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

16 November 2020

Dear Councillor

You are summoned to attend the special meeting of the;

STRATEGY AND RESOURCES COMMITTEE

on **TUESDAY 24 NOVEMBER 2020** at **6.00 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 via the [Council's YouTube channel](#).

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

COMMITTEE MEMBERSHIP	CHAIRMAN	Councillor R H Siddall
	VICE-CHAIRMAN	Councillor C Swain
	COUNCILLORS	Mrs P A Channer, CC M F L Durham, CC M R Edwards M W Helm K M H Lagan N J Skeens W Stamp Mrs M E Thompson Miss S White

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AGENDA
STRATEGY AND RESOURCES COMMITTEE (SPECIAL MEETING)
TUESDAY 24 NOVEMBER 2020

1. **Chairman's Notices**
2. **Apologies for Absence**
3. **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.)

4. **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.

5. **IT Policies** (Pages 5 - 16)

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

6. **Planning Enforcement** (Pages 17 - 74)

To consider the report of the Director of Service Delivery (copy enclosed).

7. **Approval to Consult on the Draft Lists of Local Heritage Assets for the Parishes of St. Lawrence, Woodham Walter, Langford and Ulting** (Pages 75 - 116)

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

8. **North Quay Development Brief Supplementary Planning Document** (Pages 117 - 204)

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

9. **Promenade Park Garden Play Scheme** (Pages 205 - 220)

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

10. **Update on Disabled Facilities Grant Related Issues** (Pages 221 - 224)

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

11. **Document Retention Policy Update** (Pages 225 - 292)

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

12. **Appointment to Outside Bodies** (Pages 293 - 294)

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

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

14. **Exclusion of the Public and Press**

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

15. **Millfields Caravan Site** (Pages 295 - 298)

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

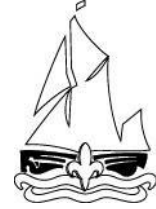
16. **Five Year Housing Land Supply** (Pages 299 - 354)

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

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.



REPORT of DIRECTOR OF RESOURCES

to
**STRATEGY AND RESOURCES COMMITTEE
24 NOVEMBER 2020 (SPECIAL MEETING)**

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.



Acceptable Use Policy

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.

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.

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.
- 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.

APPENDIX 1

FURTHER INFORMATION

Also see

Information Security Policy

Contact

Grant Hulley, Senior ICT Specialist

To report faults, 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, contact Grant Hulley, Senior ICT Specialist, who acts as the Information Security Manager.

Using Email and Digital Communications

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.

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.

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Choosing the best channel	2
Email etiquette.....	2
Managing email	3
Sensitivity.....	3
Digital communications and the law	4
Reporting email or digital communications	5
Further information	5

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.

Performance appraisal or review issues | Job, salary or career progression

Topics which require discussion or dialogue | Private or privileged materials

Complex issues needing input from multiple people | Venting frustration

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.

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.

Avoid peer pressure and do not get involved in competitive situations over email responses.

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.

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.

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.

You are responsible for managing your work time. Look for early signs of email invasion into your personal time and act quickly.

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 sender's permission before distributing or sharing.

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.

FURTHER INFORMATION

Also see **Information Security Policy, Acceptable Use Policy**

Contact Grant Hulley , Senior ICT Specialist

To report concerns, contact the ICT team on 01621 854477

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Information Security Policy

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.

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. 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.

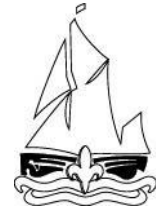
APPENDIX 3

FURTHER INFORMATION

Contact

The ICT team on 01621
854477

In the event of an information breach, or suspected breach, contact Grant Hulley, Senior ICT Specialist, who acts as the Information Security Manager.



REPORT of DIRECTOR OF SERVICE DELIVERY

**to
STRATEGY AND RESOURCES COMMITTEE
24 NOVEMBER 2020 (SPECIAL MEETING)**

PLANNING ENFORCEMENT

1. PURPOSE OF THE REPORT

- 1.1 To seek Members recommendation for the adoption of a new Planning Enforcement Policy.

2. RECOMMENDATIONS

- (i) That the Planning Enforcement Policy (**APPENDIX 2**) is recommended for adoption to Full Council;
- (ii) That Members note the inclusion within the 2021 / 22 Budget Cycle growth requests the provision of additional staffing resources.

3. SUMMARY OF KEY ISSUES

3.1 Background

- 3.1.1 At the Council meeting on 16 July 2020 Councillor M S Heard raised a query, under Questions to the Leader of the Council, regarding Planning Enforcement and the number of outstanding investigations. The Leader suggested that Councillor Heard met with him, along with the Chairmen of the Area Planning Committees and the Director of Service Delivery, to discuss the matter of the backlog of complaints.
- 3.1.2 At this meeting Members highlighted ongoing concerns with the level of the backlog and that whilst it had been previously been decreasing it appeared to have grown over the previous months. It was agreed, at this meeting, that Officer's would look into coming forward with a suite of options and methods in an attempt to reduce the backlog; this included the consideration of an appropriate level of resources and a review of the existing Enforcement Policy (please see **APPENDIX 1**). It was also acknowledged that it will not be possible to remove the backlog instantly.

3.2 Planning Enforcement

- 3.2.1 The Town and Country Planning Acts give discretion to the Local Planning Authority (LPA) in the exercise of its powers for the control of unauthorised development. Enforcement action can only be taken when there is a breach of planning control. This is defined as the "carrying out of development without the

required planning permission” or “failing to comply with any condition or limitation subject to which planning permission has been granted”.

- 3.2.2 A breach of planning control is normally a form of development (a building / engineering operation, use or other activity) that is unauthorised, in that it does not have the benefit of planning permission or other required consent. It also includes development not carried out in accordance with a planning permission, and any breach of condition. The fact that something is unauthorised does not, in itself, amount to an offence.
- 3.2.3 Enforcement powers are discretionary, and the Council is not required to take action because there has been a breach of planning control. However, the need to undertake a robust and appropriate investigation of an enforcement complaint is not discretionary in nature. A common phrase in planning enforcement is expediency; when deciding whether or not to take enforcement action the Council has to decide whether or not it is expedient to do so (section 172(1)(b) of the Town and Country Planning Act 1990). Expediency basically is whether or not is necessary, practical and reasonable to take action against the breach. Enforcement action is intended to be remedial rather than punitive and should only be taken where there is demonstrable harm. The most appropriate way to decide if it is expedient to take action is through having an up to date and usable planning enforcement policy.
- 3.2.4 Just as a breach of planning control has taken place it does not mean that the Council should take action as it may not be expedient to do so. The key test is whether the breach of planning control would result in unacceptably affect public amenity, safety etc. and the date of the original breach. To help decide this it is necessary to consider if planning permission would have been granted for this development had it been the subject of a planning application. However, there will be circumstances where planning permission has been refused but it is not expedient to take enforcement action.
- 3.2.5 Paragraph 58 of the National Planning Policy Framework (NPPF) states that:
- “Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”*
- 3.2.6 As stated above, in most cases it is not illegal to breach planning control. However, in the case of displaying an advertisement without consent or unauthorised works to a listed building or a tree protected by a Tree Preservation Order the works are illegal.
- 3.2.7 Maldon District Council aims to negotiate acceptable outcomes where possible, avoiding the need for formal action. A planning department should also consider if another arm of the council such as Environmental Health or the Highway Authority are more appropriate to deal with the issue.

3.3 Enforcement Policy

3.3.1 The District Council is committed to effective enforcement of planning control and when considering what action to take, regard will be paid in each instance to the prevailing circumstances and the particular impact of the unauthorised development in question. The Council views breaches of planning control very seriously and already has an adopted enforcement policy.

3.3.2 After working with the existing policy officer's it was recognised that there was a need for some amendments to the policy to make it both more user friendly, for both officers and the public, and effective. Furthermore, this has been reviewed further taking in to account the current resources, proposed level of customer service and the current structure of the Council.

3.3.3 The Planning Enforcement Policy has been reviewed and a new one has been drafted (please see **APPENDIX 2**). The alterations have been undertaken in an attempt to make the policy more succinct, to expedite the enforcement process and to make the process clearer from the outset; the main alterations include:

- Streamlining the document including removing general guidance contained within the document;
- The production of a booklet that explains the planning enforcement and compliance process which will be sent to all complainants as part of their acknowledgement letter;
- Setting new performance targets;
- Agreeing that some complaints will not be investigated;
- Detailing that for the Council to be able to undertake an investigation there will be times that the Complainant will need to work with the Council;
- Clearly stating, that when the Council will not hold enforcement action in abeyance when it is not considered the submission of a planning application would overcome the identified harm;
- When negotiation does not appear to result in the resolution of the breach of planning control moving to considering the expediency of enforcement action in a timely manner;
- Not requiring the submission of a retrospective planning application when there is no identified harm or the breach of planning control is considered de minimas;
- Improved engagement with the customer. This will partially be delivered through the expedition of the enforcement process;
- The inclusion of an online reporting system that will ensure that an acceptable level of information is provided, to aid the investigation, from the start.

3.3.4 Whilst it is considered that the adoption of the new policy will improve the level of service provided by the Planning Enforcement Team it must be noted that to deliver a good standard of service, and to meet the targets set within the new policy, the Service will require the provision of additional staffing resources as requested with

the 2021 / 22 Budget Cycle growth report which will be presented to the Strategy and Resources Committee on 19 November 2020.

- 3.3.5 Alongside this, officers have been working on a number of templates that will allow officers to keep the general public updated of the progression and outcome of the investigation.

4. CONCLUSION

- 4.1 It is considered appropriate to revisit the Council's enforcement policy to ensure that the Council is providing the best customer experience and delivery of the service possible. The proposed policy has been brought forward in an attempt to reduce the time taken when undertaking an enforcement investigation, expediate the decision making process and to provide clarity of a number of ambiguous points contained within the existing policy.

5. IMPACT ON STRATEGIC THEMES

- 5.1 Having an effective and planning service contributes to the Council's Strategic Themes.

6. IMPLICATIONS

- (i) **Impacts on Customers** – The ability to ensure that enforcement process, including enforcement action where appropriate, is taken in a timely, open and transparent way.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – To continue to be identified through the management of the service.
- (vi) **Impact on the Environment** – Failure to have an effective enforcement policy or service could result in an increase in unauthorised developments and delays in investigating breaches in planning control could lead to adverse impacts on the environment resulting in long term harm which might be difficult to mitigate.
- (vii) **Impact on Strengthening Communities** – None.

Background Papers: None.

Enquiries to: Matt, Leigh, Lead Specialist Place.

PLANNING ENFORCEMENT

POLICY, PRACTICE and GUIDANCE



March 2018

Maldon District Council
Planning Policy Enforcement Guidance

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1.0 INTRODUCTION

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

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

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

- 1.3. In the light of the above Framework, this policy statement has been prepared to outline the approach that will usually be adopted by the Council in resolving how will deal with unauthorised development and sets out the procedures that will expect to follow. This guide will enable us to work in a proportionate way according to the breach or offence committed.
- 1.4. This policy and guidance is in accordance with the National Planning Policy Framework (NPPF) by establishing a formal planning enforcement policy which provides a clear statement of the decision making framework in dealing with alleged breaches of planning control, explaining the Council's enforcement procedures and practices.

Maldon District Council – Enforcement Objectives

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

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

Expediency and the Public Interest

- 1.7. In considering whether to take any enforcement action, the determining issue for the Council will be whether the breach of planning control causes significant harm and it is in the public interest to take enforcement action.
- 1.8. Severe harm to public amenity will normally arise through those breaches of planning control which involve unauthorised works to a Listed Building, unauthorised works within a Conservation Area and unauthorised development which is contrary to Development Plan Policies. Action can also be taken to require owners to improve the appearance and condition of land and property, in the interests of local amenity.

The Council's Enforcement Objectives

- 1.9. An owner or occupier of land can, without a specific planning permission or certificate of lawful use, be at a disadvantage if they subsequently intend to dispose of their interest in the land in question, and have no evidence of any permission having been granted for development. The Council appreciates that some developments have occurred over time and have gone unnoticed, but it has to investigate when complaints are made, or consider through their own investigations that matters need to be formalised.
- 1.10. The Council will be responsive to all potential enforcement matters and will pursue the following key objectives:
 - Respond to complaints about potential unauthorised development
 - Ensure that development is carried out in accordance with planning approvals
 - Be fair and take action that is proportionate to the breach or offence, in a responsive, helpful and consistent manner

2.0 POLICY POSITION National Policy

- 2.1. The Council is mindful that enforcement action is a discretionary power but it is important that Local Authorities develop their own policy on enforcement matters. The Council will take action when it is expedient to do so, and any action will be commensurate with the seriousness of the breach of control.
- 2.2. It is only an offence to carry out development without planning permission in certain instances. Section 73A of the Town and Country Planning Act 1990 (as amended) specifically provides that planning permission may be granted to regularise development already carried out.
- 2.3. Government Policy Guidance makes it clear that enforcement action should not be taken simply to remedy the absence of a planning permission where development is otherwise acceptable on its planning merits. However, it is important that the Council responds to complaints and seeks to remedy breaches of planning control.

Other Planning Policy Guidance

- 2.4. Some breaches are more serious than others, and some require immediate action, for example, to prevent the destruction of an historic fabric or structure, an important tree or belowground archaeology. Apart from the seriousness of the breach, the following matters have to be taken into consideration:
 - The Adopted Maldon District Local Development Plan constitutes the Development Plan for the District.
 - Through the Localism Act 2011, the Government has introduced a new tier of planning at the neighborhood level. Local communities will be able to prepare a Neighborhood Development Plan for their area which sets out specific planning policies.
 - Although they are not part of our statutory development plan, supplementary planning guidance documents (SPDs) (such as planning frameworks and briefs and conservation area appraisal and management strategies) play an important role in our planning decisions.
 - The National Planning Policy Framework (NPPF) was published on 27 March 2012. Amongst other things, the new guidance replaces many existing Planning Policy Statements (PPSs), Planning Policy Guidance notes (PPGs) and Circulars. The guidance is a material consideration in planning decisions.

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- The Planning Practice Guidance was first published on 6th March 2014. It was a result of a commitment to reform the Planning system to make it simpler, clearer and easier for people to use, allowing local communities to shape where development should go and not go.
- The provisions of the Human Rights Act 1998 when making decisions relating to planning enforcement.
- The principles of the Enforcement Concordat; Good Practice Guide for Small Businesses 1998 are proposed to continue to be applied. These principles include:
 - There will be openness in dealing with business and others.
 - Enforcers will be helpful, courteous and efficient.
 - Complaints procedures will be publicised.
 - Enforcement decisions will be taken in a proportionate manner.
 - Enforcement officers will strive for high standards of consistency.
 - To take into consideration the planning history of the site
 - To seek specialist help from legal, trees and conservation experts.
 - To be aware of relevant appeal decisions and case law decisions.
 - To note information provided by the owner/occupier or interested parties.

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

3.0 ESTABLISHING A BREACH OF PLANNING CONTROL

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

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

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

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

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

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

4.0 THE COUNCIL'S INITIAL INVESTIGATION

How to report a suspected breach

- 4.1 Most investigations into breaches of planning control result from complaints received from members of the public or from Ward Councillors. The Council can be contacted by letter, using the on-line form or email. It is essential that complainants submit details in writing as this avoids ambiguity and provides the Council with an accurate basis on which to proceed with an investigation.
- 4.2 Complaints should be addressed to Enforcement, Planning and Regulatory Services Directorate, Maldon District Council, Princes Road, Maldon, Essex, CM9 5DL (or as stated on the Council's web site) who will then ensure it is dealt with by the appropriate investigating officer(s).
- 4.3 The Council will need the following information before any investigation will take place:
- The precise location of the site or property to which the complaint relate.
 - The exact nature of concern, i.e. the potential breach of planning control.
 - An indication of any harm caused by the breach.
- 4.4 The following information will assist the Council in investigating the alleged breach:
- When the breach occurred.
 - Any information on the identity of the person(s)/organisation responsible, if known.

Confidentiality

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

Anonymous Complaints

- 4.6 Anonymous complaints will not normally be investigated.

Recording Complaints

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

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- 4.8 The initial investigation will usually involve checking the planning and any building regulation history of the particular site to establish any relevant development history and whether any conditions have been attached to any approval granted. Sometimes it is also necessary to check other records held by the Council such as council tax or business rates, environmental health records or outside organisations in order to get a complete understanding of events.
- 4.9 A site inspection may prove necessary to establish further facts and evidence. Investigation Officers identify themselves when on site and explain the reasons for the visit. The owner/occupier or people working on the site will be interviewed to obtain factual information and photographs and measurements may also need to be taken. A detailed note is made of the findings in the investigation file, which is used to record all visits and discussions at meetings or on the telephone.

Informing Complainants

- 4.10 Following an initial acknowledgement the Council will keep all complainants informed of progress at the following key stages of the process including, where relevant:
- The initial assessment, advising what action will be taken
 - Any Issue of enforcement notice, or outcome of other action
 - If an appeal has been lodged against a formal notice
 - Closure of the investigation

Rights of Entry

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

Obtaining additional information

- 4.12 In some circumstances, when it has not been possible to establish the facts through normal investigation, or when the co-operation from the owner/occupier is not forthcoming, a formal Planning Contravention Notice (PCN) may be served. This requires the recipient to provide information relating to the breach within 21 days from the date of service of the Notice.
- 4.13 The complainant may occasionally be asked to assist with the investigation, for example, by keeping a diary of events relating to the breach. This is helpful where problems occur in the evenings or at weekends or outside normal working hours. Such help is voluntary, but the evidence may be crucial when assessing whether a breach has occurred and whether further action is considered expedient to remedy the breach.
- 4.14 If there is no breach of planning control evident, then an explanation will be given to the complainant and the file will be closed.

- 4.15 The impact of some developments and activities are more harmful than others. The Council will nevertheless seek to ensure that all reported breaches of planning control are resolved as quickly as possible. The Council however, needs to ensure that full and proper consideration is given to the matter and this can often take several weeks, occasionally months, prior to resolving whether a breach of planning control has occurred and determining what further action is merited.
- 4.16 When there is enough evidence to establish whether a breach has taken place, the investigation officer will advise on the most appropriate course of action or, no further action, in some cases. The investigation officer will contact the complainant to inform them of the outcome.

5.0 PRIORITIES FOR ACTION

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

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

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

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

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

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

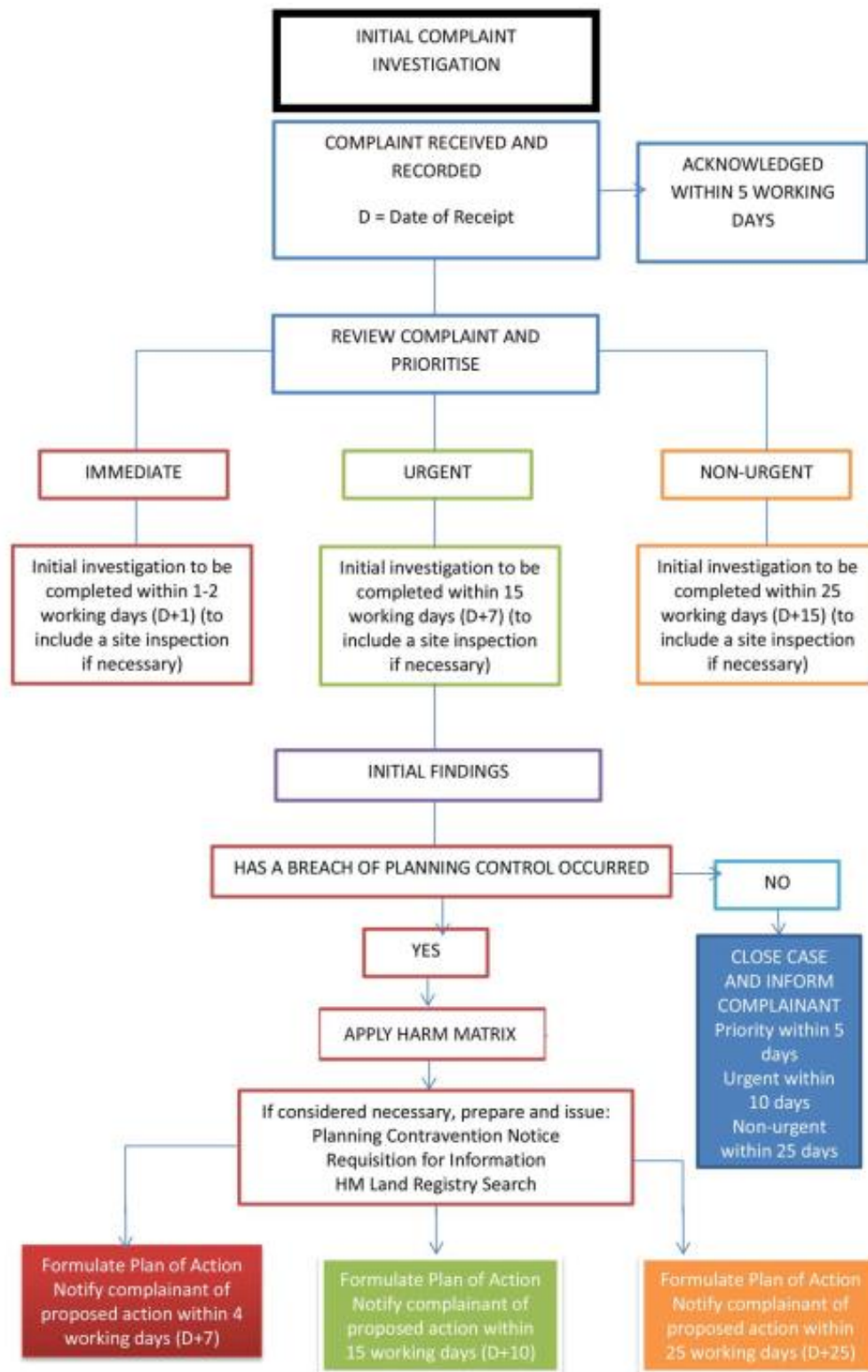
- Councillor or MP complaints and formal Parish Council complaints.
- Operational/building works/change of use/compliance with conditions/obligations affecting residential amenity where ongoing severe neighbour disturbance is being caused
- Operational development within conservation areas
- Where immunity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

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

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

Initial Investigation Flow Chart

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



6.0 ASSESSING THE COMPLAINT

- 6.1 An important element of the Council's Enforcement Policy is a prioritisation or **Harm Assessment Matrix**. A number of local authorities have adopted an approach which attracts scores depending on the nature and location of an alleged breach of planning control. Maldon Council first adopted this approach in April 2014. Following an initial site visit by an officer, an assessment of the breach is carried out in order to determine what level of officer time will be dedicated to investigating the breach further.
- 6.2 The matrix sets out a minimum score which needs to be achieved in order to justify further investigations. A score below 5 would normally result in no further action by the Planning Enforcement Team other than an invitation to submit a retrospective in an attempt remedy/regularise the breach.
- 6.3 As detailed in the next section scores are based on matters of fact i.e. does it relate to a listed building or if the site is in a conservation area, plus matters of judgement i.e. whether the breach would result in irreversible harm or if permission was granted, would the development result in an undesirable precedent.

HARM ASSESSMENT CRITERIA

1. IS THE BREACH?

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

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

2. HIGHWAY SAFETY

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

3. OTHER SAFETY ISSUES

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

4. CAUSING STATUTORY NUISANCE

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

5. COMPLAINANT

Self-explanatory

6. AGE OF BREACH

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

7. DEGREE OF HARM

Is the harm widespread or localised?

Widespread – more than 10 residential properties directly affected, major policy breach

i.e. dwelling in countryside or commercial operation in countryside, can be seen over several tens of metres, pollution is air borne and carried over neighbourhood.

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

8. IRREVERSIBLE HARM

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

9. FLOOD RISK

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

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

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

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

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

12. LISTED BUILDING OR AFFECTING THE SETTING

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

13. SPECIAL AREAS

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

14. SENSITIVE AREAS

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

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

15. UNDESIRABLE PRECEDENT

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

7.0 WHAT HAPPENS WHEN BREACHES OF PLANNING CONTROL ARE CONFIRMED?

- 7.1. The majority of breaches of planning control are resolved informally and by negotiation with the owner/occupier. Formal action only takes place when it is expedient, and where other means to resolve the problem have failed. **It is a last resort.** The Council will take effective enforcement action when it is essential to protect the amenity of the area, the public or highway safety, and to maintain the integrity of the development management process within the District. The impact of some developments are more harmful than others and therefore action will be in the public interest and commensurate with the breach of planning control.
- 7.2. Authorised officers will normally decide whether formal notices are justified, in accordance with agreed policies, and action will be approved under the powers delegated to The Director of Planning and Regulatory Services or through the relevant committee/councillor involvement according to the Council's Constitution at the time.
- 7.3. When it is clear that there is a breach of planning control, the Council will draw this to the attention of the person responsible and advise them of the most appropriate course of action. These may be:
 - If the breach is minor with no significant effects – no further action required
 - If the development is such that it is in line with relevant local plan policies – the Council will usually invite a 'retrospective' application for planning permission
 - If the breach is likely to be immune from enforcement action due to the passage of time – an application for a Certificate of Lawfulness will be invited if permission is unlikely to be granted – the Council will ask for the use to cease, or unauthorised development to be removed. A suitable period of time is allowed, depending on what needs to be done. For example, tenants must be allowed reasonable time to find somewhere else to live
 - As a last resort, formal notices can be issued, such as a Breach of Condition Notice or Enforcement Notice, if it is considered expedient having regard to the development plan policies and other material considerations. This is a discretionary decision, which is made on a case by case basis. The Council must be able to justify taking formal action and be sure that the steps specified in the notice and the period for compliance with each step, are reasonable
 - In extreme cases, the Council can serve a notice to require any relevant activity to cease (a Stop Notice or Temporary Stop Notice) and there is provision to obtain a planning enforcement injunction to restrain an actual or apprehended breach of planning control

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- When a Breach of Condition Notice has been served and has not been complied with, the person who has been served with the notice can be prosecuted in the Magistrates Court
 - When an Enforcement Notice takes effect but is not complied with, any owner/occupier or person who has control of, or has an interest in the land, can be prosecuted in the Magistrates Court
 - Where appropriate, and if other means have not secured a cessation of the breach being enforced against it, the Council will consider using its default powers to take direct action to remedy the breach of planning control, recovering the cost from the owner or placing a legal charge on the land
 - When it is considered expedient not to pursue enforcement action against a breach of planning control, so no further action will be taken
- 7.4. A robust case supported by evidence needs to be made to ensure any subsequent appeal and prosecution can be supported.

Breach of Planning Control Confirmed

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

8.0 SECURING COMPLIANCE WITH AN ENFORCEMENT NOTICE

- 8.1 An offence occurs when an owner/occupier fails to comply with the requirement of an enforcement notice.
- 8.2 The Council will take action when the terms of an enforcement notice have not been complied with. Such action may involve:
- Prosecution of the parties concerned in the local courts
 - The issue of an injunction through the court system
 - Direct, or 'default' action
- 8.3 The Council will usually seek to bring the matter to a successful conclusion as quickly as possible through the pursuit of action in the courts. If someone is found guilty of failing to comply with the terms of an enforcement notice, a maximum fine of £20,000 may be imposed by the court. If the Notice is still not complied with, a further prosecution may be brought and this is likely to continue until the Notice has been complied with.
- 8.4 The Council will not necessarily withdraw from taking action in the courts once this has commenced, and this may apply even where the breach of planning control may be rectified before the case is heard.
- 8.5 In the case of a persistent offence against an unauthorised activity, an injunction may be sought through the County Court or High Court. More severe penalties may be imposed in these circumstances if the offence continues.
- 8.6 In exceptional circumstances, the Council will consider taking direct or default action to remedy a breach of planning control. This may involve the use of contractors to enter a site and physically remove or put right unauthorised building work. Such circumstances are likely to arise for example when the breach of planning control has not been remedied, despite the imposition of fines by the Courts or for continued breaches of planning control. In such cases, the Council will seek to recover its costs, in the form of a charge on the land for example, or by other means.
- 8.7 If an enforcement notice is served against a development, which is subject to a planning or listed building appeal which is currently under consideration by the Planning Inspectorate, the outcome of such an appeal may be awaited before taking further action to secure compliance with an enforcement notice. When an appeal has been dismissed, compliance with the requirements of an enforcement notice will then be pursued.
- 8.8 When the Council believes that an enforcement notice has been complied with, the fact will be confirmed to the owner/occupier of the land and to anyone who has complained about the development or activity.

9.0 ENFORCEMENT APPEALS

- 9.1 S174 of the Town and Country Planning Act 1990 (as amended) provides a right of appeal against an enforcement notice. The Planning Portal (web site) provides a link to relevant information.
- 9.2 An appeal must be made before the notice takes effect (normally 28 days after the date of issue of the notice). An appeal cannot be entertained if it is made after the date the notice takes effect.
- 9.3 An owner, occupier or any other person, who has an interest in the land, even if a copy of the notice has not been issued on that person, may make an appeal.

Grounds of Appeal

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

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

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

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

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

- 9.6 Enforcement action will only be taken when it appears to the Council that there may have been a breach of planning control. Before taking action, the Council will consider:
 - Whether the alleged breach constitute development
 - If it does constitute development, does it need planning permission
 - Whether planning permission been granted

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

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

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

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

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

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

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

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

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

Ground G – that the period for compliance is too short

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

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

An appeal made under Ground A

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

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

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

An appeal made under Grounds F and G

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

Appeal Methods

- 9.18 An appellant may elect an appeal to be heard at a public inquiry, an informal hearing or by way of an exchange of written statements.
- 9.19 It is the Planning Inspectorate who will make the final decision as to the appropriate method of appeal.
- 9.20 Unless complex planning issues or legal issues are involved, the Council will normally request enforcement appeals to be dealt with by way of an exchange of written statements.

Award of Costs

- 9.21 Costs can be awarded against both parties whichever method of appeal is used if either the Council or the appellant is found to have acted unreasonably in accordance with statutory procedures.
- 9.22 When it appears to the Council that an appeal has been made simply to delay or prolong the requirements of a notice taking effect, or if Ground A has been cited where the development is clearly contrary to planning policy, or some other ground is cited which clearly has no chance of success, the Council will apply for an award of costs against the appellant.

10.0 OTHER PLANNING ENFORCEMENT POWERS

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

10.2 These include:

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

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

Listed Buildings

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

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

Advertisements

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

10.7 Advertisements are divided into three main groups:

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

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

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- 10.9 Any person who displays an advertisement, without consent, is acting illegally. It is open to the Council to take a prosecution in the Magistrates Court for an offence under Section 224 of the Town and Country Planning Act 1990 (as amended).
- 10.10 The Council can issue a Fixed Penalty Notice in relation to the display of an advertisement to any person that there is reason to believe that that person personally affixed or placed the advertisement to, against or upon the land or object on which the advertisement is or was displayed under the Anti- social, Crime and Behaviour Act 2014; this is discussed further below.
- 10.11 Unless the offence is particularly flagrant or repeated, the planning authority may not initially consider it necessary to prosecute for an advertisement offence. Instead, they may invite the advertiser to apply for the consent required and if refused, there will be a right of appeal. The continued display of an advert after consent has been refused, and any subsequent appeal dismissed, may well result in prosecution. The maximum fine on conviction is currently £1,000 with an additional daily fine of one-tenth of the maximum penalty of a continuing offence.
- 10.12 Any display of an advertisement without consent is an offence which is immediately open to prosecution, or in some cases to the removal or obliteration if the Council decide to take such action. If the advertisement identifies the advertiser, the Council must give 48 hours before obliteration or removal takes place, where the regulations apply.
- 10.13 Some advertisement may be displayed on highway land in which case there are powers that Essex County Council (ECC) has to remove these directly. The Council will seek ECC to remove these where complaints are received but in some cases, such as fly posting joint action may be necessary.

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

- 10.14 The Council could take a number of actions including:-
1. Remove the signs directly (with or without an attempt to attempt to recover the costs)
 2. Proceed to prosecute in the magistrates court
 3. Where the signs are on highway land or fixtures seek Essex County Council to take direct action using their highways powers.
 4. Possible use of a Fixed Penalty Notice under the Anti- social, Crime and Behaviour Act 2014.
 5. Do nothing (depending on the scale of the matter)
- 10.15 The only two reasons local authorities can take into account in dealing with advertisements under the Advertisement Regulations are public safety and amenity.
- 10.16 Failure to comply with these conditions will allow the LPA to immediately serve a removal notice giving a reasonable time for such signs to be removed otherwise the LPA could undertake the work and recover the costs.

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

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

- (a) The owner of the property or the occupier of the land on which the advertisement is displayed
- (a) The advertisement gives publicity to his goods, trade, business or other concerns

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

- (a) They have no knowledge of the advertisement displayed
- (b) They have not given consent to the advertisement displayed

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

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

10.22 Prosecution (by the Highway Authority). Prosecution under the Highway Act 1980 attracts a fine of up to £1000.

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

Trees

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

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

Land or buildings that adversely affect the amenity of an area

- 10.26 Under Section 215 of the Town and Country Planning Act 1990, the local planning authority may take steps to require land or buildings to be cleaned up when its condition adversely affects the amenity of an area. The Council may serve a notice on the owner and occupier of the land requiring steps to be taken within a specified period.
- 10.27 The notice takes effect after 28 days from date of service. There is a right of appeal to the Magistrates Court and then to the Crown Court, during which time the notice is of no effect. If an appeal is unsuccessful, the notice takes effect and it is an offence not to carry out the steps required. If the notice is not complied with, the Council will consider prosecution proceedings or enter the land and carry out the required works. The costs incurred in carrying out the works will be recovered from the owner of the land.

Proceeds of Crime Act - POCA

- 10.28 The Proceeds of Crime Act 2002 (POCA) sets out the legislative scheme for the recovery of criminal assets with criminal confiscation being the most commonly used power. Confiscation occurs after a conviction has taken place. The aim of the asset recovery schemes in POCA is to deny criminals the use of their assets, recover the proceeds of crime and to deter criminality.
- 10.29 During the enforcement process the authority seeks full recovery of costs, where possible. Consideration will be given to the appropriateness and expediency of the use of POCA powers, including but not limited to the seeking of confiscation orders, in appropriate cases in which a defendant has benefited from criminal conduct or a criminal lifestyle. This will both help cover the costs of enforcement and ensure an effective disincentive to ongoing breaches of planning control.

11.0 ENFORCEMENT POLICY FOR MALDON DISTRICT COUNCIL

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

POLICY ENF1

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

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

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

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

Councillors, formal Parish Council and MP

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

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

- Other changes of use

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

POLICY ENF2

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

POLICY ENF3

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

POLICY ENF4

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

POLICY ENF5

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

POLICY ENF6

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

POLICY ENF7

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

APPENDIX 1

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

Breach of Condition Notice (BCN)

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

Breach of Planning Control

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

Certificate of Lawfulness

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

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

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

GLOSSARY OF TERMS**Default Powers (or Direct Action)**

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

Development Orders

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

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

Enforcement Notice

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

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

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

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

Fixed Penalty Notice

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

Injunctions

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

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

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

Local Planning Authority

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

Planning Contravention Notice (PCN)

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

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

Requisition for Information

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

Standing Orders

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

Stop Notices

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

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

Proceeds of Crime Act - POCA

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

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

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

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

APPENDIX 2**ENFORCEMENT HARM ASSESSMENT FORM****SHOULD BE COMPLETED BY AN OFFICER WHO HAS SEEN THE DEVELOPMENT**

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

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

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

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

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

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1 Introduction

- 1.1 The local enforcement plan for Maldon is produced by the Council in accordance with, and to directly reflect the aims and objectives of the National Planning Policy Framework (NPPF). It is at the discretion of the Council, as to whether or not take formal enforcement action; It is important to remember that recommended practice is to seek to negotiate with the owner or developer to bring about a voluntary resolution of the matter.
- 1.2 Planning enforcement action can only be considered where the building work or change of use involves a breach of planning control: i.e. planning permission, Listed Building Consent or advertisement consent would be required. In addition, an important consideration is whether the development is causing or has resulted in 'harm' (described in paragraph's 3.2 below). Certain types of building works or changes of use (development) are defined as 'permitted development'; this means that planning permission is not required. Whether or not planning permission is required depends on several factors and these are detailed in the Town and Country Planning (General Permitted Development) Order 2015 (As amended).
- 1.3 The Town and Country Planning Act 1990 (the Act) provides the legislative framework for dealing with breaches of planning control. The Act provides the Council with the necessary powers to deal with breaches of planning control whilst the National Planning Policy Framework (NPPF) 2019 and National Planning Practice Guidance (NPPG), provides guidance on how the Council should deal with breaches of planning control.
- 1.4 Three important points have to be made:
1. It is not an offence to carry out development without first obtaining planning permission (except in certain instances – see paragraph 3.6)
 2. The taking of enforcement action/serving a notice is not an instantaneous remedy to unauthorised development.
 3. The taking of formal enforcement proceedings cannot be used to require the submission of a planning application.

- 1.5 The NPPF and NPPG make it clear that the powers provided by the Act are discretionary and should only be used when it is expedient to do so. Any action taken should be commensurate with the seriousness of the breach of planning control and the harm caused or harm that may be caused.
- 1.6 Paragraph 58 of the NPPF states:
“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”
- 1.7 This plan sets out the Council’s approach to the delivery of enforcement services relevant to planning, listed buildings and conservation areas.

2 Aim of Planning Enforcement in Maldon

- 2.1 The Council aims to provide an efficient, effective and timely planning enforcement service within the resources available, whilst treating our customers with courtesy, respect and fairness. We will seek to operate our service in accordance with service standards and performance targets. We will regularly review these standards taking account of the views of customers and stakeholders.
- 2.2 The Council aims to remedy the undesirable effect of unauthorised development and to strike a balance between protecting amenity/environment and other interests.
- 2.3 The Council will, when it is considered appropriate and proportionate to do so, take a robust approach to enforcing against confirmed breaches of planning control.

3 Breach of Planning Control

- 3.1 A breach of planning control broadly means the carrying out of development without the grant of planning permission or other form of planning control. A breach will also include the carrying out of development without compliance with the approved plans or any conditions attached to planning permission. Planning enforcement action can only be considered where the building work or change of use involved needs planning permission or other formal planning consent and/or has resulted in harm to amenity or the environment.
- 3.2 Breaches of planning control (unauthorised development) can sometimes cause serious harm to the way people live or to the environment. A key objective of the Planning Enforcement Service is that harmful activities are dealt with effectively where it is expedient to do so. However, it is important to note that any action taken by the Council to rectify a breach of planning control must be proportionate and carried out in a fair, balanced and impartial way.
- 3.3 Planning laws are designed to control development and the use of land and buildings in the wider public interest. They are not meant to protect the private interests of one person or party against another.
- 3.4 Examples of breaches of planning control include:
- Carrying out of operational development (building or other works) without the required planning permission.
 - Carrying out of material changes of use without planning permission.
 - Failing to comply with a condition or limitation subject to which planning permission was granted.
 - The neglect of land or buildings (untidy site) to an extent which causes harm to the amenity of the area.
 - Failure to comply with Section 106 Agreements/undertakings.
 - Engineering operations such as the raising or lowering of ground levels and formation of earth bunds.

- Not building in accordance with the approved plans (following the granting of planning permission).

3.5 Examples of activity that may not be breaches of planning control include:

- Internal alterations to a building which is not a listed building.
- Obstruction of a highway or public right of way.
- Land ownership disputes and boundary disagreements.
- Parking of vehicles on the highway or on grass verges.
- Operating a business from home, where the residential use remains the primary use of the property and there is no significant impact on the residential amenity or the character of the area.
- Covenants and restrictions on Deeds and Land Registry enquiries.
- Any development already approved by the government and therefore deemed to be “Permitted Development” by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015.

3.6 Most breaches of planning control are not, in themselves, criminal offences. Under current legislation a criminal offence only arises when an Enforcement Notice has been served, has taken effect and the requirements of such a notice have not been complied with in the time required within the notice. However, certain breaches of planning control do constitute a criminal offence from the outset. Such breaches include:

- Unauthorised works to a Listed Building, without the necessary consents.
- Unauthorised works to a Protected Tree or tree within a Conservation Area.
- The display of Advertisements which do not benefit from deemed consent.

4 Cases which will not be investigated

4.1 In order to give the best possible service and to manage the limited resources within the Council, there are some cases that will not be investigated. These include:

- Neighbour disputes – Unless clear planning issues identified.
- Anonymous complaints – Unless what is alleged is priority level 1 in nature
- Trade complaints – Unless clear planning issues are identified.
- Business uses from residential properties where no evidence is provided – In line with Public Protection procedures, a log sheet is sent out to record times, dates and activities prior to the case being formally investigated. Once the log sheets have been returned with sufficient information, the case will be formally investigated.
- Complaints that would appear, from the information provided, to fall under a different legislative framework e.g. Environmental Health or the Highway Authority.
- Issues that are clearly not planning related e.g. matters regarding deeds or covenants.

