



APOLOGIES Committee Services  
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DIRECTOR OF STRATEGY,  
PERFORMANCE AND  
GOVERNANCE  
Paul Dodson

27 October 2021

Dear Councillor

You are summoned to attend the meeting of the;

**COUNCIL**

on **THURSDAY 4 NOVEMBER 2021 at 7.30 pm**

in the **Council Chamber, Maldon District Council Offices, Princes Road, Maldon.**

Please Note that due to social distancing and space limitations, we require any members of the public or press who wish to attend physically and observe or speak under Public Participation rules at this meeting to complete [a request form](#) (to be submitted by 12noon on the working day before the Committee meeting). This will be reviewed and managed according to capacity of the meeting and whether any other persons have already registered.

The Committee meeting will still be live streamed via the [Council's YouTube channel](#) for ease of viewing.

A copy of the agenda is attached.

Yours faithfully

Director of Strategy, Performance and Governance





## AGENDA COUNCIL

**THURSDAY 4 NOVEMBER 2021**

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1. **Chairman's notices**

2. **Apologies for Absence**

3. **Declaration of Interest**

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

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

4. **Minutes - 2 September 2021** (Pages 7 - 18)

To confirm the Minutes of the council meeting held on Thursday 2 September 2021 (copy enclosed).

5. **Public Questions** (Pages 19 - 20)

To receive questions from members of the public, of which prior notification in writing has been received (no later than noon two clear working days before the day of the Council meeting).

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

6. **Chairman's Announcements**

7. **Minute Book**

To consider the Minutes of the under mentioned Committees (copy enclosed).

\* Please note that where Minutes contain recommendations to the Council the Minute reference for these recommendations are listed below for Members' information.

- a) **Joint Standards Committee - 6 September 2021** (Pages 21 - 26)
  - Minute No. 260 - Standards Complaints - Councillor Chrisy Morris - The Committee Decision
- b) **Strategy and Resources Committee - 16 September 2021** (Pages 27 - 94)
  - Minute No. 279 – Approval of Duty to Co-Operate Strategy
  - Minute No. 280 – Affordable Housing and Commuted Sum Strategy

Please note that Minute No. 281 – Local Development Plan Review Issues and Options is the subject of the separate report on this agenda.

- c) Performance, Governance and Audit Committee - 23 September 2021 (Pages 95 - 102)

8. **Minutes of Meetings of the Council**

To note that since the last Council, up until Wednesday 27 October 2021 (Council agenda dispatch) the following Committees have met, and to receive any questions in accordance with Council and Committee Procedure Rule 6 (2).

Central Area Planning Committee	25 August 2021
North Western Area Planning Committee	8 September
South Eastern Area Planning Committee	15 September
District Planning Committee	30 September
North Western Area Planning Committee	6 October
South Eastern Area Planning Committee	13 October
Overview and Scrutiny Committee (special meeting)	14 October
Central Area Planning Committee	20 October

9. **Notice of Motion**

In accordance with notice duly given under Procedure Rule 4, Councillor Mrs P A Channer to move the following motion, duly seconded by Councillor Mrs M E Thompson and supported by the names undersigned as this matter was debated on 2 September 2021 and therefore requires 10 names in accordance with Rule 12 (6-month rule).

“To change the procedure for the sealing of documents noted in paragraph 3.1.2 of the Responsibility and Functions General Provisions document that forms a part of the Constitution be amended to require only one of the employees listed to sign whenever any document needs to be sealed.

The relevant part of the Constitution would be changed to read: -

“The Seal shall be attested by any one of the following: a Director / any manager who reports directly to a Director / any employed Solicitor, barrister or legal executive. An entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed by the officer who has attested the Seal.”

This would also require the alteration of 5. COMMON SEAL OF THE COUNCIL to read:

“5.1 A decision of the Council, a Committee or Sub-Committee of the Council or a delegated decision by an officer will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Lead or Senior Specialist - Legal should be sealed and shall be attested by any one of the following persons, namely a Director, any manager who reports directly to a Director, or any employed solicitor, barrister or legal executive. An entry of every sealing of a document shall be made and consecutively numbered in a book to be provided for the purpose and shall be signed by the person who has attested the seal. Such documents will include those relating to works contracts, leases, transfers and bylaws.””

This Motion is supported by Councillors Mrs P A Channer, Mrs M E Thompson, Miss A M Beale, M F L Durham, Mrs J L Fleming, B B Huebner, A L Hull, J V Keyes, C P Morley, and Miss S White.

