Changes to the Current Planning System

<https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>

Enquiries to: Matt Leigh, Lead Specialist Place.

Appendix 1 - Changes to the Current Planning System – Response to Government Questions

The current standard method for assessing local housing need

Q1: Do you agree that planning practice guidance should be amended to specify that the appropriate baseline for the standard method is whichever is the higher of the level of 0.5% of housing stock in each local authority area OR the latest household projections averaged over a 10-year period?

This element of the proposed method penalises rural district councils who have a relatively small housing stock. For smaller councils, the household projections will always provide higher figures than 0.5% of the housing stock. As the proposed methodology stands, the use of the housing stock does not provide the stated stability, as it cannot be used in the formula. 0.5% of the housing stock should be the starting point for the method.

Q2: In the stock element of the baseline, do you agree that 0.5% of existing stock for the standard method is appropriate? If not, please explain why.

This element of the baseline is appropriate and should form the baseline for the standard method rather than household projections.

Q3: Do you agree that using the workplace-based median house price to median earnings ratio from the most recent year for which data is available to adjust the standard method's baseline is appropriate? If not, please explain why.

Yes, using the workplace-based median house price to median earnings ratio is appropriate.

Q4: Do you agree that incorporating an adjustment for the change of affordability over 10 years is a positive way to look at whether affordability has improved? If not, please explain why.

No, Maldon District Council does not agree with using the change of affordability over the previous 10 years. For this District, the annual affordability figure has been quite volatile over the last decade, fluctuating yearly. Including this additional element to the affordability adjustment, more than doubles the annual local housing need figure.

To put this in context, when the Local Development Plan (LDP) was Approved by the Secretary of State in 2017, the number of homes required under the standard method was 216, compared to the LDP which planned for 310 homes pa (43% above the standard method requirement). The LDP was a step change in planning for increased housing delivery in the District.

The standard method has risen steeply since its introduction, to 308 dwellings for 2019 / 20. The proposed method would result in an annual housing target of 623 homes, more than double the outcome of the current methodology. This would be an unachievable housing target.

An alternative approach would be to apply the current standard method to the 2018 household projections. This would create a stretching, but achievable target of 368 homes a year. This would represent an increase of 19% over the annual housing target for the LDP.

Q5: Do you agree that affordability is given an appropriate weighting within the standard method? If not, please explain why.

No, the increased emphasis on affordability skews the standard method results. It does not take into account whether a Local Planning Authority has an adopted Local Plan, made Neighbourhood Plans, or any physical or ecological constraints that restrict the amount of land for development.

Do you agree that authorities should be planning having regard to their revised standard method need figure, from the publication date of the revised guidance, with the exception of:

Q6: Authorities which are already at the second stage of the strategic plan consultation process (Regulation 19), which should be given 6 months to submit their plan to the Planning Inspectorate for examination?

It would be more reflective of tasks involved in submitting a plan for examination if the deadline was within 9 months.

Q7: Authorities close to publishing their second stage consultation (Regulation 19), which should be given 3 months from the publication date of the revised guidance to publish their Regulation 19 plan, and a further 6 months to submit their plan to the Planning Inspectorate?

If not, please explain why. Are there particular circumstances which need to be catered for?

All Local Planning Authorities (LPAs) with adopted / approved Local Plans should be given a transition period, to provide the opportunity to review and update their Local Plans, in order to be able to plan appropriately for the uplift in the housing requirement.

It would be more reflective of tasks involved in publishing a Regulation 19 plan and submitting a plan for examination if the deadline was within 6 months to publish a Regulation 19 plan and a further 9 months to submit it to the Planning Inspectorate.

Delivering First Homes

Q8: The Government is proposing policy compliant planning applications will deliver a minimum of 25% of onsite affordable housing as First Homes, and a minimum of 25% of offsite contributions towards First Homes where appropriate. Which do you think is the most appropriate option for the remaining 75% of affordable housing secured through developer contributions? Please provide reasons and / or evidence for your views (if possible):

i) Prioritising the replacement of affordable home ownership tenures, and delivering rental tenures in the ratio set out in the local plan policy.

ii) Negotiation between a local authority and developer.

iii) Other (please specify)

Option iii

An interim measure should be brought in that ensures that the remaining 75% of affordable homes should be affordable /social rent until the Council has been able to update the adopted policy to reflect the need to provide 25% of the properties as First Homes. Further, any off-site contributions (para. 49) need to be at the market rate, not affordable rate, to ensure that the proportion of commuted sums spent on First Homes remains at 25%.