5 How we prioritise complaints

5.1 The Council receives a high number of new planning enforcement complaints every year. Because of the often lengthy and complex nature of planning investigations and limits on resources, it is necessary to give priority to those cases where the greatest harm is being caused. Individual cases may be re-prioritised as the investigation progresses where new and relevant information comes to light.

Complaints classified as '**Immediate**' – investigation (with initial site visit to ascertain facts) within 1-2 working days:

- Works to listed buildings
- Works to protected trees

- Demolition of important unlisted buildings in conservation areas
- Significant unauthorised building works
- Breach of conditions where there is likely to be irreversible harm

Complaints classified as **‘Urgent’** – investigation (with initial site visit to ascertain facts) within 15 working days:

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

Complaints classified as **‘Non-Urgent’** – investigation (with initial site visit to ascertain facts) within 25 working days

- Other changes of use (not falling in the above category)
- Other building works/condition of land/compliance with conditions (not falling in the above category)
- Advertisements and satellite dishes in most instances

6 Service Standards

- 6.1 To operate the planning enforcement service in accordance with the service standards and performance targets below, which set out the level of service and performance the public and businesses can expect. We will regularly review these standards taking account of the views of stakeholders.

Openness

- 6.2 To provide information and advice in plain language on the policies and procedures of the service, and to communicate this mainly by electronic means whilst giving access for all. We will maintain confidentiality for those persons who wish the Council to investigate a breach of planning control.

Partnership

- 6.3 To work with the community on compliance with planning controls on the basis that prevention is better than cure, and to ensure that our efforts are coordinated with other enforcement agencies within and outside the council.

Helpfulness

- 6.4 To provide a courteous, efficient and responsive service with appropriate publicised contact points.

Feedback about the service

- 6.5 To operate the council's compliments, suggestions and complaints procedure in an accessible, effective and timely manner.

Consistency

- 6.6 To use the council's planning enforcement powers in a fair and consistent manner.
- 6.7 The Council has committed itself to performance targets in order to achieve the above aims in order to secure the social, economic and environmental interests of the district, its residents and businesses and in compliance with national policies in the National Planning Policy Framework (NPPF) 2019 and the Maldon approved Local Plan 2017. We aim therefore, to achieve no less than an 80% target in all areas of enforcement set out below.

- Enquiries for enforcement investigation will be registered and acknowledged in writing within 5 working days of receipt (1-2 days where the complaint is classified as 'urgent' including site visit).
- Initial site visit undertaken in accordance with the prioritisation of the case as set out in section 5.1 above.
- Cases will be resolved, as defined within section 9.3 below, within 20 weeks of initial site visit being undertaken (processes described in the table below at 8.1 up to Formal Action).

7 Enforcement Investigations

- 7.1 All initial complaints are dealt with in confidence and details of the complainants will not be made known without their agreement. However, the substance of the complaints themselves is not confidential. In some cases, it may be necessary to rely on evidence from complainants in order to take action and the complainant will need to consider whether they are willing to actively assist the Council by collecting evidence and/or acting as a witness at an appeal or in Court.
- 7.2 If someone believes that a breach of planning control has occurred, they should notify the Council's Planning Enforcement Team using the online reporting form which can be found at:
https://www.maldon.gov.uk/info/20051/planning_enforcement/9571/make_an_enforcement_complaint
- 7.3 Anonymous complaints will not be investigated. If complainants do not wish to give their personal details they will be advised to contact either their Local Ward Councillor or their Parish Council who may then contact the Planning Enforcement Team on their behalf.

8 Enforcement Outcomes

- 8.1 Following the initial investigation, the findings will be assessed, and a view taken on how the investigation will proceed. It is key to decide as quickly as possible whether enforcement action is proportionate and then clearly document the decision reached and why. Formal action is a last resort and those responsible will normally be given the opportunity to remedy the breach. However, when the breach is causing serious harm or nuisance, formal action will not be delayed by protracted negotiations or a request for the submission of a planning application when it is obvious a refusal is likely to be the outcome.

Summary table of what actions we will consider taking according to the status of the investigation

Status of the Investigation	The Council's Actions
No Breach of planning control has been identified	The Council will write to the complainant to advise them of our findings and the investigation will be closed.
A breach of planning control has been identified where it is not expedient to take action	The Council will write to the complainant to advise them of its findings and provide an explanation as to why no action will be taken in this instance. The investigation will be closed.
A breach of planning control has been identified and retrospective planning application may regularise the breach.	The Council will write to the person responsible for the breach of planning control and explain why the works/use require planning permission and provide advice on how that permission can be obtained. The Council expects a planning application to be submitted within 28 days. If an application is not submitted, the Council will decide whether it would be expedient to take enforcement action.
A breach of planning control has been identified and the matter needs to be addressed.	The Council will write to the complainant to advise them of its findings. The Council will also write to the person(s) responsible for the breach to advise them what steps they need to take to address the breach of planning control and the timescales within which those steps must be taken. The Council will also advise of the consequences of not complying with its request.

Status of the Investigation	The Council's Actions
Further investigation is required.	<p>The Council will write to the complainant to advise them of its initial findings. The Council will write to the person(s) responsible for the breach to advise of the information that it needs. This may involve issuing a Planning Contravention Notice (PCN) which must be completed and returned to us within 21 days.</p>
Formal Enforcement Action	<p>Where it has been established that a breach of planning control has occurred, the Council will consider using statutory notices to take action to remedy the breach. The issuing of a notice is discretionary and will only be used when it is considered expedient to do so. Any action taken must be proportionate to the breach of planning control and may include 'under enforcement'.</p> <p>The complainant will be notified of the Council's decision, whatever that may be. If the decision is to take formal action, the complainant will be notified upon service of the notice.</p>

Status of the Investigation	The Council's Actions
Prosecution	<p>Where the Council has served a statutory notice (including a PCN) in an attempt to remedy the breach of planning control and the required action has not been undertaken, where it is considered to be in the public interest, the Council will take appropriate legal action.</p> <p>The authority will seek full recovery of costs, where possible in these instances.</p>

9 Engaging with the customer

- 9.1 One of the customer's key concerns in relation to enforcement is to be kept informed as the case progresses, especially as enforcement cases can be lengthy. The complaint will be updated as to case progress by the investigating officer and normally this will be when a material event occurs in the investigation (i.e. breach has been identified and the most appropriate remedy/action has been considered; or alternatively no breach has occurred or identified on the basis of the available information).
- 9.2 A second concern relates to the understanding of the process, procedures and remit of enforcement. There is a need to match the customers' expectations with what the Service can deliver. To address this issue a booklet will be made available on the Council's website that explains the planning enforcement and compliance process; a copy of this will be sent to all complainants as part of their acknowledgement letter.
- 9.3 All customers, including complainants and the individual or business that has allegedly breached planning control, will be informed when the case has been resolved. The resolution of a case means:

- The case has been investigated and there is no breach of planning control; or
- There is a breach of planning control which has been remedied, either by the submission of an application, or the works have been removed or use has ceased; or
- There is a breach of planning control, but it is not considered expedient to pursue the further; or
- An enforcement notice has been served.

9.4 Where an enforcement notice has been served, there is a compliance period within which the contravener is required to remedy the identified breach. The length of compliance period varies depending on the nature, severity, scale and complexity of the breach. The contravener has the right of appeal against the notice which will be decided by the planning inspectorate who may uphold or dismiss the enforcement notice. If the appeal goes against the contravener there may be a prosecution raised against the contravener if the notice is not complied with. This part of the process has an indeterminate timescale, as it would follow processes determined by bodies outside of the Local Planning Authority (Planning Inspectorate/Judiciary). The complainant will be kept updated with all processes and procedures at this stage.

10 OTHER PLANNING ENFORCEMENT POWERS

10.1 Some breaches of planning control are the subject of separate legislative codes. Investigations of breaches of planning control under these legislative codes will broadly be undertaken in accordance with the policy where appropriate.

10.2 These include:

- Listed Buildings
- Advertisements
- Trees
- Anti-Social Behaviour Order (ASBO)

- Condition of land or buildings affecting the amenity of an area (Untidy Site)
- Proceeds of Crime (POCA)

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

Listed Buildings

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

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

Advertisements

10.6 The display of advertisements is controlled under the Town and Country Planning (Control of Advertisements) Regulations 2007 and the Anti-Social Behaviour Act 2003 (part C) Penalty Notices for Graffiti and Fly Posting.

10.7 Advertisements are divided into three main groups:

- Those advertisements that are expressly excluded from local planning authority control

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

10.8 Any person who displays an advertisement, without consent, is acting illegally. It is open to the Council to take a prosecution in the Magistrates Court for an offence under Section 224 of the Town and Country Planning Act 1990 (as amended). The Council also has some powers in relation to the display of advertisements under the Anti- social, Crime and Behaviour Act 2014.

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

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

Anti – social behaviour orders (ASBOs).

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

Trees

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

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

Land or buildings that adversely affect the amenity of an area

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

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

Proceeds of Crime Act - POCA

- 10.27 The Proceeds of Crime Act 2002 (POCA) sets out the legislative scheme for the recovery of criminal assets with criminal confiscation being the most commonly used power. Confiscation occurs after a conviction has taken place. The aim of the asset recovery schemes in POCA is to deny criminals the use of their assets, recover the proceeds of crime and to deter criminality.
- 10.28 Consideration will be given to the appropriateness and expediency of the use of POCA powers, including but not limited to the seeking of confiscation orders, in appropriate cases in which a defendant has benefited from criminal conduct or a criminal lifestyle.

11 Legislation

- 11.1 When investigating breaches of planning control, the Council will act in accordance with the provisions of both primary legislation (Acts of Parliament) and secondary legislation (Statutory Instruments).

Primary Legislation

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

Key Secondary Legislation

- Localism Act 2011
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- Planning and Compensation Act 1991
- Planning and Compulsory Purchase Act
- Planning Act 2008
- Local Government (Miscellaneous Provisions) Act

Key Guidance

- The National Planning Policy Framework (Feb 2019)
- The National Planning Practice Guidance (online)
- Town And Country Planning (Control Of Advertisements) (England) Regulations 2007

Other Legislation, Guidance and Codes of Practice

- Regulators' Code
- Code for Crown Prosecutors
- Human Rights Act 1998
- Equality Act 2010
- Police and Criminal Evidence Act 1984 and Criminal Procedure and Investigations Act 1996

- Regulation of Investigatory Powers Act 2000

Key terms:

Harm

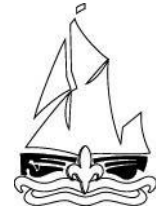
Harm resulting from a breach of planning control could concern amenity or highway safety issues which includes noise nuisance from inappropriate uses, loss of daylight or privacy, or danger from increased traffic flows. Harm to the visual amenity of an area could occur for example through unauthorised work to a listed building; demolition within a Conservation Area or work to a protected tree or inappropriate development in the Green Belt. Once the alleged breach has been investigated and it has been established that harm is being caused, action may then be taken. This harm would not, for example include: • loss of value to a neighbouring property, • competition to another business, • loss of an individual's view or • trespass onto someone else's land.

De Minimus:

It may be that whilst a technical breach of planning control has been found the breach is so minor that it has no or very little impact of any consequence. Such breaches would be considered „de minimus“ in planning terms and no formal action would be taken in this respect. Examples would include the following:

- a domestic television aerial.
- walls and fences which are over the permitted development height but where there are no significant harmful impacts on the appearance of the street scene, residential amenity or highway safety.
- Domestic extensions which exceed the permitted development limits but where there are no significant harmful impacts on residential or visual amenity.
- Advertisements which are not significantly harmful to either visual amenity or highway safety

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REPORT of DIRECTOR OF SERVICE DELIVERY

**to
STRATEGY AND RESOURCES COMMITTEE
24 NOVEMBER 2020 (SPECIAL MEETING)**

APPROVAL TO CONSULT ON THE DRAFT LISTS OF LOCAL HERITAGE ASSETS FOR THE PARISHES OF ST. LAWRENCE, WOODHAM WALTER, LANGORD AND ULTING

1. PURPOSE OF THE REPORT

- 1.1 This report seeks the Strategy and Resources Committee's approval to consult on the Draft Lists of Local Heritage Assets for the Parishes of St Lawrence, Woodham Walter, Langford and Ulting (**APPENDIX 1**).

2. RECOMMENDATION

That the Draft Lists of Local Heritage Assets for the Parishes of St Lawrence, Woodham Walter, Langford and Ulting are approved for public consultation.

3. SUMMARY OF KEY ISSUES

- 3.1 The Maldon District contains over a thousand nationally listed buildings, which are protected by law. In addition to this there are many historic buildings which, although they may not meet the criteria for national listing, possess local value because of their architectural and historic interest. The National Planning Policy Framework (NPPF) and Policy D3 of the Maldon Local Development Plan (LDP) refer to such buildings as 'non-designated heritage assets'. These assets are defined in Planning Practice Guidance (PPG) as those 'identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets'. Planning Practice Guidance encourages Local Planning Authorities to identify 'non-designated heritage assets' against consistent criteria and notes that adding them to a 'local list' is a positive way of improving the 'predictability of the potential for sustainable development'.
- 3.2 While addition of a building to a local list will not result in additional planning controls, it does mean that the building's conservation as a heritage asset becomes a material consideration when determining the outcome of a planning application. Paragraph 197 of the NPPF states:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement

will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 3.3 Policy D3 of the Maldon LDP requires that applications affecting non-designated heritage assets both 1) preserve or enhance the asset's special character, appearance, setting and special features, and 2) be supported by a heritage statement which describes the asset's significance.
- 3.4 In 2012 the Planning and Licensing Committee adopted criteria for identification of buildings worthy of local listing. A provisional list of 26 buildings was formally adopted at that stage. More thorough lists are now being drafted for each Parish by the Council's Conservation and Heritage Specialist, with assistance from local historians. Due to the considerable amount of work involved, a phased approach is planned for the survey of the whole District.
- 3.5 Following approval for public consultation, the draft lists will be published on the Council's website, and each relevant Parish Council and owner / occupier will be written to. Consultees will be invited to comment on whether or not they agree that the buildings meet the criteria and to supply any relevant additional information. During this period of public consultation there also will be the opportunity for members of the public to submit further nominations. Following the consultation all responses will be collated and the updated draft lists will be presented to the Strategy and Resources Committee for formal adoption. Following adoption, the approved lists will be published on the council's website, the location of each local heritage asset will be mapped on the Council's GIS (Geographic Information System), and each relevant Parish Council and resident will be informed.
- 3.6 Draft lists for the Parishes of St Lawrence, Woodham Walter, Langford and Ulting are produced as **APPENDIX 1**. Every effort has been made to make the lists interesting, informative and attractively presented documents. The lists have benefited from the generous input of various local historians and enthusiasts, including Irene Allen, David Beattie, Kevin Bruce, Patrick Chaplin, Bronwen Cook and John Tompkins.
- 3.7 Using the approved selection criteria an interesting collection of locally important buildings has been identified. Highlights include the medieval St Lawrence Hall, several Georgian farmhouses and farm buildings, the imposing Langford Mill built in 1879, three charming Victorian schoolhouses, a group of fine early-20th-century Arts-and-Crafts-style buildings on the Warren Estate, a World War II 'hard' used for the embarkation of boats for the D-Day landings, and the 1966 water tower which crowns St Lawrence Hill.

4. CONCLUSION

- 4.1 Maldon District Council has a commitment to protect and improve the environment of the District which includes built heritage. Policy D3 of the Maldon District Local Development Plan sets out this Council's objective of 'safeguarding, enhancing and promoting the historic environment'. Up-to-date Lists of Local Heritage Assets, which highlight and promote locally important historic buildings in each parish, will be a useful tool in meeting these objectives.

5. IMPACT ON STRATEGIC THEMES

- 5.1 The recommendations of this report will support the Strategic Theme for Place by encouraging the protection and improvement of built heritage, which is a valuable component of the local environment.

6. IMPLICATIONS

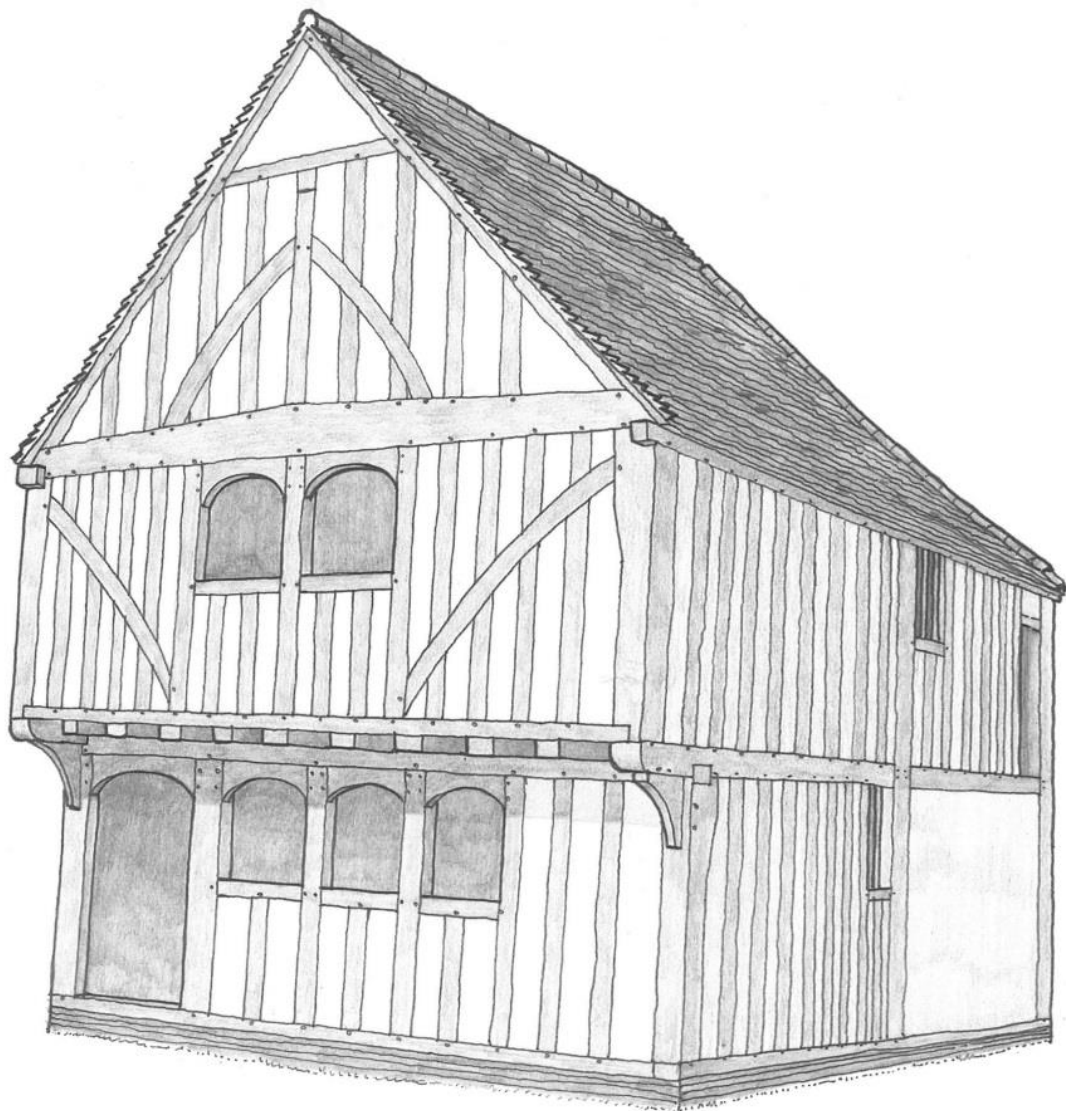
- (i) **Impact on Customers** – The goal of the Lists of Local Heritage Assets is to highlight and promote the significance of local heritage, reinforcing a sense of local identity and distinctiveness in the historic environment. Engagement with local residents and interest groups through public consultation, and the opportunity to submit further nominations, will enable locals to help identify and celebrate aspects of local heritage. Proactive identification of the buildings which should be regarded as ‘non-designated heritage assets’ will allow greater certainty of the issues to be considered as part of the planning process.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – The Lists of Local Heritage Assets will identify instances where consideration of heritage significance and conservation should be a material consideration in the planning process, thereby reducing the risk that local heritage assets are harmed or lost unnecessarily or without justification.
- (iv) **Impact on Resources (financial)** – The Lists of Local Heritage Assets will be maintained within existing budgets.
- (v) **Impact on Resources (human)** – The Lists of Local Heritage Assets will be maintained within existing resources.
- (vi) **Impact on the Environment** – Positive, due to the way in which the Lists will encourage the conservation of locally valuable historic buildings.
- (vii) **Impact on Strengthening Communities** – Positive, due to the way in which the local lists encourage pride in local built heritage and distinctiveness.

Background Papers: None.

Enquiries to: Tim Howson, Conservation Officer.

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Draft List of Local Heritage Assets in St Lawrence

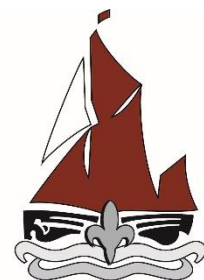


October 2020

Planning Policy

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MALDON DISTRICT
COUNCIL

Introduction

The Maldon District contains over a thousand nationally listed buildings, which are protected by law. It has also been recognised that there are many historic buildings which, although they may not meet the criteria for national listing, possess local value because of their architectural and historic interest. The District Council is developing Parish Lists of Local Heritage Assets to identify and celebrate these locally important buildings. Inclusion on a Local List does not bring any additional consent requirements over and above the existing requirement for planning permission, but it does mean that a building's heritage significance will be a material consideration in the planning process. The following criteria have been developed to help identify those buildings which merit inclusion on a List of Local Heritage Assets. As with the national list the word building can apply to any type of permanent structure.

1. Age and integrity

- a. All buildings which retain a significant degree of pre-1840 architectural character in terms of form, materials and stylistic detailing or for which there is realistic potential for restoration of that character.
- b. 1840-1880 buildings that are reasonably complete and of good local architectural and historic interest
- c. 1880-1945 buildings that are substantially complete and of very good local architectural and historic interest
- d. Post 1945 buildings that are wholly complete and of an outstanding level of local architectural and historic interest
- e. Buildings which are valued as rare examples of a particular type

2. Historic Interest

- a. Historic association with important national or local historical figures, architects, events or industry
- b. Social or communal importance: relating to structures perceived as a source of local identity and cohesion. (This might include important commemorative structures such as war memorials or places of worship).

3. Architectural Interest

- a. Important examples of a past type or style
- b. Quality materials, detailing and workmanship
- c. Buildings which display technological innovation
- d. Group Value: Buildings whose local importance derives from their visual relationship with other important buildings in a village or town setting or where they make an important contribution to an historic skyline.
- e. Buildings which make a positive contribution to an attractive rural setting
- f. Sustainability: Buildings which can be easily adapted for continuing use due to robust construction or quality materials

This document lists the buildings in the parish of St Lawrence which have been identified as meeting the above criteria.



Bradwell Road, The Olde Rectory

Left: Mid-20th-century photograph reproduced from the Kevin Bruce Archive

Right: photograph taken 19 October 2020

Description

This brick rectory was built in the early-19th century and substantially extended in the late-19th century. The oldest part is the central section, which has a pyramidal, slate-clad roof, walls of gault brick, and on the front elevation sash windows set within full-height recesses with arched heads. This part of the house was probably built after 1829 during the incumbency of the Revd John Carwardine. The left-hand range, constructed of yellow stock brick, with a front canted bay window, may have been added in the 1870s. The Revd John Mills secured a mortgage of £1000 pounds to carry out work on the rectory in 1874 (Brown, 1928).

Significance

Although modernised, this is a reasonably well-preserved example of 19th-century rectory, deploying good quality traditional materials and detailing. The building's historic form remains clearly legible.



Main Road, Motts Farmhouse

Photograph of Motts Farm taken in 2004, reproduced with permission from Kevin Bruce

Description

Motts Farmhouse appears to date from the early-19th century. It is 2 storeys in height and has a U-shaped plan. The walls are of yellow brickwork except for the principal south elevation which is rendered. The windows are a variety of sliding sashes and casements. The window openings have segmental-arched heads, and on the south elevation there are hood moulds over most of the windows. The roof of the west range is hipped and clad in 20th-century brown concrete tiles. The other roofs are of an extremely unusual hipped mansard form with a vertical step between the upper and lower roof pitches. This vertical step incorporates internally-hinged flaps that could be opened to ventilate the attic. No other examples on English houses are known, but such roofs are found on late-18th and early-19th-century houses in parts of the U.S.A. – particularly in Rhode Island – where they are called ‘monitor’ roofs.

Significance

This house is significant as a reasonably well-preserved 19th-century farmhouse with unusual ‘monitor’ roofs. The house forms part of a group with the grade II listed complex of barns to the north.



St Lawrence Hill, The Water Tower

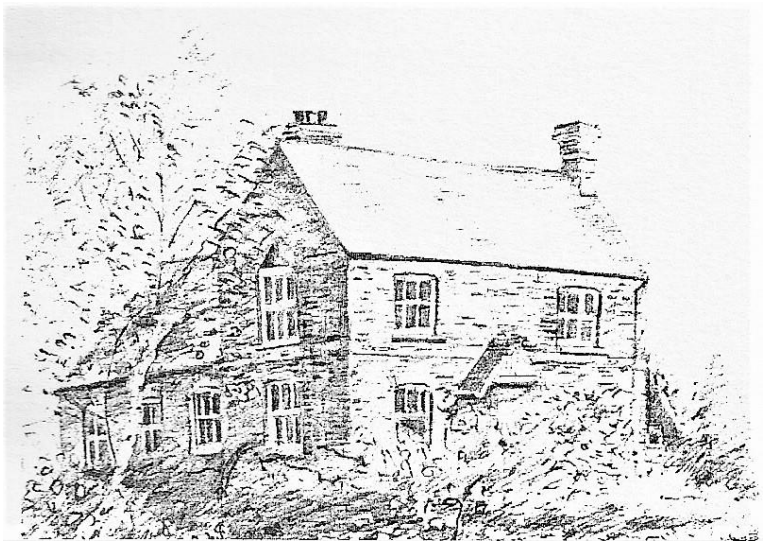
Photograph taken 20 January 2020

Description

This water tower was built in 1966. Constructed of unpainted concrete and circular in section, it consists of a narrow-diameter vertical shaft supporting a cone-shaped tank with a simple balustrade on top. Pilasters rise up the face of the shaft then expand in width as they continue up the face of the tank. The Tower is 53 metres (173 feet) tall. It holds 681,900 litres (150,000 gallons) of water, which comes from the treatment works along 710 mm (28 inch) pipes.

Significance

Architecturally, the water tower has an elegant and sculptural form. Occupying a highly prominent position at the top of St Lawrence Hill, it is a striking local landmark, clearly visible from the north side of the River Blackwater. It has local historic interest as a monument to 20th-century improvements in the supply of water to the Dengie peninsula.



Southminster Road, Schoolhouse

Left: photograph taken from the north-west on 25 August 2020

Right: sketch provided by Bronwen Cook illustrating the house from the south-west.

Description

This Victorian school was built by subscription, following an initiative of the Revd John Mills. Wild Stammers of Southminster undertook the building work at a cost of £360. It opened on the 11th of September 1873. It is constructed of red brick with yellow brick dressings and has pitched roofs clad in slate. It consists of a single-storey schoolroom, said to have space for 40 children, and a two-storey schoolhouse. The north window of the school room and the west first-floor window to the schoolhouse have triangular arched heads. The other window openings have segmental arched heads. Most of the windows are 3-over-3 vertically sliding sashes, and are probably original. The school closed on the 2nd of December 1904, after which the children transferred to Bradwell school and the schoolroom became part of the house. An original detached toilet block survives to the east of the house.

Significance

This building is significant as a very well-preserved example of a humble Victorian rural school and schoolhouse. It has simple, but complete, detailing and good quality materials. It is a picturesque feature at the top of the hill, situated close to the parish church and St Lawrence Hall.



D-Day Embarkation Hard on the bank of the River Blackwater at Stone Point

Photograph taken 19 October 2020

Description

The berthing area for Stone Sailing Club is one of 68 concrete embarkation hards built around southern Britain from the Summer of 1942 in preparation for the anticipated landing on the shores of mainland Europe, which became reality with the Normandy landings in June 1944. The hard is situated between the sea wall and the river's edge and covers an area up to 90 yards wide. The relatively flat landward part has been laid down as solid concrete, while the seaward sloping run-up area has been formed from individual slabs cast into small squares, presumably to provide traction (Source Fred Nash, 2010).

Significance

This WWII embarkation hard is one of just two examples known to survive in Essex (the other being at Stansgate in Steeple Parish). It is both locally and nationally important as a rare *in-situ* remnant of the largest seaborne invasion in history and a decisive event of WWII.



St Lawrence Hill, St Lawrence Hall

Left-hand photograph taken in 1911, reproduced with permission from Bronwen Cook

Right-hand photograph taken 2 October 2017

Description

This is the principal manor house for the parish of St Lawrence. At the western end is a late-medieval timber-framed cross-wing, clad in pebble-dash cement render. Its roof is gabled to the north and hipped to the south, and is covered by 20th-century brown concrete tiles. The front (north) elevation of the wing is jettied. Shadows of the original, close-studded timber framing show through the cement render. To the east of the cross-wing is a 2-storey mid-late-19th-century range, which occupies the site of the medieval hall. The mid-19th century part is timber framed and rendered and its form resembles that of a hall and cross-wing. There is an ornamental timber porch to the entrance and decorative bargeboards to the eastern cross-wing. To the east of the Victorian range is a one-and-a-half storey wing added early in the 21st century.

Internally, the medieval cross-wing has an *intact* crown-post roof, and evidence for original doorways and windows. It is a 2-bay structure, and the original floor joists have been removed from the rear bay. The

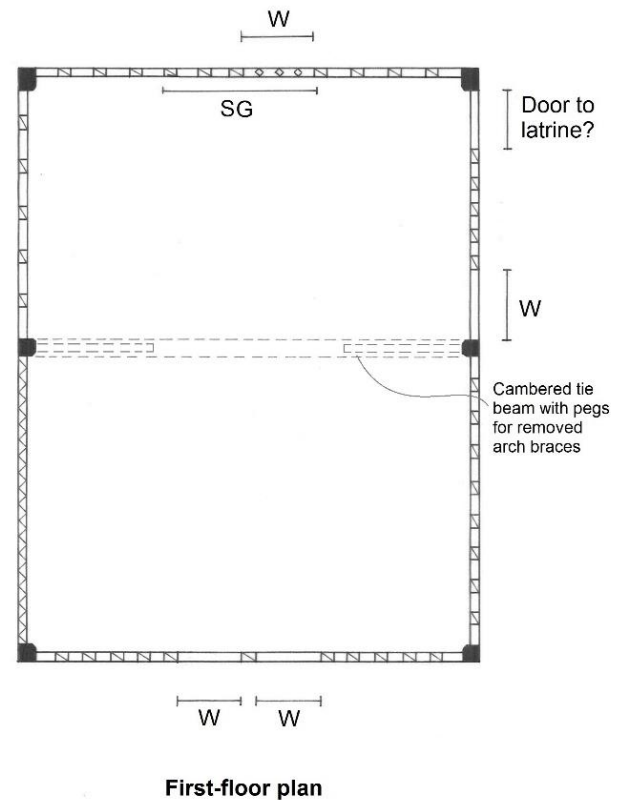
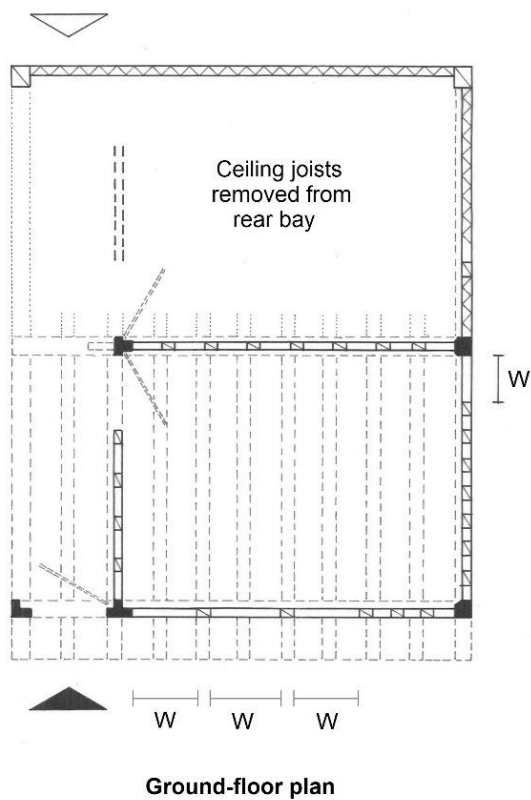
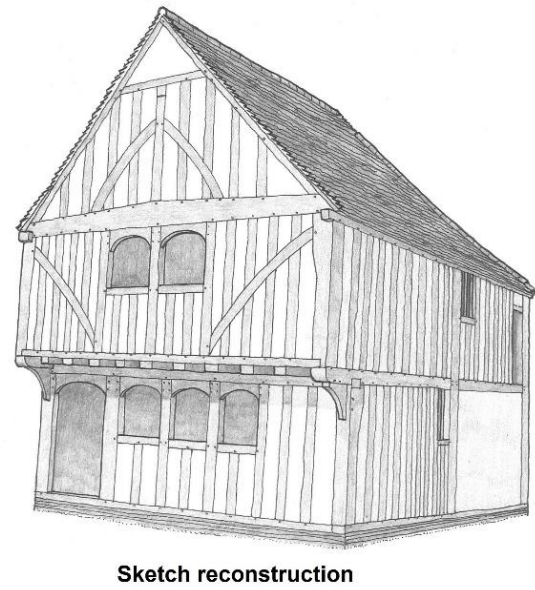
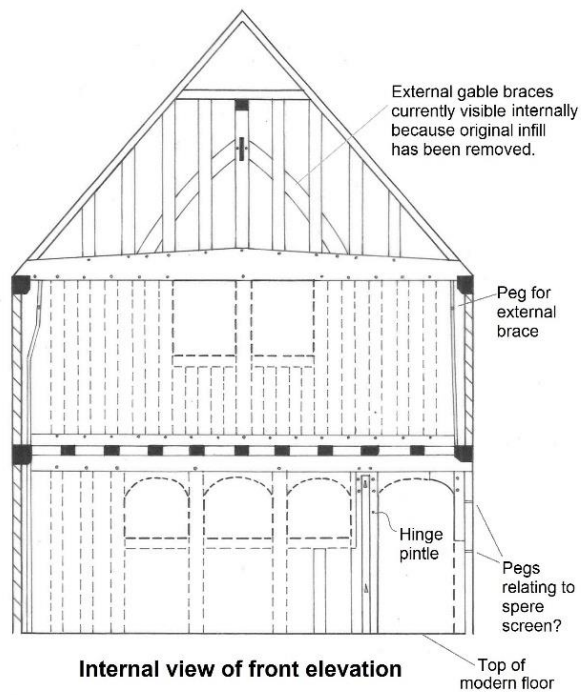
evidence within the building indicates that this was a service wing, incorporating an 'undershot' cross-passage, situated at the western end of an open hall. There were two 'service' rooms on the ground floor and a single 2-bay chamber on the first floor. The front ground-floor wall had three windows to one side of the arch-headed front door. There is evidence that these windows also had arched heads, which is unusual. There is evidence for a pair of first-floor windows on the front elevation and it is likely though not yet provable that these had arched heads to match the windows on the ground floor. Other windows in the building were unglazed with diamond-section mullions and sliding shutters.

Significance

Although modernised, the medieval cross-wing is an important survival, one of only just over a hundred medieval timber-framed buildings to survive in the Maldon District. The Victorian range is of less significance but its form, materials and detailing complement the character of the medieval wing.



Photograph of St Lawrence Hall in 1922, reproduced with permission from Bronwen Cook.



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Interpretive survey drawings of the medieval cross-wing at St Lawrence Hall, by Tim Howson 2017



Coastal Pillboxes in St Lawrence

Photograph taken 19 October 2020

Description

There are three WWII concrete pillboxes built into the sea wall at St Lawrence.

Significance

This is an important group of pillboxes, which serves as a potent reminder of the threat of invasion posed during World War II.

Sources

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Chandler, J. E.: *The Colonial House* (1915, 2nd ed. 1924)

Essex Record Office (ERO)

Downing, A. F.: *Early Homes of Rhode Island* (1937)

Nash, F.: *Survey of World War Two Defences in the District of Maldon* (ECC & MDC, 2010)

Williams, D.: *The water supply to Essex and Beyond* -
<https://essexwatersupply.com/>

Preparation of the list of local heritage assets for St Lawrence has been greatly assisted by the input of Rorie Ash, Kevin Bruce, Bronwen Cook, J.E.C. Peters, Brenda Watkin and Elphin Watkin

Draft List of Local Heritage Assets in **Woodham Walter**



October 2020

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Introduction

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1. Age and integrity

- a. All buildings which retain a significant degree of pre-1840 architectural character in terms of form, materials and stylistic detailing or for which there is realistic potential for restoration of that character.
- b. 1840-1880 buildings that are reasonably complete and of good local architectural and historic interest
- c. 1880-1945 buildings that are substantially complete and of very good local architectural and historic interest
- d. Post 1945 buildings that are wholly complete and of an outstanding level of local architectural and historic interest
- e. Buildings which are valued as rare examples of a particular type

2. Historic Interest

- a. Historic association with important national or local historical figures, architects, events or industry
- b. Social or communal importance: relating to structures perceived as a source of local identity and cohesion. (This might include important commemorative structures such as war memorials or places of worship).

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- c. Buildings which display technological innovation
- d. Group Value: Buildings whose local importance derives from their visual relationship with other important buildings in a village or town setting or where they make an important contribution to an historic skyline.
- e. Buildings which make a positive contribution to an attractive rural setting
- f. Sustainability: Buildings which can be easily adapted for continuing use due to robust construction or quality materials

This document lists the buildings in the parish of Woodham Walter which have been identified as meeting the above criteria.



Burnt House Road, Gunhill Farm

Photograph taken October 2018

Description

This farmhouse is described as ‘newly erected’ in a sale catalogue of 1824 (Ryan, p. 86). It is constructed of red brick laid in Flemish bond. Its roof is covered with clay peg tiles and at the rear continues down in ‘cat-slide’ form to a lower eaves-level. Chimney stacks project through both ends of the ridge of the main roof. The front elevation is a typically symmetrical composition of multi-paned wooden sash windows, a central front door with a pedimented surround, and a blind window recess directly above the front door. The front ground-floor windows have flat segmental arched heads formed of rubbed-red brickwork.

Significance

This house is significant as a well-preserved early-19th century farmhouse. Recent extensions to the side and rear deploy sympathetic materials and detailing, and respect the special character of the original part of the house.



Church Hill, cast-iron fingerpost on the junction between Church Hill, Park Road and Oak Farm Road

Photographs taken 17 May 2016

Description

This cast-iron fingerpost was manufactured by Maldon Ironworks in the first quarter of the 20th century.

Significance

This has significance as an early surviving fingerpost made by the Maldon Ironworks. It makes a positive contribution to the traditional character of this part of the Woodham Walter Conservation Area.



Cut A Thwart Lane, Woodlands

Left-hand photograph taken March 2016

Right-hand aerial photograph undated.

Description

Woodlands is a timber-framed and plastered double-pile house of two storeys with cellar and attics. The original part, dating from the 18th century, has roofs clad in clay tiles. In the 19th century a single-storey flat-roofed extension to the front enlarged the dining and drawing rooms, and a two-storey slate-roofed wing increased the kitchen and service facilities. The windows are mainly multi-paned sliding sashes. There is an interesting complex of Victorian brick farm buildings to the north-west which complements the setting of the house. Historically the property was known as Bawds Grange. The name changed in the early-19th century. The house is said to retain a number of original features (Ryan, p. 92).

Significance

This house is significant as a good example of a substantial Georgian farmhouse with Victorian additions. It occupies an idyllic isolated rural setting.



Hoe Mill Road, Hoe Farm Barns

Left-hand photograph taken 12 July 2007, prior to conversion.

Right-hand photograph taken 2010, following conversion.

Description

This early-19th century complex of agricultural buildings includes a threshing barn, stable, granary, and cattle sheds arranged around a courtyard. All the buildings are timber-framed and weatherboarded. The buildings were converted into offices in 2009.

Significance

These buildings are significant as a reasonably complete complex of late-Georgian agricultural buildings. The conversion into offices has been executed sympathetically, preserving much of the site's historic character.



Hoe Mill Road, Hoe Farm House

Photograph taken 29 October 2019

Description

This early-19th-century farmhouse was described as ‘newly erected’ in a sale catalogue of 1847 (Ryan, p. 87). It features on the tithe map of 1845. It is a timber-framed and rendered house with a hipped and slated roof, a typically symmetrical arrangement of multi-paned sash windows and a central front door.

Significance

This house is significant as a well-preserved early-19th century farmhouse. The adjacent complex of farm buildings complements the setting of the house.



Manor Road, Manor Farm

Photograph taken 17 May 2016

Description

This early-19th-century farmhouse has rendered brick walls and hipped slated roofs. It is two-storeys tall with a cross-wing at the left-hand (south) end. The windows are multi-paned sliding sashes. When this farm was leased to William Baker in 1827 one of the conditions was that the landlord was to erect a 'comfortable farmhouse or substantially repair the old one'. It would seem that a new house was built (Ryan, p. 88).

Significance

This building is significant as a well-preserved late-Georgian farmhouse. The contemporary brick farm buildings adjacent complement the setting of the house.



Manor Road, Former Threshing Barn and attached Stable Block at Manor Farm

Photograph taken 17 May 2016

Description

This brick barn and attached stable block may have been erected in the late 1820s at the same time the farmhouse was rebuilt. It is constructed of red brick with pantiled roofs. The barn is aligned east-west and its north elevation features a large central waggon door, ventilation holes arranged in diamond patterns, and a high-level pitching door. The 2-storey stable block is attached to the east end of the barn and projects north creating an L-shaped plan.

Significance

This building is significant as an interesting and apparently well-preserved early-19th-century brick barn and stable block.



Old London Road, Lodge Farm

Photograph taken 14th September 2020

Description

This two-storey farmhouse with attics and cellar is constructed of red bricks and roofed with clay tiles. A commemorative plaque over the front door bears the date 1757. The pair of canted bay windows on the front elevation was added early in the 20th century, but the house otherwise appears little altered. Internally, the house retains a notably wide cooking hearth and much historic joinery.

Significance

This house is significant as a reasonably well-preserved example of a mid-18th-century farmhouse.



Old London Road, 1 Redgates

Photograph taken 14th September 2020

Description

One of a pair of early-20th-century entrance lodges, designed by Read and Macdonald for Henry Walter Thompson, who was responsible for laying out the current golf course. The lodge is of one storey and attics with pitched, clay-tiled roofs and projecting gables. The walls are roughcast and battered. This lodge is particularly well preserved, retaining its original lead-glazed windows.

Significance

This building is significant as a very well-preserved example of an early-20th-century architect-designed lodge. It reflects the Domestic Revival style of architecture championed by the architect C.F.A. Voysey. It displays quality materials and detailing. Its setting is complemented by the matching - albeit less-well preserved - No. 2 Redgates.



Old London Road, 2 Redgates

Photograph taken 14th September 2020

Description

One of a pair of early-20th-century entrance lodges, designed by Read and Macdonald for Henry Walter Thompson, who was responsible for laying out the current golf course. The lodge is of one storey and attics with pitched, clay-tiled roofs and projecting gables. The walls are roughcast and battered. This lodge was renovated and extended in 2015, involving replacement of the original roof tiles and windows, but the building's original design remains legible.

Significance

This building is significant as a reasonably well-preserved example of an early-20th-century architect-designed lodge. It reflects the Domestic Revival style of architecture championed by the architect C.F.A. Voysey. It displays quality materials and detailing. Its setting is complemented by the matching – and better preserved - No. 1 Redgates.



Old London Road, Former stables, The Warren

Photograph the stables in the foreground and The Warren in the distance, taken 18 March 2013.

Description

This stable range was built around the same time that The Warren (adjacent) was extended (c.1905). The house extensions and the stable range were designed by Read and Macdonald for Henry Walter Thompson, who was responsible for laying out the current golf course. The stables are single-storeyed with pitched, clay-tiled roofs and rendered walls. It has a U-plan, arranged around a courtyard. The asymmetrical deployment of a veranda, chimney and louvre all adds picturesque interest.

Significance

The stable range is significant as an interesting, early-20th-century, architect-designed example of its type. It reflects the Domestic Revival architectural style of the house.



Old London Road, Wayside

Photograph taken 14th September 2020

Description

Wayside was designed c.1926 by the architectural firm Read & MacDonald. It is one of several early-20th-century Domestic-Revival style buildings commissioned by Henry Walter Thompson, who bought The Warren in 1904 and was responsible for laying out the current golf course. The house is of one storey and attics, with steeply pitched, clay-tiled roofs and a pair of projecting gables to the front.

Significance

Wayside meets the approved selection criteria insofar as it is a substantially complete early-20th-century house of very good local architectural and historic interest, deploying mostly good-quality materials, detailing and workmanship. The building's architectural quality has been diminished by recent refurbishment, including the replacement of the original lead-glazed windows with grey plastic windows. However, the building's overall form remains well-preserved and its significance is reinforced by its association with the other Arts-and-Crafts-style buildings on the Warren Estate and by its idyllic rural setting.



Rectory Road, 1 & 2 The Almshouses

Photograph taken 27 February 2015

Description

This pair of single-storey almshouses bears a plaque which states: "ALMSHOUSES IN MEMORY OF THE REV R. H. FALKNER. M. A. RECTOR OF THIS PARISH 1875 – 1907. ERECTED BY HIS THREE SONS 1908". The pair of houses was specifically for the 'poor or those in ill-health who are unable to keep themselves by their own exertions'. It is a single-storey, red-brick building with a clay-tiled roof and features pairs of lancet-shaped gothic-style windows. The porches are later, but broadly respectful of the proportions of the original building.

Significance

This building is significant as a well-preserved pair of early-20th-century almshouses, presenting good quality materials and detailing. It is an attractive building which makes a positive contribution to the character of the Woodham Walter Conservation Area. It has local historic interest for its association with the Revd R. H. Falkner.



The Street, Cast-Iron Fingerpost opposite the Bell

Photograph taken May 2016

Description

This cast-iron fingerpost was manufactured by Maldon Ironworks in the first quarter of the 20th century.

Significance

This has significance as an early surviving fingerpost made by the Maldon Ironworks. It makes a positive contribution to the traditional character of this part of the Woodham Walter Conservation Area.



The Street, K6 Telephone Kiosk

Photograph taken 17 May 2016

Description

A red K6 telephone kiosk. Manufactured by Carron Co. MK1 model, (pre-1939).

Significance

This early 20th-century telephone kiosk has significance as an attractive and familiar feature in the village street-scene. It makes a positive contribution to the special character of this part of the Woodham Walter Conservation Area.



The Street, Tadpoles Nursery

Photograph taken 17 May 2016

Description

What is now Tadpoles Nursery was first built as a Congregational Chapel in 1881. Services and a Sunday School were held in the chapel until after World War II (Ryan, p.30). It later became the village shop (the 'Chapel Stores'), before recently becoming Tadpoles Nursery. It is a small timber-framed building clad in white-painted weatherboarding, its roof covered with natural slates. Its most memorable features are the pointed-arch timber windows, which are the only external sign of the building's formerly ecclesiastical function.

Significance

This building has significance as a charmingly vernacular late-19th-century chapel.



Top Road, Woodham Walter Women's Club

Photograph taken 15 May 2018

Description

The Woodham Walter Women's Club was founded in 1906. One of the founders and key supporters was Edith Chaplin who lived at Bassets. The structure had started life as a summerhouse in the grounds of Bassets for Edith Chaplin's son, and was dismantled and re-erected in its current location for the use of the club. The club building is timber-framed, clad with white-painted weatherboarding, its pitched roofs covered with slates. Initially focussed on improving midwifery in the village, the club's activities soon extended to talks on Home Nursing, First Aid and Health Care and sewing lessons (Ryan, pp. 67-73).

Significance

This building is locally significant as an early-20th-century women's club, still used for its intended purpose. It is well preserved, deploying good quality vernacular materials and detailing.

Sources

Bettley, J. and Pevsner, N.: *The Buildings of England: Essex* (Yale, 2007)

Ryan, P.: *Woodham Walter: A Village History* (Plume Press, 1989)

Preparation of this draft list of local heritage assets was greatly assisted by David Beattie and John Tompkins

Draft List of Local Heritage Assets in **Langford and Ulting**



October 2020

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Introduction

The Maldon District contains over a thousand nationally listed buildings, which are protected by law. It has also been recognised that there are many historic buildings which, although they may not meet the criteria for national listing, possess local value because of their architectural and historic interest. The District Council is developing a List of Local Heritage Assets to identify and celebrate these locally important buildings. Inclusion on a local list does not bring any additional consent requirements over and above the existing requirement for planning permission, but it does mean that a building's heritage significance will be a material consideration in the planning process. The following criteria have been developed to help identify those buildings which merit inclusion on the List of Local Heritage Assets in Langford and Ulting. As with the national list the word 'building' can apply to any type of permanent structure.

1. Age and integrity

- a. All buildings which retain a significant degree of pre-1840 architectural character in terms of form, materials and stylistic detailing or for which there is realistic potential for restoration of that character.
- b. 1840-1880 buildings that are reasonably complete and of good local architectural and historic interest
- c. 1880-1945 buildings that are substantially complete and of very good local architectural and historic interest
- d. Post 1945 buildings that are wholly complete and of an outstanding level of local architectural and historic interest
- e. Buildings which are valued as rare examples of a particular type

2. Historic Interest

- a. Historic association with important national or local historical figures, architects, events or industry
- b. Social or communal importance: relating to structures perceived as a source of local identity and cohesion. (This might include important commemorative structures such as war memorials or places of worship).

3. Architectural Interest

- a. Important examples of a past type or style
- b. Quality materials, detailing and workmanship
- c. Buildings which display technological innovation
- d. Group Value: Buildings whose local importance derives from their visual relationship with other important buildings in a village or town setting or where they make an important contribution to an historic skyline.
- e. Buildings which make a positive contribution to an attractive rural setting
- f. Sustainability: Buildings which can be easily adapted for continuing use due to robust construction or quality materials

This document lists the buildings in the parishes of Langford and Ulting which have been identified as meeting the above criteria.



Langford, Maldon Road, Langford Old School & Old School House

Left-hand image is a detail of the side elevation as shown on the 1874 plans by the architect F. Chancellor. Reproduced with permission from the Essex Record Office (ref. D/F 8/632)

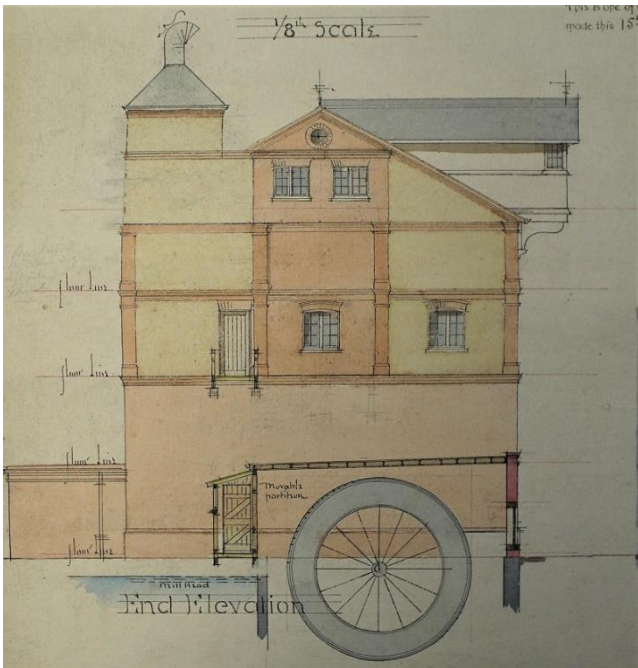
Right-hand photograph taken 16th October 2018

Description

Designed in 1874 by the architect Frederick Chancellor, this school was built to accommodate forty children and house a schoolmistress (Allen and Chaplin, p. 85). It is constructed of red brick with roofs clad in clay peg tiles. At the west end is a single-storey range which contained a school room and class room. At the apex of the hipped roof to the single-storey range is a bellcote conjoined with a chimney stack. At the east end is a 1 ½ storey cross-wing which formed the schoolmistress's house. The front upper window has a 2-centred arch over it. The windows are mostly painted-timber cross-casements. The school was closed in 1922 and was converted into a house.

Significance

This building is significant as a reasonably complete example of a humble former National School designed by an accomplished architect. It has simple, but complete, detailing and good quality materials. It is a picturesque feature in the Langford Conservation Area.



Maldon Road, Langford Mill

Left-hand image is a detail of the side elevation as shown on the 1879 plans by the architect F. Chancellor. Reproduced with permission from the Essex Record Office (ref. D/F 8/310/2)

Photograph taken 14th September 2020

Description

The present mill replaced a timber-framed mill which burnt down in 1879. Designed by the architect Frederick Chancellor, and erected within the same year as the fire, it is four storeys tall plus an attic storey, the lower two storeys in red brick, the others in stock brick with red brick dressings. The roofs are slated. Projecting from the centre of the front roof-slope is a large cantilevered lucam clad in white weatherboarding. The building was briefly converted into flats in the 1920s for workers employed to build the Langford Pumping Station. Plastic windows were installed in 1997 (Allen and Chaplin, pp. 219, 229, 288).

Significance

This is an unusually large, late and externally well-preserved example of a Victorian stone mill (as opposed to a roller mill). It forms part of a small group of associated historic industrial buildings and monuments in Langford including Langford Mill House, Mill Cottage and the abandoned Langford Cut.



Ulting, Crouchmans Farm Road, Olde School House

Photograph taken 30 September 2020

Description

This former school house is dated 1880 by a terracotta plaque on its front gable. The building is 1 ½ storeys tall, constructed of red brick, with a slate roof, and a cross-wing at the left-hand end. It has stone quoins and 2-centre arched heads to the front door and windows. The Gothic-Revival style of the building echoes that of the adjacent grade II listed former school of 1865.

Significance

This is a building of good local architectural and historic interest, which appears little altered except for modern replacement windows and a rear extension. The house shares 'group value' with the adjacent grade II listed former school, both of which make a positive contribution to this part of the Chelmer and Blackwater Navigation Conservation Area.

Sources

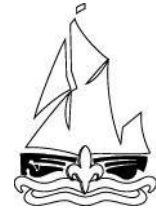
Allen, I. and Chaplin, P.: *Langford: an obscure Essex village transformed* (2014)

Bettley, J. and Pevsner, N.: *The Buildings of England: Essex* (Yale, 2007)

Essex Record Office

Garwood, A.: *Water and steam mills in Essex: An archaeological, architectural and historical appraisal of post-medieval and industrial age water powered and steam powered mills* (Essex County Council, 2008)

Preparation of this local list has been greatly assisted by the input of Irene Allen and Patrick Chaplin



REPORT of DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE

**to
STRATEGY AND RESOURCES COMMITTEE
24 NOVEMBER 2020 (SPECIAL MEETING)**

NORTH QUAY DEVELOPMENT BRIEF SUPPLEMENTARY PLANNING DOCUMENT

1. PURPOSE OF THE REPORT

- 1.1 Following public consultation between February and March 2020, this report seeks the Committee's acknowledgement of the corresponding Consultation Statement and recommends that the North Quay Development Brief be adopted as a Supplementary Planning Document (SPD) in line with the Local Development Scheme (LDS) 2019-2021.

2. RECOMMENDATION

That the North Quay Development Brief be adopted as a Supplementary Planning Document (SPD).

3. SUMMARY OF KEY ISSUES

- 3.1 The Maldon and Heybridge Central Area Masterplan (the CAMP) was adopted by the Council as a Supplementary Planning Document (SPD) in December 2017. The Masterplan has 18 projects to deliver economic growth and environmental enhancements over the next 10 years.
- 3.2 The Masterplan is aligned with Strategic Policy S5 Maldon and Heybridge Central Area within the adopted Local Development Plan (LDP).
- 3.3 Page 55 of the CAMP states:

"The priority for North Quay will be to ensure new developments and regeneration proposals deliver new jobs through employment generating mixed-use development. With good links to the town centre and improving amenities in the wider area, residential uses are likely to play an important role in helping to deliver improved pedestrian access and environmental quality of the quayside environment [‘residential uses’ in the context of Project 6 North Quay in the Masterplan relates to the extant Sadd’s Wharf mixed use development for 93 residential units plus B1 and D1 uses]. A new generous quayside walk, flanked by commercial uses, is a long-term aspiration which would complement improvements to riverside connections on the south side of The Chelmer. Such a route would enable key sites including Sadd’s Wharf and the Heybridge Creekside environment to be far better connected.

Improvements to these connections are considered particularly important in the context of the planned strategic housing growth north of Heybridge. There is a longstanding aspiration to improve physical linkages between Heybridge and The Causeway and Maldon. Major new development proposals along the North Quay should contribute to delivering improvements to access and connectivity.”

- 3.4 To deliver the CAMP around North Quay, the Council agreed to prepare a Development Brief to aid its regeneration. This intent is set out in paragraph 26 of the Council’s statutory LDS 2019 - 2021, which details which policy and guidance documents will be prepared and by when.
- 3.5 The Development Brief has been prepared collaboratively with business and stakeholder engagement following their input to the CAMP SPD; in-house specialist input and from external agencies and organisations that are statutory consultees.
- 3.6 To ensure the key priorities are achieved as set out in Project 6 North Quay in the CAMP, the North Quay Development Brief incorporates five CAMP projects:
- Project 6 – North Quay Regeneration;
 - Project 7 – Heybridge Creek Connection;
 - Project 8 – The Causeway Corridor;
 - Project 9 – Heybridge Creek Improvements;
 - Project 12 – The Causeway Strategic Flood Risk Review.

4. PUBLIC CONSULTATION

- 4.1 The Strategy and Resources Committee approved the public consultation on the draft North Quay Development Brief on 29 January 2020.
- 4.2 The consultation lasted six weeks and involved the engagement of the public, businesses, statutory bodies and other key stakeholders including Essex County Council (ECC) and the Maldon Harbour Improvement Commissioners.
- 4.3 The full details of the consultation are set out in the Consultation Statement (**APPENDIX A**) and Strategic Environmental Assessment and Habitat Regulation Assessment Screening Opinion Environmental Report (**APPENDIX B**).
- 4.4 **Summary of Responses and Remedial Actions**
- 4.4.1 Overall, there is support for the North Quay Development Brief from the representations received to deliver land-based employment led regeneration, improve connectivity, promote sustainable transport and enhance the environment (public realm and landscape) within the North Quay defined area. Consultees referred to strategic policy guidance within the draft South East Marine Plan, Essex Minerals and Waste Plan to include and helpful design guidance within the Essex Design Guide (Commercial Buildings Theme), ECC Sustainable Drainage System (SuDS) Guidance and ECC Sustainable Travel Guidance that have been included in relevant sections. Reference to the approved Air Quality Management Area Action Plan and the approved Causeway Corridor Landscape and Public Realm Strategy are also helpful

documents to include to inform development proposals and any relevant developer contributions.

- 4.4.2 An update to the developer contributions section is included for RAMS (Recreational Avoidance Mitigation Strategy) recommended by ECC and the progress made by the Council with CIL (Community Infrastructure Levy) since the public consultation during February and March 2020. Reference to the Council's Prosperity Strategy and its focus to promote allocated employment land and support business innovation and enterprise are included to address consultee comments to promote the North Quay and stimulate developer and public sector interest to regenerate the area.
- 4.4.3 Following consultation with statutory consultees (Environment Agency, Historic England and Natural England) under the Strategic Environmental Assessment and Habitat Regulation Assessment Screening Opinions, it was concluded that a Strategic Environmental Assessment would not be required. The Habitat Regulation Assessment Screening Report concludes there is no likely significant effect from the policy on the integrity of applicable Habitat Sites or their favourable conservation objectives. However, given the proximity of the North Quay to designated habitats, all development projects within the North Quay defined area will need at least a Habitat Regulations Assessment Screening completed, in consultation with Natural England, to rule out likely significant effects. This is made clear in the relevant section.

5. CONCLUSION

- 5.1 The North Quay Development Brief provides a planning, infrastructure provision and design framework to bring development forward to regenerate the North Quay defined area and satisfy the strategic policy requirements set out in the adopted LDP and the CAMP SPD.
- 5.2 The North Quay Development Brief will give greater certainty and assistance to businesses, developers, agents, landowners and land promoters in working up planning applications for development proposals in the North Quay defined area. The Brief will be a material consideration for decision makers in the assessment and determination of planning applications or appeals.

6. IMPACT ON STRATEGIC THEMES

- 6.1 The adopted LDP and Maldon and Heybridge Central Area Masterplan SPD support the Strategic Theme of Prosperity as set out in the Corporate Plan to deliver strategic employment sites in accordance with the LDP and to engage efficiently and effectively with businesses.
- 6.2 The adopted LDP and Maldon and Heybridge Central Area Masterplan SPD support the Strategic Theme of Place as set out in the Corporate Plan for sustainable growth and new infrastructure.

7. IMPLICATIONS

- (i) **Impact on Customers** – Preparation of local development documents in a timely manner provide customers with a robust framework for preparation and submission of planning applications
- (ii) **Impact on Equalities** – Refer to Equality Impact Assessment (**APPENDIX C**).
- (iii) **Impact on Risk** – Supplementary Planning Documents help to de-risk the planning process by providing clarity on how LDP policies and others SPDs should be interpreted. Effective documents hold material weight in the planning process and will capture benefits and opportunities from development proposals.
- (iv) **Impact on Resources (financial)** – The Brief underpins adopted strategic policy direction and consequent opportunities for funding. Planning applications will be submitted with Planning Performance Agreements.
- (v) **Impact on Resources (human)** – The Brief has been prepared in-house and programmed into internal work plans.
- (vi) **Impact on the Environment** – The Brief promotes sustainable development and environmental enhancement.
- (vii) **Impact on Strengthening Communities** - None identified.

Background Papers:

Maldon District Local Development Plan (2014-2029) www.maldon.gov.uk/ldp

Maldon and Heybridge Central Area Masterplan SPD 2017 www.maldon.gov.uk/SPD

Local Development Scheme (February 2019 – February 2021)

www.maldon.gov.uk/.../local_development_scheme_2019-2021.pdf

Draft North Quay Regeneration Development Brief

https://www.maldon.gov.uk/info/20048/planning_policy/8114/other_local_plan_documents/10

Enquiries to:

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North Quay Development Brief Supplementary Planning Document

Statement of Consultation

October 2020



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Adoption of the SPD

Appendix 1: List of consultees

Appendix 2: Public Notice

Appendix 3: Summary of Responses, Officer Comments and Proposed Changes

Introduction

Supplementary Planning Documents (SPD) elaborate on specific policies in statutory planning documents, in this case the Maldon District Local Development Plan (2014-2029) (LDP), and national planning policy documents. SPDs can provide further detail on a topic or theme, or for specific sites or areas. The National Planning Policy Framework, 2018 (NPPF) states that SPDs can be material considerations in planning decisions.

The North Quay Development Brief SPD is a requirement of the Local Development Scheme 2019-2021 for a development and regeneration strategy for the North Quay, Fullbridge, Maldon. The North Quay Regeneration is Project 6 in the Maldon and Heybridge Central Area Masterplan SPD, November 2017 (Masterplan). The Masterplan SPD supplements Strategic Policy S5 *Maldon and Heybridge Central Area* in the adopted (LDP) with 18 Projects to deliver economic growth and environmental enhancements to 2029.

North Quay Regeneration, Project 6, Masterplan

The North Quay, Fullbridge, Maldon is within the wider Causeway Regeneration Area, one of three sub-areas within the Masterplan. The Causeway Regeneration Area is allocated employment land [E1(I)] detailed in Policy E1, *Employment*, LDP and is the largest allocated employment area in the District. The Masterplan identifies the North Quay at Fullbridge to redevelop redundant sites, support businesses that need to expand, increase employment and create new jobs.

North Quay Regeneration, Projects 7, 8, 9, 12, Masterplan

The North Quay is accessed via Station Road and The Causeway and is located at the waterside fronting the River Chelmer and Heybridge Creek. The Masterplan seeks to improve and enhance connectivity, promote sustainable transport, improve and enhance the waterside environment and protect the waterside environments from the effects of flooding.

The North Quay Development Brief considers relevant Masterplan Projects and has worked collaboratively with stakeholders and infrastructure providers to ensure a coordinated approach to redevelopment and regeneration. The Brief manages expectations but gives certainty to developers in bringing schemes forward to regenerate the North Quay at Fullbridge.

Business Engagement

Following ongoing engagement with key businesses, landlords and landowners through the Masterplanning process, further business engagement took place during September and November 2019 to gauge business aspirations and needs, constraints and/or opportunities on redundant and sites identified for redevelopment at the North Quay. The business engagement is reflected within the Brief and the representations to the public consultation.

In accordance with Regulation 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the draft SPD was subject to a six-week public consultation period between 10 February 2020 and 20 March 2020.

This statement of consultation analyses the consultation that was undertaken by the Council, provides a summary of representations received and the Council's responses to these representations.

Consultation Exercise

The formal 6-week consultation for stakeholders and the community took place between 10 February and the 20 March 2020. Letters/emails were sent to consultees, including statutory consultees, Members, parish and town councils and those with an interest in the North Quay at Fullbridge. The communication provided further information about the draft SPD and how to make representations. Neighbouring authorities were also consulted as part of the Council's Duty to Cooperate requirements. A list of consultees is attached in Appendix 1.

The draft SPD and supporting information were available to view and/or download on the Council's website www.maldon.gov.uk/SPD . A public notice was published in local newspapers inviting representations to the draft SPD and where more information could be found (Appendix 2). Copies of key documents were made available at the Council offices and at Maldon, Burnham-on-Crouch, Southminster and Wickham Bishops libraries where feedback forms were also available. This information was included on the public notice which was sent to each consultee.

Summary of Responses

In total, 17 responses were received by letter and e-mail. A full schedule of consultation responses for the SPD, with the Council's response, can be found in Appendix 3.

Adoption of SPD

Comments have been made resulting in amendments to the draft SPD. The changes provide further clarification and guidance to regenerate the North Quay, Fullbridge

Changes to Use Class Order April 2020

Since the public consultation, changes to the Use Class Order have been published. Amendments to the Brief have been made where necessary.

Appendix 1: Consultees

3 Customer Services	Brightlingsea Town Council
A & P Designs Ltd	British Energy Generation Limited
A D Kiddle Chartered Accountant	British Gas (Centrica) Plc - Head Office
A G Coot Design	Brooks Bros. Timber UK Limited
A J Norris & Son	Brynleigh Technology Ltd
Abellio Greater Anglia	Burnham And Dengie Hundred Review
Access Energy Solutions Ltd	Burnham Bakery
Adept Communications Ltd	Burnham On Crouch County Primary School & Pre School
Adshel Plc	Burnham Ramblers Football Club
Affinity Water	Burnham Residents Oppose Overdevelopment (BROOD) And Say No
Age UK	Burnham United Charity
All Saints C Of E Primary School	Burnham West Consortium
All Saints Church	Burnham-on-Crouch Chamber Of Commerce
Allen Brothers	Burnham-on-Crouch Town Council
Althorne Community Together (ACT)	Business Energy Solutions Ltd
Althorne Ladies Club	BWM Ltd
Althorne Parish Council	C.P. Gas Ltd
Ampersand Associates Ltd	Cadent Gas Ltd
Anglian Water	Calfordseaden LLP
Ann Nicholson Associates	Canewdon Parish Council
APB Design and Development	Carphone Warehouse
Aquila Estates Limited	Carr's Flour Mill, Maldon
Arbour Engineers Ltd	Carron Energy Limited
Arcady Architects Ltd	CarTel Communications
Arcus Consultancy Services Ltd	Carter Jonas LLP
Arkanum LLP	Castle Point Borough Council
Asheldam & Dengie Parish Council	Catesby Estates Ltd
Ashingdon Parish Council	CBS Cumbers MCIAT
ATP Group Partnership	CEG And Dartmouth Park Estates
B W Holland & Sons Ltd	CH Jones (Keygas) Limited
Baker Clarke Partnership Ltd	Charles F Jones and Son
Barnardos, Cancer Research UK, RSP	Charter Project Consultancy Ltd
Barton Willmore LLP	Chelmer Canal Trust Ltd
Basildon Borough Council	Chelmer Housing Partnership
Baxter And King	Chelmsford City Council
BDG Design	Chelmsford Diocesan Board of Finance
Bellway Homes	Chesterdene Ltd
Beneficial Telecom	Chevron North Sea Limited
Bentalls Shopping Centre	Church Commissioners for England
Bidwells	Churches Together in Maldon
Blackwater & Colne Sailing Protection Association	Cirrus Planning and Development Ltd
Bloor Homes Eastern	Clarion Housing Group
Bovis Homes Ltd - South East Region	Clark Partnership
BP Gas Marketing Ltd	CML Microsystems PLC
Bradwell-on-Sea Parish Council	Code Development Planners
Braintree District Council	Colchester Borough Council

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Braxted Park Estate	Cold Norton Parish Council
Brentwood Borough Council	Coldunell Limited
Commercial Estates Group	Collins & Coward Ltd
Commercial Gas Direct Limited	Colne Housing Society
Community 360	Early Years & Childcare (Chelmsford & Maldon)
Conocophillips Petroleum Company UK Limited	East Mersea Parish Council
Consortium of Charities	Ecotricity
Constellation Energy Commodities Group Inc	Edgewood Veterinary Group Ltd
Contract Natural Gas 2 Limited	Edward Gittins & Associates
Coryton Energy Company Limited	EE
Council for The Protection of Rural Essex	El Guaca Ltd
Countryside Properties	Electrabel N.v./s.a.
Courts & Co	Electricity Supply Board
Crest Nicholson And Landowners	Elmwood Equestrian Centre
Crown Oil Limited	Endurance Estates Strategic Land Ltd
Cumbria Energy Limited	Energy Plus Services Limited
Cussen Construction Consultants	Energy Supplies UK Limited
D F Clark Bionomique	Enfield Energy Centre Limited
D J Bunting & Son	English Rural Housing Association
D J Fisher (Farms) Ltd	Environment Agency
D J W Architectural Designs Ltd	Epping Forest District Council
D K Symes Associates	Equality & Human Rights Commission
D L P Luck Ltd	Essential Power Ltd
Danbury Parish Council	Essex & Suffolk Water
Dartmouth Park Estates Ltd	Essex Birdwatching Society
David Horner Planning & Development Services	Essex Boys and Girls Club
Dengie 100 Parish Councils	Essex Bridleways Association
Department for Business, Energy & Industrial Strategy	Essex Chamber of Commerce
Department for Culture, Media & Sport	Essex Community Reuse And Recycling
Department for Education	Essex Council for Voluntary Youth & Community Services
Department for Environment, Food & Rural Affairs	Essex County Council
Department for Transport	Essex County Fire & Rescue Service (South East Group)
Department for Works and Pensions	Essex Fire & Rescue Service
Department of Health	Essex Police
Design Partnership	Essex Water Company
Dev Plan	Essex Waterways Limited
Diocese of Brentwood	Essex Wildlife Trust
Diocese of Chelmsford	Essex Wildlife Trust - Maldon Local Group
Direct Rail Services Ltd	Essex Wildlife Trust Maldon/South Woodham Ferrers Local Group
Disabled Persons Transport Advisory Committee	Esso Exploration & Production UK Limited
DLP Planning Ltd	Estuary Housing Association Ltd
DPDS Consulting (PlanInfoNews)	Evolution Town Planning LLP
Drapers Farm Sports Club	Exxon Mobil Gas Marketing Europe Limited
Drivers Jonas Deloitte	F J McMorland & Sons
E & M Design Partnership	Fambridge Yacht Haven Ltd
E.ON UK Gas Ltd	Famco Estates Limited
EA Strategic Land LLP	FLAG Telecom Ltd

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Foulness Island Parish Council	Foddy Consult
Framptons Planning	Forestry Commission
Friends Families & Travellers & Traveller Law Reform Project	Forrester Park Golf and Tennis Club
Friends Of The Prom	Institute Of Directors - Essex
GL Hearn	ISS Facility Services
Gladman Developments Ltd	John Baugh Ltd
Glenny LLP	John Bishop Partnership
Goldhanger Parish Council	John Sime & Associates Ltd
Great & Little Leighs Parish Council	Joint Radio Company (JRC)
Great Braxted Parish Council	KAB Associates Ltd
Great Totham Parish Council	Kamal Saddiqui Social Welfare Educational Trust
Green Recycling	Kelvedon Parish Council
Greater Anglia Ltd	Kensington & Edinburgh Estates Ltd
Guernsey Telecoms	Kent & Essex Sea Fisheries Committee
GVA	Keyes Bros
H J Keyes & Son	KLW Ltd
H Scott & Sons	Knights Developments Ltd
Harlow Council	L A Sibley Ltd
Harry Green Gentlemans Barbers	L E Carr & Sons
Hastoe Housing Association Ltd	Lambert Smith Hampton
Hatfield Peverel Parish Council	Land Charter Homes Ltd
Haven Gateway	Lanes New Homes
Health And Safety Executive	Langford And Ulting Parish Council
Henry Cowell & Son	Lanpro Services
Henry Gilder Drake Almshouse Charity	Lansdowne Telecom
Heybridge Basin Conservation Society	Latchingdon C of E Primary School
Heybridge Parish Council	Latchingdon Parish Council
Heybridge Primary School	Layer Marney Parish Council
Heybridge Residents Association	Leelamb PM
Heybridge Parish Council	Lewis Patten Chartered Architects
Hibbs And Walsh Associates	Linden Homes
Highways England	Little Baddow Parish Council
Hill Street Holdings Ltd	Little Braxted Parish Council
Hills Building Group	Little Totham Parish Council
Hillside Playcare Centre	Lodestar Properties Ltd
Historic England	London Energy Plc
Home Builders Federation	London Southend Airport Co Ltd
Home Office	M Scott Properties
Homes & Communities Agency	MAG London Stansted
Howies & Sons LLP	Magnox Limited
Hullbridge Parish Council	Maldon & District Council for Voluntary Services
I S Ferguson & Son Ltd	Maldon Archaeological & Historical Group
Iceni Projects	Maldon Business Hub
Indigo Planning Ltd	Maldon Business Group
Inkpen Downie Architecture & Design	Maldon Cricket Club & Maldon Rugby Club
Inland Waterways Association	Maldon Crystal Salt Company
J D Mee & Sons	Maldon District Access Group
J E Atkinson & Son	Maldon Elim Church
J E Partridge & Sons	Maldon Green Party

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J R H Services	Maldon Housing Association Ltd
Januarys Consultant Surveyors	Maldon Islamic Cultural Association
JB Planning Associates Limited	Maldon Little Ship Club
Jerry Flaxman Consulting Ltd	Maldon Primary School
Maldon United Reformed Church	Maldon Riverside Association
Maldon Wick Ltd	Maldon Rugby Football Club
Maragota Properties Ltd	Maldon Society
Marble Design	Maldon Town Council
Marine Management Organisation	OFCOM
Matthews & Son LLP	OFGEM
Mayland Parish Council	OFWAT
MAZ Homes	Old Ironworks Gym Ltd
McCarthy & Stone (Retirement Lifestyles) Ltd	Ormiston Rivers Academy
Melville Dunbar Associates	Our Lady Of The Assumption
Messing Cum Inworth Parish Council	P S Planning & Design
Mid and North East Essex Mind	Park Resorts
Mid Essex Clinical Commissioning Group	Parker Dann
Mid Essex Friends of The Earth	Passenger Transport Executives
Mid Essex Hospitals Trust	Paul Bancroft Architects
Mid-Essex Historic Buildings Trust	Paul Dickinson & Associates
Midlands Gas Limited	Pemberton Farms Ltd
Mike Sibthorp Planning	Persimmon Homes (Essex) Ltd
Milford Gas Limited	Peter Brett Associates LLP
Ministry of Defence	PETGAS Trading (UK) Limited
Ministry of Justice	Petticrows Ltd and Rice & Cole Ltd
Moat Housing Group	Phase 2 Planning And Development Limited
Morris Farm	Pigeon Land Limited
Morrisons Stores Plc	Plainview Planning Ltd
Moult Walker Chartered Surveyors	Planning Potential Ltd
Munday & Cramer Property Services Ltd	Planware Ltd
Mundon Parish Council	Plume - Maldon's Community Academy
Nathaniel Lichfield & Partners	Police & Crime Commissioner for Essex
Natural England	Porta Planning
National Trust	Port of London
National Farmers Union	Powergen Retail Gas (Eastern) Limited
National Federation of Gypsy Liaison Group	Powergen Retail Gas (Northwest) Limited
National Grid DPM Consultants	Provide CIC
National Housing Federation - East of England	Purely Stairlifts
National Housing Federation London	Purleigh Parish Council
National Landlords Association	Quakers Religious Society Of Friends
National Playing Fields Association	Quilter Savill Associates
Network Rail	R W Wolton & Son
New Hall Vineyards	R A Brice & Partners
NHS Mid Essex	R & R Architects Ltd
NHS Property Services	R G + P Ltd
Nicholas Ward Design Practice	Racial Equality Council for Ethnic Minority Groups
Nigel Chapman Associates	Ramblers Association
North Fambridge Parish Council	Rapleys LLP
North Sea Gas Limited	Ratcliff Partnership

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North Wales Gas Limited	Rawreth Parish Council
Northern Gas Supplies Limited	Ray Chapman Associates
Norvic Gas Limited	Raymond Stemp Associates
Npower Renewables - East of England Office	Reane Ltd
OBS Property Services Ltd	Renewable Energy Company Limited
Road Haulage Association	RHS
Robert Mulholland & Co Ltd & Ives Property Holdings Ltd	Richard Edward Associates
Robin Levy Planning & Development Consultant	Richborough Estates
Rochford District Council	Rivenhall Parish Council
Rochford Parish Council	Strutt & Parker LLP
Rose Builders	Suffolk Wildlife Trust
Royal Mail	Sunbury Developments
Royal National Lifeboat Institute	Sustrans
RSPB	Swallows Gymnastics Club
R Procter Farms Ltd	T Mobile UK Ltd
Rural Community Council Of Essex	Tambridge Ltd
Rural Solutions	Tavern Hire Ltd
RYA Eastern	Telecom Plus Plc
S Thorogood & Sons (Southminster)	Tendring District Council
St. Cedd's C of E Voluntary Aided Primary School	Terence O'Rourke Ltd
St Francis Roman Catholic Primary School	Terence Wynn Evolve Architecture & Planning Ltd
St Lawrence Parish Council	Tesni Properties Ltd
St Mary's C Of E Primary School	Tetlow King Planning
Salvation Army Housing Association	Thames Water Utilities Ltd
Saturn Gas Limited	Thatched Cottages Self Catering Holiday Lets
Savills	The Baltic Consortium
Scotland Gas Networks Limited	The Federation of Small Businesses
Scottish Hydro Electric	The Gas Transportation Company Limited
Scottish Power Plc	The Gypsy Council
Seeboard Energy Gas Limited	The Living Water Christian Centre
Sirius Planning	The New Welcome Sailor
Smart Planning	The Ratcliff Partnership
Smith Construction	The Theatres Trust
South East Local Enterprise Partnership	Thomas Bates & Son Limited
South Woodham Ferrers Town Council	Three
Southend-on-Sea Borough Council	Thurrock District Council
Southern Electric PO	Thurstable School
Southern Gas Networks Limited	Tillingham Village Council
Southminster C of E U/C Primary School	Tim Harbord Associates
Southminster Parish Council	Tiptree Parish Council
SP Gas Limited	Tolhurst Land Holdings
Spalding Energy Company Limited	Tollesbury Activity Centre
Sport England	Tollesbury Cruising Club
Springfield Eng. Consultants	Tollesbury Parish Council
Springfields Planning and Development Ltd	Tolleshunt D'Arcy Parish Council
SSA Planning Limited	Tolleshunt D'Arcy C of E Primary School
SSE Telecommunications Ltd	Tolleshunt Knights Parish Council
Stanfords Chartered Surveyors	Tolleshunt Major Parish Council
Stanley Bragg Architects Ltd	Topsail Charters Ltd


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Steeple Parish Council	Traveller Law Reform Coalition
Stephenson's Buses	Traveller Law Reform Project
Sterling Supergroup Ltd	Tricker Blackie Association
Stow Maries Parish Council	Troy Planning and Design
Strutt And Parker Farms Ltd	Tullow Oil UK Limited
Uttlesford District Council	Turley Associates
Virgin Media	TXU Europe Energy Trading Limited
Vitol Gas Limited	UK Power Networks
Vodafone And O2	Universal Telecom
Wardle Evans Ltd	Utility Grid Installations Limited
Waterman Boreham	William Fisher Medical Centre
Whirledge & Nott	WINGAS GmbH
Wentworth Primary School	Winstred Hundred Parish Council
Western Gas Limited	Witham Town Council
West Mersea Town Council	Women's National Commission
Whitacre Management Ltd	Woodham Ferrers & Bicknacre Parish Council
Wickham Bishops Parish Council	Woodham Mortimer & Hazeleigh Parish Council
Wilkin & Sons Ltd	Woodham Walter C of E Primary School
	Woodham Walter Parish Council
	Woodland Trust
	Woods Hardwick Ltd
	Wickes - Maldon
	Yorkshire Electricity Npower

All individuals on the database were also consulted.