With regards to current exemptions from delivery of affordable home ownership products:

Q9: Should the existing exemptions from the requirement for affordable home ownership products (e.g. for build to rent) also apply to apply to this First Homes requirement?

Yes, if the development is implemented as a build to rent, and there are a suitable proportion of affordable/social rented units provided.

Q10: Are any existing exemptions not required? If not, please set out which exemptions and why.

No comment.

Q11: Are any other exemptions needed? If so, please provide reasons and /or evidence for your views.

Yes, if a Council builds out its own 100% affordable scheme with registered Providers.

Q12: Do you agree with the proposed approach to transitional arrangements set out above?

The Local Plan (LP) / Neighbourhood Plan (NP) timeline proposed is consistent with timescales given previously in changes in the planning system. In para. 58, it should be made clear that pre-negotiated tenure mixes should stand, despite First Homes being introduced.

Q13: Do you agree with the proposed approach to different levels of discount?

A 30% discount will not be sufficient to make the homes affordable in this area. A higher rate of discount may need to be applied locally.

Q14: Do you agree with the approach of allowing a small proportion of market housing on First Homes exception sites, in order to ensure site viability?

Yes, where it is necessary to make the site viable, where this is proven through an open book viability assessment. We have concerns relating to 100 First Homes

sites. It is important that other forms of affordable housing are included on exception sites too, for example affordable/social rented and shared-ownership, to enable a wide range of housing need to be met in rural areas.

This section also proposes to introduce an exemption from the Community Infrastructure Levy (CIL) for First Homes, we would not support this, as it reduces funding for infrastructure likely to be used by occupants.

Q15: Do you agree with the removal of the site size threshold set out in the National Planning Policy Framework?

No. Uplifting the threshold for affordable housing will negatively impact on this Council's ability to provide housing for all sectors of the population. Even some larger villages may not have the level of services required to support major housing development; therefore, it is necessary to retain the 10 dwellings / 1 hectare (ha) site size limit to ensure that development does not overburden local services. This is especially important as it is proposed that First Homes are exempt for CIL, which means there will be no contribution towards education, health or infrastructure to support the future occupiers of First Homes exception sites.

Q16: Do you agree that the First Homes exception sites policy should not apply in designated rural areas?

Not entirely. First Home exception sites should also be allowed in Green Belt areas.

For each of these questions, please provide reasons and / or evidence for your views (if possible):

Supporting small and medium-sized developers

**Q17: Do you agree with the proposed approach to raise the small sites threshold for a time-limited period?
(see question 18 for comments on level of threshold)**

If there must be a change, we agree that it should be time limited.

Q18: What is the appropriate level of small sites threshold?

- i) Up to 40 homes
- ii) Up to 50 homes
- iii) Other (please specify)

Option iii - where appropriate, the current site size threshold should be kept. If there is to be an increase, it should be limited to 20 or fewer dwellings. In Maldon District, land is relatively cheap, whilst house prices are relatively high. Most sites coming forward are greenfield sites, with few, if any, site constraints. This proposed increase does not reflect the land values and developer profits in this area. Furthermore, if this change is implemented it should be only temporary.

Q19: Do you agree with the proposed approach to the site size threshold?

No - In Maldon District, all the sites with planning permission of between 10 - 50 dwellings are in the villages. In rural villages, access to affordable housing is restricted. Sites of 10 - 50 dwellings in villages are usually the only opportunity to provide new affordable housing in rural areas. Increasing the site threshold will reduce affordable housing options in rural areas. Further, increasing the site size thresholds will create a disincentive for the development of sites over that threshold, thus reducing the amount of housing delivered under this scheme.

Q20: Do you agree with linking the time-limited period to economic recovery and raising the threshold for an initial period of 18 months?