Appendix 2: Public Notice

Public Notices



Public Notices

Planning and Compulsory Purchase Act 2004
The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
North Quay Development Brief - Draft Supplementary Planning Document
STATEMENT OF REPRESENTATIONS

Maldon District Council has published the North Quay Development Brief Draft Supplementary Planning Document for a six-week period of consultation from 10 February to 5pm on 20 March 2020. Policy S5 of the Maldon District Local Development Plan sets out the key projects for the Maldon & Heybridge Central Area Masterplan SPD. The adopted Masterplan has 18 key projects and a project priority programme to deliver economic growth and environmental enhancements over the next 9 years to 2029, including a development and regeneration strategy for the North Quay, Fullbridge, Maldon. This North Quay Development Brief Draft SPD meets Policy S5 and Masterplan objectives to improve connectivity for walking and cycling, identify development opportunities to realise new Use Class B employment space, create new jobs and give access to and stimulate growth at the River Chelmer and Heybridge Creek frontages. The draft North Quay Development Brief has been prepared to inform landowners and developers of the identified opportunities and known constraints to regenerate the North Quay defined area. Comments should be received by 5pm on 20 March 2020.

Inspection of documents:

- www.maldon.gov.uk/northquay
- Maldon District Council Offices, Princes Road, CM9 5DL
- Libraries in Maldon District (see www.essex.gov.uk for library opening times)

Comments may be submitted to:

- Online: via the survey at www.maldon.gov.uk/northquay
- By email: policy@maldon.gov.uk
- In writing: SPC, Maldon District Council, Princes Road, Maldon, CM9 5DL

Comments received will be published online in accordance with the Data Protection Act and General Data Protection Regulations. Please note that each comment and the name of the person who made the comment will be featured on our website – comments will not be confidential.

Any comments received will be considered and changes made to the draft SPD, where appropriate.

Any comments may be accompanied by a request to be notified at a specified address of the adoption of the SPD.

Appendix 3: Representations made, officer response and changes to SPD

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
NQDB01	Mr Tom Kelly		General	Is the Brief connected to raising fees for barges?	The barge operators are not within the defined area of the Brief. The Brief responds to the Masterplan SPD for a redevelopment and regeneration strategy for NQ.	No change to SPD required.
NQDB02	Mrs Janet Hall		General	<p>The Brief offers a wonderful opportunity for the redevelopment of this industrial and business site and I am supportive of its proposals.</p> <p>Important to keep the commercial freight usage at North Quay.</p> <p>Should reinstate commercial shipping to increase port usage</p>	<p>This comment is noted.</p> <p>The Maldon Harbour Improvement Commissioners manage freight usage and are consultees to planning applications affecting NQ. The Brief promotes land-based redevelopment on identified sites (and facilitating houseboats in Heybridge Creek). The comment sits outside the Brief scope.</p>	No change to SPD necessary
NQDB04	Julian Harrap	Riverside Association	General	North Quay opportunities should be retained for the offloading of cargo from ships and its distribution by electric vehicles to adjacent warehouses. Hasler's Mill includes a potential dock with adjoining historic warehouse.	Land ownerships (restrictive covenants 1983 on Hasler's Mill Site) provide opportunity for offloading cargo from ships and distribution by electric vehicle. Sadd's Wharf has extant planning permission for mixed use development that is not compatible with the space required for quayside craneage and wharfage. Ships can only access North Quay on high tide for 2 hours each day.	No change to SPD necessary

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
NQDB05	Andy Butcher	Strutt & Parker (Baltic Consortium)	General	Strutt & Parker clients broadly welcome the Council's initiative to be forward a Development Brief for the Area. S&P have some concerns that the NQDB simply confirms the LDP notations and lacks a coherent overall Masterplan approach to how that vision is to be achieved to encourage private sector investment in the area.	The Maldon & Heybridge Masterplan SPD imparts the masterplan approach and vision for the entire Causeway Regeneration Areas of which the NQ is an element. Detailed comments from NQDB05 are below to specific sections and/or paragraphs.	No change to SPD necessary
NQDB06	Trevor Hollinger	Aquilla Developments	General	Aquilla own the Blackwater Trading estate and are significant stakeholders in the area. Aquila support the enhancement of the Causeway Corridor.	Noted.	No change to SPD necessary
NQDB07	Rob Munro	Carr's Flour Mill	General	Carr's wholeheartedly support NQDB as a business within the defined boundary of the NQDB. Carr's anticipate strong growth and are looking at ways to expand production on site. This could increase jobs and offer skilled employment.	These comments are noted. Section 8 highlights the identified need based on prior engagement with the business.	No change to SPD necessary
NQDB08	Julie Stuchbery, Clerk	Maldon Harbour Improvement Commissioners	General	MHIC fully support regeneration of the NQ as an employment site. The Council should give due consideration to ensuring that undeveloped areas of wharf/quay could be used for the future handling of cargo by Short	The MHIC manage ship freight to the NQ and are consultees to planning applications affecting NQ. The Brief promotes land-based redevelopment on identified sites for employment led regeneration. Provision for sea freight handling	No change to SPD necessary

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
				<p>Sea trading ships to reduce long distance road haulage, relieve congestion and carbon emissions.</p> <p>The Council should pay special attention to the contents of Marine Management Organisations 's draft South East Inshore Marine Plan for the south east of England with regard to the contents of:- Table 1 sections 1,5,6,8 and 9; Table 2 with particular reference to SE-INF-1, SE-INF-2, SE-CO-1, SE-Ps-1, SE-PS-4, SE-HER-1, SE-EMP-1 and SE-ACC-1</p>	<p>exists at Carr's Flour Mill and Hasler's Mill sites. Sadd's Wharf has an extant planning permission for residential-led mixed use development that does not include land-based infrastructure for sea freight handling.</p> <p>The South East Marine Plan is a high-level strategy that is currently in its draft stage of production, the consultation of which finished on 20 April 2020. Consultation responses are presently being considered with a view to sending the document to the Sec of State for approval. The Marine Plan states that it will enhance and protect the marine environment and achieve sustainable economic growth whilst respecting local communities both within and adjacent to the plan area. The NQDB strives to support economic uses and these could include marine uses if those types of development came forward. It also strives to improve the environmental quality of the quayside, opening the River Chelmer and Heybridge Creek</p>	<p>Reference to the Draft Marine Plan between para 3.1 and 3.2 the following; "The South East Marine Plan is currently in draft, having undergone its final consultation in March/April 2020. The plan introduces a strategic approach to planning within the inshore waters between Felixstowe in Suffolk and near Dover in Kent. The plan states that it will help enhance and protect the marine</p>

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
					<p>frontages and creating a coastal path. The improvements to the Creek and any developments coming forward could assist in bringing forward more robust flood defences. The Brief looks to the Adopted LDP which incorporates policies which protect and enhance heritage assets, supports economic growth, tourism and access. Overall it is considered that the proposed brief is in conformity with the emerging Marine Plan.</p> <p>Detailed comments from NQDB08 are below to specific sections and/or paragraphs.</p>	environment and achieve sustainable economic growth, whilst respecting local communities both within and adjacent to the Marine Plan Area. Marine Plans are prepared under the policy framework provided by the Marine Policy Statement and together they provide the marine planning system for England. "
NQDB09	Andrea Raiker	The Maldon and Heybridge Heritage Harbour Association	General	MHHHA appreciates the fundamental structure of the NQDB incorporating the M&H Central Area Masterplan SPD Projects 6, 7, 8, 9 and 12. MHHHA have commented on the Masterplan via public consultation and Blackwater CCT work.	<p>Noted.</p> <p>Detailed comments from NQDB09 are below to specific sections and/or paragraphs.</p>	No change to SPD necessary
NQDB11	David Smye	Maldon Society	General	A very comprehensive document that directs developers to areas of land that could be developed for employment uses. Such an	<p>Noted.</p> <p>Detailed comments from NQDB11 are below to specific sections</p>	No change to SPD necessary

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
				area is sorely needed, and we would not wish to see riverside apartments at the cost of the prospect of local employment opportunities.	and/or paragraphs.	
NQDB12	Jacqui Salt	Natural England	General	The boundary of this plan includes the Blackwater Estuary Special Protection Area (SPA), RAMSAR, Site of Special Scientific Interest (SSSI) and the Blackwater Estuaries Special Area of Conservation (SAC) which are designated sites. We therefore recommend this plan is screened under the Habitats Regulations.	HRA/SEA screening prepared by MDC and sent to Environment Agency, Historic England and Natural England.	Insert after para. 8.2: 'Given the proximity of the North Quay to SPA, SAC and Ramsar habitats, all development projects within North Quay will need at least a Habitat Regulations Assessment Screening completed, in consultation with Natural England, to rule out likely significant effects.
NQDB13	Michael Atkins	Port of London Authority	General	Reviewed submitted documents and PLA has no comments to make.	Noted.	No change to SPD necessary
NQDB14	Mark Norman	Highways England	General	We welcome the promotion of sustainable development and transport in the NQDB in the mix of land uses and in the proposed improvement of pedestrian and	Noted.	No change to SPD necessary

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
				cycle links from the NQ to Maldon Town Centre. The proposals will not impact negatively upon the strategic road network.		
NQDB16	Kevin Fraser	Essex County Council	General	The ECC response outlines where changes need to be made to ensure ECC can deliver its statutory responsibilities and recommends other changes for consideration.	Noted. Detailed comments from NQDB16 are below to specific sections and/or paragraphs.	
NQDB17	Sheila Stones	Historic England	General	NQDB includes heritage assets reflecting its industrial heritage and lies partly in the Maldon Conservation Area. Historic England welcome the Brief acknowledging it will provide a clear and coherent set of principles for all potential stakeholders, including private sector developers and owners; LPA officers and members of the public in relation to implementing the stated objective CA6 [Masterplan] and S5(7) LDP. HE consider the NQDB demonstrates an appropriate level of awareness in relation to the sensitivity of the historic environment in the immediate	CA6 states: - Take a heritage-led and environmentally sensitive approach to change which respects the area's special ecological qualities and places the landscape setting of the town as an integral part of its attraction.' S5(7) 'Preserve and enhance the quality of the historic character within the context of riverside, estuarine and rural locations'. Detailed comments from NQDB17 are below to specific sections and/or paragraphs.	No change to SPD necessary

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
				vicinity and the wider area.		
NQDB05	Andy Butcher	Strutt & Parker	Summary	<p>Include the intended status of the Brief as an adopted SPD in the Summary</p> <p>Should be clearer of promoting NQ and stimulating developer and public sector interest to ensure viable development</p> <p>Make clear in Summary that Sadd's Wharf will not be employment led development</p>	<p>Agree</p> <p>Agree</p> <p>Agree</p>	<p>Amend Summary</p> <p>Include reference to Prosperity Strategy, Corporate Plan and Employment Land Prospectus</p> <p>Amend Summary</p>
NQDB05	Andy Butcher	Strutt & Parker	Introduction 1.6	The Brief must account for flood resilience infrastructure and that the Causeway Strategic Flood Risk Review has not been made available. S&P question whether the Brief should have come forward in the absence of that information?	The Causeway Strategic Flood Risk Review is reviewing all flood risk data for the entire Causeway Area as a Masterplan Project. Policy S5, LDP states at S5(10): To minimise all forms of flood risk and ensure that flood infrastructure is effectively managed. The Environment Agency and ECC as LLFA manage current flood risk data and comment on development proposals in the Causeway Regeneration Area or NQ irrespective of the Brief.	No change to SPD necessary
NQDB02	Janet Hall		Introduction 1.8	Reference visitor connection with maritime heritage with the old trading town of Maldon as viewed looking eastwards and the proximity of the natural	Agree	Incorporate reference to maritime heritage to paragraph 1.8 as NQDB02 comment

[illegible]

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
NQDB05	Andy Butcher	Strutt & Parker	Section 2, para. 2.5	Have any other key stakeholders contributed to the Brief including ECC Highways and Natural England?	Paragraph 2.5 refers to key 'flood risk' stakeholders i.e. ECC as Lead Flood Authority and Environment Agency contributing to the Brief at Section 6 Flood resilience and infrastructure.	Amend para 2.5 to make clear that the Environment Agency and ECC as Local Lead Flood Authority contributed to Section 6 only
NQDB05	Andy Butcher	Strutt & Parker	Section 3 Planning Policy Framework	Does the Brief provide sufficient level of detail for mix of uses, access arrangements, layout of development and deliverability?	<p>Section 3, para. 3.8 refers to the Maldon District Design Guide SPD. Section 4 defines mixed use for NQ within The Causeway Regeneration Area. Section 8 sets out existing site detail. Section 9, para 9.2 sets out the types of uses acceptable and para 9.3 sets out access and movement for all modes of transport and design principles.</p> <p>Agree that Section 10 requires update to assist delivery. CIL project underway jointly with ECC (IDP is the evidence base) along with Viability Guidance. Reference need for MD Planning Obligations Guide as requirement of LDS for 2021</p>	Update Section 10 re: CIL Project and MD Planning Obligations Guide for 2021.

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
NQDB16	Kevin Fraser	ECC	Section 3	Reference ECC as the Mineral and Waste Planning Authority (MWPA), the adopted Essex Minerals Local Plan 2014 (MLP) and the Essex and Southend-on-Sea Waste Local Plan 2017 (SLP). Together, with the adopted Maldon LDP, they comprise the Development Plan for the District	Agree	Add to Section 3 to incorporate ECC documents referenced in the comment.
				Reference is made to Policy 2, WLP - Safeguarding Waste Management Sites and Infrastructure. Reference waste facilities in the NQDB area: Greens Recycling and Tavern Garage - a waste transfer facility.	Agree	Add to Section 3 as comment. Include location of waste facilities at NQ
				Reference should be made to Policy D2 Climate Change and Environmental Impact of New Development, LDP in NQDB to minimise impact of new development on the environment - see Criterion 3 and 4, D2, LDP.	Agree	Add to Section 3 as comment.

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
NQDB17	Sheila Stones	Historic England	Section 3	Keen to ensure Policy D1 and Policy D3 LDP form an integral, meaningful part of the stated approach to development and welcome that regard to policies will be a requirement of any proposals.	Noted.	No change necessary to LDP
NQDB10	Noel Probyn	Maldon Riverside Association	Section 4 Planning Context, para 4.2 Para 4.8 -4.10	LPA is trying to reduce the significance of mixed use in favour of residential use. To create cleverly designed places that are pleasant to live and work in and where pedestrian, cyclists and car traffic routes allow efficient and pleasant move through the area is our priority. RA fully support Pre-application advice and PPA.	Paragraph 4.3 states the NQ defined area is allocated as employment land under LDP Policy E1 and reserved for employment development within Use Classes B1 office, B2, light industrial and B8 storage and distribution. Noted. The comment is not in conflict with the NQDB. Noted. The comment is not in conflict with the NQDB.	No change to SPD necessary
NQDB16	Kevin Fraser	ECC	Section 4 4.8- 4.10	Mineral Safeguarding Area (MSA) Exclusionary criteria applies to Brief Area i.e. the NQD Brief area is allocated land in Development Plan documents. ECC require fee for Pre-app advice	Agree Noted.	Amend Section 4 to include Minerals Safeguarding Area Map and Exclusionary Criteria Add links to ECC website for

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
			4.11	ECC support the use of PPA Agreements by the District	Noted. The comment is not in conflict with the NQDB	planning fees
NQDB05	Andy Butcher	Strutt & Parker	Section 5 Existing Land Use	<p>Greater commentary on biodiversity matters, issues relating to land ownership, geotechnical or contamination that may prevent sites coming forward for regeneration</p> <p>Add commentary to drive regeneration including local market demand, the cost of infrastructure and the availability of public and private sector finance</p>	<p>Land ownership details are publicly accessible from Land Registry or from Land Agents if sites for sale. Geotechnical and Ground Contamination details should be researched at pre-application stage by developers.</p> <p>Agree</p>	<p>Add reference to SEA/HRA Screening Opinion in Section 5.</p> <p>Reference in Section 5: Prosperity Strategy, Place Strategy, Corporate Outcomes and Priority Measures, Employment Land Prospectus and Saltmarsh Enterprise Network</p>
NQDB16	Kevin Fraser	ECC	Section 5	Support the emphasis on job creation and expansion of existing businesses. Should also highlight the opportunity to create a more productive economy through the delivery of higher value and productive workspaces and new businesses. Identified need in the County.	Agree in the absence of Invest Essex.	Reference in Section 5: Prosperity Strategy, Place Strategy, Corporate Outcomes and Priority Measures, Employment Land Prospectus and Saltmarsh

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
				<p>ECC support protection of employment uses (E1, LDP) but with some degree of flexibility to accommodate the balance between development and viability.</p> <p>Digital Infrastructure will be increasingly important for employment uses. ECC recommend reference to high-quality digital infrastructure as part of any redevelopment.</p>	<p>Viability is a key requisite of plan making and has been incorporated into the Maldon Adopted Local Plan, as this development brief has to be in conformity with that Plan then it is a given fact that viability must be taken into account when making individual development decisions and it would be for the decision maker to achieve a balance between development and viability.</p> <p>Agree.</p>	<p>Enterprise Network</p> <p>No change to SPD necessary</p> <p>Add reference to Superfast Essex Broadband Rollout Programme in Section 5.</p>
NQDB03	Tony Shrimpton		Section 6 Flood Resilience	Mention is made of floods and the problem of a surge on a Spring Tide. Much of the land will be flooded if and when this happens.	Section 6 addresses the concern based on current flood data. The Causeway Strategic Flood Risk Review will mitigate flood risk through management of existing flood defences and any necessary new flood infrastructure.	No change to SPD necessary

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
NQDB04	Julian Harrup	Riverside Association	Section 6	The Public Consultation has been pursued without the completion of the Causeway Strategic Flood Risk Review.	Policy S5, LDP states at S5(10): To minimise all forms of flood risk and ensure that flood infrastructure is effectively managed. The Causeway Development and Improvement Plan, BBP Regeneration, 2015 (EB document to Policy S5) identifies the need to review all flood data maps and plans in one review document to inform the regeneration of the Causeway Area and manage existing flood infrastructure effectively for resilience. The NQDB sets out the purpose of the review of all flood risk data at paragraph 6.8 i.e. to inform developers of all flood risk data and responsibilities where existing flood infrastructure is on or close to identified development sites.	No change to SPD necessary
NQDB05	Andy Butcher	Strutt & Parker	Section 6	Premature to take Brief forward without sight of The Causeway Strategic Flood Risk Review as it is unclear whether it will contain requirements or considerations on specific sites within the North Quay area		
NQDB06	Trevor Hollinger	Aquila Developments	Section 6	Would like to review Causeway Strategic Flood Risk Review when available.	The Causeway Strategic Flood Risk Review will be available Winter 2020.	No change to SPD necessary
NQDB09	Andrea Raiker	MHHHA	Section 6	MHHHA acknowledge the necessity of critically considering the impact of flooding on the North Quay through CAMP Project 12 The Causeway Strategic Flood Risk Review, ECC 2020. MHHHA support the	Noted.	No change to SPD necessary

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
				<p>argument that climate change is happening and that it will impact on our infrastructure and transport.</p> <p>MHHHA reference Inland Waterways Freight Policy that supports the use and development of freight carriage on UK inland waterways. The MHHHA strongly urge MDC to consider retaining North Quay frontage and quay frontage from Fullbridge to Heybridge Creek with space on the North Quay for HGV access from cranes and short distance road transport.</p>	<p>The Council cannot influence individual land ownerships to handle freight from vessels that dock at the NQ. Sadd's Wharf has an extant planning approval for residential led mixed use development that is incompatible with cranage and wharfage for handling freight from ships. Carr's Flour Mill can handle freight as does Hasler's Mill Site. If proposals come forward for freight handling on sites on the NQ, the planning process will determine if the use is acceptable.</p>	
NQDB11	David Smye	Maldon Society	Section 6	<p>The likelihood of flooding of the area is, quite rightly, uppermost in any consideration of investment and a co-ordinated approach by the several authorities involved is essential to generate confidence.</p>	Noted.	No change to SPD necessary

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
NQDB15	Stewart Patience	Anglian Water	Section 6	<p>Focus is on the risk of fluvial and surface water and the technical work undertaken to date as part of the LP and currently ongoing.</p> <p>There is no reference made to draining foul flows effectively or the use of SuDs for surface water management and any planning application requirements. Text should make clear what the submission requirements are in respect of flood risk from all sources and ensuring the use of SuDs are promoted including submission of foul and surface water drainage strategies consistent with the surface water hierarchy.</p>	<p>Existing sites and proposed developments (Sadd's Wharf) have existing foul drainage or permission to link to existing foul systems.</p> <p>Agree</p> <p>The Causeway Strategic Flood Risk Review will be available Winter 2020.</p>	<p>Include reference to ECC SuDs Design Guidance which includes planning application requirements.</p>
NQDB16	Kevin Fraser	ECC	Section 6	<p>Figure 6 and 7 is considered outdated and has been updated using SW Flood Mapping 2018.</p> <p>Set out ECC responsibilities as LLFA and need for Flood Risk Assessment in CDA and for SuDs</p>	<p>Contact Environment Agency for up to date figures and replace.</p> <p>Agree</p>	<p>Update Figures 6 and 7 in Section 6.</p> <p>Amend Section 6 to set out ECC responsibilities as commented by ECC</p>

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
NQDB02	Janet Hall		Section 7 Movement and Connections	I support the idea of a walkway along the bank of Heybridge Creek.	Noted	
NQDB03	Tony Shrimpton		Section 7	Mention is made of retail development but no mention of parking. I presume the parking will be free. This will be to the detriment of the High St. You have just increased the prices using the car park fees as a cash cow to balance your budget.	Employment-led mixed-use redevelopment at the NQ can include retail. Associated parking will be required in accordance with MD Vehicle Parking Standards SPD. Whether it is free parking is not in the Council's gift.	No change to SPD necessary
NQDB05	Andy Butcher	Strutt & Parker	Section 7	Strutt and Parker generally support improving connections as set out in the Brief and note Section 8 provides clarity on where improvements would be expected as part of developer contributions to relevant opportunity sites. Strutt and Parker need clarity on the ability of public sector investment via the Local Highways Panel to improve the run-down appearance of Station Road and the public realm.	Noted. Public sector investment would be via developer contributions. The Causeway Corridor Project (from Fullbridge to The Square, Heybridge) within the Masterplan (Project 8) has an approved Landscape and Public Realm Strategy that will address the appearance of Station Road entrance.	Add reference to approved Landscape and Public Realm Strategy in Section 7 for the Causeway Corridor.
NQDB06	Trevor	Aquila	Section 7	The potential pedestrian/cycle	The approved Outline application	No change to SPD

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
	Hollinger	Development		<p>connection shown to the rear of Aldi [Figure 11] has no regard to the change in levels and relationship to the adjacent balancing pond. There is no planning mechanism to secure its delivery even if it were to be physically possible.</p> <p>Appreciate the logic of a pedestrian link between Sadd's Wharf and Bates Rd. This can only be achieved on land in public ownership beyond the BTE boundary. There is no acknowledgement of the severe practical challenges this poses or where there is a technical feasible solution other than rebuilding the tidal defence wall.</p> <p>If such a link is achieved, it would have to maintain adequate security to the rear boundary of the trading estate.</p>	<p>at the Old Engine Shed at the rear of the Aldi Store (see Paragraph 8.4 NQDB) requires Reserved Matters applications where the concern will be addressed.</p> <p>The Environment Agency has expressed in Section 6, the need to maintain and access tidal defences. The Maldon Cycle Action Plan ECC 2018 sets out the desired off-road walking and cycling route to connect Maldon and Heybridge at the rear of BTE. The approved Sadd's Wharf Scheme creates the necessary access to the waterside on the River Chelmer and Heybridge Creek frontages that the link will follow.</p> <p>Accepted and noted.</p>	<p>necessary</p> <p>Add to Section 7: MDC as landowners, will carry out actions to assess feasibility in accordance with Masterplan Priority Programme for Project 7 Heybridge Creek Connection and Project 9 Heybridge Creek Improvements.</p>

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
NQDB08	Julie Stuchbery	MHIC	Section 7	The Brief should consider the path of any proposed riverside walk so that it does not impact on any future port related use. The same applies to any proposals for residential or mixed use development in similar areas that would create a conflict with port related use of the NQ	The Riverside Route (Project 5 Masterplan) is on the South Quay and progresses across Fullbridge to Station Road where it will connect to Heybridge Creek as detailed in the extant Sadd's Wharf scheme. Existing land ownership on the NQ does not permit access to the river frontage on the NQ other than by Station Road.	No change to SPD necessary
NQDB09	Andrea Raiker	MHHHA	Section 7	MHHHA agree with the development of off-road walking and cycling opportunities to and from North Quay defined area	Noted	No change to SPD necessary
NQDB10	Noel Probyn	Maldon Riverside Association	Section 7	MRA support the analysis and plan for pedestrian, cycle and public transport and for residential houseboat moorings but highlight the busy vehicular traffic at peak times which is not mentioned in this section. Also mention the domino effect of traffic in and out of Maldon plus the air quality issues on Market Hill. Diverting traffic around the bypass should be a priority.	Noted. The vehicle highway in the NQDB defined area is Fullbridge and Station Road. ECC Highways are aware of the traffic impacts on Market Hill via the AQMA Action Plan and will be conducting a Traffic Survey shortly.	No change to SPD necessary Reference AQMA AP in Section 7

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
NQDB16	Kevin Fraser	ECC	Section 7	ECC acknowledge the opportunities that exist in NQ to access waterside frontage and new walking and cycling routes highlighted are key to improving connectivity. ECC support.	Noted	
				ECC recommend Travel Plans for all new development in NQ area (NPPF Para 111) and set out thresholds for when TP required. ECC has published Sustainable Modes of Travel Strategy.	Reference ECC Sustainable Modes of Transport Strategy	Add to Section 7
			7.2	ECC reference the draft Maldon Cycle Action Plan prepared by ECC Highways. The Action Plan was approved January 2018.	Remove 'draft' from Maldon Cycle Action Plan, 2018	Amend para. 7.2 and 10.1
NQDB17	Sheila Stones	Historic England	Section 7	Welcome the long-term aspiration of providing a quayside walk, flanked by commercial uses which would complement improvements to riverside connections on the south side of The Chelmer.	Noted	No changes to SPD necessary
NQDB02	Janet Hall		Section 8 Development Opportunities Para 8.3 Opportunity Site c –	I understand that extant planning permission exists for this site, I hope it may be feasible that a wide quay be established on the frontage to the Chelmer to facilitate the possibility for future	The extant permission sets back development from the quayside with public open space and for walking and cycling. The set back is not intended for commercial use related to freight handling activity	No changes to SPD necessary

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
			Sadd's Wharf	commercial use of the quay. The scale of the development for this site as shown in the planning documents, will spoil the special character of the Maldon waterfront.	as the use is not compatible with approved residential use. The application is approved including Reserved Matter of 'scale'. The approved scheme is a material consideration. The Brief allows for a redesigned scheme.	No changes to SPD necessary
			Para 8.4 Redundant site Hasler's Mill	Provision should be made for increased road vehicle movement of goods to and from the site, from Carr's Mill for river borne freight. The quay at this site is ideal frontage for commercial loading/unloading, with space for commercial moorings from here to Fullbridge. I do not support use including a food and drink offer and visitor attractions, as I feel that it is important that this site is for industry and business use only.	The site benefits from access to the quay for river borne freight. An employment use is sought to bring the site back into active use. The Brief does not stifle use of the quay frontage for river borne freight at the site. Industry and business can be visitor attractions e.g. Tiptree Jam Factory and the Tiptree café at Heybridge Basin waterfront to compliment industrial character	No changes to SPD necessary No changes to SPD necessary
			8.5 Houseboats	Houseboat facility should be in a limited area with interesting historic vessels	Include reference for Design Parameters (scale, appearance, dimensions) for houseboats within planning application and Design	Add to 'Development Considerations' in paragraph 8.5

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
					and Access Statement	
NQDB04	Julian Harrup		Section 8	<p>The quayside of the port is an industrial archaeological area of substantial historic significance to the town. Special consideration should be given to the defined opportunity sites beyond the scope of the short descriptions given. Individual massing diagrams and contextual planning appreciations are necessary for each site. Developers cannot be relied upon to serve the interests of a wider community, they need guidance and support.</p> <p>Welcome the inclusion of the policy (H8) for houseboats. A serious issue, needing further study and development beyond the scope of the NQDB to include social research, typology of vessels, practical studies on utilities, tidal moorings, ramps and staging.</p> <p>The diagrammatic allocation of space for houseboats in Heybridge Creek needs substantial refinement as it</p>	<p>The Development Opportunities detail the policy and planning considerations before a detailed design is proposed. The Maldon District Design Guide SPD is referenced in Section 9 that all developers should have regard to in working up a design including a thorough contextual analysis (including the historic environment). The Essex Design Guide (Review) 2019, has a themed section for commercial buildings for guidance.</p> <p>Project 9 Heybridge Creek Improvements (houseboats) has prioritised actions to realise houseboats in Heybridge Creek including feasibility and land based supporting infrastructure detailed in Policy H8, LDP.</p> <p>The Brief sets out the statutory consultee/stakeholder engagement to address sensitivity.</p>	No changes to SPD necessary

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
				implies dredging and substantial works within an extremely sensitive area.		
NQDB05	Andy Butcher	Strutt & Parker	Section 8 Para. 8.2	<p>Note houseboats at Heybridge Creek as a laudable objective but the Brief falls short on providing any detail on the level of demand and how this may be implemented. Strutt & Parker recommend the Canal and River Trust provide advice to LPAs and developers on the development of new residential mooring sites.</p> <p>Acknowledge that paragraph 8.2 quite rightly highlights the need for investment and supporting infrastructure as a key priority. The Brief should acknowledge an understanding of the prevailing property market conditions to optimise development sites and deliver comprehensive regeneration and that all the uses anticipated have the prospect of being implemented through option testing or whether the uses allocated in the LDP should be reviewed to achieve regeneration of the area.</p>	<p>Heybridge Creek Improvements including houseboat provision and walking and cycling routes are included in Project 9 Masterplan and is managed by the Council's PMO with priority actions and milestones for delivery. The Chelmer & Blackwater Navigation Canal Trust are stakeholders in the delivery of the Masterplan SPD and their expertise is noted.</p> <p>The LDP, Policy S5 and Masterplan SPD evidence base (including the Economic Prosperity Strategy) detail the property market conditions and uses needed to support the regenerative process at the NQ.</p>	<p>No change to SPD necessary</p> <p>Reference in Section 5: Prosperity Strategy, Place Strategy, Corporate Outcomes and Priority Measures, Employment Land Prospectus and Saltmarsh Enterprise Network</p>

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
			Para 8.3 Sadd's Wharf	<p>The Brief should recognise Opportunity Site c as the principle key site to assist the waterside regeneration of the Brief area.</p> <p>The Brief presents no overall vision on the necessary public realm improvements that might attract investment in the area to achieve the objectives set out in the Summary.</p> <p>The environment of Station Rd, neighbouring land uses, cost of development (construction of basement parking) infrastructure provision/migration (flood measures) prevent development completion due to lack of developer interest.</p> <p>The commentary indicates that a redesigned deliverable scheme be through the provision of 'both employment and residential uses'. The Brief should emphasise that opportunity site c is 'residential-led' and the words 'residential-led' are inserted after 'redesigned' in the opportunity</p>	<p>The overarching Masterplan acknowledges the importance of the Sadd's Wharf site to kick start the regeneration process.</p> <p>The Causeway Corridor Project is detailed at para 1.10 and has an approved Public Landscape and Public Realm Strategy that will address the appearance of Station Road entrance.</p> <p>The Brief supports the principle of a redesigned deliverable scheme at Sadd's Wharf. The Brief sets out in Section 4 Planning Context at 4.6 the difficulty in locating residential uses at the NQ at paragraph 4.6.</p> <p>The extant permission on Sadd's Wharf provides for a mixed-use development including office, leisure with associated food and drink use and residential uses. An existing planning permission is a material consideration in any future redesigned scheme.</p>	<p>Add comment to Section 8</p> <p>No changes to the SPD necessary</p> <p>No changes to SPD necessary</p> <p>No changes to SPD necessary</p>

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
				site c commentary. Suggest the addition of: In order to meet these objectives, the Council will promote the preparation of a masterplan for Sadd's Wharf to set out a new vision for the site, assess options (that include viability testing), engaging the local planning authority, key stakeholders and the local community in pre-application discussions to support future planning application(s).	The Appeal Decision that allowed the Sadd's Wharf scheme acknowledged the flood infrastructure needs to support the development and hence no affordable housing is included in the development. The Sadd's Wharf site has been 'viability tested' by Homes England for their Starter Homes scheme and was not taken further. A revised scheme for the site is within the Maldon & Heybridge Central Area Masterplan SPD	No changes to SPD necessary
NQDB06	Trevor Hollinger	Aquila Developments	Section 8	Question the desirability of residential moorings here given the tidal characteristics and relationship to the trading estate as a source of noise and disturbance.	Houseboat moorings exist in the Creek and at Chandlers Quay and Downs Road adjacent noise sources such as a working flour mill (Carr's) and working boatyard (Downs Road Boatyard).	No changes to SPD necessary
NQDB09	Andrea Raiker	MHHHA	Section 8 Para. 8.3	Support the Brief focus on employment land use and no focus on residential use. MHHHA reference the Sadd's Wharf Site and urge MDC to consider it as a recreation area or a car park until the working quayside is re-instituted. MHHHA submit a historic photograph illustrating	Most of the NQ is employment land as detailed in Section 5. MDC cannot influence use of the Sadd's Wharf site as 'a working quayside' because the land benefits from an extant planning permission for mixed use redevelopment. MDC has issued a commencement of development certificate to the	No changes to SPD necessary

[illegible]

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
				particularly Hasler's Mill site would require very careful and innovative design in relation to the heritage and the port context.	design proposals in the NQ area.	
NQDB11	David Smye	Maldon Society	Section 8 Para. 8.5	The enhanced provision for the houseboats encompasses a major project in upgrading this quite extensive area, that at present does not have any supporting infrastructure (and we guess, is in several different ownerships), but would add a certain 'colour' to the area.	Noted.	No changes to SPD necessary
NQDB02	Janet Hall		Section 9 Design Principles Page 31 Image	A replacement building where Hasler's Mill now stands should be in sympathy with the existing structure, ideally it could retain the basic frame. Development of the site should ensure that the listed granary is not engulfed by surrounding buildings.	Noted. Conservation Area status detailed in Section 9 will ensure the special qualities of the existing structures will be preserved or enhanced.	No changes necessary to SPD
			Para 9.8 Figure 14	Pedestrians and cyclists wishing to benefit from improved walking and cycling routes would prefer to spend as little time as possible on the busy road. Footpath access to Station Road, immediately after the Fullbridge,	Figure 14 shows the footpaths alongside the Blackwater Retail Park integrating with the existing Station Rd footway and potential to access Heybridge Creek frontage. Access to the waterfront can only be via the Sadd's Wharf	No changes to SPD necessary

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
				at Fullbridge Mill or through the rear of the Lidl site would ensure that the footpath users spent only a short time away from the river frontage and regained proximity to the waterfront more quickly than by using the path delineated on the images.	site as Fullbridge Mill, Hasler's Mill, Carr's Mill, Jewson, EOL and The Granaries offer no footpath immediately adjacent the river Chelmer.	
NQDB05	Andy Butcher	Strutt & Parker	Section 9 Para 9.8	The Brief refers to the design concept for regeneration to encourage employment led development. This is not considered to be relevant or reasonable to the Sadd's Wharf site. It is acknowledged by the Council in its housing land supply data and through the allowed appeals that Sadd's Wharf is suitable for housing and this is an important element of what may be considered as a wider part of an overall mixed-use regeneration area of NQ. Recommend para. 9.8 makes specific reference to the expected residential led development of the site as a key site within the regeneration area.	Land Use is predominantly 'Employment Land' at the NQ detailed on Policies Maps to the LDP. The Brief references the extant planning permission (approved at Appeal in 2009) on Sadd's Wharf for an approved mixed-use development, including residential. The Council does not include the 93 residential units approved in the 5YHLS and refers to the site as 'stalled'. The Reserved Matters have been approved whereby the applicant has demonstrated the approved scheme is acceptable in terms of scale, appearance, access, landscape and layout. The approved scheme is a material consideration in any redesigned scheme that may come forward.	No changes to SPD necessary
			Section 9	Overall Section 9 contains a	The Brief emphasises the	No changes to SPD

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
			Section 9 Figure 14	<p>description of the character of the area, but there is little guidance on expected urban forms, relationships between the sites and existing development and, what needs to be done to the public realm to encourage overall regeneration.</p> <p>Figure 14 purports to be a concept plan, but it provides little detail on the concepts for the opportunity and redundant sites other than the expected linkages beyond the Brief area. It fails to provide an overall framework to the facilitate and shape redevelopment of the Brief area to ensure its physical, economic, social and environmental regeneration. As drafted, it is questionable whether it adequately provides a strategy for a deliverable strategy to encourage private sector investment; the decision-making process for any future planning applications; or, sufficient information to guide the layout or quality of development.</p>	<p>sensitivity of the area in terms of the natural environment and the historic environment. The Brief refers developers to the Maldon District Design Guide SPD. The Causeway Corridor Project's approved Landscape and Public Realm Strategy that will address the appearance of Station Road entrance.</p> <p>Section 3 Planning Policy Context and Section 4 Planning Context clearly set out the Council's expectations to regenerate the NQ defined area to kick start the regeneration of the entire Causeway Regeneration Area. The LDP and IDP set out the physical, economic, social and environmental needs that are supplemented in the M&H Central Area Masterplan SPD. All Masterplan Projects are included in the IDP Review. The LDP, Masterplan, additional documents to be included and the Maldon District Design Guide SPD will inform the decision-making process and the design quality expected.</p>	<p>necessary</p> <p>No changes to SPD necessary other than those mentioned in Sections above.</p>

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
NQDB10	Noel Probyn	Maldon Riverside Association	Section 9	MRA support the Design Principles backed up with the MDDG SPD and Masterplan SPD.	Noted	No changes to SPD necessary
NQDB11	David Smye	Maldon Society	Section 9	Considerable hard work and research is evident in the resulting brief and the vision cannot be faulted. Its implementation would create a much-needed asset of employment opportunities for the town. The resulting buildings will be in a prime location, able to be viewed from several standpoints and we would expect that the MDC insist upon a high standard of design and execution of all new and refurbished buildings. The recent principles set out by the 'Building Better, Building Beautiful Commission' report (January 2020), which although it relates to housing, proposes that we 'Ask for Beauty', 'Refuse Ugliness' and 'Promote Stewardship'. Workplaces can be beautiful, at ease within their environment and enhancing the area for all.	Agree	Reference Essex Design Guide Theme 'Commercial Buildings' and Building Better, Building Beautiful Commission' principles in Design Principles Section 9 to accompany Maldon District Design Guide SPD guidance
NQDB15	Stewart Patience	Anglian Water	Section 9	The use of water should form part of good quality design and	Reference is made to the MDDG SPD and supporting Technical	Reference ECC SuDs Design Guide July

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
				be considered at an early stage in the planning application process including the use of SuDs that can have wider community and environmental benefits.	Documents. Include reference to ECC SuDs Design Guidance.	2020 in Section 6 and Section 9 Design Principles
NQDB16	Kevin Fraser	ECC	Section 9 Para 9.3	Support principles set out in 9.3. ECC recommend reference to 1997 EDG is removed and replaced with EDG 2018. Recommend that buildings designed for employment are resilient and able to respond to future change i.e. are flexible and adaptable for climate change, technology and business needs.	MDC has adopted the 1997 EDG but not the EDG Review 2018. MDDG SPD references EDG 2018 and links. Reference EDG 2018 Commercial Buildings Theme	Reference EDG 2018 Add to Section 9
NQDB17	Sheila Stones	Historic England	Section 9 Para 9.1 and 9.5	We consider the section to be robust and clear in its wording in relation to the impact of potential development proposals on the historic environment particularly at paragraphs 9.1 and 9.5. Consider the Development Brief demonstrates an appropriate level of awareness in relation to the sensitivity of the historic environment in the immediate	Noted. Noted.	No changes to SPD necessary No changes to SPD necessary

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
				vicinity and the wider area.		
NQDB10	David Smye	Maldon Society	Section 10 Developer Contributions	The imposition of the Community Infrastructure Levy would be of great benefit to the creation of public facilities for the area.	All Masterplan projects including the NQD Brief have been added in IDP (Infrastructure Delivery Plan) Review Summer 2020. This will identify funding gaps for necessary infrastructure to deliver projects that could be included in the CIL Charging Schedule.	No changes to SPD necessary
NQDB16	Kevin Fraser	ECC	Section 10 Para 10.2	Reference should be made to ECC Developers' Guide to Infrastructure Contributions - updated version Spring 2020 ECC acknowledge reference to RAMS. Replace 10.2 with suggested text to reflect up to date position.	Agree 'The RAMS Strategy has been adopted by Maldon District Council and developer contributions towards mitigation measures are being collected from development within the 'Zone of Influence'. An SPD to support the RAMS Strategy has been subject to public consultation during January/February 2020. The SPD outlines how it is possible to mitigate the increased visitor pressure associated with new housing in combination with other plans and projects, and how necessary mitigation will be funded. The current proposed tariff is £122.30 per dwelling.'	Add reference to Section 10 Amend para 10.2 as suggested by ECC

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
			10.3	Acknowledge reference to CIL. Reference CIL and how it operates updated by Community Infrastructure Levy (amendment)(England)(No.2) Regulations 2019 which came into force 1 September 2019.	Further replaced and will come into force 1 September 2020	The Council intends to introduce a Community Infrastructure Levy (CIL) to further enable contributions to be made towards strategic infrastructure from new developments. CIL is a levy imposed by the local authority to raise funds from developers who are undertaking new building projects in their area. The financial contributions received through CIL charges will be used by the District Council to fund infrastructure projects that will be identified alongside a CIL Charging Schedule which will

Ref	Name	Organisation	SPD Section	Summary of comments	Officer Response	Change to SPD
						identify the rates that will be payable by development. At the time of adoption of this SPD, the Council is updating its infrastructure and viability evidence to inform the introduction of a CIL in 2021. The CIL will be subject to public consultation and independent examination where its affordability to development will be subject to further scrutiny.

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Screening Opinions on the need for a Strategic Environmental Assessment (SEA) and a Habitats Regulation Assessment (HRA)

Draft North Quay Development Brief Supplementary Planning Document (SPD)

November 2020

Introduction

1. This report is prepared by Maldon District Council's Planning Policy Team and provides draft Screening Opinions into the contents of the Draft North Quay Development Brief (NQDB) Supplementary Planning Document (SPD). The purpose of the Screening Opinions is to ensure that environmental and habitat considerations are incorporated into the SPD to reduce the likelihood that any significant impacts on the environment, as well as internationally designated habitats.
2. Maldon District Council is a 'competent authority' under the Conservation of Habitats and Species Regulations 2017 (as amended) and needs to ensure SPDs have been assessed through the Habitat Regulations process.
3. Section 1 addresses the Strategic Environmental Assessment Screening Opinion.
4. Section 2 addressed the Habitat Regulations Assessment Screening Opinion.
5. The three statutory consultation bodies: Historic England, Natural England and the Environment Agency have been consulted on the screening opinions and where they responded, their responses are provided in **Appendices 5 and 6**.

Strategic Policy Context

6. The North Quay Development Brief (NQDB) area is covered by the statutory Maldon District Local Development Plan (LDP) which was approved by the Secretary of State in July 2017. The latter sets out the strategic and non-strategic planning policies for how the District should develop over the plan period 2014-2029¹. The LDP was subject to both SEA and HRA². This screening opinion is therefore provided with this strategic planning context.
7. Since the LDP was adopted however, there have been changes to the national planning context, including revisions to the National Planning Policy Framework (NPPF), changes to Planning Practice Guidance, as well as notable and relevant court judgements.
8. In addition, through the Duty to Cooperate, twelve Local Authorities in Essex have prepared the Essex Coastal Recreational disturbance Avoidance Mitigation Strategy (RAMS) which identifies the measures required to mitigate the recreational impact on birds and their habitats around the Essex Coast generated by planned housing growth in much of Greater Essex. Maldon District Council adopted the RAMS SPD in August 2020. The RAMS SPD identifies how developer contributions will be used to fund the mitigation and the level of any contributions sought from new dwellings. In terms of green infrastructure, the mitigation is expected to be varied and could include new habitat creation and enhancement, improved management of recreation activities along the coast and a delivery

¹ https://www.maldon.gov.uk/downloads/file/14807/approved_maldon_district_local_development_plan_2014-2029

² https://www.maldon.gov.uk/downloads/file/13558/maldon_district_ldp_sustainability_appraisal_final_report_march_2017

officer to run the programme and rangers to communicate the benefits of using the coast in a positive way. The RAMS will also provide a mechanism to mitigate any recreational impacts generated by windfall development.

Maldon District Local Development Plan

9. Policy S5 of the LDP established the following requirements for the Maldon & Heybridge Central Area:
- i. Development and regeneration will take place having regard to a masterplan endorsed by the Council;
 - ii. 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;
 - iii. 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 development which enabled significant numbers of jobs to be created;
 - iv. Retain the role of the Central Area as a tourist, arts and cultural centre, offering a range of accommodation and visitor attractions and facilities;
 - v. Increase public access next to, and enhance the setting of the riverside to create vibrant environment that incorporates a range of uses;
 - vi. Maintain and encourage 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;
 - vii. 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 locations;
 - viii. Actively manage traffic and visitors to the town and surrounding area through enhanced public transport provision and the use of effective car park management;
 - ix. 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
 - x. Minimise all forms of flood risk and ensure that flood infrastructure are effectively managed.
10. As required by Policy S5 (i), the Maldon and Heybridge Central Area Masterplan (CAMP) now supplements the Local Development Plan for the area set out in Figure 1 below. It was

prepared, consulted upon³ and adopted by Maldon District Council as a SPD⁴ in November 2017.

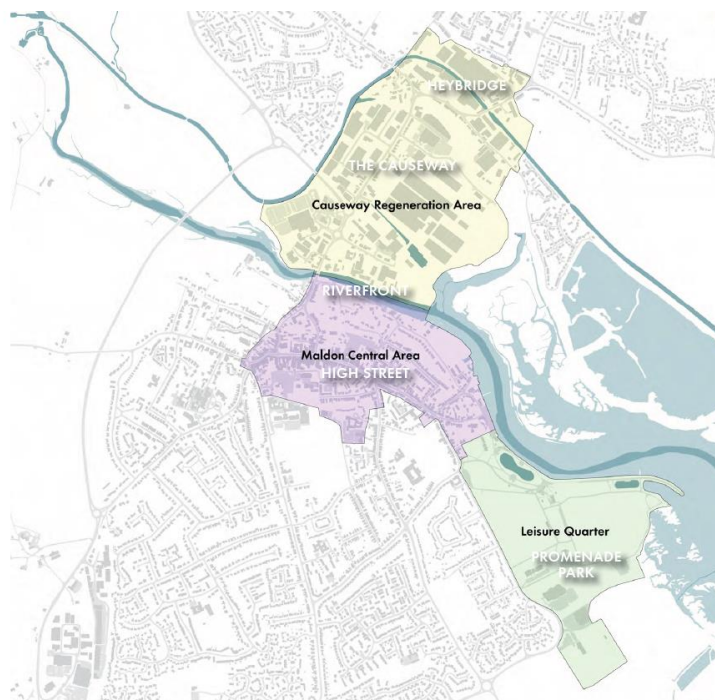


Figure 1 - Extract of Central Area Masterplan Areas

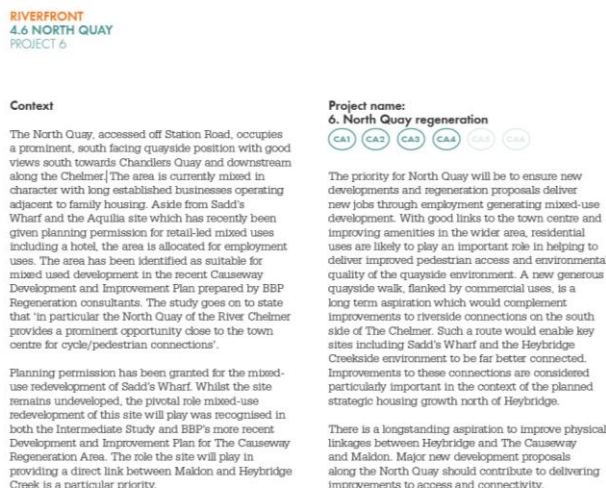
11. The CAMP objectives, CA1-CA6 link back to Policy S5 and through 18 key projects, which are supported by a project priority programme. These seek to deliver the economic growth and environmental enhancements required by Policy S5 by 2029.

Causeway Regeneration Area and North Quay Project Area

12. The Causeway Regeneration Area is one of three sub-areas in the CAMP area, alongside the Maldon Central Area and Leisure Quarter. North Quay, in turn, is a smaller project area within the Causeway Regeneration Area; referred to as Project 6 and explained in further detail in the Extract 1 below.

³ https://www.maldon.gov.uk/downloads/file/13558/maldon_district_ldp_sustainability_appraisal_final_report_march_2017

⁴ https://www.maldon.gov.uk/info/20048/planning_policy/9717/maldon_and_heybridge_central_area_masterplan



Extract 1 - Central Area Masterplan – Project 6 Overview, Page 53

Supplementary Planning Documents (SPD)

13. The National Planning Policy Framework defines SPD as:

"Documents which add further detail to the policies in the Development Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary Planning Documents are capable of being a material consideration in planning decisions, but are not part of the Development Plan."

14. Planning Practice Guidance provides further clarity that:

*"SPDs should build upon and provide more detailed advice or guidance on policies in an adopted Local Plan. As they do not form part of the Development Plan, they cannot introduce new planning policies into the Development Plan...They should not add unnecessarily to the financial burdens on development."*⁵

15. There is no requirement in the Town and Country Planning (Local Planning) (England) Regulations 2012 to prepare a Sustainability Appraisal when producing SPDs. In exceptional circumstances however, the PPG recognises that a Strategic Environmental Assessment (SEA) as required by the Environmental Assessment of Plans and Programmes Regulations 2004 may be required when producing an SPD.^{6; 7} This is only if they are likely to have significant environmental effects that have not already been assessed during the preparation of the relevant strategic policies. Notwithstanding this, a SEA is unlikely to be required where a SPD deals only with a small area at a local level, unless it is considered that there are likely to be significant environmental effects. It is important to distinguish that whilst it may not need a SEA, it may still require an HRA.

⁵ Paragraph: 008 Reference ID: 61-008-20190315; <https://www.gov.uk/guidance/plan-making>

⁶ Ibid

⁷ Paragraph: 001 Reference ID: 11-001-20190722; <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

North Quay Development Brief

16. The NQDB SPD has been a requirement of the Local Development Scheme since 2019. It builds on Policy S5 in the LDP and Project 6 in the CAMP to provide more detailed guidance to support the area's regeneration.
17. It has been informed by:
 - i. National planning policy and guidance
 - ii. Local planning policy and guidance; and
 - iii. Stakeholder and business engagement (including Environment Agency and Essex County Council).
18. Section 1 of the report details a Draft Screening Opinion as to whether a Strategic Environment Assessment (SEA) is required.
19. Section 2 details a Draft Screening Opinion as to whether a Habitats Regulation Assessment (HRA) is required.
20. Following the screening assessment, if any significant effects are likely then a full Strategic Environmental Assessment and/ or Habitats Regulation Assessment will be required. If the outcome of the screening determines that there are not likely to be significant effects, then no further action is required, assuming statutory consultees concur.
21. The results of screening the SPD against the assessment criteria indicate that there are no likely significant effects predicted at this stage, and therefore neither a SEA or HRA is required. The statutory consultee concurred with this opinion, with Natural England seeking some additional assurance about project level HRAs being required in the area.

22. The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations.

23. In order to undertake a Screening Opinion as to whether the NQDB SPD requires a SEA, this assessment follows guidance as stated in Figure 2 which is from 'A *practical guide to the Strategic Environment Directive September 2005.*'



Section 1 Screening Assessment Conclusion

24. Appendix 1 and 2 detail the Local Planning Authority's draft SEA Screening Opinion. The relevant statutory bodies have been consulted on the draft screening opinion.
25. Taking the above into account, it is considered that no likely significant effects would arise as a result of the NQDB SPD and therefore a SEA would **not be required**. The Environment Agency, Historic England and Natural England were consulted as statutory consultees. Historic England was the only consultee to respond; the response is set out in **Appendix 5**.

Section 2: Screening opinion as to whether there are significant effects as to whether a HRA Assessment will be required

Legislative Background

26. European sites (also known as Natura 2000 sites) are recognised under the EU Habitats Directive and consist of designations such as Special Areas of Conservation (SAC), Special Protection Areas (SPA), and Ramsar wetlands sites.

Natura 2000 network - Stretching over 18 % of the EU's land area and almost 6 % of its marine territory, it is the largest coordinated network of protected areas in the world. It offers a haven to Europe's most valuable and threatened species and habitats. Natura 2000 is a network of core breeding and resting sites for rare and threatened species, and some rare natural habitat types which are protected in their own right

Special Areas of Conservation – are designated for the conservation of habitat types and species are those considered to be most in need of conservation at a European level (excluding birds).

Special Protection Areas - are classified to protect the habitats of rare and vulnerable birds and for regularly occurring migratory species of international importance. SPAs may extend below low tide into the sea.

Ramsar sites – are internationally important sites for waterbirds

27. There are two Natura 2000 sites and one Ramsar site (Appendix 3) within the boundary of the NQDB SPD:
- **Essex Estuaries SAC:** This is a large estuarine site which extends from Southend-on-Sea to the south, along the whole of the Maldon District Coast, up to Jaywick near Clacton-on-Sea, and out into the Thames Estuary. It includes Heybridge Creek which is within the NQDB area boundary. It is a typical, undeveloped, coastal plain estuarine system with associated open coast mudflats and sandbanks. The site comprises the major estuaries of the Colne, Blackwater, Crouch and Roach Rivers and is important as an extensive area of contiguous estuarine habitat. Essex Estuaries contains a very wide range of characteristic marine and estuarine sediment communities and some diverse and unusual marine communities in the lower reaches, including rich sponge communities on mixed, tide-swept substrates.
 - **Blackwater Estuary SPA/Ramsar site:** is the largest estuary in Essex, north of the Thames, and is one of the largest estuarine complexes in East Anglia, which includes Heybridge Creek and the River Chelmer which are either partially within, or adjacent to the NQDB area boundary. The Blackwater Estuary lies between the Dengie Peninsula and Mersea Island on the Essex coast. It stretches from immediately adjacent to Maldon and about 8 km south of Colchester. Its mudflats, fringed by saltmarsh on the upper shores, support internationally and nationally important numbers of overwintering

waterfowl. Shingle and shell banks and offshore islands are also a feature of the tidal flats. The surrounding terrestrial habitats; the sea wall, ancient grazing marsh and its associated fleet and ditch systems, plus semi-improved grassland are also of high conservation interest. This rich mosaic of habitats supports an outstanding assemblage of nationally scarce plants and a nationally important assemblage of rare invertebrates. There are 16 British Red Data Book species and 94 notable and local species.

28. Paragraph 177 of the NPPF states that “the presumption in favour of sustainable development does not apply where the plan or policy is likely to have a significant effect on a habitats site (either alone or in-combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
29. The implementation of compliance with the Directive and Regulations is supported by specific Planning Practice Guidance on Appropriate Assessment⁸. Clarification on what could be taken into account at screening stage was provided in April 2018 with the judgement of ‘People Over Wind’⁹. It concluded that when making screening decisions for the purposes of deciding whether an appropriate assessment is required, competent authorities cannot take into account any mitigation measures. These can only be accounted for as part of an appropriate assessment itself.
30. Other relevant case law helps to interpret when effects should be considered as a *likely significant effect*, when carrying out HRA of a land use plan. In the Waddenzee case¹⁰, the European Court of Justice ruled on the interpretation of Article 6(3) of the Habitats Directive (translated into Reg. 102 in the Habitats Regulations), including that:
 - An effect should be considered ‘likely’, “if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site” (para 44);
 - An effect should be considered ‘significant’, “if it undermines the conservation objectives” (para 48); and
 - Where a plan or project has an effect on a site “but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on the site concerned” (para 47).
31. A relevant opinion delivered to the Court of Justice of the European Union¹¹ commented that:

“The requirement that an effect in question be ‘significant’ exists in order to lay down a de minimis threshold. Plans or projects that have no appreciable effect on the site are thereby excluded. If all plans or projects capable of having any effect whatsoever on the site were to be caught by Article 6(3), activities on or near the site would risk being impossible by reason of legislative overkill.”
32. This opinion (the ‘Sweetman’ case) therefore allows for the authorisation of plans and projects whose possible effects, alone or in combination, can be considered ‘trivial’ or *de*

⁸ <https://www.gov.uk/guidance/appropriate-assessment>

⁹ <http://curia.europa.eu/juris/document/document.jsf?docid=200970&doclang=EN>

¹⁰ https://curia.europa.eu/jcms/jcms/j_6/en/

¹¹ https://curia.europa.eu/jcms/jcms/j_6/en/

minimis; referring to such cases as those “that have no appreciable effect on the site”. In practice, such effects could be screened out as having no likely significant effect; they would be ‘insignificant’.

33. The initial screening will mainly be assessing the likely impacts the NQDB SPD could have on the two Natura 2000 and one Ramsar site identified in paragraph 25 above. If it is decided that the likely impacts could be significant, a full HRA may be required by a qualified consultant ecologist, since this requires technical skills and knowledge. The HRA findings should then be taken into account and referred to in the Environmental Assessment of the SPD.
34. This screening does not identify any potential likely significant effects on the protected characteristics of the Natura 2000 sites and the NQDB SPD does not propose any significant development, above that which already has planning permission, is allocated in the LDP or broadly guided by the Central Area Masterplan SPD, which would change these. In-combination effects therefore do not need to be considered further.
35. Planning Practice Guidance¹² also explores what is possible if an appropriate assessment has already been undertaken on a Local Plan. It stresses:

“an individual assessment of...projects may not be necessary in some limited cases where the strategic appropriate assessment is sufficiently robust. This would need to contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt on the impacts of the...project(s). As long as these measures have been properly considered in a recent plan, and the development will not create additional risks of a significant effect on a habitats site, they may not need further assessment at the non-strategic level.”
36. The same guidance stresses that this is a high standard to meet and will have to be assessed on a case by case basis and sets out some indicative criteria that should be considered. Where any doubt remains, it stipulates that an appropriate assessment will be required to test the project and any relevant mitigation measures.
37. As the Natura 2000 and Ramsar sites and the NQDB area partially overlap, there is the potential for some effects to the designated sites. As such, the Screening Opinion as shown in **Appendix 4** will assess the unique guidance that is put forward by the draft NQDB SPD that has not already been appraised by the CAMP SPD or the LDP.
38. Maldon District Council is a ‘competent authority’ under the Conservation of Habitats and Species Regulations 2017 and needs to ensure that any SPDs have been assessed through the Habitats Regulations process. The initial screening will mainly be assessing the proximity of any European site to the SPD area which could be affected by the proposals within the SPD.

¹² Paragraph: 008 Reference ID: 65-008-20190722

Stage 1 Screening

- Identify international sites in and around the plan/ strategy area
- Examine conservation objectives
- Identify potential effects on Natura 2000 sites
- Examine other plans and programmes that could contribute to ‘in combination’ effects
- If no effects are likely - report that there is no significant effect. If effects are judged likely or uncertainty exists - the precautionary principle applies, proceed to stage 2.

Stage 2 Appropriate Assessment

- Collate information on sites and evaluate impact in light of conservation objectives
- Consider how plan ‘in combination’ with other plans and programmes will interact when implemented (the Appropriate Assessment)
- Consider how the effect on integrity of sites could be avoided by changes to the plan and the consideration of alternatives
- Develop mitigation measures (including timescale and mechanisms)
- Report outcomes of AA and develop monitoring strategies. If effects remain following the consideration of alternatives and development of mitigation measures, proceed to stage 3.

Stage 3 Assessment where no Alternatives and impacts remain

- Identify ‘imperative reasons of overriding public interest’ (IROPI)
- Identify/ develop potential compensatory measures

*Figure 3 - HRA Stages***Assessment**

Any “SPD guidance principle” in the NQDB SPD which has already been adopted in policies in either the Maldon District Local Development Plan 2014-2019, or the Maldon & Heybridge Central Area Masterplan SPD has not been rescreened in this HRA Screening. This explains why not all paragraph numbers are present in the appraisal table. The appraisal table instead focuses on any new principles which are unique to the NQDB SPD.

Appendix 4 shows the assessment of each of the unique guidance principles of the NQDB SPD and their assessment against whether they will be likely to cause significant effects to the natural environment, the designated Natura 2000 and Ramsar sites.

Having assessed the guidance principles in accordance with Stage 1, it is concluded that the NQDB should not lead to potential significant effects on designated Habitat Sites, alone, or in combination with other plans or programmes. The Environment Agency, Historic England and Natural England were consulted on this outcome. Natural England was the only consultee to respond; the response is set out in **Appendix 6**.

Appendix 1: Application of SEA Directive (as shown in Figure 1)

	Yes/No	Comments
1. Is the SPD subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Yes (Onto Q2)	The NQDB SPD is a being prepared by Maldon District Council which is the Local Planning Authority and a 'qualifying body' for SEA purposes. The NQDB SPD will be formally adopted by the 'Local Planning Authority' in accordance with Regulation 14 of the Town and Country Planning (Local Development) (England) Regulations 2012.
2. Is the SPD required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes (Onto Q3)	There is no legislative or regulatory requirement that a SPD is prepared. The Local Planning Authority as the administrative body for Maldon District has determined by Council resolution that the SPD must be prepared.
3. Is the SPD prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	Yes (Onto Q.5)	The SPD is prepared for town and country planning and land use and supports the framework for future development in the North Quay of the Causeway Regeneration Area as provided by Policy S5 of the Maldon District Local Development Plan 2014-2029 and the Maldon & Heybridge Central Area Masterplan 2017, including industry and employment and residential development, which may be part of the framework for future development consent of projects listed in Annex II to the EIA Directive (Food industry, urban development projects, flood relief works, coastal work to combat erosion).
5. Does the SPD determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Yes (Onto Q.8)	The NQDB guides how small areas could be brought forward for development within the SPD boundary which are in line with the statutory LDP and CAMP SPD to holistically meet the area's regeneration and environmental objectives.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	Please see the assessment of likely significant effects of the environment as shown in Appendix 2.
Outcome: The North Quay Development Brief does not require a SEA		

Appendix 2: Assessment of the likely significant effects on the environment

Key

Red	Project is likely to have significant effects on the environment which cannot be mitigated by amendments to SPD guidance principles
Amber	Project may have significant effects on the environment at this preliminary stage, but they can be mitigated through amendments to the SPD guidance principles
Green	Project is unlikely to have significant effects on the environment

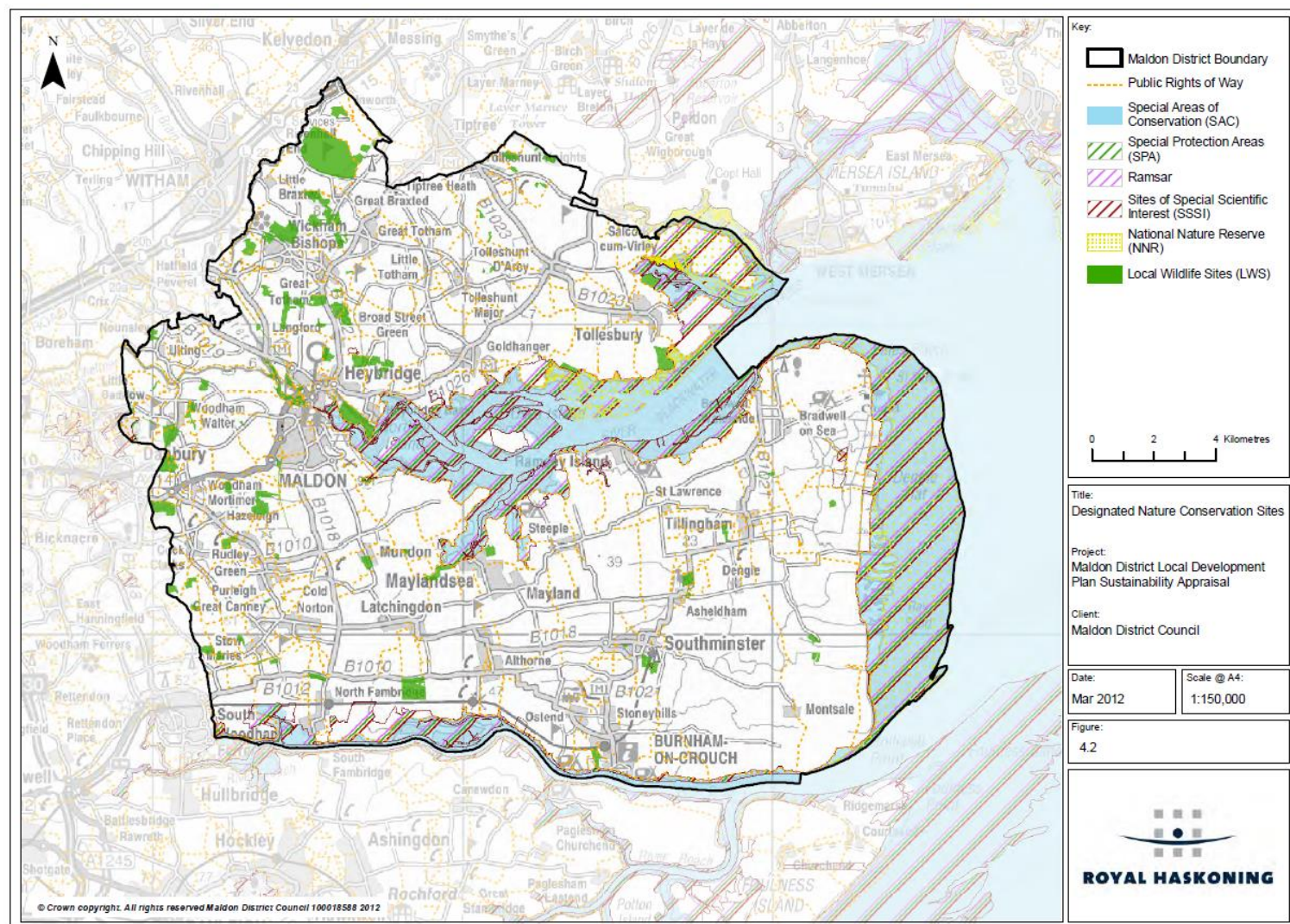
Environmental Regulations Paragraph	SEA Requirement	Likely Significant effect?	Comments
1. The characteristics of plans and programmes, having regard, in particular, to—			
a.	the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	No	<p>The NQDB SPD would not, if adopted, form part of the statutory Development Plan. However, it does as non-statutory guidance form part of the framework for future development consent of projects, as it is a 'material consideration' in the determination of planning applications, alongside other SPDs. The project also sits within the wider framework set by the National Planning Policy Framework and Planning Practice Guidance.</p> <p>The majority of the projects which are articulated in the NQDB are already set out in the adopted CAMP. The NQDB impact should be very localised in nature and have limited resource implications.</p>
b.	the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	No	The NQDB SPD guidance is required to be in conformity with the National Planning Policy Framework and the Local Development Plan 2014-2029. It also offers greater delivery detail than is contained in its parent CAMP SPD to inform planning applications. The NQDB SPD is unlikely to influence other Plans or Programmes.
c.	the relevance of the plan or programme for the	No	The NQBD SPD does not contain its own vision or objectives.

Environmental Regulations Paragraph	SEA Requirement	Likely Significant effect?	Comments
	integration of environmental considerations in particular with a view to promoting sustainable development;		It seeks to adhere to the principles of development and seek to conserve and promote the environmental features as they currently exist, noting that their status and role could be improved through more coordinated development. Development would also be subject to the policies in the adopted LDP 2014-2029 and therefore all environmental considerations would be covered by policy and national policy or procedures, not the SPD.
d.	Environmental problems relevant to the plan or programme; and	No	The state of the environment has been considered in preparing the NQDB SPD, drawing on available evidence. Based on the Draft SPD, it has a strong emphasis on protecting and enhancing natural and historic features, as well as influencing development to protect the special landscape and biodiversity attributes of the localised area. Therefore, no significant negative impact is envisaged through the NQDB SPD.
e.	The relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	No	The NQDB SPD seeks to facilitate the regularisation of historic unauthorised houseboats on the north-west bank of Heybridge Creek, which currently have no fixed moorings, land-access, safe fuel storage or waste disposal facilities. The SPD could therefore have a marginal positive effect on the Water and Waste Framework Directives through enabling the provision of landside support to the houseboat community in this area supporting social and environmental objectives to regularise houseboats.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—			

Environmental Regulations Paragraph	SEA Requirement	Likely Significant effect?	Comments
a.	The probability, duration, frequency and reversibility of the effects;	No	The NQDB SPD is likely to have a positive environmental effect in the local area. It is not considered to raise any further significant effects than those which were considered and appraised under the LDP 2014-2029.
b.	The cumulative nature of the effects;	No	The sustainability appraisal (incorporating SEA) of the LDP 2014-2029 considered the impact of development in the Central Area through Policy S5, as well as others in the LDP. Development in the NQDB is likely to be consistent to the consideration of effects adopted in the LDP.
c.	The trans-boundary nature of the effects;	No	The NQDB SPD is a very localised area within Maldon District and does not border any neighbouring Local Planning Authorities, although it does border waters covered by the Marine Management Organisation. The SEA and HRA of the adopted LDP considered the effects of development in neighbouring districts on protected sites.
d.	the risks to human health or the environment (for example, due to accidents);	No	It is not anticipated that there would be an increase to, or significant risks to human health or the environment as a result of the NQDB SPD. If anything, it is seeking to improve safety of walking and cycling areas, as well as access for tidal defence maintenance through development opportunities in the NQDB SPD area.
e.	The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	No	The NQDB SPD relates to the effective coordination of the delivery of infrastructure and opportunity sites within the NQDB area. The magnitude and spatial extent of the effects are likely to be localised in nature and are not considered to be significant.

Environmental Regulations Paragraph	SEA Requirement	Likely Significant effect?	Comments
f	the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use;	No	The NQDB SPD is not likely to affect special natural characteristics or cultural heritage or exceed environmental standards or limit values or result in intensive land use. Such provisions would be enforced through the application of the statutory LDP and national policies/ procedures.
g.	the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	<p>The Habitats Regulations Assessment for the Local Plan 2014-2029 considered the impact of development in Maldon District and the Central Area covered by Policy S5. Development in North Quay will have to accord with policies in the LDP.</p> <p>A Habitats Regulations Screening has been undertaken with regards to the draft guidance of the NQDB and no significant effects are noted on recognised protected sites.</p>

Appendix 3 – Designated Natura 2000 sites and Ramsar sites relevant to the Maldon District for HRA



Appendix 4: Habitats Regulation Assessment Screening Report

The table below shows the initial assessment of each of the policies using a RAG rating as follows:

Key

Red	Can be identified as <i><u>having a significant effect</u></i> on the integrity of applicable Habitat Sites
Amber	At this preliminary stage <i><u>may have potential for significant effects</u></i> on the integrity of applicable Habitat Sites.
Green	There is thought to be enough information available at present to conclude that there is <i><u>no likely significant effect</u></i> from the policy on the integrity of applicable Habitat Sites or their favourable conservation objectives.

Please Note: The following table does not appraise every chapter or paragraph of the Draft NQDB SPD; only those which provide further advice on how to approach development in the area. Sections 1, 2, 3, 4 and 5 covering context, planning processes and existing land use, as well as Section 9, 10, 11 and 12 covering Design Principles, Developer Contributions, Engagement and Links have not been appraised for this SPD as they do not constitute guidance.

Draft NQDB SPD Paragraph Reference	Summary	Commentary	Likely effects on the Blackwater Estuary SPA and RAMSAR site;	Likely effects on the Essex Estuaries SAC;
Section 6: Flood Resilience				
6.4	To support Environment Agency and Lead Local Flood Authority responsibilities, potential development schemes may need to contribute to investigations as to how sluices in the area work.	<p>Supplementary to existing LDP policy. Policy D5 – Flood Risk and Coastal Management (as appraised by its own HRA in 2017) sets the policy principles that would apply to managing flood risk and drainage issues in the District.</p> <p>This is regarded as a positive measure which helps to determine how surface water drainage should be managed in the area, supporting the work of the EA and LLFA following more detailed studies since the LDP & CAMP were adopted in 2017.</p>		
6.4	Beneficiaries of the drainage system would have to take on future maintenance to prevent tidal flooding.	Supplementary to existing LDP policy. Policy D5 – Flood Risk and Coastal Management (as appraised by its own HRA in 2017) sets the policy principles that would apply to managing flood risk and drainage issues in the District.		

Draft NQDB SPD Paragraph Reference	Summary	Commentary	Likely effects on the Blackwater Estuary SPA and RAMSAR site;	Likely effects on the Essex Estuaries SAC;
		This is regarded as a positive measure which helps to determine how surface water drainage should be managed in the area, supporting the work of the EA and LLFA following more detailed studies since the LDP & CAMP was adopted in 2017.		
6.5	South West of Heybridge Creek Dam is difficult to access tidal defence wall – development proposals may need to incorporate how to improve access, together with future maintenance of walls, outfalls and access plant.	<p>Supplementary to existing LDP policy. Policy D5 – Flood Risk and Coastal Management (as appraised by its own HRA in 2017) sets the policy principles that would apply to managing flood risk and drainage issues in the District.</p> <p>This is regarded as a positive measure which helps to determine how surface water drainage should be managed in the area, supporting the work of the EA and LLFA following more detailed studies since the LDP & CAMP was adopted in 2017.</p>		

Draft NQDB SPD Paragraph Reference	Summary	Commentary	Likely effects on the Blackwater Estuary SPA and RAMSAR site;	Likely effects on the Essex Estuaries SAC;
Section 7: Movement & Connections				
7.2	All development proposals should have regard to the Maldon Cycle Action Plan (ECC)	Supplementary to existing LDP policy. Policy S5 (6) (as appraised by its own HRA in 2017) of the LDP already seeks to encourage a wider use of walking and cycling, including through improved linkages and connectivity between the town and the Causeway. Having regard to the Maldon Cycle Action Plan (prepared by Essex County Council) is a further way this policy could be achieved.		
7.6 & 7.7	Following enabling development of Blackwater Retail Park, there is a new opportunity to link Station Road and onwards to the Heybridge Creek frontage, via Sadd's Wharf to Bates Road with cycle route and England Coastal Path brought closer to the waterside.	Supplementary to existing LDP policy. Policy S5 (6) of the LDP (as appraised by its own HRA in 2017) already seeks to encourage a wider use of walking and cycling, including through improved linkages and connectivity between the town and the Causeway.		

Draft NQDB SPD Paragraph Reference	Summary	Commentary	Likely effects on the Blackwater Estuary SPA and RAMSAR site;	Likely effects on the Essex Estuaries SAC;
7.8	Redundant sites at the River Chelmer frontage could be utilised for food outlets and visitor attractions.	Supplementary to existing LDP policy. Policy S5 (3) and (5) of the LDP (as appraised by its own HRA in 2017) already establishes that the development and regeneration strategy will include retaining the role of the Central Area as a tourist, arts and cultural centre offering a range of accommodation and visitor attractions and facilities; as well as increasing public access to and the setting of the riverside to create a vibrant environment with a range of uses.		
7.11	Existing residential houseboat moorings on navigation, Chandler's Quay and at Downs Road would be suitably connected via a network of pedestrian and cycle routes with access to retail, commercial and social infrastructure to support lifestyle choices.	Supplementary to existing LDP policy. Policy H8 of the LDP (as appraised by its own HRA in 2017) seeks to establish better regularised land-based connections between houseboat moorings and commercial and social services.		

Draft NQDB SPD Paragraph Reference	Summary	Commentary	Likely effects on the Blackwater Estuary SPA and RAMSAR site;	Likely effects on the Essex Estuaries SAC;
Development Opportunities				
8.3 (c)	Sadd's Wharf – supported for residential in line with extant planning permissions	In line with extant planning permission.		
8.3 (d)	Between Sadd's Wharf and Carr's Flour Mill – support non-residential mixed use, could include food & drink & visitor attractions. Planning Obligations could include flood resilience, public realm enhancements and highways for walking & cycling.	Supplementary to existing LDP policy. Policy S5 (3) (5) and (6) of the LDP (as appraised by its own HRA in 2017) already establishes that the development and regeneration strategy will include retaining the role of the Central Area as a tourist, arts and cultural centre offering a range of accommodation and visitor attractions and facilities; as well as increasing public access to and the setting of the riverside to create a vibrant environment with a range of uses.		
8.3 (e)	Fullbridge Industrial Units – support new and expanded employment uses. Planning Obligations could include flood resilience, public realm enhancements and highways for walking & cycling.	Supplementary to existing LDP policy. Policy S5 (3) of the LDP (as appraised by its own HRA in 2017) already establishes that the development and regeneration strategy will include retaining the role of the Central Area as a tourist, arts		

Draft NQDB SPD Paragraph Reference	Summary	Commentary	Likely effects on the Blackwater Estuary SPA and RAMSAR site;	Likely effects on the Essex Estuaries SAC;
		and cultural centre offering a range of accommodation and visitor attractions and facilities; as well as increasing public access to and the setting of the riverside to create a vibrant environment with a range of uses.		
8.3 (f)	Fullbridge/ Station Road Corner – support non-residential mixed use. Planning Obligations could include flood resilience, public realm enhancements and highways for walking & cycling.	Supplementary to existing LDP policy. Policy S5 (3) of the LDP (as appraised by its own HRA in 2017) already establishes that the development and regeneration strategy will include retaining the role of the Central Area as a tourist, arts and cultural centre offering a range of accommodation and visitor attractions and facilities; as well as increasing public access to and the setting of the riverside to create a vibrant environment with a range of uses.		
8.4	Redundant Site – Old Engine Shed – support residential and office mixed use in line with extant planning permission.	In line with extant planning permission.		

Draft NQDB SPD Paragraph Reference	Summary	Commentary	Likely effects on the Blackwater Estuary SPA and RAMSAR site;	Likely effects on the Essex Estuaries SAC;
	<p>Redundant Site – Former Hasler’s Mill and Old Granary – support non-residential mixed use development, including food and drink offer and visitor attractions. Planning Obligations could include flood resilience, public realm enhancements and highways for walking & cycling</p>	<p>Supplementary to existing LDP policy. Policy S5 (3) (6) and (7) of the LDP (as appraised by its own HRA in 2017) already establishes that the development and regeneration strategy will include retaining the role of the Central Area as a tourist, arts and cultural centre offering a range of accommodation and visitor attractions and facilities; as well as increasing public access to and the setting of the riverside to create a vibrant environment with a range of uses.</p>		
	<p>Redundant Site – South of Tesco Store – support non-residential mixed-use development, including food and drink offer and visitor attractions. Planning Obligations could include flood resilience, public realm enhancements and highways for walking & cycling</p>	<p>Supplementary to existing LDP policy. Policy S5 (3) (4) (5) and (6) of the LDP (as appraised by its own HRA in 2017) already establishes that the development and regeneration strategy will include retaining the role of the Central Area as a tourist, arts and cultural centre offering a range of accommodation and visitor</p>		

Draft NQDB SPD Paragraph Reference	Summary	Commentary	Likely effects on the Blackwater Estuary SPA and RAMSAR site;	Likely effects on the Essex Estuaries SAC;
		attractions and facilities; as well as increasing public access to and the setting of the riverside to create a vibrant environment with a range of uses.		
7.10 & 8.5	<p>Extend and regularise residential houseboat area on north-west bank of Heybridge Creek. Planning Obligations could include flood resilience, public realm enhancements and highways for walking & cycling.</p> <p>Land parcel north of tidal defence (within employment area) could be utilised for necessary infrastructure (existing B8 uses) to support existing and further residential houseboat moorings at Heybridge Creek, creating a more sustainable and attractive houseboat community that is integrated into its community.</p>	<p>Supplementary to existing LDP policy. Policy H8 – Provision of Houseboats of LDP (as appraised by its own HRA in 2017) sets the policy principles that would apply if “extending or regularising” houseboat areas in this location, which would manage any impact in sensitive locations.</p> <p>Provision of land parcel to the north of tidal defence would provide a new facility for houseboats to deal with fuel, waste transfer, drinking water – which is not currently provided at all. This should work to improve the facility and address negative environmental effects currently present due to the lack of such a facility.</p>		

Appendix 5 – SEA Consultation Responses



Mr Matthew Winslow

Direct Dial: 01223 582748

Maldon District Council

Princes Road

Our ref: PL00709002

Maldon, Essex, CM9 5DL

27 August 2020

Dear Mr Winslow

Re: North Quay Development Brief Sustainability Supplementary Planning Document (SPD) Strategic Environmental Assessment (SEA) Screening Statement (July 2020)

Thank you for consulting Historic England on the North Quay Development Brief Supplementary Planning Document (SPD) Strategic Environmental Assessment (SEA) Screening Statement (July 2020). As the Government's adviser on the historic environment, Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. We have reviewed Appendix 1 and 2 of the report and agree with the Council's conclusion that Strategic Environmental Assessment is not required.