No. It not clear how the temporary time limit period would work - would the time limit apply to the submission of planning applications, or, would it also encompass commencement of development on those sites? If after the 18-month time limit, development has not started on these specific planning applications, will the applications expire?

Q21: Do you agree with the proposed approach to minimising threshold effects?

No. Historically, where there has been a site size / dwelling number threshold, some developers have tried to circumvent planning requirements, by bringing in development just below the threshold. If site size thresholds for affordable housing provision are increased, it is imperative that any such loophole is closed for both large sites being brought forward in phases, and other sites being proposed with dwellings numbers artificially below the threshold point.

Q22: Do you agree with the Government's proposed approach to setting thresholds in rural areas?

Yes

Q23: Are there any other ways in which the Government can support SME builders to deliver new homes during the economic recovery period?

No comment

Extension of the Permission in Principle consent regime**Q24: Do you agree that the new Permission in Principle should remove the restriction on major development?**

No.

Q25: Should the new Permission in Principle for major development set any limit on the amount of commercial development (providing housing still occupies the majority of the floorspace of the overall scheme)? Please provide any comments in support of your views.

No.

Q26: Do you agree with our proposal that information requirements for Permission in Principle by application for major development should broadly remain unchanged? If you disagree, what changes would you suggest and why?

No, more detailed information is required for major developments to ensure that there are no harmful effects arising from the development.

Q27: Should there be an additional height parameter for Permission in Principle? Please provide comments in support of your views.

Yes, development should reflect the scale and height of the surrounding area.

Q28: Do you agree that publicity arrangements for Permission in Principle by application should be extended for large developments? If so, should local planning authorities be:

i) required to publish a notice in a local newspaper?

No.

ii) subject to a general requirement to publicise the application

Yes

or

iii) both?

No.

iv) disagree

If you disagree, please state your reasons.

Q29: Do you agree with our proposal for a banded fee structure based on a flat fee per hectare, with a maximum fee cap?

The suggested fee structure is acceptable. However, the point of any fee cap should be at a sufficient point to make it economic for LPA to process the application.

Q30: What level of flat fee do you consider appropriate, and why?

The fee should be set at an appropriate point to provide sufficient income for the LPA.

Q31: Do you agree that any brownfield site that is granted Permission in Principle through the application process should be included in Part 2 of the Brownfield Land Register? If you disagree, please state why.

Yes.

Q32: What guidance would help support applicants and local planning authorities to make decisions about Permission in Principle? Where possible, please set out any areas of guidance you consider are currently lacking and would assist stakeholders.

The information for applicants and LPAs is unclear for both the Permission in Principle (PiP) and technical details stages. Clarity on guidance on where PiP applications should be used is required, as currently this is not clear for developers or applicants.

Q33: What costs and benefits do you envisage the proposed scheme would cause? Where you have identified drawbacks, how might these be overcome?

The amount of work required to process an application needs to be suitably compensated. When new legislation is introduced, particularly before case law has established clear parameters, LPAs and developers spend extensive time in discussion regarding these matters with due to a lack of clarity in the guidance.

Q34: To what extent do you consider landowners and developers are likely to use the proposed measure? Please provide evidence where possible.

Due to a lack of guidance for landowners and developers, applications are often submitted on sites that are not suitable for development. Landowners feel that with PiP they will be able to secure permission on sites that they would not be able to using the outline permission process. It is important that clarity is provided, so that any proposed measures are applied appropriately.

Public Sector Equality Duty

Q35: In light of the proposals set out in this consultation, are there any direct or indirect impacts in terms of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations on people who share characteristics protected under the Public Sector Equality Duty?

If so, please specify the proposal and explain the impact. If there is an impact – are there any actions which the department could take to mitigate that impact?

The socio-economic impacts on vulnerable sectors of society, resulting from the reduction in the number of affordable homes being delivered should be included in the Public Sector Equality Duty (PSED) for these proposals.

The reduction in the amount of affordable housing being delivered, as a result of these proposals, will impact on families with children, disabled people and elderly people disproportionately, as these are the sectors of the population that are more likely to require affordable housing.

This page is intentionally left blank