Conclusion

We look forward to engaging with you as these proposals progress over the coming months. Finally, we should like to stress that this opinion is based on the information provided by the Council in its consultation. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals, which may subsequently arise (either as a result of this consultation or in later versions of the plan/guidance) where we consider that these would have an adverse impact upon the historic environment.

If you have any queries about any of the matters raised above or would like to discuss anything further, please do not hesitate to contact me.

Yours sincerely,

Andrew Marsh

Historic Environment Planning Adviser, Planning Group

Appendix 6 – SEA Consultation Responses

Our ref. 323668

Dear Matt

North Quay Development Brief SPD - SEA/ HRA Screening Opinion Consultation - July 2020

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England agrees with the conclusion that there is no Likely Significant Effect on Essex Estuaries SAC and Blackwater Estuary SPA/Ramsar therefore an Appropriate Assessment or SEA are not required.

Please also refer back to our advice issued on 17th June 2020 (copy attached).

Should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.

Yours sincerely

Jacqui Salt

Natural England

To: policy@maldon.gov.uk

Date: Wed 17/06/2020 16:15

Subject: NE RESPONSE 317126 North Quay Development Brief Draft SPD - Query re. NE's response to 308672

Matthew

Thank you for your email which was received by Natural England on 15 May 2020

We apologies for the length of time taken to respond to this.

Whilst we note that there is overlap between the North Quay Development Brief boundary and the Blackwater Estuary European site, which may have been HRA assessed at the Local Plan level, it is possible that additional details are now available at the Development Brief level which may more precisely determine possible effects. We are not aware that likely significant effects have been ruled out for this area, but we advise that the Brief should note that associated projects may need HRA screening in order to rule out likely significant effects. Whether the Brief should be regarded as a discrete project is a matter for the Council as the competent authority to take a view on, but Natural England advises that possible effects on European sites should be assessed at the highest level of the plan making process as appropriate. If the Council decides that HRA is not required, we suggest that the Brief make appropriate provision for HRA screening for any projects that emerge from it.

We hope this is helpful for you at this stage.

Kind regards

Camilla Davidge

Lead Adviser, Northants Local Delivery Team

Natural England

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Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

Title North Quay Development Brief Supplementary Planning Document	Date November 2020	Officer Preparing JL
1. Background		
<p>1.1 Description of proposal / policy / service (Including aims, outcomes and in the case of an existing service how long it has been delivered in its current format)</p> <p>The North Quay Development Brief SPD is to regenerate the riverside area of the Causeway Regeneration Area to support business expansion, encourage redevelopment of redundant sites through employment-led mixed-use development. In addition, it seeks to improve access to the riverside, improve connectivity, whilst protecting and enhancing the natural and historic environment.</p>		
<p>1.2 Who are the users of the proposal / policy / service (Refer to data held about the users of the service i.e. numbers of users, demographic breakdown. Having this information is important to understand which sectors of the community might be affected. If that is not available refer to the demographic data held on the intranet.)</p> <p>Any person or organisation interested in the North Quay Development Brief area, including residents, landowners, businesses, developers, planning agents, private individuals, utility companies and statutory bodies.</p>		
<p>1.3 Have users been consulted with? (Have you carried out consultation with users or stakeholders while drawing up the proposal / policy / service? For example, have you carried out a formal consultation, discussed the issue with a Friends/User Group or consulted with stakeholders? If so, outline the results and how it has informed your plans. It's also important to show whether the target audience was reached during the consultation.)</p> <p>Yes. The SPD was subject to public consultation between February 10 to March 20 2020. We consulted:</p> <ul style="list-style-type: none"> • Statutory bodies including neighbouring councils, Essex County Council, Parish & Town Councils, utility companies, Maldon Harbour Improvement Commissioners, health representatives and Government agencies such as Highways England, Homes England, Natural England, Historic England and the Environment Agency; • Local stakeholders including Business Forums, Essex Wildlife Trust, Sport England and Essex Police; • Developers, landowners and their agents; • Local businesses, voluntary and community groups; and • The public. 		

Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

In respects of the changes made to the SPD:

- Made greater reference to the Marine Management Organisation's Marine Plans & Essex County Council's Minerals and Waste Plans, SuDS Guidance & Sustainable Transport Strategy, as well as Essex Design Guide's Commercial Buildings Guidance;
- Made specific reference to MDC's Prosperity Strategy, Air Quality Management – Area Action Plan & Causeway Landscape & Public Realm Strategy;
- Updating references to developer contributions and Community Infrastructure Levy;
- Specific reference now made to project level Habitat Regulations Assessments being required.

1.4 If the analysis is regarding an existing Service, what are users' views of that Service? (Base your view on evidence such as satisfaction surveys, levels of compliments and levels of complaints).

n/a

2. Equality Aims – consider how the proposal / policy / service meets the three Equality Aims listed in the Equality Act.

Aim	How does the proposal / policy / service meet the equality aim?	Action or addition needed in order that the proposal / policy / service meets the aim?
2.1 To eliminate unlawful discrimination, harassment and victimisation	The NQDB SPD is aimed at any applicant for planning permission, any landowner, asset owner or business.	n/a
2.2 To advance equality of opportunity between people who share a protected characteristic and those who do not	The NQDB SPD is aimed at any applicant for planning permission, any landowner, asset owner or business.	n/a
2.3 To foster good relations between those who share a protected characteristic and those who do not	The NQDB SPD is aimed at any applicant for planning permission, any landowner, asset owner or business.	n/a

Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

3. Equality Impacts – examine how the proposal / policy / service impacts on the community. Base the analysis on evidence. Attach additional documents if necessary.

Impacts	Positive impact (X)	Could adversely impact (X)	No impact (X)	How different groups could be affected: Summary of impacts	Actions to reduce negative or increase positive impact
3.1 Age (What will the impact be on different age groups such as younger or older people?)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Subject to specific design specifications, mitigation projects in the NQDB SPD could benefit all age groups. Access to the waterfront should be improved through the provision of level walkway, which would mean people of all ages get to enjoy the river frontage.	
3.2 Disability (Consider all disabilities such as hearing loss, dyslexia etc as well as access issues for wheelchair users where appropriate)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Subject to specific design specifications, mitigation projects in the NQDB SPD could benefit the able, and disabled. Access to the waterfront should be improved through the provision of level walkway, which would mean people of all abilities get to enjoy the river frontage.	
Impacts	Positive impact (X)	Could adversely impact (X)	No impact (X)	How different groups could be affected: Summary of impacts	Actions to reduce negative or increase positive impact
3.3 Pregnancy and Maternity (Think about pregnancy, new and breastfeeding Mums)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Subject to specific design specifications, mitigation projects in the NQDB SPD could benefit all pregnant women or mothers with young children.	

Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

Impacts	Positive impact (X)	Could adversely impact (X)	No impact (X)	How different groups could be affected: Summary of impacts	Actions to reduce negative or increase positive impact
3.4 Sex (is the service used more by one gender and are the sexes given equal opportunity?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Subject to specific design specifications, mitigation projects in the NQDB SPD could benefit all genders.	
3.5 Gender Reassignment (Is there an impact on people who are going through or who have completed Gender Reassignment?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Subject to specific design specifications, mitigation projects in the NQDB SPD could benefit those people going through or who have completed gender reassignment.	
3.6 Religion or belief (Includes not having a religion or belief)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Mitigation projects in the NQDB SPD could benefit all religions or beliefs.	
3.7 Sexual Orientation (What is the impact on heterosexual, lesbian, gay or bisexual people?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Mitigation projects in the NQDB SPD could benefit all sexual orientations.	
3.8 Race (Includes ethnic or national origins including Gypsies and Travellers)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Mitigation projects in the NQDB SPD could benefit people of all races.	

Maldon District Council Equality Analysis

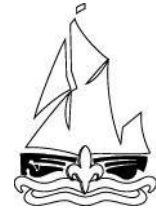
Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

Impacts	Positive impact (X)	Could adversely impact (X)	No impact (X)	How different groups could be affected: Summary of impacts	Actions to reduce negative or increase positive impact
3.9 Socio-Economic Group (Will people of any particular socio-economic group be particularly affected?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Mitigation projects in the NQDB SPD could benefit people across all socio-economic groups in-directly through the creation of jobs, homes, visitor attractions and connections.	
4. Is there a Cumulative Impact? (If the same group is the subject of many changes or reductions the overall impact is much greater. Consider what else is happening within Maldon District Council that may have an impact and also what we know is happening elsewhere (such as Essex County Council). See Guidance for further advice.) In development terms, the Local Development Plan is the adopted suite of statutory planning policies applicable to the District. Its equality considerations would have been accounted for prior to submission and during its examination. This SPD builds upon Policy S5 and the linked Central Area Masterplan (CAMP) and does not present any additional negative impacts that lead to greater cumulative impact; however, there should be greater positive cumulative impact.					
5. Outcome					
5.1 Consider all the analysis and evidence above and indicate (1) No change needed <input checked="" type="checkbox"/> (2) Adjust <input type="checkbox"/> (3) Adverse impact but continue <input type="checkbox"/> (4) Stop, remove the proposal / policy / service <input type="checkbox"/>					
5.2 Adjustments If option (2) above is selected please detail what adjustments are needed, who is responsible and how that will be reviewed. Also outline how that will be agreed (ie Committee, CMT).					
5.3 Decision Making (How will this equality analysis be taken into account during the decision making process? For example will it be included with a report to Committee/CMT? Will it be considered at department level or by a Head of Service? How will community/stakeholders views be taken into account?) EqlA will be included in the Council Report as an Appendix.					

Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

6.0 Next Steps
6.1 If there was a lack of evidence or data held on which to base this assessment, how will that gap be addressed for the future? n/a
6.2 Summary of actions highlighted within this analysis (Include how this will be picked up within service/work plans) n/a
6.3 Arrangements for future monitoring of equality impact of this proposal / policy / service The SPD's effectiveness will be reviewed annually by the Council as part of its statutory Authority Monitoring Report. If it is proven to be ineffective, it can be reviewed.
6.4 Approved by (Manager or Head of Service signature and date) Matthew Winslow – November 2020
Once approved please forward this analysis to Cally Darby to arrange publication.



REPORT of DIRECTOR OF SERVICE DELIVERY

**to
STRATEGY AND RESOURCES COMMITTEE
24 NOVEMBER 2020 (SPECIAL MEETING)**

PROMENADE PARK GARDEN PLAY SCHEME

1. PURPOSE OF THE REPORT

- 1.1 To advise Members of the revised designs for the Play scheme proposed for Promenade Park, following public consultation as required by the Community Services Committee decision on 20 November 2018 (Minute No. 627 refers).
- 1.2 To seek Committee approval of the overall layout designs and to progress with procurement of a suitable contractor.

2. RECOMMENDATIONS

- (i) That the revised Garden Play area design proposals (attached at **APPENDICES A and C**) be agreed;
- (ii) That Officers proceed with procurement of all elements of the play site and associated works based upon this design via existing supplier Framework agreement;

3. SUMMARY OF KEY ISSUES

3.1 Background

- 3.1.1 Maldon District Council (MDC) received a £52,000 Section 106 (S106) payment from the development of Lighttermans Place, Maldon in February 2017 to be used *“towards the improvement and enhancement of the Local Equipped Area of Play (LEAP) in Promenade Park”*.
- 3.1.2 Through internal application to the Capital budget programme, MDC assigned an additional £48,000 to improve the provision of accessible play in conjunction with the enhancement of the LEAP.
- 3.1.3 A report was submitted to the Community Services Committee meeting on 20 November 2018 with draft designs and seeking permission to proceed to Public Consultation (see **APPENDIX B**). Members agreed that recommendation to proceed.
- 3.1.4 Since the 2018 Committee decision - primarily due to changes in staff, the ‘Future Council’ process and latterly Covid-19 impacts - this project has effectively been “on

hold” with the capital budget commitment carried forward each year and reflected in the Medium-Term Financial Strategy (MTFS). The S106 ‘clawback’ period runs until 2027, so it has not been at risk at any time.

3.1.5 Officers reviewed the project and Committee decision in April 2020, then re-visited the draft designs with the commissioned Landscape Architects in June.

3.1.6 Officers worked with the Landscape Architects and MDC Communications, Marketing and Engagement team to develop on site consultation materials and an online questionnaire for collating public responses.

3.1.7 The public consultation ran for the recommended six weeks from 14 August until 25 September 2020.

3.2 **Public Consultation feedback**

3.2.1 The public consultation included an interpretation design, artist impression and suggested play equipment ideas. A webpage on VisitMaldonDistrict is dedicated to the project and held the online form provided for feedback.

3.2.2 During the six weeks, 28 social media posts about the consultation were scheduled across the Councils various platforms (*Maldon District Council, VisitMaldonDistrict and MaldonPromPark, Twitter and Facebook*) Physical signs were positioned in the locality of the site within Promenade Park, to raise awareness amongst visitors / users alongside a standard press release.

3.2.3 The combined “reach” to the public was reported via the Social media analytics as over 30,000. Shares to other local pages and groups are in addition to this figure.

3.2.4 Questions were designed to give a mix of quantitative and qualitative feedback.

3.2.5 There were 67 completed feedback forms received. Almost all gave a level of detailed ‘open text’ answers and some also then followed up with emails and suggestions / photos / examples from other play sites they had visited and enjoyed (additional comments on social media were monitored for interest but are not included within the formal analysis of responses).

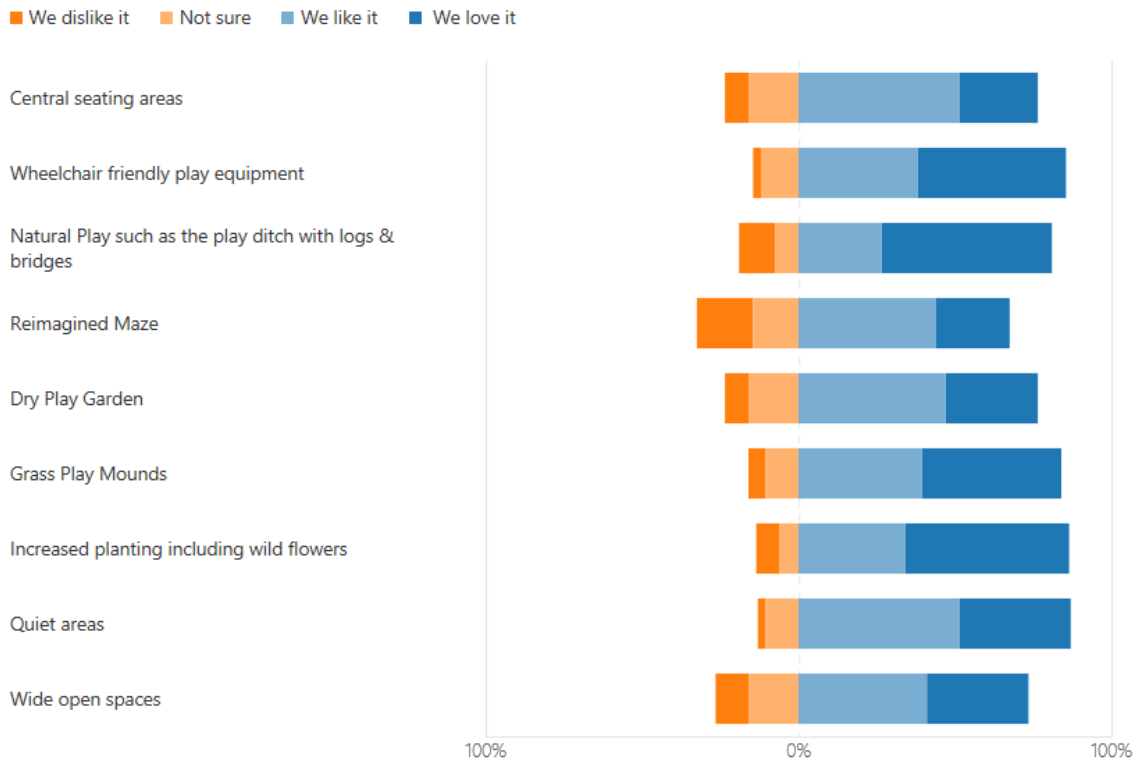
3.2.6 Overwhelmingly the public responses were positive, constructive and supportive of a project intended to improve and enhance this currently underutilised area of Promenade Park.

3.2.7 80% said “yes” to liking the overall designs (simple “yes / no” answer format).

3.2.8 When asked about elements of the design, all of them were positively received with every element response being either “we like it” or “we love it” (*see figure below from completed surveys*):

- Seating - 76.5%
- Wheelchair friendly - 85.3%
- Natural Play - 80.9% (*of which 54.4% 'love'*)

- Re-imagined Maze 67.6%
- Dry Play garden - 76.5%
- Grass play mounds - 83.8%
- Increased planting - 86.7% (*of which 52.9% 'love'*)
- Quiet Areas - 86.8%
- Open Spaces - 73.6%



3.2.9 An overview of the comments received is below (the detail of all the comments can be made available on request, however some responders included personal details in their responses which cannot be included in this report).

3.2.10 The points below are a summary of the thematic responses or concerns that responders expressed via the ‘open text’ answer options in the questionnaire, compiled and condensed from all the responses by the Countryside and Coast Manager.

3.2.11 General Clarifications:

- The existing early years play elements currently on the site will not be removed as part of this project. All aspects of the scheme are outside of this existing area with the accessible roundabout including in drawings as a point of reference.
- The whole project site will remain fenced and a dog-free area as it is currently.
- Existing mature trees within project area will remain except for the Cedar in the Millennium garden, the conifer Maze hedges and the ornamental shrub

planting in the wildlife garden. Established fruit trees within the current wildlife garden are also to be retained.

- The Coronation shelter building has been identified for refurbishment (subject to suitable funding) as part of a separate scheme of works and as such is not included within the scope of this project.

3.2.12 Thematic responses included in revised designs:

- Very strong support for focussing on Early Years. Many responses showed that the existing play site is highly valued *because* it allows safe play for very early/pre-school age children. Several comments also reflected that the Valley area is not as ‘play friendly’ for this age group.
- Inclusive and accessible play elements are also highly recognised and strongly supported.
- Requests / support for inclusion of ‘traditional’ play elements in the design too in the form of swings and slides.
- Removal of circular hedge as it presents a visual barrier (note: the circular shape retained as part of design, but planting beds now all low-level and not hedge species)
- Better use of entire open space was supported.
- Natural play, wildlife planting and sensory aspects all strongly supported.
- Additional seating required, not just centralised but to enjoy other aspects / be closer to children as they play in certain areas.
- Some responders advocated keeping the Maze as it currently is. There were a similar number that raised their concerns over the height of the hedge maze and child safety. Almost all those that wished to retain it as-is also indicated that the general users are older children / teens and adults – this reinforces officer opinion that the current maze is not appropriate for the target early years visitor audience.

3.2.13 Question six also asked respondents to indicate where they live according to three very broad categories: within Maldon & Heybridge = 70%, within Maldon District = 22%, and outside of Maldon District = 8%.

3.3 Revised Garden Play scheme design proposal

3.3.1 The draft design consulted upon is attached at **APPENDIX A**.

3.3.2 Detailed revisions to this design considering the feedback from the public consultation are set out within **APPENDIX C**, however the overall design remains generally the same and as such there is no need for a revision to the overall scheme drawing.

3.3.3 The Landscape design descriptions include example play element types for specific locations. These examples are only representative and the specification for future procurement allows for “.... or equivalent” as suppliers will have differing designs or may be able to offer bespoke services which would be of benefit to this scheme.

- 3.3.4 **APPENDIX C** also includes planting proposals for the whole area, including trees and formal beds. The plants proposed are in keeping with the existing park environment, plus the natural theme of the playscheme as well as sensory and native plant choice to maximise wildlife benefits. Species selected are low-maintenance and sustainable wherever possible without compromising the thematic needs.

4. CONCLUSIONS

- 4.1 The draft Garden Play site designs have now been revised to incorporate feedback and input from the public consultation, as required by the previous report to the Community Services Committee.
- 4.2 The Landscape Architects have provided technical drawings and a specification as a basis upon which a procurement exercise can be carried out within an existing Framework Agreement.
- 4.3 The revised play proposal is within budget and achievable. It fulfils the original brief and subsequent development discussions between officers and commissioned consultants, for the provision of an improved inclusive play area within Promenade Park.
- 4.4 If the recommendations in this report are approved, Officers are estimating a 1 May 2021 target date for completion of this project (subject to suitable weather conditions and procurement process).

5. IMPACT ON STRATEGIC THEMES

- 5.1 This report and scheme supports the Council's Strategic Themes.

6. IMPLICATIONS

- (i) **Impact on Customers** – Improved play facilities, increase in accessible inclusive space and equipment. Customer consultation carried out and incorporated into the final designs.
- (ii) **Impact on Equalities** – An Equalities Impact Assessment will be carried out following agreement of the Play design.
- (iii) **Impact on Risk** – There are no corporate risks associated with this report.
- (iv) **Impact on Resources (financial)** – £48,000 Capital budget contribution in addition to £52,000 S106 developer contribution allocated to Promenade Park.
- (v) **Impact on Resources (human)** – None, the proposal could be managed within existing resources.

- (vi) **Impact on the Environment** – Physical minor re-landscaping of area of Promenade Park. Removal / redesign of some existing features to facilitate improvements.

Background papers: None.

Enquiries to: Matt Wilson, Countryside and Coast Manager.



LEAP (Local Equipped Play Area)

- 1. Central seating feature
- 2. Nest rocker (inclusive play)
- 3. Ground level trampoline (wheelchair friendly)
- 4. Basket swing (inclusive play)
- 5. Existing roundabout retained (wheelchair friendly)
- 6. Carousel rota bounce
- 7. Multiplay structure
- 8. Duel springy
- 9. Large dish roundabout (inclusive play)
- 10. Future maze location

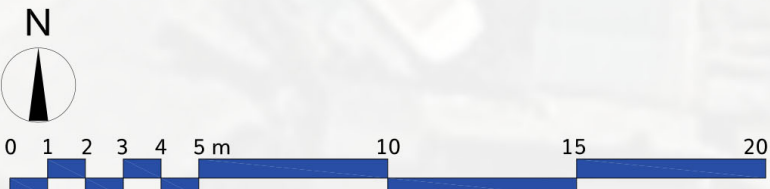
Natural Play

- 11. Quiet boundary walk with mown paths
- 12. Singing stone relocated
- 13. Play ditch with bridges and climbing logs
- 14. Dry play garden with boulders
- 15. Grass play mounds

General Provision

- 16. Future boundary planting and fence improvements
- 17. Future entrance improvements
- 18. Existing paths retained
- 19. Existing shelter retained
- 20. Existing fruit and nut trees retained

- Proposed swathes of planting
- Wildflower/ buffer planting
- Formal native hedge
- Habitat log piles
- Rubber crumb safety surfacing
- Proposed tree planting
- Existing trees





**REPORT of
DIRECTOR OF CUSTOMERS AND COMMUNITY**

to
COMMUNITY SERVICES COMMITTEE
20th November 2018

Promenade Park Play scheme

1. PURPOSE OF THE REPORT

- 1.1 To advise Members of the draft designs for the s106 and Capital budget funded Play and Accessible Play scheme proposed for Promenade Park; to seek approval for those designs to proceed to public consultation.

2. RECOMMENDATION

It is recommended that:

- (i) The Community Services Committee agrees the draft Play design proposals
- (ii) Officers proceed with Public consultation with user groups and residents on the proposed designs
- (iii) Following public consultation feedback, Officers finalise revised designs and costings which will then be submitted to Community Services Committee for approval prior to procurement of the new play scheme.

3. SUMMARY OF KEY ISSUES

3.1 Background

- 3.1.1 MDC received a £52,000 s106 payment from the development of Lightermans Place, Maldon in February 2017 to be used “*towards the improvement and enhancement of the Local Equipped Area of Play (LEAP) in Promenade Park*”
- 3.1.2 Officers discussed several options with regard to the most appropriate need within the Promenade Park for improvement and enhancement; these included additional facilities within the Valley, enhancements around the skate park and/or bmx track, creation of new play trail around Delph Ditch/Car Park two, and the early years play site closest to the Museum.

Of these it was decided that the early years play site would best benefit and offer the best opportunity for improvements within the funding available.

The officer review also identified an opportunity through this funding to specifically increase the provision of Accessible play within the park to complement the Splashpark and Beach huts. Although some elements of the existing play sites were already accessible, it was felt that proportionally they were marginal.

- 3.1.3 Through internal application to the Capital budget programme, MDC assigned an additional £48,000 to improve the provision of Accessible play in conjunction with the enhancement of the LEAP.

3.2 Review of site and existing play provision

- 3.2.1 The early years play site falls within the Conservation Area. As such an initial site meeting was carried out with the Conservation Officer and officers from the Leisure, Countryside & Tourism team to establish any initial concerns or considerations.
- 3.2.2 Due to the prominence of the location within the park and importance of sensitive design with regard to any proposals a Landscape Architect was commissioned in order to develop the vision for the area whilst understanding and delivering upon the Play & s106 needs of the project.
- 3.2.3 The Landscape Architect was tasked with developing a scope for the area that included specifically play design within the budget range, but that also considered future play/landscape development potential outside immediately available funding, inclusion of under-utilised green space in the immediate area, opportunity for revision of long standing features (see 3.2.5), and better connectivity of elements both within the current play site boundary as well as the wider Park environment.
- 3.2.4 The initial study included an appraisal for condition of current provision and it's play value; the design considerations and LEAP requirements, as well as increasing opportunity for accessibility. Three initial options were proposed of which one was taken forward for further development as officers felt it offered the best balance of early and junior play, natural play elements, social seating areas, and improvement to habitat/wildlife value of the site.
- 3.2.5 The current play site area that falls within the timber fencing also incorporates a number of features that have been developed and installed over time and in a piecemeal fashion. Some of these features occupy prominent locations but are significantly under-used due to their design, lack of current significance, or deterioration in condition. Officers directed the Landscape Architects to take a holistic approach to the area and to revise, re-imagine, or remove these features within their draft proposals as they saw fit.

Current features include:

- Battle of Maldon Millennium garden (*installed c. 1991*)
- Hedge maze (*incomplete, installed c. 1995*)
- Wildlife Garden (*installed c. 2006, previously maintained by the now disbanded Friends of Prom Park*)
- Informal bowls lawn (*not used or maintained as such for c. 20+ years*)

3.3 Play Area draft design proposal

- 3.3.1 The draft design incorporates LEAP requirements, accessible play units, conservative redesign of landscape to incorporate natural play, open up site lines, create better social spaces and overall accessibility to this area of the park.
- 3.3.2 Several key suggestions should be highlighted:
- Creation of centralised social seating area linking hard-surfaced walkways and with clear sight lines throughout new design.
 - Complete re-design of Hedge maze; removal of hedges and re-imagining as a ridge & furrow (i.e. historic ‘turf’ maze type)
 - Complete removal of Millennium garden and creation of natural play area
 - Complete removal of Wildlife Garden (note: whilst retaining the established fruit trees for the site, Countryside & Coast team are proposing incorporation of Wildlife Garden elements into larger scale habitat creation project within Delph Ditch area)
 - Areas of future design are identified, some of these may be accomplished with in-house resources but others will require further development and external funding.
- 3.3.3 Draft design proposal can be found in APPENDIX 1 to this report

4. CONCLUSIONS

- 4.1 The draft play proposal is within budget and achievable. It fulfils the original brief and subsequent development discussions between officers and commissioned consultants for the provision of an improved Play area within Promenade Park.
- 4.2 The proposal contains significant changes to the current appearance of the area, however gives due consideration to the funding requirements, majority of users of this area of the park, incorporates parts of the site currently under-utilised, and gives regard to the historic and overall appearance of this area.
- 4.3 All elements that are being proposed are permissible under Permitted Development. There is no explicit requirement for Planning permission to deliver this project.
- 4.4 The layout proposal and landscape designs are sufficiently detailed to allow officers to publicly consult on the designs and seek opinion of users, locals and visitors in order to refine the designs further and prior to commissioning any works.
- 4.5 Following Public Consultation, officers will submit a further report and finalised design to Community Services Committee for approval prior to commissioning any physical works or purchase of play elements.

5. IMPACT ON CORPORATE GOALS

- 5.1 This report and scheme supports the Council’s goal of providing services that are efficient and effective.
- 5.2 Contributes to Corporate strategies to ‘protect & improve the quality of life’, and ‘To Grow, protect, and improve Maldon District’.

6. IMPLICATIONS

- (i) **Impact on Customers** – Improved play facilities, increase in accessible space and equipment
- (ii) **Impact on Equalities** – An Equalities Impact Assessment will be carried out following finalisation of the Play design.
- (iii) **Impact on Risk** – There are no corporate risks associated with this report.
- (iv) **Impact on Resources (financial)** – £48,000 Capital budget contribution in addition to £52,000 s106 developer contribution allocated to Promenade Park
- (v) **Impact on Resources (human)** – None, the proposal could be managed within existing resources.
- (vi) **Impact on the Environment** – Physical minor re-landscaping of area of Promenade Park. Potential removal/redesign of some existing features to facilitate improvements.

Background papers:

Initial scoping report and full costing of draft proposal will be made available to Members in the Members briefing room.

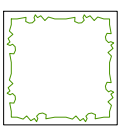
Appendix 1:




wwa_1825_LL_101
Ou02 Landscape Mas

Enquiries to:

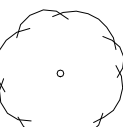
Mr M Wilson, Countryside & Coast Manager. (01621) 876275



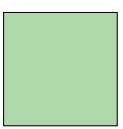
Proposed planting



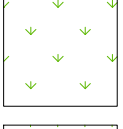
Proposed trees



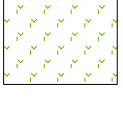
Existing tree retained



Amenity grass. Allow for importing topsoil to make up differences in levels. Cultivate to depth of 100mm and sow Germinal Seeds A19 @ 50/m2 Q30



Meadow grassland. Cultivate to depth of 100mm and sow Germinal Seeds WF10 wildflower mix at @ 1-2/m2 Q30.312



Reinforced grass safer surface. Safety Matta by Matta Products laid over amenity grass A19 mix as described above. Q26.340A

Planting Schedule

Trees

No.	Species Name	Pot Size	Height	Girth	Specification
2 No.	Malus sylvestris	RB	300-350cm	10-12cm	Selected Standard :Clear Stem 175-200 :4 brks :2x :RB
2 No.	Pyrus calleryana 'Chanticleer'	RB	350-425cm	12-14cm	Heavy Standard :5 brks :3x :RB :Clear Stem 175-200
3 No.	Pyrus communis 'Beech Hill'	RB	350-425cm	12-14cm	Heavy Standard :Clear Stem min. 200 :5 brks :3x :RB



Herbaceous

No.	Species Name	Pot Size	Height	Density	Specification
14 No.	Primula vulgaris	2L		4/m ²	Full Pot

Grasses

No.	Species Name	Pot Size	Density	Specification
22 No.	Carex elata 'Aurea'	2L	4/m ²	Full Pot
12 No.	Luzula sylvatica	2L	4/m ²	Full Pot
9 No.	Miscanthus sinensis 'Flamingo'	2L	3/m ²	Full Pot



				<div>Scale/North Point</div> <div></div> <div></div> <div>Scale 1:100@A1</div> <div>Drawn AM</div> <div>Checked KL</div> <div>Project ID 1825</div> <div>Date 19/10/2020</div>		<div>Client Maldon District Council</div> <div>Job Title Promenade Park Play Area</div> <div>Issue INFORMATION</div>		<div>© Copyright wynne-williams associates landscape architects & arboricultural consultants web: w-wa.co.uk tel: 01376 573050</div> <div>Drawing Title Landscape Planting Plan West</div> <div>Drg wwa_1825_LL_300</div> <div>Rev Too</div>	
No.	Date	Appr	Revision Notes		Note: All Dimensions must be checked on site and not scaled from this drawing. All cross references are to the latest revision of the relevant drawing or specification being referenced				



KEY

- Amenity grass. Allow for importing topsoil to make up differences in levels. Cultivate to depth of 100mm and sow Germinal Seeds A19 @ 50/m2 Q30
- Meadow grassland. Cultivate to depth of 100mm and sow Germinal Seeds WF10 wildflower mix at @ 1-2/m2Q30.312
- Amenity grass labyrinth formed by continuous block edgings on concrete footings with reinforced turf infill - grassprotecta mesh by Groundtrax or similar. Allow for importing topsoil to make up differences in levels. Sow as amenity mix above Q30.355
- Rubber crumb safer surface. Laid over Type 1 stone base with flexible aluminium edging. Minimum depth 40mm maximum depth 130mm. Q26.360
- Area of existing play to be retained. Survey of existing equipment should be undertaken by the contractor before work begins to ensure proposals do not interfere with existing play area.
- Existing precast concrete pavior path retained Edge retained
- Precast concrete pavior circles. Marshalls Tegula or similar 160x160mm. Allow for double perimeter header course. Finished level to be confirmed. Colour TBC
- Aluexcel edging by Kinley Systems. Laid on cast in-situ concrete surface. Depth TBC by contractor dependant on fallzones Q26.410A
- Precast concrete pavior header course to paved circles. Marshalls Keyblok or similar to match laid on cast in-situ concrete footings. Colour TBC. Q24.110A

- Existing "Singing Stone" brought from client's store and re-erected on cast in situ concrete base
- Habitat piles - formed from wood / larger branches saved from cleared vegetation and additional material provided by the client
- Large Dish Roundabout - SWD500 by Sutcliffe Play - or equivalent similar item proposed by tenderer - Installed to manufacturer's instructions in concrete foundation
- Play Panel 2 - Music by Kompan or equivalent similar item proposed by tenderer - Installed to manufacturer's instructions.
- Springie Nest Rocker - SSD020 by Sutcliffe Play - or equivalent similar item proposed by tenderer - Installed to manufacturer's instructions in concrete foundation.
- Multideck Tower, NRO1024 by Kompan - or equivalent similar item proposed by tenderer - Installed in accordance with manufacturer's instructions
- Timber benches - Bailey Streetscene or equivalent similar item proposed by tenderer. Combination of straight and curved seats. Ground fixed allow for concrete foundations Q50.220&225
- Bouncy Sling play feature. Client to provide further details.
- Omega base module swing frame 807786 with Mirage moulded seat, both by HAGS - or equivalent simlat item. Installed in accordance with manufacturer's instructions
- Ground level trampoline. Installed in accordance with manufacturer's instructions. Contractor's choice

For planting layout and schedule see drawing numbers wwa_1825_LL_300 and wwa_1825_LL_301.

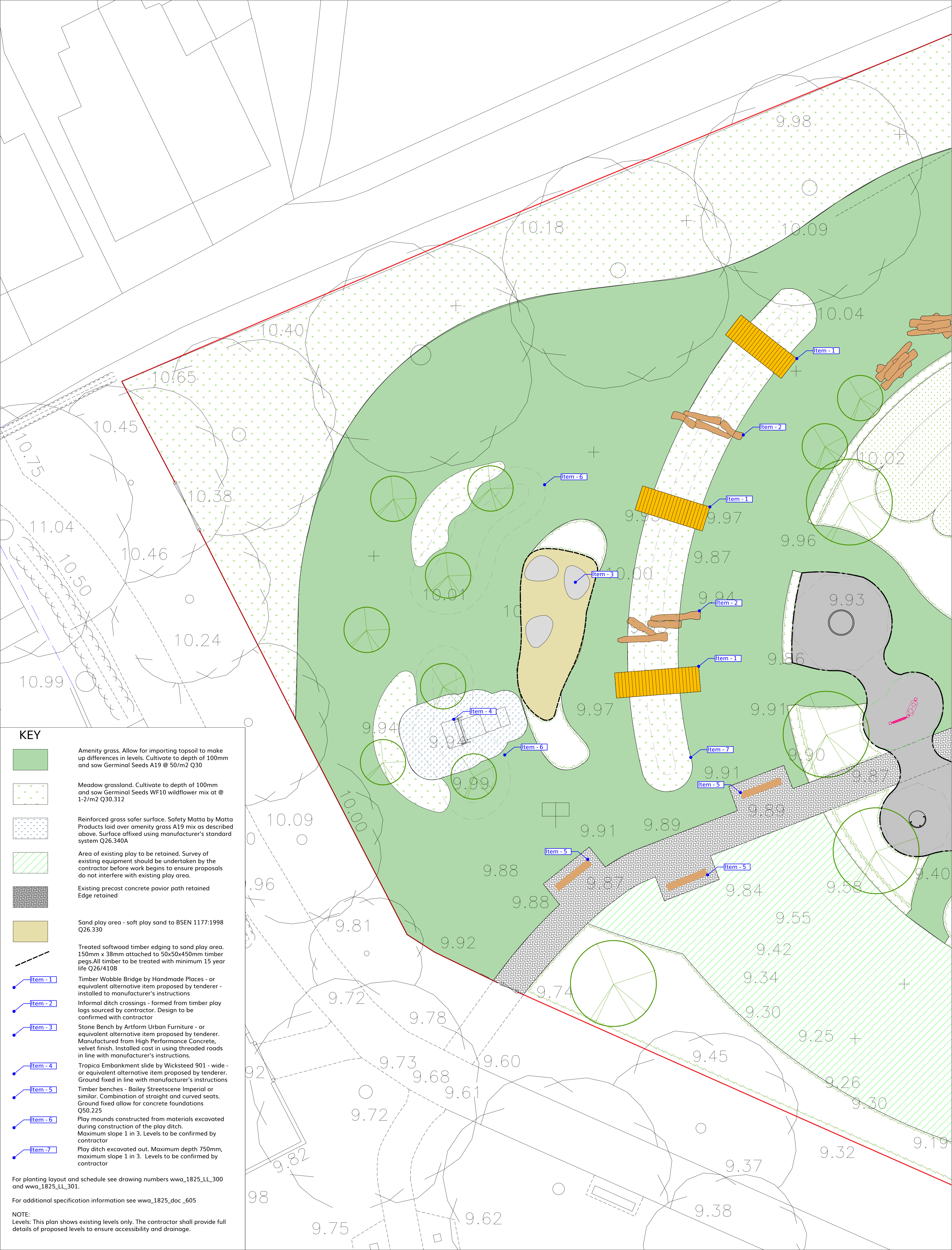
For additional specification information see wwa_1825_doc_605

NOTE:
Levels: This plan shows existing levels only. The contractor shall provide full details of proposed levels to ensure accessibility and drainage.

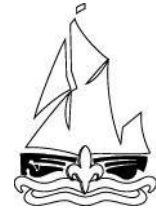
NOTE:
Contractor to provide full design details including levels for labyrinth. Details of edges and interface between edge and ground matting to be confirmed. Refer to precedent example at Saffron Walden Turf Maze.

NOTE:
Contractor to confirm rubber crumb depth in line with equipment choices.

				<div>Scale/North Point</div> <div></div> <div>Scale 1:100@A1</div> <div>Drawn JL</div> <div>Checked KL</div> <div>Project ID 1825</div> <div>Date 19/10/2020</div>		<div>Client Maldon District Council</div> <div>Job Title Promenade Park Play Area</div> <div>Issue INFORMATION</div>		<div>© Copyright wynne-williams associates landscape architects & arboricultural consultants web: w-wa.co.uk tel: 01376 573050</div> <div>Drawing Title Landscape Masterplan - Play Area</div> <div>Drg wwa_1825_LL_103</div> <div>Rev Too</div>					
No.	Date	Appr	Revision Notes										
Note: All Dimensions must be checked on site and not scaled from this drawing. All cross references are to the latest revision of the relevant drawing or specification being referenced													



				Scale/North Point Scale 1:100@A1 Drawn JL Project ID 1825		Client Maldon District Council Job Title Promenade Park Play Area Issue INFORMATION		© Copyright wynne-williams associates landscape architects & arboricultural consultants web: w-wa.co.uk tel: 01376 573050 Drawing Title Landscape Master Plan - Natural Play Drg wwa_1825_LL_102 Rev Too	
No.	Date	Appr	Revision Notes	Note: All Dimensions must be checked on site and not scaled from this drawing. All cross references are to the latest revision of the relevant drawing or specification being referenced		Checked KL Date 19/10/2020			



REPORT of DIRECTOR OF SERVICE DELIVERY

**to
STRATEGY AND RESOURCES COMMITTEE
24 NOVEMBER 2020 (SPECIAL MEETING)**

UPDATE ON DISABLED FACILITIES GRANT RELATED ISSUES

1. PURPOSE OF THE REPORT

- 1.1 To provide update on the Council's Disabled Facilities Grant (DFG) programme up to Quarter 2 (Q2) 2020 / 2021.

2. RECOMMENDATIONS

- (i) That Members note the impact of the ongoing Covid issues on service provision;
- (ii) That Members receive and note the status up to Quarter 2 - 30 October 2020.

3. SUMMARY OF KEY ISSUES

- 3.1 Changing focus from the Disabled Facilities Grant to the term Private Sector Housing objectives are:
- Impacts of effecting service delivery;
 - Headline figures from 2019 / 20;
 - Headline figures for 2020 / 21.

4. DISABLED FACILITIES GRANT / PRIVATE SECTOR HOUSING OBJECTIVES

- 4.1 The Council is required to provide a Disabled Facilities Grant (DFG) under the Housing Grants, Construction and Regeneration Act 1996. This Act explicitly covers mandatory DFGs offering assistance once an Occupational Therapist recommendation has fulfilled the criteria of an adaptation being:
- ‘necessary and appropriate’ and
‘reasonable and practical’.
- 4.2 Applicants also must satisfy a Test of Resources looking at income and savings which determines whether they will have to contribute towards a Grant.

- 4.3 The DFG monies are now part the Better Care Fund and the Ministry of Housing, Communities and Local Government (MHCLG) Housing has increased the amount given to Local Authorities significantly in recent years.
- 4.4 In 2016 / 17 the amount rose from £220m to £395m, reaching £505m in 2019 / 20.
- 4.5 While many Officers and Members refer to the associated works as the Disabled Facilities Grant, it is actually part of wider a statutory responsibly better referred to as the Private Sector Housing objectives.
- 4.6 As such, reference to the Disabled Facilities Grant should be amended and referred to under the Private Sector Housing (PSH) title.

5. IMPACTS EFFECTING SERVICE DELIVERY

- 5.1 The main factors affecting service delivery in 2019 / 2020 and 2020 / 2021 were:

5.2 Transformation

- 5.2.1 The Council went through a major transformation programme which implemented the Ignite working model, going live in October 2019. The model delivered a completely new way of working for Council Officers. As with any large-scale transformation program, there were impacts in relation to service delivery, as job roles were redefined and some staff left while new staff joined.
- 5.2.2 Since October 2019, the new model and way of working has started to embed. New temporary Officers are now in post reorganising the PSH workstream and are appointing new Contractors as part of a refresh exercise. This work is progressing well, despite the challenging climate.

5.3 Covid-19

- 5.3.1 The impact of Covid-19 on the Councils ability to deliver services has been substantial. The 'Covid Lockdown' commenced on 23 March 2020 in the last quarter of 2019 / 20.
- 5.3.2 Requirements for people to shield, work from home and for businesses to lockdown massively limited the delivery of DFG related work. Home assessments, technical surveys, administration of applications, and all programmed adaptation works had to be suspended.
- 5.3.3 However, recent relaxation measures have provided for incremental resumption of services with a shift of focus to progressing the administrative elements of applications / cases, as far as possible by taking a more flexible approach with enhanced safeguarding considerations for vulnerable residents who could still be shielding.

5.4 Staffing update

- 5.4.1 In addition to the relaxation of Covid restrictions, successful recruitment has resulted in the appointment of one DFG caseworker in July 2020. Further recruitment is underway to appoint a Housing Specialist in this area. This will provide a much-needed boost to the delivery of the programme and future planning.

6. WORK PERFORMANCE FOR YEAR 2019 / 20

- 6.1 In 2019 / 20 the allocation for funding for PSH functions amounted to £499,961
- 6.2 The Council approved 36 cases over the 2019 / 20 period.
- 6.3 DFG expenditure for 2019 / 20 was £351,000.
- 6.4 The remaining balance of £148,961 was carried over for continued use of DFG functions

7. WORK PERFORMANCE FOR Q1 TO Q2 2020 / 21

- 7.1 The current PSH budget from MHCLG 2020/21 is £539,488 with any underspend being carried forward to 2021 / 22.
- 7.2 From 1 April 2020 to 30 September 2020 (Q1 to Q2) the Council has received 74 referrals for DFG. A further 49 open cases are at various stages of the DFG process.
- 7.3 The current DFG approved / committed expenditure for 2020 / 21 is £79,113.
- 7.4 With the significant number of applications in progress it is estimated that DFG commitment for 2020 / 21 will be in the region of £250,000 to £300,000 by the end of the financial year.
- 7.5 It is expected that the Government will continue with the Better Care Fund programme to support Local Authorities to help older and disabled people to live independently and safely in their own homes which will be delivered through the DFG process.

8. CONCLUSION

- 8.1 The sustained impact of Covid and the delayed recruitment of staff had a negative impact on service delivery and the administration of DFG applications in the first two quarters of this year. However, with the incremental relaxation of Covid restrictions and successful recruitment, a measure of confidence and normality has resumed to service provision.
- 8.2 The demand for DFG's has increased and there has been a steady flow of referrals received from Adult Social Care - Essex County Council. In turn, there has been improvement in the processing of applications to approval which will result in

increased PSH expenditure in the second half of the financial year with substantial commitment carried forward to 2021.

- 8.3 The Council remains committed to the delivery of the DFG programme to qualifying residents. Applications received will be administered to approval as appropriate under the Act. The current budget allocation for 2020 / 21 will be monitored and at present is satisfactory to meet demand.

9. IMPACT ON STRATEGIC THEMES

- 9.1 The Private Sector Housing provision of DFG's supports the Council's Strategic Themes.

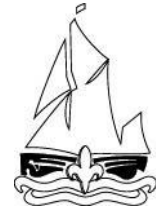
10. IMPLICATIONS

- (i) **Impact on Customers** – The provision of a Disabled Facility Grant provides older, vulnerable residents in the District the ability to live independently in their home.
- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – Failure to administer The Better Care Fund would be a breach of statutory duties under the Housing Grants, Construction and Regeneration Act (1996) and the Care Act (2014)
- (iv) **Impact on Resources (financial)** – Met from the existing budget allocation. (The Better Care Fund is apportioned by Essex County Council on a yearly basis).
- (v) **Impact on Resources (human)** – None identified.
- (vi) **Impact on the Environment** – None Identified.

Background Papers: None.

Enquiries to:

Damien Ghela, Lead Specialist Community
Paul Duguid, Housing Specialist DFG



REPORT of DIRECTOR OF RESOURCES

**to
STRATEGY AND RESOURCES COMMITTEE
24 NOVEMBER 2020 (SPECIAL MEETING)**

DOCUMENT RETENTION POLICY UPDATE

1. PURPOSE OF THE REPORT

- 1.1 To consider the draft Document Retention Policy, attached as **APPENDIX 1** to this report, and recommend the adoption of this policy to the Council.

2. RECOMMENDATIONS

To the Council:

- (i) That the Document Retention Policy, attached at **APPENDIX 1**, be approved;
- (ii) That Delegated Authority be given to the Director of Resources, in consultation with the Data Protection Officer to make any operational changes to the retention periods contained within the Policy.

3. SUMMARY OF KEY ISSUES PURPOSE OF THE REPORT

- 3.1 The Council's documents are its corporate memory, supporting its core functions and providing evidence of actions and decisions. They are a vital corporate asset, enabling effective management and compliance with statutory and regulatory obligations.
- 3.2 The Council has had a document retention policy in place for over 10 years. The policy was last updated in 2018 and while referring to anticipated changes in Data Protection Legislation now needs to be updated to reflect the provisions of the General Data Protection Regulations and the Data Protection Act 2018.
- 3.3 The Council has obligations under the General Data Protection Regulations (GDPR) and the Data Protection Act 2018 one of which is to ensure that all personal information is kept for no longer than is necessary.
- 3.4 The Document Retention Policy provides a framework to govern management decisions on whether a particular document (or set of documents) should either be retained and if so for what period; or disposed of, and if so by when.

- 3.5 The Policy seeks to ensure:
- a degree of consistency in the management of records across the Council;
 - records of long term value are identified and preserved;
 - random destruction of records is avoided;
 - documents are kept for the optimum length of time;
 - that the Council complies with legal, audit and operational requirements affecting the retention of documents
- 3.6 The Council has been compliant with the Data Protection Act 2018 but the introduction has been updated to now make specific reference to the Act.
- 3.7 A change has been made to the retention period for Human Resources (HR) which relates to the retention of employment records for a longer period of time following the McCloud case. The results of this case may require a reassessment of pension entitlement and employment history information needs to be retained to allow for these recalculations to occur.
- 3.8 The retention periods are the accepted local authority tool for the management of documents and records. Based on work by the Records Management Society, as well as organisational requirements and common practice, it provides guidance on recommended and mandatory minimum retention periods for specific classes of document. It is proposed that given the operational nature of the Schedule it shall be reviewed and updated as and when changes in legislative or regulatory requirements dictate, outside the formal periodic review of the Policy itself.

4. CONCLUSION

- 4.1 That adoption of this revised policy will ensure a more efficient use of physical and electronic storage capacity.

5. IMPACT ON STRATEGIC THEMES

- 5.1 An adopted policy setting out the Council's approach to effective document management is in part a matter of compliance with legal and regulatory obligations and is also linked to high level outcomes associated with the Council's Strategic Themes.

6. IMPLICATIONS

- (i) **Impact on Customers** – No direct impact arising from this report, but adoption of the Policy provides customer reassurance that effective document management is incorporated into the Council's working practices.
- (ii) **Impact on Equalities** – Failure to have an up-to-date policy having regard to current statutory and regulatory requirements could potentially leave the Council open to challenge. Documents may be kept too long; or

indiscriminately destroyed; or disposed of without documented evidence of what has been destroyed, or documents with long-term value may not being preserved.

- (iii) **Impact on Risk** – Failure to have an up to date policy having regard to current statutory and regulatory requirements could potentially leave the Council open to challenge. Documents may be kept too long; or indiscriminately destroyed; or disposed of without documented evidence of what has been destroyed, or documents with long-term value may not being preserved.

- (iv) **Impact on Resources (financial)** – The Data Protection Legislation brings significant increases in the penalties which can now be imposed for data breaches or non-compliance. Penalties can be levied up to £17million or 4% or turnover.

Retaining documents longer than required will not only be in breach of GDPR, but also brings with it additional storage costs, whether in physical or digital storage.

- (v) **Impact on Resources (human)** – By retaining documents longer than is necessary, the resulting work required in searching, checking and administering Freedom of Information Act and Environmental Information Regulation requests can have an impact on staff resources.
- (vi) **Impact on the Environment** – No impact arising from this report.

Background Papers: None.

Enquiries to: Emma Holmes, Senior Legal Specialist / Data Protection Officer.

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2020 MDC Document Retention Schedule
Document Control Sheet

Document title	2020 Maldon District Council Document Retention Scheme
Summary of purpose	To provide a list of records which need to be retained by Local Government for a designated period of time.
Prepared by	Emma Holmes, Senior Legal Specialist / Data Protection Officer
Status	Awaiting approval by the Council
Version number	1
Approved by	
Approval date	
Date of implementation	
Review frequency	
Next review date	
Circulation	
Published on the Council's website	

Validity Statement

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



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2020 MDC Document Retention Schedule

The purpose of the Retention Schedule

A retention schedule is a list of records which need to be retained by Local Government for a designated period of time.

The retention schedule shows:

- i. the title of each record which it creates in the course of its business;
- ii. a time period for which records are to be retained and the action which should be taken when it is of no further administrative use; and
- iii. identifies the reason (legislative, regulatory and/or operational) on which retention is based.

The existence of the retention schedule is a requirement of Maldon District Council's corporate Document Retention Policy. It has been developed in collaboration with Service Managers. The retention schedule refers to all information, regardless of the media in which it is stored, i.e. manual files, computer files, tapes, microfiche, etc. Where records are sentenced for destruction all back-up copies or copies stored on alternative media must also be destroyed. The retention schedule provides consistent instructions for all staff who deal with records, and a formal policy for records retention and disposal.

The purpose of the schedule is to:

- i. prevent the premature destruction of records that need to be retained for a specified period to satisfy legal, financial and other requirements of public administration;
- ii. assist in identifying records that may be worth preserving permanently as part of the Maldon District Council's archives; and
- iii. provide consistency for the destruction of those records not required permanently after specified periods.

Members of staff are expected to manage their current record keeping systems using the Retention Schedule and to take account of the different kinds of retention periods when they are creating new record keeping systems. The Schedule is a 'living document' and will be reviewed and amended as and when retention details change due to Council policy, if new information is created, to remove any obsolete record titles, or regulations and legislation that govern information and its use are introduced or altered.

Using the retention schedule

Where records have been identified for disposal they should be disposed of in an appropriate way. All records containing personal information, or sensitive information should be disposed of using secure waste sacks or shredded after administrative use.

The Freedom of Information Act 2000 requires the Council to maintain a list of records which have been destroyed and who authorised their destruction. Members of staff should record at least:

- File reference (or other unique identifier);
- File title (or brief description);
- Number of files;
- The name of the authorising officer; and
- Date of destruction.

2020 MDC Document Retention Schedule**Retention Schedule and the Freedom of Information Act (2000)/Environmental Information Regulations (2004)**

The Freedom of Information Act (2000) and Environmental Information Regulations (2004) are intended to promote a culture of openness and accountability amongst public authorities by providing people with rights of access to records held by Maldon District Council. With the introduction of this legislation the Lord Chancellor issued a Code of Practice to be followed by public organisations using his powers under Section 46 of the Freedom of Information Act (2000). This guidance sets out his views on desirable practice for the retention, management and disposal of public authority records. The Code of Practice includes a requirement to develop and apply Document Retention Schedules within the organisation. The Retention Schedule is a requirement of the Freedom of Information Act (2000).

Retention schedule

The Data Protection Act (2018) requires that personal data shall be:

- used fairly, lawfully and transparently
- used for specified, explicit purposes
- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

These principles require the Council to have procedures in place, covering the review of information held on files.

Retention schedules assist with compliance under the Data Protection Act, which requires us to keep personal data no longer than is necessary for the purpose for which it was collected. The time limits for keeping records are based on statutory requirements, common business practice, and national guidance and best practice (the Retention Guidelines for Local Authorities (RGLA), a guide produced by the Records Management Society of Great Britain).

In some parts of the retention schedule the recommended retention period given is 6 years. This is based on the 6 year time limit within which legal proceedings must be commenced as laid down in the Limitation Act 1980. It should also be noted that, under this Act, civil action could be taken up to 12 years following certain events.

Further information

Information and Records Management Society <http://irms.org.uk/>

The National Archives <http://www.nationalarchives.gov.uk>

Archives and Records Association <http://archives.org.uk/>

Information Commissioner's Office <http://www.ico.org.uk/>

2020 MDC Document Retention Schedule

Understanding the Retention Schedule

Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
AI 1.1	<u>Acquisitions</u> Assets over £50,000 Any papers concerning the management of the acquisition (by financial lease or purchase) process for assets and real property	Destroy 12 years , after all obligations / entitlements are concluded	<ul style="list-style-type: none"> • Legal Documents Relating to the Purchase / Sale • Particulars of Sale Documents • Survey particulars • Leases • Applications for Leases, Licences & Rental Revision • Tender Documents • Conditions of Contracts • Certificates of Approval 	Statutory RGLA 7.29 Limitations Act 1980
AI 1.2	Assets under £50,000	Destroy 6 years , after all obligations / entitlements are concluded	As above	Statutory RGLA 7.29 Limitations Act 1980

Ease of reference to identify function

Definition of function in terms of related items

Period of time for which document should be retained **and** action(s) once it has exceeded

Common examples of the types of documents included within the function

Indicates if retention action is statutory/ regulatory or Common practice

2020 MDC Document Retention Schedule

Retention Scheme (by function)

Contents

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Partnership, Agency & External Meetings		14
Honours & Subscriptions		14
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Democratic Processes

DP1

Electoral Services

Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
DP1.1	Election / registration preparation <ul style="list-style-type: none"> Production of hard copy electoral register for use at each polling station Production of separate lists of postal voters, proxy postal voters and proxy voters for use at each polling station 	Marked registers and lists of absent voters to be retained for a period of 12 months before being destroyed.	<ul style="list-style-type: none"> Electoral Register List of absent voters 	Statutory
DP1.2	Election/referenda documents <ul style="list-style-type: none"> Local elections Parliamentary election (incl. combined local) or European elections Referenda (including Neighbourhood Planning) 	Destroy 12 months after the count Destroy 12 months after the count Destroy 12 months after declaration of results of poll	<ul style="list-style-type: none"> After the count - Counted and rejected ballot papers in separate packets The ballot paper accounts and the statement of rejected ballot papers and of the result of the verification of the ballot paper accounts The tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officers and the related statements, the lists maintained under reg. 41A and the declarations made by the companions of voters with disabilities The packets of completed corresponding lists and certificates as to employment on duty on the day of the poll The packets containing marked copies of register and of lists of 	Statutory

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			postal voters, proxies and postal proxies	
DP1.3	Invitation To Register	1 year from date of publication of current register	<ul style="list-style-type: none"> Application forms (hard copy and scanned*) *National Insurance numbers are automatically redacted by EMS after 6 months 	Common practice per AEA
DP1.4	Results Declaration of results (local elections only)	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded	<ul style="list-style-type: none"> Declaration of Results of Polls Consolidated returns of votes received Uploaded to MDC website 	Local Practice
DP1.5	Returns and Declarations as to Election Expenses <ul style="list-style-type: none"> Parish Council Election Local Government Election Parliamentary Election 	Destroy 12 months after receipt Destroy 24 months after receipt Destroy 24 months after receipt	<ul style="list-style-type: none"> Expenses forms and accompanying documents in support 	Statutory Statutory Statutory
DP1.6	Copy of revised Electoral Register published on 1 December each year for public inspection, and lists of monthly alterations covering the period January to September inclusive each year	Destroy obsolete register on 1 December each year		Statutory
DP1.7	Copy of edited version of Electoral Register for public inspection, and lists of monthly alterations covering the period January to September inclusive each year	Destroy obsolete register on 1 December each year	Copy kept on electoral software (starting from 2004) for the purpose of verifying applications from overseas voters' applications. Hard copies kept for period prior to 2004	Statutory
DP1.8	Household Enquiry Forms	Destroy 1 year from date of publication of current register	Application forms (hard copy and scanned)	Common practice per AEA
DP1.9	Other Elector Declarations	Destroy 1 year from date of publication of current register	Overseas Voters Anonymous Voters	Common practice per AEA

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			<p>Crown Servants Living Overseas Service Voters Voters With No Fixed Abode –</p> <p>Application forms (hard copy and scanned*) *National Insurance numbers are automatically redacted by EMS after 6 months</p>	
DP1.10	Names and Addresses of Election Agents/Polling Agents/Count Agents/Count Guests	Destroy 12 months after declaration of result of election	Forms received from Candidates and/or their Agents – held in hard copy and on EMS – data retained on EMS	Local Practice
DP1.11	Names and personal details of staff employed in and around elections and annual canvass of electors E.G. Casual election staff - Poll Clerks, Presiding Officers, Canvassers, etc.	Retained for as long as remain on staff pool of casual election workforce. Hard copy, emails and EMS	Application forms received are entered onto EMS	Local Practice

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DP2 Committee & Support Services				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
DP2.1	Council & Committee Meetings Process of preparing business for Council consideration and making the formal record of discussion, debate and resolutions	<p>Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded.</p> <p>Committee documents published to and retained on website.</p> <p>Original hard copy sets of Minutes are signed by the Chairman at the following meeting as being a correct record of the proceedings and these are to be retained indefinitely,</p> <p>Minutes (and copies) to be made available for 6 years after a meeting.</p> <p>Lists of Background Papers to be kept available for 4 years after the date of the meeting.</p>	<ul style="list-style-type: none"> • Council Minutes • Council Agenda & Business Papers • Council Notice Papers and Proceedings • Indexes • Committee Minutes • Registers of delegations to Special Committees 	<p>Statutory</p> <p>Minutes retention - Section 228 of the Local Government Act 1972.</p> <p>Local Government (Access to Information) Act 1985</p> <p>Hard copy Committee agendas and reports should be destroyed after meetings.</p>
DP2.2	Delegated Decisions	Written records of delegated decisions must be kept available for 6 years .	<p>Service area records and paper files.</p> <p>Service area website pages, if applicable, where any such decisions are published</p> <p><i>[NB – Process under review & therefore likely to change in 2018]</i></p>	The Openness of Local Government Bodies Regulations 2014 requires publication of certain types of delegated decision
DP2.3	Minute Taking	<p>Destroy after date of confirmation of the minutes</p> <p>Draft notes should be deleted/ destroyed once Minutes have been confirmed.</p>	<ul style="list-style-type: none"> • Draft / rough minutes • Audio tapes 	Common practice

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		Audio recordings published to website should be deleted after 2 years		Common practice
DP2.4	Political Parties Papers The process of undertaking representation of the Local Authority.	Destroy 3 years after last action Destroy correspondence relating to Leader's actions / appointments 2 years after last action	<ul style="list-style-type: none"> • Leader of Opposition Papers • Leader of Council Papers • Appointments to outside organisations and charitable bodies 	Common practice
DP2.5	Register of Interests of District Councillors: To be kept up-to-date during the term of office of the individual Councillor. A record of each Councillor's interests in accordance with the Localism Act 2011.	To be kept up-to-date during the term of the office of the individual Councillor. Following completion of another form, or the term of office ending, retain for 6 years .	Paper. The register of interest forms of current Councillors are published on the MDC website.	Statutory
DP2.6	Register of Interests of Town and Parish Councillors: A record of each Councillor's interests in accordance with the Localism Act 2011.	To be kept up-to-date during the term of office of the individual Councillor. Following completion of another form, or the term of office ending, retain for 6 years .	Paper. The register of interest forms of current Councillors are published via the MDC website.	Statutory Town & Parish Clerks required to keep MDC informed of changes e.g. resignations, new Co-optee's etc.
DP2.7	Declaration of Acceptance of Office: Each Councillor signs this declaration upon appointment.	Once the Councillor has ceased to be in office these can be destroyed after 6 years .	Paper form	Statutory – Local Government Act 1972

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DP2.8	Partnership, Agency & External Meetings Process of preparing business for partnership and agencies consideration and making the record of discussion, debate and resolutions, where the Local Authority legally owns the record. Process of preparing business for external committees' consideration, and making the record of discussion, debate and resolutions, where the Local Authority does not own the record	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded. Destroy 3 years after last action	<ul style="list-style-type: none"> Documents establishing the body / partnership Agendas Minutes Council Reports Recommendations Supporting documents such as Council briefing and discussion papers 	Common practice Common practice
DP2.9	Honours and Submissions Preparation of honours submission	Destroy 1 year after last action	<ul style="list-style-type: none"> Honours Nomination Form Covering Documentation Letters of Support Referral for comment from Lord Lieutenant 	Common practice
DP2.10	Staff Disclosure of Interests Register of staff gifts and hospitality Staff register of interests	Destroy 1 year after record Destroy 3 years after each record	Declaration of the offer of gifts or hospitality to staff Declaration of the interests of staff which may affect their work with the Council	Common practice
DP2.11	Constitution Constitution of the Maldon District Council	Permanent storage at MDC. Need the ability to review earlier versions of the Constitution as part of considering actions taken.	Constitution	Common practice

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Legal and Contracts

LC1
Legal Services

Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
LC1.1	Litigation Process of managing, undertaking or defending for or against litigation on behalf of the Local Authority	Destroy 6 years after last action	<ul style="list-style-type: none"> • Criminal Case File • Civil Case File • Correspondence 	Statutory
LC1.2	Advice Process of providing legal advice on a point of law	Destroy 6 years after last action	<ul style="list-style-type: none"> • E-mail queries • Memorandums/briefing notes 	Statutory
LC1.3	Agreements Process of agreeing terms between organisations. Note: this does not include contractual agreements	Destroy correspondence files relating to any agreement 6 years after agreement in place if executed under hand or for 12 years if executed as a Deed	<ul style="list-style-type: none"> • Concordat • Agreements • Contracts • Deeds 	Statutory
LC1.4	Conveyance (see also Property Acquisition and Disposal) Process of changing ownership of land or property	Destroy correspondence 12 years after closure	<ul style="list-style-type: none"> • Conveyancing Files 	Statutory
LC1.5	Bye Laws - Enactment The process of making local laws	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded	Good practice

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LC1.6	Administration & Enforcement The process of administering and enforcing bye laws	Destroy 6 years after certificate has expired or penalty payment has been made or the matter has been finished or correspondence on the matter has ceased	<ul style="list-style-type: none"> • Applications and Certificates • Permits • Licenses • Infringement Notices (Parking) • Correspondence • Bye law enforcement • FPN enforcement 	Statutory
LC2 Contract Management				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
LC2.1	Contracts and Tendering Pre Contract Advice Process of calling for expressions of interest	Destroy 2 years after contract let or not proceeded with	<ul style="list-style-type: none"> • Expressions of Interest 	Common practice
LC2.2	Specification and Contract Development Process involved in the development and specification of a contract	Ordinary Contracts Destroy 6 years after the terms of contract have expired Contracts Under Seal Destroy 12 years after the terms of contract have expired	<ul style="list-style-type: none"> • Tender Specification <p>Note: For project files containing drafts leading to a final version these records can be destroyed</p>	Statutory
LC2.3	Tender Issuing and Return Process involved in the issuing and return of a tender	Destroy 1 year after start of contract	<ul style="list-style-type: none"> • Opening Notice • Tender Envelope 	Common practice

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LC2.4	Evaluation of Tender	Ordinary Contracts Destroy 6 years after the terms of contract have expired	<ul style="list-style-type: none"> Tender Documents Quotations 	Statutory
	Successful Tender Document	Contracts Under Seal Destroy 12 years after the term of contract have expired		
	Unsuccessful Tender Documents	Destroy 1 year after start of contract		Common practice
LC2.5	Post Tender Negotiation Process in negotiation of a contract after a preferred tender is selected	Destroy 1 year after the terms of contract have expired	<ul style="list-style-type: none"> Clarification of Contract Post Tender Negotiation Minutes 	Common practice
LC2.6	Awarding of Contract The process of awarding of contract	<u>Ordinary Contracts</u> Destroy 6 years after the terms of contract have expired <u>Contracts Under Seal</u> Destroy 12 years after the terms of contract have expired	<ul style="list-style-type: none"> Signed Contract 	Statutory
LC2.7	Contract Management Contract operation and monitoring	Destroy 2 years after the terms of contract have expired	<ul style="list-style-type: none"> Compliance / Performance Reports 	Common practice
	Management and amendment of contract	<u>Ordinary Contracts</u> Destroy 6 years after the terms of contract have expired <u>Contracts Under Seal</u> Destroy 12 years after the terms of contract have expired	<ul style="list-style-type: none"> Minutes and Papers of Meetings Changes to Requirements Variation Forms Extension of Contract Complaints Disputes on Payment 	Statutory
LC2.8	Localism Management of the Community Rights	Assets of Community Value Destroy 5 Years after receipt of nomination Community Right to Challenge Destroy 5 years after receipt of challenge	<ul style="list-style-type: none"> Nomination Forms and correspondence Appeal documentation Entry on Assets Register 	

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			<div>amended</div> <ul style="list-style-type: none">Challenge notification	
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Strategy & Management

**SM1
Strategy**

Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
SM1.1	Corporate Planning and Reporting Developing corporate strategies and planning and reporting activities	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded To be retained with committee minutes when approved by Council	<ul style="list-style-type: none"> Corporate Plans Strategic Plans Business Plans Annual Reports 	Common practice
SM1.2	Preparing business for strategic consideration and making the record of discussion, debate and resolutions	2 years	<ul style="list-style-type: none"> Corporate Leadership Team minutes Task & Finish Group minutes 	Common practice
SM1.3	Preparing business for service, team or forum consideration and recording discussion, debate and resolutions	3 years from closure	<ul style="list-style-type: none"> Directorate or Team meeting minutes Managers Forum minutes 	Common practice
SM1.4	Statutory Returns Preparing information to be passed on to central government as part of statutory requirements	7 years from closure	<ul style="list-style-type: none"> Returns to Central Government 	Statutory
SM1.5	Policy, Procedures, Strategy and Structure Activities that develop policies, procedures, strategies and structures for the Local Authorities	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded Digital copies kept only	<ul style="list-style-type: none"> Policy, procedure, precedent, instructions Records relating to policy development & implementation Corporate and Service Plans and Strategies and Policies 	Common practice

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SM1.6	Process of monitoring and reviewing strategic plans, policies or procedures to assess their compliance with guidelines	3 years after end of plan or policy	<ul style="list-style-type: none"> • Strategic Action Plans • Service specific improvement plans • Policy Reviews 	Common practice
SM1.7	Public Consultation Process of consulting the public and staff in the development of corporate policies or strategic plans	2 years from closure	<ul style="list-style-type: none"> • Survey and questionnaire forms; list of consultees and responses • Citizens Panel feedback • Staff surveys & results 	Common practice
SM1.8	Process of consulting the public and staff in future budget development	2 years from closure	<ul style="list-style-type: none"> • Budget Consultation papers • List of consultees and responses • Citizens Panel feedback 	Common practice

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SM2 Management				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
SM2.1	Information Management Activity whereby standards, authorities, restraints and verifications are introduced and maintained to manage information effectively	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded	<ul style="list-style-type: none"> • Classification Schemes • Registers • Indexes • Authorised Lists of File Headings 	Common practice
SM2.2	Management of collections of records transferred to the archives	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded	<ul style="list-style-type: none"> • Accession Registers • Depositor Files 	Common practice
SM2.3	Process that records the disposal of records	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded	<ul style="list-style-type: none"> • Disposal Certificates/logs/deeds 	Common practice
SM2.4	Feedback Management of enquiries, submissions and complaints which result in significant changes to policy or procedures	2 years retention - i.e. the current year and previous year.	<ul style="list-style-type: none"> • Reports • Returns • Correspondence 	Common practice
SM2.5	Management of detailed responses on Council actions, policy or procedures	Destroy 2 years after administrative use is concluded	<ul style="list-style-type: none"> • Reports • Returns • Correspondence • Ombudsman 	Common practice

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SM2.6	Quality & Performance Management Monitoring or reviewing the quality, efficiency, or performance of a Council service	Destroy 3 years from closure	<ul style="list-style-type: none"> • Peer Reviews reports • Assessment / Inspection Reports 	Common practice
SM2.7	Process of assessing the quality, efficiency or performance of a Local Authority service	Destroy 3 years from closure	<ul style="list-style-type: none"> • Excellence assessments 	Common practice
SM2.8	Public Relations <u>Publications</u> - Design and setting of information for publication	Destroy 2 years after last action	<ul style="list-style-type: none"> • Proofs, templates of publications / promotional literature etc. 	Common practice
SM2.9	The published work of the Local Authority	Destroy after administrative use is concluded Note: one copy from the initial print run should go directly to the archive.	<ul style="list-style-type: none"> • Leaflets / guides produced • Strategies / Plans published 	Common practice
SM2.10	Media Relations Process of interaction with the media	Press releases to be kept permanently and considered for transfer to Archive/Museum after 5 years. Other correspondence to be reviewed for Archive or destruction after 3 years .	<ul style="list-style-type: none"> • Press releases • E-mail correspondence with the press 	Common practice
SM2.11	Marketing Process of developing and promoting Council campaigns and events	Destroy after administrative use is concluded <u>Note:</u> one copy from initial print run should go directly to archive	<ul style="list-style-type: none"> • Publicity flyers / posters • Guides 	Common practice
SM2.12	The process of organising a ceremonial event or civic occasion.	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded. Consider transfer to Archive/Museum after 10 years .	<ul style="list-style-type: none"> • Itinerary • Invitations • Visitors' Book • Photographs 	Common practice

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Strategic Housing

SH1
Strategic Housing

Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
SH1.1	Housing Provision Process of dealing with Homeless applications	Destroy 6 years after the end of the financial year in which the records were created	<ul style="list-style-type: none"> • Homeless Application Forms • Case Notes • Homelessness Decisions • Correspondence • Bank statements • Medical records • Benefits Information • Birth certificates • Passports • Immigration information • Other agency information 	Statutory – Housing Act(s)
SH1.2	Homelessness Reviews	Destroy 6 years after the end of the financial year in which the records were created	<ul style="list-style-type: none"> • Homeless Application Forms • Case Notes • Homelessness Decisions • Correspondence • Bank statements • Medical records • Benefits Information • Birth certificates • Passports • Immigration information • Other agency information • Legal Judgement 	Statutory – Housing Act(s)

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SH1.3	General Housing Advice	Destroy 6 years after the end of the financial year in which the records were created	<ul style="list-style-type: none"> • Homeless Prevention Application Forms • Case Notes • Bank statements • Medical records • Benefits Information • Birth certificates • Passports • Immigration information • Other agency information 	Statutory – Housing Act(s)
SH1.4	Stock Transfer Records	Permanent Storage at MDC	<ul style="list-style-type: none"> • Agreement • Property Records 	Common practice
SH1.5	Copies of Statutory Housing Returns e.g. HIPSSA	Destroy 6 years after the end of the financial year in which the records were created	<ul style="list-style-type: none"> • Copies of actual returns • Audit Trails 	Common practice
SH1.6	Statistical data for Housing performance indicators	Destroy 6 years after the end of the financial year in which the records were created	<ul style="list-style-type: none"> • Copies of actual returns • Audit Trails 	Common practice
SH1.7	New Development	Destroy once development occupied	Land Registry Transfer of Title docs Nomination agreements Grant confirmation Viability assessments Customer satisfaction returns	Common practice
SH1.8	Process of dealing with online Choice Based Lettings applications (Housing Register).	Destroy 6 years from closure of application Records retained for duration of 'active' application and inclusion on waiting list. Documents reviewed along with application every 12 months. Non-relevant and superseded documents destroyed.	CBL Application Form <ul style="list-style-type: none"> • Bank statements • Relevant medical information • Benefits Information • Birth certificates • Passports • Immigration information • Other agency information 	Statutory – Housing Act(s)
SH1.9	Process of dealing with Private	Destroy 7 years after completion of lease.	<ul style="list-style-type: none"> • Homeowner acceptance form 	

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	Sector Leasing.		<ul style="list-style-type: none"> • Grant spend invoice • Work specification • Nomination details 	Statutory – Housing Act(s)
SH1.10	Process of dealing with Empty Homes.	Retain for the duration for which there is an administrative requirement (i.e. property remain empty or proceedings being undertaken).	<ul style="list-style-type: none"> • Land Registry • Council tax empty property list • Letters to owners • Photographs of empty properties • Other letters and correspondence 	Common practice

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Human Resources

HR1 Human Resources				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
HR1.1	Employee Data: Personal Data / Files	<p>Destroy 7 years from the end of employment</p> <p>Retain for references and potential litigation.</p> <p>UPDATE: Due to <u>McCloud Judgement</u> and its potential impact on the LGPS; The Council will retain a complete payment history for every employee who was actively contributing to the pension scheme from 31 March 2014.</p> <p>This will be updated further once a judgement has been received.</p> <p>This update applies to Ref. No. HR1.1 – HR1.3, HR1.5 – HR1.26, HR1.28 and FM1.8.</p>	<p>Electronic personnel files for all employees, including disciplinary, grievance, capability and health management records. As standard personnel files include the following documents:</p> <ul style="list-style-type: none"> • Application form • Equal Opportunities Monitoring Form • References • Proof of right to work in UK / ID documents (such as passports, visas etc) • Form including emergency contact details and bank details • Occupational Health pre-employment fitness clearance • Evidence of skills and qualifications • Information regarding any disabilities disclosed and reasonable adjustments • Results of DBS checks where applicable • Results of BPSS checks where applicable • Training records • Medical / self-certificates and return to work forms • Contract of employment, written statement of terms and related correspondence • Contractual change documentation • Special leave forms • Bank details form • LGPS (pension) form 	Common Practice

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			<ul style="list-style-type: none"> Local government continuous service confirmation Job description Probation documentation Personal relationship declarations Job description <p>Personal data held electronically on the HR database includes:</p> <ul style="list-style-type: none"> Name, address, contact details, date of birth, National Insurance number, emergency contact Equality and diversity data (e.g. gender, ethnic origin, disability, nationality, religion/belief, sexual orientation) Absence history Job history Training records Confirmation of LGPS membership 	
HR1.2	Employee Data: DBS & BPSS Checks	<p>Destroy after 6 months</p> <p>Retention period only 6 months to allow for the consideration and resolution of any related disputes or complaints.</p>	Proof that check took place to be maintained separately in secure storage. No details to be kept in employee file. Only retain details on personal file that check was carried out (denote on Appointment Checklist) and by whom, and whether it was satisfactory.	Information Commissioner's Office, Employment Code 2005
HR1.3	Employee Data: Basic employee record	<p>Destroy 20 years from the end of employment</p> <p>Retain for the provision of references, statistical historical purposes</p>	Employee start date, end date, reason for leaving job, job roles	Common Practice
HR1.4	Recruitment: Application forms / interview notes (unsuccessful applicants)	<p>12 months from the date of interviews</p> <p>Retention period aligned to time limits for potential discrimination Acts related claims.</p>	Application forms / interview notes	Common Practice

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HR1.5	Redundancy: Facts relating to redundancies	Destroy 7 years from the date of redundancy Retention period aligned to time limits on litigation.	Facts relating to redundancies including: <ul style="list-style-type: none"> • General details • Calculation of payments • Refunds 	Common Practice
HR1.6	Redundancy: Facts relating to redundancies where there are more than 20 redundancies	Destroy 12 years from the date of redundancy	Facts relating to redundancies including: <ul style="list-style-type: none"> • General details • Calculation of payments • Refunds • Notification to the Secretary of State 	Statutory: Section 5 Limitation Act 1980
HR1.7	Employee Pay: Statutory Sick Pay records and calculations	Destroy 7 years from the end of employment NB: The Statutory Sick Pay (Maintenance of Records) (Revocation) Regulations 2014 (SI 2014/55) abolished the former obligation on employers to keep these records. The retention period is therefore recommended if there was a contractual claim for breach of employment contract.	All related records and calculations	Common Practice
HR1.8	Employee Pay: Statutory Maternity Pay records and calculations	Destroy 3 years from the end of the tax year they relate to	All related records and calculations including: <ul style="list-style-type: none"> • Pay records • Calculations • Certificates (MatB1s) or other medical evidence 	Statutory Maternity Pay (General) Regulations 1986
HR1.9	Employee Leave: Adoption records and supporting documents for maternity and paternity leave (not pay related)	Destroy 7 years from the end of employment	Documents related to: <ul style="list-style-type: none"> • Requests/declarations • Confirmation of leave • Adoption certificate 	Common Practice
HR1.10	Employee Leave: Parental Leave	Destroy 18 years from birth / adoption	All parental leave records	Common Practice

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		Retention periods aligned to time limits on potential litigation		
HR1.10	Attendance: Records related to working time	Destroy 7 years from end of leave year in which it was taken.	Working time records including timesheets and overtime records	Statutory: Working Time Regulations 1998 (SI 1998/1833)
HR1.11	Attendance: Other records related to staff leave	Destroy 7 years after action completed.	Sick leave Jury Service Study Leave Special / personal leave Territorial army / special constabulary / retained fire fighter leave	Common Practice
HR1.12	Health Records: Health Records where the reason for termination of employment is connected with health	Destroy 7 years from the end of employment Retention periods aligned to time limits on potential litigation	All relevant health records	Common Practice
HR1.13	Health Records: Medical records kept by reason of the Control of Substances Hazardous to Health Regulations 1999	Destroy 40 years from the date of last entry	All relevant records	Statutory: The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (SIs 1999/437 and 2002/2677)
HR1.14	Health Records: Medical records and details of biological tests under the Control of Lead at Work Regulations	Destroy 40 years from the date of last entry	All relevant records	Statutory: The Control of Lead at Work Regulations 1998 (SI 1998/543) as amended by the Control of Lead at Work Regulations 2002 (SI 2002/2676)

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HR1.15	Health Records: Medical records under the Control of Asbestos at Work Regulations: medical records containing details of employees exposed to asbestos and medical examination certificates	Destroy 40 years from the date of last entry	All relevant records	Statutory: The Control of Asbestos at Work Regulations 2002 (SI 2002/2675). Also see the Control of Asbestos Regulations 2006 (SI 2006/2739) and the Control of Asbestos Regulations 2012 (SI 2012/632)
HR1.16	Health Records: Medical records under the Ionising Radiations Regulations 1999	Until the person reaches 75 years of age, but in any event for at least 50 years .	All relevant records	Statutory: The Ionising Radiations Regulations 1999 (SI 1999/3232)
HR1.17	Trade Union Liaison: Employee and Industrial Relations Documents relating to industrial relations or disputes	Destroy 7 years after resolution of issue.	<ul style="list-style-type: none"> • Generic Agreements and Awards • Negotiations • Disputes • Claims Lodged 	Common Practice
HR1.18	Trade Union Liaison: Process of <u>minor and routine</u> industrial matters	Destroy 2 years after administration is concluded.	Daily industrial relations management	Common Practice
HR1.19	Case Work File: Grievances	Review 7 years after date of last action (minimum retention). Head of People, Performance and Policy to determine if case file should continue to be retained and for how long.	Includes: <ul style="list-style-type: none"> • Investigation documentation • Case notes • Management reports • Proceedings where proven to be unfounded • Other related documentation 	Statutory: Section 5 Limitation Act 1980
HR1.20	Case Work File: Disciplinary	Review 7 years after date of last action (minimum retention). Head of People, Performance and Policy to determine if case file should continue to be retained and for how long.	Includes: <ul style="list-style-type: none"> • Investigation documentation • Case notes • Management reports • Proceedings where proven to be unfounded • Warning letters 	Statutory: Section 5 Limitation Act 1980

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			Warnings to be removed from personnel files after the relevant time has 'spent' as per the Disciplinary Policy.	
HR1.21	Case Work File: Disciplinary – Warnings involving children	In such circumstances records should be retained at least until the employee reaches normal retirement age , or for 10 years if that is longer.	Includes: <ul style="list-style-type: none"> Investigation documentation Case notes Management reports Proceedings where proven to be unfounded Warning letters 	Statutory: Section 5 Limitation Act 1980
HR1.22	Case Work File: Disciplinary – Warnings involving vulnerable adults	In such circumstances records should be retained at least until the employee reaches normal retirement age , or for 10 years if that is longer.	Includes: <ul style="list-style-type: none"> Investigation documentation Case notes Management reports Proceedings where proven to be unfounded Warning letters 	Statutory: Section 5 Limitation Act 1980
HR1.23	Equal Opportunities: Equal Employment Opportunities: The process of investigation and reporting on specific cases to ensure that obligations are in accordance with agreed Equal Opportunities guideline policies	Destroy 5 years after action completed	Case file / notes	Statutory: Section 5 Limitation Act 1980
HR1.24	Employee Performance: (Personal file) Performance Review and Performance Conversation Documentation	Destroy 7 years from the end of employment	Performance Review and Performance Conversation forms / documentation	Common Practice
HR1.25	Job Evaluation: (Personnel file)	Destroy 7 years from the end of employment	Pay and conditions / grading review requested by employee including outcome and appeal	Common Practice
HR1.26	Job Evaluation: (General file)	Destroy 15 years from job evaluation exercise and final grade approval (unless connected to a pay and conditions / grading review)	Job evaluation forms, job descriptions, rationale and assessments	Common Practice

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HR1.27	Strategic HR Plans	Destroy 12 years after actions completed	Strategic HR plans	Common Practice
HR1.28	Appointments of Statutory Officers: The appointment of an individual for a statutory position	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded	<ul style="list-style-type: none"> Appointment files 	Statutory: Section 5 Limitation Act 1980
HR1.29	Appointments of Statutory Officers: The process of <u>selection</u> of an individual for a statutory position	Destroy 1 year after date of appointment (if process applicable – does not currently exist)	<ul style="list-style-type: none"> Vacancies and Application Records Interview Notes Prospective Staff Records Registers of Applicants Unsuccessful Applications Records 	Statutory: Section 5 Limitation Act 1980
HR1.30	Training and Development: Routine staff training processes, not occupational health and safety or children related	Destroy 2 years after action Ongoing staff records are kept digitally on the HR system.	Course instructions Course evaluation	Statutory: Section 5 Limitation Act 1980
HR1.31	Training and Development: Training (concerning children)	Destroy 35 years after training completed, or last entry.	Course instructions Course evaluation Training register	Statutory: Section 5 Limitation Act 1980
HR1.32	Training and Development: Training (occupational health and safety training)	Individual course assessment records should be destroyed once the training has been renewed every 3 years . Ongoing staff records are kept digitally on the HR system.	Course evaluation OH&S training register	Statutory: Section 5 Limitation Act 1980
HR1.33	Off Payroll Workers Data: (Agency)	Destroy on termination of working arrangement	<ul style="list-style-type: none"> Proof of right to work in UK / ID documents (such as passports, visas etc) Contact details Emergency contact details DBS check - only retain details on personal file that 	Common Practice Information Commissioner's Office, Employment Code 2005 (DBS Checks)

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			check was carried out (denote on Appointment Checklist) and by whom, and whether it was satisfactory.	
HR1.34	Off Payroll Workers Data : (Consultants)	Retain 7 years after the tax year to which they relate	<ul style="list-style-type: none"> • Proof of right to work in UK / ID documents (such as passports, visas, etc.) • Contact details • DBS check - only retain details on personal file that check was carried out (denote on Appointment Checklist) and by whom, and whether it was satisfactory. 	Common Practice
HR1.35	Off Payroll Workers Data: HMRC Check	Retain 7 years after the tax year to which they relate	HMRC Off Payroll Workers On-line Check	Common Practice
HR1.36	Off Payroll Workers Data: (Consultants)	Retain 7 years after working arrangement has terminated with organisation	Proof of Professional Indemnity Insurance and Public Liability Insurance	Common Practice
HR1.37	Work Experience / Placement Individuals: (18 years and over)	Retain 2 years after arrangement has terminated with organisation	<ul style="list-style-type: none"> • Contact details • Emergency contact details • Date of birth • ID checks • DBS check - only retain details on personal file that check was carried out (denote on Appointment Checklist) and by whom, and whether it was satisfactory. • References (if applicable) • Pre-commencement health check (if applicable) 	Common Practice
HR1.38	Work Experience / Placement Individuals: (18 years and under)	Retain 2 years after arrangement has terminated with organisation	<ul style="list-style-type: none"> • Contact details • Emergency contact details • Date of birth • ID checks 	Common Practice

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			<ul style="list-style-type: none"> • Young person's risk assessment • References (if applicable) • Pre-commencement health check (if applicable) 	
HR1.39	Zero Hours Workers Data	Retain 7 years after arrangement has terminated with organisation	Relevant data as per HR 1.1	Common Practice
HR1.40	Workplace Volunteers	Retain 2 years after arrangement has terminated with organisation	<ul style="list-style-type: none"> • Contact details • Emergency contact details • Date of birth • ID checks DBS check - only retain details on personal file that check was carried out (denote on Appointment Checklist) and by whom, and whether it was satisfactory. • Pre-commencement health check (if applicable) 	Common Practice

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Financial Management

FM1**Accounts & Audit**

Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
FM1.1	Reporting The process that consolidates financial transactions on an annual basis for corporate reporting purposes	Destroy 6+1 years after the financial year has ended.	<ul style="list-style-type: none"> Consolidated Annual Reports Consolidated Financial Statements Statement of Financial Position Operating Statements General Ledger 	Common practice
FM1.2	The process that supports and consolidates financial transactions on a periodic (less than annual) basis, superseding those from the previous period. Does not include journals and subsidiary ledgers and cash books	Destroy when administrative use is concluded	<ul style="list-style-type: none"> Consolidated Monthly & Quarterly Reports Consolidated Monthly & Quarterly Financial Statements Working Papers for the Preparation of the Above Monthly Accrual Statements Cash flow Statements Creditor Listings and Reports Debtor Listings and Reports Delivery Notes/Supplier Statements 	Common practice
FM1.3	Financial Transactions Management Management of the approvals process for purchase, including investigations	Destroy when administrative use is concluded	<ul style="list-style-type: none"> Appointments & Delegations Audit Investigations Arrangements for the provision of goods and/or services 	Common practice
FM1.4	Identification of the receipt, expenditure and write offs of public monies	Destroy 6+1 years after the conclusion of the financial transaction that the record supports	<ul style="list-style-type: none"> Allowances Work Orders Invoices Credit Card Statements 	Statutory

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			<ul style="list-style-type: none"> • Cash Books • Receipts • Cheque Counterfoils • Bank Statements • Subsidiary Ledgers (Annual) • Journals (Annual) • Vouchers 	
FM1.5	Processes that balance and reconcile financial accounts	Destroy 3 years after administrative use is concluded	<ul style="list-style-type: none"> • Reconciliation • Summaries of Accounts 	Common practice
FM1.6	Taxation Records	Destroy 6+1 years after the end of the financial year in which the records were created	<ul style="list-style-type: none"> • Taxation Records • Motor Vehicle Logs • Fringe Benefits Tax Records • Group Certificates 	Statutory
FM1.7	Processes involved in the collection of National Insurance Number	As soon as no longer required.	<ul style="list-style-type: none"> • Notification and Input Records 	Statutory
FM1.8	Payroll Accountable processes relating to payment of employees	Destroy 6+1 years after the conclusion of the financial transaction that the record supports	<ul style="list-style-type: none"> • Authority Sheets • Payroll Deduction Authorities • Payroll Disbursement • Employee Pay Records • Employee Taxation Records 	Statutory
FM1.9	Non-accountable process relating to payment of employees	Destroy after administrative use is concluded	<ul style="list-style-type: none"> • Summary Employee Pay Reports • Dummy pay slips 	Common practice
FM1.10	Non-accountable process relating to payment of employees	Destroy after administrative use is concluded	<ul style="list-style-type: none"> • Summary Employee Pay Reports • Dummy pay slips 	Common practice

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FM2 Financial Provisions				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
FM2.1	Budgets and Estimates The process of finalising Local Authorities' Annual Budget	Destroy 6+1 year after relevant year has concluded.	<ul style="list-style-type: none"> Annual Budget 	Common practice
FM2.2	The process of developing Local Authorities' Annual Budget	Destroy 3 years after annual budget adopted by Local Authorities	<ul style="list-style-type: none"> Draft Budgets Departmental Budgets Draft Estimates 	Common practice
FM2.3	The process of reporting which examines the budget in relation to actual revenue and expenditure	Destroy after next year's Annual Budget has been adopted by Local Authorities	<ul style="list-style-type: none"> Quarterly Statements 	Common practice
FM2.4	Loans The activity of borrowing money to enable a Local Authority to perform its functions and exercise its powers	Destroy 6+1 years after the loan has been repaid [None held at present?]	<ul style="list-style-type: none"> Loan Files 	Statutory
FM2.5	Summary Management of loans	Destroy 6+1 years after administrative use is concluded	<ul style="list-style-type: none"> Loans Registers 	Common practice
FM2.6	Housing Mortgages	Last payment + 6+1 years if signed Last payment + 12 years if sealed	<ul style="list-style-type: none"> Mortgage Agreements Correspondence 	Statutory
FM2.7	Home Improvement Grants	Destroy 6+1 years after last payment for grants under £50,000. For grants over £50,000 destroy 12 years after last payment Where plans and detailed drawings included offer to Archivist	<ul style="list-style-type: none"> Agreement to Pay Loan Details of Payment Correspondence Relating to Loan Approval notice Application documents 	Statutory

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FM2.8	Council Tax Valuation The valuation of rateable land within a municipal district for the purpose of the making of the rate	Valuation lists – Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded	<ul style="list-style-type: none"> • Rate Books • Rate Cards • Register of Rateable Properties 	Statutory

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FM3 Revenues & Benefits				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
FM3.1	Council Tax and Non Domestic Rate Administration The activity corresponding with ratepayers and Council Tax Payers in relation to liability, objections, submissions, appeals, discounts, reductions, exemptions and other related matters.	Electronic records – destroy 6 years after the end of the financial year in which the records relate Paper records after scanning – destroy 3 months after the records have been scanned (for QA process).	<ul style="list-style-type: none"> • Notices • Objections • Applications • Correspondence • Council Tax and Non Domestic Rate Property Files • Tax and Interest information 	Statutory Common practice
FM3.2	Housing Benefit and Council Tax Benefit/Support The activity corresponding with claims for Housing/Council Tax Benefit and/or Local Council Tax Support(LCTS), appeals, requests for reconsideration of decisions, records of investigations and visits	Electronic records – Destroy 6 years after the end of the financial year in which the records relate Paper records after scanning – destroy 3 months after the records have been scanned (for QA process).	<ul style="list-style-type: none"> • Benefit/LCTS claim forms • Letters • Appeals and requests for reconsiderations • Copies of evidence used for verification of claim • Records of visits and investigations 	Statutory
FM3.3	Council Tax / Non Domestic / Housing/Council Tax Benefit & Local Council Tax Support Statutory and Statistical Returns	Electronic records – Destroy 6 years after the end of the financial year in which the records were created	<ul style="list-style-type: none"> • Stats 128 • Stats 121 • Stats 122 • Stats 124 • QRC4 • NNDR1 • NNDR3 • CTB1 	Common practice
FM3.4	Housing/Council Tax Benefit Financial returns The process that consolidates financial transactions on an annual basis for the purposes of the initial, revised and final subsidy claim to the Department of Work	Destroy 6 years after the end of the financial year in which the records were created	<ul style="list-style-type: none"> • Estimate submission • Final signed subsidy claim • Final Audited subsidy claim 	Statutory

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	and Pensions			
FM3.5	Fraud Investigation Records relating to the investigation and any subsequent sanction, penalty or prosecution	No fraud proved – Destroy 12 months from closure of file Penalty or sanction – Destroy 3 years from date accepted by claimant Prosecution – Destroy immediately after the conclusion of proceedings (after the appeal period has passed) from date of conviction or for the duration of the conditional discharge	<ul style="list-style-type: none"> • File records • Interview notes • IUC Tapes 	Common practice

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Council Asset & Infrastructure Management

AI 1 Property Acquisition & Disposal				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
AI 1.1	<u>Acquisitions</u> Assets over £50,000 Any papers concerning the management of the acquisition (by financial lease or purchase) process for assets and real property	Destroy 12 years , after all obligations / entitlements are concluded	<ul style="list-style-type: none"> • Legal Documents Relating to the Purchase / Sale • Particulars of Sale Documents • Survey particulars • Leases • Applications for Leases, Licences & Rental Revision • Tender Documents • Conditions of Contracts • Certificates of Approval 	Statutory RGLA 7.29 Limitations Act 1980
AI 1.2	Assets under £50,000	Destroy 6 years , after all obligations / entitlements are concluded	As above	Statutory RGLA 7.29 Limitations Act 1980
AI 1.3	Deeds	Permanent retention – in Strong Room	<ul style="list-style-type: none"> • Deeds and associated documentation 	
AI 1.4	<u>Disposal</u> Assets over £50,000 Documents relating to the management of the disposal (by sale or write off) process for assets and real property	Destroy 12 years , after all obligations / entitlements are concluded	<ul style="list-style-type: none"> • Legal Documents Relating to the Purchase / Sale • Particulars of Sale Documents • Survey particulars • Leases • Applications for Leases, Licences & Rental Revision • Tender Documents 	Statutory RGLA 7.29 Limitations Act 1980

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			<ul style="list-style-type: none"> • Conditions of Contracts • Certificates of Approval 	
AI 1.5	Assets under £50,000	Destroy 6 years , after all obligations / entitlements are concluded	As above	Statutory RGLA 7.29 Limitations Act 1980
AI 1.6	Sale or write off of property Management of the disposal (by sale or write off) process for real property	Destroy 15 years , after all obligations / entitlements are concluded	<ul style="list-style-type: none"> • Legal Documents relating to the purchase / sale • Particulars of Sale Documents • Survey particulars • Tender Documents • Conditions of Contracts 	Common practice RGLA 8.3

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AI 2 Land & Property Management				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
AI 2.1	Accessibility Documentation and information relating to the access of property owned by the Council	Destroy - 7 years from closure	<ul style="list-style-type: none"> Key-holder Information Details of Contractors 	Common practice
AI 2.2	Building surveys Data collected from surveys conducted on council buildings	Destroy - 7 years from closure	<ul style="list-style-type: none"> Condition Surveys Warranties 	Common practice
AI 2.3	Certification Certificates of approval	Destroy - 7 years from closure	<ul style="list-style-type: none"> Statutory Surveys 	Common practice
AI 2.4	Energy management Within Council property	Destroy - 7 years from closure	<ul style="list-style-type: none"> Council's Energy Management contract Energy Performance Certification 	Common practice
AI 2.5	Equipment disposal Process involved in the disposal of Council equipment	Destroy - 7 years from closure	<ul style="list-style-type: none"> Agreements to dispose of equipment 	Common practice
AI 2.6	Internal agreements Specific to internal agreements concerning Council property	Destroy - 7 years from closure Normally reviewed annually or periodically during life of agreement. Destroy 2 years after expiry of agreement.	<ul style="list-style-type: none"> Internal SLAs / internal departmental agreements 	Common practice

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AI 2.7	Land and property history Historical documents about Council owned land and property	Retain for life of property or building plus 12 years . Consider transfer to Essex Records Office depending upon nature of document/building before destruction.	<ul style="list-style-type: none"> Plans 	Common practice RGLA 8.2
AI 2.8	Leasing The process of managing leased property	Destroy 15 years after the expiry of the lease	<ul style="list-style-type: none"> Lease agreements Valuation queries Applications for leases/licences 	Common practice RGLA 8.8
AI 2.9	Managing the occupancy of property	Destroy 7 years after the conclusion of the transaction that the record supports	<ul style="list-style-type: none"> Requests for Works, Cleaning etc. 	Common practice RGLA 8.9
AI 2.10	Property management and renovation Buildings and estates of 'special interest' Other buildings and estates	Transfer to place of deposit after administrative use is concluded Retain for the life of the building	<ul style="list-style-type: none"> Project Specifications Plans Installation Manuals Certificates of Approval Work Orders Tender Documents Conditions of Contract 	Common practice RGLA 8.5 RGLA 8.6
AI 2.11	Security Security and processes related with security of the council's property	Destroy 7 years after the conclusion of the process that the record supports.	Documentation held by Facilities Management	Common practice
AI 2.12	Usage statistics Any data held concerned with usage of Council land property	Destroy - 3 years after expiry of lease / agreement	Documentation held by occupier, if requested	Common practice
AI 2.13	Valuations Valuation documentation and statistics	Destroy - 6 years from end of financial year after disposal of property	Valuations on disposal	Common practice

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AI 3 Maintenance of Council Property				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
AI 3.1	Maintenance Instruction manuals related to council property	Destroy - 7 years after last action	<ul style="list-style-type: none"> • Instruction manuals 	Common practice RGLA 7.27
AI 3.2	Planned maintenance Relating to the process of managing and undertaking planned maintenance of property	Destroy - 7 years after last action	<ul style="list-style-type: none"> • Cleaning • Painting • Garden maintenance 	Common practice RGLA 7.27
AI 3.3	Refurbishment Relating to the process of managing and undertaking planned renovations and development of property	Destroy - 7 years after last action	<ul style="list-style-type: none"> • Work orders • Tender documents • Conditions of contracts 	Common practice RGLA 8.7
AI 3.4	Responsive maintenance Relating to the process of managing and undertaking emergency maintenance of property	Destroy - 7 years after last action	<ul style="list-style-type: none"> • Cleaning • Painting • Garden maintenance 	Common practice RGLA 7.27

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AI 4 Information & Communication Technology				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
AI 4.1	ICT Systems Management Computer Systems documentation	Destroy after 2 years	<ul style="list-style-type: none"> Release notes & associated implementation documents 	Common practice
AI 4.2	Project documentation for system(s) implementation	Destroy after 6 years	<ul style="list-style-type: none"> Implementation Plan Project initiation Document (PID) Project documentation & notes Software Licensing Agreements 	Common practice
AI 4.3	Technical data relating to Information & Communication infrastructure	Reviewable Destroy records as they become obsolete or are no longer required.	<ul style="list-style-type: none"> Supplier details 	Common practice
AI 4.4	Records of internet use	Delete 3 months (recurring 99 days as per system)		Common practice
AI 4.5	E-mail records	Destroy 6 years after date of email		Common practice

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AI 5 Transport Management				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
AI 5.1	Transport Management - The process of managing allocation and maintenance of vehicles	Destroy 7 years after the sale or disposal of the vehicle	<ul style="list-style-type: none"> • Approvals as Drivers • Allocations & Authorisations for Vehicles • Maintenance 	RGLA 8.15
AI 5.2	Acquisition and disposal of vehicles through lease or purchase	Destroy 7 years after the disposal of the vehicle	<ul style="list-style-type: none"> • Leases • Contracts • Quotes • Approvals • Fleet Authorisation Numbers 	RGLA 8.14
AI 5.3	Recording vehicle usage	Destroy 3 years after the sale or disposal of the vehicle	<ul style="list-style-type: none"> • Vehicle Usage Reports 	RGLA 8.16
AI 5.4	Recording drivers usage	Destroy 7 years after closure	<ul style="list-style-type: none"> • Vehicle Log Book 	RGLA 8.17

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AI 6 Insurance				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
AI 6.1	Policy Management The summary management of insurance arrangements	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded	<ul style="list-style-type: none"> Insurance Policies 	Statutory
AI 6.2	The process of insuring Local Authority Officers, property, vehicles and equipment against negligence, loss or damage	Destroy 6+1 years after the terms of the policy have expired	<ul style="list-style-type: none"> Insurance Register Correspondence 	Statutory
AI 6.3	The process of renewing insurance policies	Destroy 6+1 years after the insurance policy has been renewed	<ul style="list-style-type: none"> Insurance Policy Renewal Records Correspondence 	Statutory
AI 6.4	Claims Management The process that records insurance claims against the Local Authority or Local Authority Officers	Destroy 6+1 years after all obligations/entitlements are concluded (allowing for the claimant to reach 25 years of age)	<ul style="list-style-type: none"> Claims Records Correspondence 	Statutory

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AI 7 Health & Safety				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
AI 7.1	Inspections and Assessments Process of inspecting equipment to ensure it is safe	Destroy 6 years from disposal of the equipment	<ul style="list-style-type: none"> Equipment Inspection Records 	Common practice
AI 7.2	Process of carrying out monitoring to ensure that a work process is safe	Keep for 21 years before considering destruction	<ul style="list-style-type: none"> Monitoring Results Inspection reports Maintenance records 	Common practice
AI 7.3	Process of monitoring of areas where employees and persons are likely to have become in contact with asbestos	SRP - Destroy 40 years from date of last entry	<ul style="list-style-type: none"> Property Asbestos Files Health Surveillance reports Medical records under Control of Asbestos at Work Regs. 	Statutory
AI 7.4	Process of monitoring of areas where employees and persons are likely to have come in contact with radiation	SRP – Retain until the person reaches 75 years of age but in any event for at least 50 years	<ul style="list-style-type: none"> Radon Monitoring Health Surveillance reports Medical reports under Ionising Radiations Regs. 1999 	Statutory
AI 7.5	Process to ensure safe systems of work	Retain until superseded or process ceases +1 year	<ul style="list-style-type: none"> Departmental Procedure Notes Method Statements 	Common practice
AI 7.6	Process to assess the level of risk	Destroy 3 years from last assessment	<ul style="list-style-type: none"> Risk Assessment 	Common practice
AI 7.7	Permits to work	Destroy 3 years from last action or expiry before considering destruction	<ul style="list-style-type: none"> Fire Safety Certificates First Aid Certificates 	Common practice
AI 7.8	Reporting of accidents	SRP – 3 years from the date of the last entry (or if the accident involves a child/young adult then until that person reaches age of 21 years).	<ul style="list-style-type: none"> Accident Books Accident records/reports 	Common practice

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AI 8 Emergency Planning				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
AI 8.1	Emergency Plan Process to develop the emergency / disaster plan for the local community	Destroy when plan superseded	<ul style="list-style-type: none"> Civil Emergency Plan Business Continuity Plan 	Common practice
AI 8.2	Process of recording the results of the test for emergency/disaster plan for the local community	Destroy 3 years after closure or until similar test is undertaken, whichever is the longest.	<ul style="list-style-type: none"> Exercise Orders Results of Exercise Action Plan 	Common practice
AI 8.3	Incident Monitoring Activities that report on all major incidents in the local community, whether the Emergency Plan has been invoked or not.	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded. Longer-term consider transfer to Archive/Museum of local history.	<ul style="list-style-type: none"> Incident Log 	Common practice
AI 8.4	Activities that report on all minor incidents in the local community, whether the Emergency Plan has been invoked or not.	Destroy 7 years after closure	<ul style="list-style-type: none"> Exercise Orders Results of Exercise Action Plan 	Common practice
AI 8.5	Staff contact details on FastSMS system used to alert staff in cases of emergency of disaster recovery plan initiation.	Remove from system when leaving organisation	<ul style="list-style-type: none"> Staff telephone numbers 	Common practice

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General Public Services

GPS1**Investigation & Licensing**

Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
GPS1.1	Enforcement, Certification and Prosecution Summary management systems that allow the monitoring and management of registration, certification and licenses registration requirements in summary form	Retain for as long as there is an administrative purpose (min 3 years)	<ul style="list-style-type: none"> Public register HMO Licensing/Inspections Housing Act orders Private water supply Environmental permitting Nuisances 	Statutory/Common practice
GPS1.2	The administration of applications, registration, certification and licenses in relation to Local Authorities' registration requirements	Destroy 2 years after registration or entitlement lapses	<ul style="list-style-type: none"> Applications for Animal Registration Applications for registration of a Business Premises Registers Certificates of Registration of Taxi Drivers Gaming Licensing 	Statutory/Common practice
GPS1.3	The process involved in licensing sites for the holding or use of toxic or hazardous substances (including petroleum, agricultural chemical products or herbicides)	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded – 60 years after registration or entitlement lapses	<ul style="list-style-type: none"> Diesel Licenses Petroleum Licenses Health and Safety Licensing Hazardous Substances Contaminated Land Register/Pollution 	Statutory
GPS1.4	Notification The process of issuing notices to citizens with respect to particular responsibilities	Destroy 2 years after the matter is concluded	<ul style="list-style-type: none"> Fire Prevention Notices Fire Prevention Infringement Notices Objections to Notices Appeals Against Notices Registration of Premises Infringement Notices Animal Impounding Notices 	Common practice

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GPS1.5	Investigation, Inspection and Monitoring The process of investigation and monitoring where inspection is the Council's responsibility by law.	Destroy 7 years from last action	<ul style="list-style-type: none"> • Inspection records • Certificates of compliance 	Common practice
GPS1.6	Prosecution The process of prosecution or sanction of an individual or organisation for failing to comply with their legal responsibilities	Destroy 6 years from last action	<ul style="list-style-type: none"> • Prosecution / Sanction Files • FPN/PCN Files • Files relating to sanctions issued by CPOs (i.e. dog fouling, fly tipping, littering, etc.) 	Statutory

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GPS2 Cemeteries				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
GPS2.1	Cemeteries Summary management systems that record the location of burials, identity of deceased individuals	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded	<ul style="list-style-type: none"> Register of Interments Cemetery Register Cemetery Plans Exhumation records 	Statute
GPS 2.2	The process of regulation of burials	Destroy 5 years after last action	<ul style="list-style-type: none"> Permits Applications Orders 	Common practice
GPS 2.3	Tributes Application, installation and maintenance of tributes (i.e. benches & plaques, etc.)	Destroy 5 years after last action* *Basic register of tributes kept permanently to assist informing those placing such tributes of any deterioration, damage, requirements to re-locate, etc.	<ul style="list-style-type: none"> Permits Applications Details of location, type, inscription 	Common practice
GPS3 Waste Management				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
GPS3.1	Waste Collection The process of arranging the collection or transportation of household waste	Destroy 3 years after last action taken	<ul style="list-style-type: none"> Abandoned Vehicles Bulky Waste Domestic Waste 	Common practice
GPS3.2	The process of arranging the collection or transportation of controlled waste	Destroy 6 years after last action taken	<ul style="list-style-type: none"> Inspections, Weighbridge tickets Duty of Care 	Common practice

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GPS3.3	The process of managing the Waste Transfer Site	Externally required returns – destroy after 6 years Internally required records (as per EA Permit) – destroy after 2 years	<ul style="list-style-type: none"> • Environment Agency returns • Waste Data Flow returns • Household Waste & Recycling Statistics • Fly-tipping data • Accepted waste • Rejected waste • Despatched waste • Site diary 	Statutory Statutory
GPS3.4	The processing of managing optional waste collection services	<ul style="list-style-type: none"> • Green waste - Destroy 2 years after last action taken • Clinical waste – Destroy 6 months after end of service delivery • Fly tipping – 3 years 	<ul style="list-style-type: none"> • Green waste collection • Clinical waste collection • Fly tipping 	Common practice

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Planning & Development

PD1 Spatial Planning				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
PD1.1	Developing and producing Planning Policy documents setting out a vision, strategic direction and policy framework for the existing and future land use within the District.	Permanent Storage at MDC when plan superseded.	<ul style="list-style-type: none"> Local Development Plan Local Development Scheme Supplementary Planning Guidance. Background evidence to Plan preparations - research studies and surveys 	Town & Country Planning Act 1990
PD1.2	Public and stakeholder consultation to gain approval for Planning Policy documents	Permanent Electronic Storage at MDC Representations are often requested after the Plans have been adopted and are reference points for other planning inquiries and enquiries. Archive on website	<ul style="list-style-type: none"> Public Consultation Documents Public Consultation Representations Public Inquiry Documents – statements and evidence 	Town & Country Planning Act 1990
PD 1.3	Natural and built heritage listing The activity of recording information on specific sites/areas of special interest including historic buildings, monuments and ecology.	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded.	<ul style="list-style-type: none"> Historic Listed Buildings Register Buildings at Risk Register Building Preservation Notices Conservation Area Designations - Appraisals and Plans Listed building records Sites and Monuments Records Archaeological Records Ecological Records Species Records Definitive maps 	Common practice RGLA 10.3

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PD2 Development Management				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
PD 2.1	Planning application registration & processing The process of controlling development of areas through applications for planning permission, prior approvals, listed building consent, advertisement consent, certificates of lawfulness and other such permissions	Transfer Planning Application register to Permanent Storage at MDC once the register has been completed (or at arranged intervals if it is held electronically). Scan all documentation.	<ul style="list-style-type: none"> • Planning Application Register • Planning Application Files and Plans • Decision Notices • Correspondence Relating to Any Objections • S.106 agreements • Article 4 Directions 	Common practice RGLA 10.6
PD 2.2	Application processing related to planning appeals including enforcement appeals and other such proceedings lodged with the Planning Inspectorate.	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded. Scan all documentation.	<ul style="list-style-type: none"> • Planning appeal files 	Limitations Act 1980
PD 2.3	Pre-Application Enquiries and consultation communication relating to matters within other authorities.	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded. Scan all documentation.	<ul style="list-style-type: none"> • Pre-application discussions and documents 	Common practice
PD 2.4	The process of enforcing planning, building or land regulations	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded. Scan all documentation.	<ul style="list-style-type: none"> • Enforcement Notices • Stop Notices • Breach of Condition Notices • Section 215 Notices 	Common practice

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PD 2.5	The process of protecting specific trees or a particular area, group or woodland, or hedges from deliberate damage or destruction.	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded. Scan all documentation.	<ul style="list-style-type: none"> Tree Preservation Orders S.211 notices – work to trees in a Conservation Area Hedgerow Retention Notices 	Common practice RGLA 10.7
PD 2.6	The process of approving applications for grants to historic buildings	Destroy 5 years after administrative use concluded	<ul style="list-style-type: none"> 1962 Act Historic Buildings Grant applications and correspondence 	Common practice
PD3 Land Charges				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
PD 3.1	Producing an official Local Authority Search result & maintaining a statutory register The process of investigating any information held by the Council pertaining to a specific property or parcel of land.	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded. Scan all documentation.	<ul style="list-style-type: none"> Statutory register of Local Land Charges searches 	Land Charges Act 1975
PD 3.2	The retention of Local Authority search results and information provided by other departments and external organisations for verification purposes .	10 years retention of Electronic document Permanent retention of electronic data on TLC or relevant land charges system.	<ul style="list-style-type: none"> Copies of completed Local Land Charge searches 	Land Charges Act 1975

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PD4 Street Naming & Numbering				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
PD4.1	Street naming and numbering Documentation on the street naming development naming and property numbering/naming	Permanent Storage at MDC in either electronic or paper format	<ul style="list-style-type: none"> • Street Files • Street Records Requests for: <ul style="list-style-type: none"> • Naming of Streets • Numbering of Houses 	Common practice
PD5 Building Control				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
PD5.1	The process of regulating the planned use of land or buildings and inspecting building work to ensure compliance	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded	<ul style="list-style-type: none"> • Building Control Registers • Building Regulation Full Plans • Building Notices • Inspection Reports 	Building Act 1984 & Building Regulations 2000
PD5.2	The process of approving Building Control applications in relation to Listed Buildings	Permanent Storage at MDC Transfer to place of deposit after administrative use is concluded	<ul style="list-style-type: none"> • Building Files • Plans • Specifications • Correspondence • Applications • Permits • Certificates 	Building Act 1984 & Building Regulations 2000 RGLA 10.10

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PD5.3	The process of approving Building Control applications for all other buildings	These can be destroyed 15 years after construction completed, but our policy will be to retain for the time being to enable historic information to be provided and to consider the extent of scanning of all historic files to be scanned on the Document Management System (Comino) before they are destroyed. Note retention of pre-1974 files held by MDC as these include Planning Application records which require permanent storage .	<ul style="list-style-type: none"> • Building Files • Plans • Specifications • Correspondence • Applications • Permits • Certificates 	Building Act 1984 & Building Regulations 2000 RGLA 10.11 & 10.12
PD5.4	The process of inspecting building work for the purpose of ensuring compliance	Destroy 15 years after the issue of a completion certificate	<ul style="list-style-type: none"> • Completion Certificate • Building Inspection Records 	Building Act 1984 & Building Regulations 2000
PD6 Economic Development & Promotion				
Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
PD6.1	Advice to business Information on providing advice to new and existing businesses	Destroy – 7 years after scheme to which information relates is completed	<ul style="list-style-type: none"> • Promotional leaflets • Correspondence 	Common practice
PD6.2	Business awards Information regarding business awards and grants	Destroy – 7 years after scheme to which grant relates is completed	<ul style="list-style-type: none"> • Nomination forms • Promotional literature • Grant award material 	Common practice
PD6.3	Business development Information about activities designed to develop and encourage business development. Including externally funded projects and sustainability	Destroy – 7 years after scheme to which grant relates is completed	<ul style="list-style-type: none"> • Business associations • Business Fairs 	Common practice

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PD6.4	Business development Information about activities designed to develop and encourage business development. Including externally funded projects and sustainability	Destroy – 7 years after scheme to which grant relates is completed	<ul style="list-style-type: none"> • Business associations • Business Fairs 	Common practice
PD6.5	Regional Development Participation in sub/ regional regeneration developments and forums	Destroy – 7 years after scheme to which grant relates is completed	<ul style="list-style-type: none"> • Project files • Forum agendas, papers and minutes 	Common practice
PD6.6	Business Intelligence The collection and management of economic and social data about the District	Destroy 20 years after the material is collected	<ul style="list-style-type: none"> • Socio economic data • Business surveys, responses & analysis 	Common practice

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Safeguarding Children & Vulnerable Adults

S1
Safeguarding Children & Vulnerable Adults

Ref. No	Function Description	Retention Action / Retention Period	Examples of Records	Statutory Retention Period or Common practice
S1.1	Safeguarding children & vulnerable adults The process of protecting children and vulnerable adult's health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect.	100yrs from date of birth.		Good practice
S1.2	Welfare concerns that are referred to Social Care or the Police. E.g. this would include concerns about physical, sexual, emotional or neglect of a child or physical, sexual, emotional, neglect, institutional, financial or discriminatory of a vulnerable adult, disclosures from a child or vulnerable adult about being abused or information from a third party which might suggest a child or vulnerable adult is being abused; concerns about a parent or another adult that uses our services, or a young person who has been abused by another young person.	Records should be kept for 6 years after the last contact with the service user unless longer retention is required to comply with any other statutory requirements, information contained therein is relevant to legal action which has been started, are archived for historical purposes, consist of a sample of records maintained for the purpose of retrospective comparison, involve the transfer of significant information with subject identification, on to aggregated files, relate to individuals and providers of services who have or whose staff have been judged to be unsatisfactory, or are held in order to provide the subject aspects of his or her personal history.		Good practice
S1.3	Welfare concerns that Community Services decide, after consultation, do not necessitate a referral to Social Care or the Police. In such circumstances a record should be made of the concern and the outcome.	Destroy the record 6 years after the child/vulnerable adult concerned ceases to use the service, unless the child or adult are continuing to use the services in the area that the referral initiated from.		Good practice

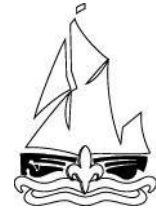
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S1.4	<p>Concerns about people (paid and unpaid) who work with children, young people or vulnerable adults, for example, allegations, convictions, disciplinary action, inappropriate behaviour towards or vulnerable adults.</p> <p>E.g. where an employee has breached the code of conduct, a record of the behaviour, the action taken and outcome should be recorded.</p>	<p>Personnel files and training records (including disciplinary records and working time records) - retain for 6 years after employment ceases.</p> <p>However the records should be retained for a longer period if any of the following apply:</p> <ul style="list-style-type: none"> • There were concerns about the behaviour of an employee where s/he behaved in a way that has harmed, or may have harmed, a child or vulnerable adult; • The employee possibly committed a criminal offence against, or related to, a child or vulnerable adult; • The employee behaved towards a child or vulnerable adult in a way that indicates s/he is unsuitable to work with children or vulnerable adults <p>In such circumstances records should be retained at least until the employee reaches normal retirement age, or for 10 years if that is longer.</p>	<ul style="list-style-type: none"> • Personnel files and training records (including disciplinary records and working time records). 	Statutory
S1.5	<p>Disclosure and Barring Service checks obtained as part of the vetting process.</p>	<p>The actual disclosure form must be destroyed after 6 months. However, it is advisable that organisations keep a record of the date of the check, the reference number, the decision about vetting and the outcome.</p>		Statutory

2020 MDC Document Retention Schedule**Version History**

Version Number	Date	Change
1.01	8/01/2018	S1.3 – Amend retention period to 6 years.
1.02	17/1/18	Safeguarding retention periods revised.
1.03	14/3/18	GPS3.3-4 retention periods amended
1.04	25/4/18	LC2.1-2.3 amended
1.05	5/6/18	HR Section updated.
1.06	04/02/2020	Updated due to McCloud Judgement and its potential impact on the LGPS. As noted at page 25.

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REPORT of DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE

**to
STRATEGY AND RESOURCES COMMITTEE
24 NOVEMBER 2020 (SPECIAL MEETING)**

APPOINTMENT OF REPRESENTATIVES ON LIAISON COMMITTEES / PANELS

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to remind Members of the existing representatives on Liaison Committees / Panels and for new appointments to be made for 2020 / 21.

2. RECOMMENDATION

That the Committee appoints representatives to the bodies detailed below, for the ensuing municipal year.

3. SUMMARY OF KEY ISSUES

- 3.1 Members are asked to nominate representatives to serve on the following Liaison Committees / Panels, aligned to the Strategy and Resources (S&R) Committee, for the ensuing municipal year.

Body	Current Representative(s)
Car Parking Task and Finish Working Group (Minute 588 – 17/11/15)	Councillors A L Hull, Mrs M E Thompson, Miss S White <i>and one vacancy</i>
Maldon Market Member Task and Finish Working Group (Minute 612 – 21/11/17)	Councillors Mrs P A Channer CC, Mrs M E Thompson, Miss S White <i>and one vacancy</i>
Places for People Liaison Committee	Councillor E L Bamford and M F L Durham CC <i>Substitute: Councillor Mrs M E Thompson</i>
Recreational Avoidance and Mitigation Strategy Member Forum	Councillor Mrs P A Channer CC
River Crouch Coastal Community Team (Management Team)	Chairmen and Vice-Chairmen of the Community Services and Planning & Licensing Committees

Body	Current Representative(s)
Waste Member Task and Finish Working Group (Minute 945 – 27/03/18)	Councillor R H Siddall, Miss S White <i>and two vacancies</i>

- 3.2 The Event Member Task and Finish Working Group has been removed from the above list as its work was completed.

Background Papers: None.

Enquiries to: Tara Bird, Committee Services Officer, (Tel. 01621 875791).

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