10. **Questions in accordance with Procedure Rule 6(3) of which notice has been given**

11. **Approval to Consult on the Maldon District Local Development Plan Review - Issues and Options Document 2021** (Pages 103 - 168)

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

12. **Langford and Ulting Neighbourhood Plan - Decision on Examiner's Report** (Pages 169 - 248)

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

13. **One Maldon District** (Pages 249 - 260)

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

14. **Council Tax Base 2022 / 23** (Pages 261 - 268)

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

15. **Questions to the Leader of the Council in accordance with Procedure Rule 1 (3)(m)**

16. **Business by reason of special circumstances considered by the Chairman to be urgent**

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## **NOTICES**

### **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.

### **Fire**

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

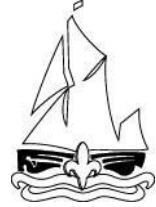
### **Health and Safety**

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

### **Closed-Circuit Televisions (CCTV)**

Meetings held in the Council Chamber are being monitored and recorded by CCTV.





**MINUTES of  
COUNCIL  
2 SEPTEMBER 2021**

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**PRESENT**

Chairman	Councillor M S Heard
Vice-Chairman	Councillor C Mayes
Councillors	M G Bassenger, Miss A M Beale, V J Bell, R G Boyce MBE, Mrs P A Channer, M F L Durham, CC, M R Edwards, A L Hull, J V Keyes, K M H Lagan, C P Morley, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, W Stamp, CC, E L Stephens, Mrs J C Stilts, C Swain, Mrs M E Thompson and Miss S White

**228. CHAIRMAN'S NOTICES**

The Chairman welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

**229. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors B S Beale MBE, R P F Dewick, Mrs J L Fleming, M W Helm, B B Heubner, K W Jarvis and N G F Shaughnessy.

**230. DECLARATION OF INTEREST**

Councillors M F L Durham and W Stamp declared non-pecuniary interests as a Member of Essex County Council.

**231. MINUTES - 30 JUNE 2021**

**RESOLVED**

- (i) that the Minutes of the Council held on 30 June 2021 be received

**Minute 131 – One Maldon District**

Councillor Mrs P A Channer referred to and detailed some of the discussion which she felt was not captured in the Minutes. She proposed that an additional bullet point be added to the fourth paragraph of this Minute, to read as follows:

- One Maldon would not replace direct discussions with the NHS around the Health Hub those would continue through the Maldon Operational Group as they do now which Maldon District Council are represented on directly.

The proposed amendment was duly seconded and agreed by the Council.

## **RESOLVED**

- (ii) that subject to the above amendment, the Minutes of the Council held on 30 June 2021 be agreed.

### **232. PUBLIC QUESTIONS**

There were none.

### **233. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman thanked the Vice-Chairman for representing him at some events.

### **234. STRATEGY AND RESOURCES COMMITTEE - 15 JULY 2021**

## **RESOLVED**

- (i) That the Minutes of the Strategy and Resources Committee held on 15 July 2021 be received.

#### **Minute 166 – Land Purchase Option Agreement**

Councillor R G Boyce advised that he wished to raise a matter in respect of this Minute item. It was agreed that because this related to a matter discussed in private session Councillor Boyce would raise his query once the Council was in private session.

The Council considered the following recommendations set out in the Minutes:

#### **Minute 160 – A12 Chelmsford to A120 Widening Scheme – Response to Highways England Public Consultation on ‘Preliminary Design’**

## **RESOLVED**

- (ii) that the Council ratifies the response to the Highways England Public Consultation for the ‘Preliminary Design’ of the A12 Chelmsford to A120 Widening Scheme (as set out in Appendix 1 to the Minutes of the Strategy and Resources Committee).

#### **Minute No. 163 – Advice Service Contract**

## **RESOLVED**

- (iii) that Bidder 1 be awarded the contract for delivering an Advice Service from October 2021.

## **RESOLVED**

- (iv) that subject to the above decisions and with the exception of Minute 166, the Minutes of the Strategy and Resources Committee held on 15 July 2021 be agreed.

**235. PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE - 29 JULY 2021**

**RESOLVED** that the Minutes of the Performance, Governance and Audit Committee held on 29 July 2021 be agreed.

**236. JOINT STANDARDS COMMITTEE - 17 AUGUST 2021**

**RESOLVED**

- (i) That the Minutes of the Joint Standards Committee held on 17 August 2021 be received.

The Council considered the following recommendations set out in the Minutes:

**Minute No. 214 – Consultation on Complaints Process and Amendments to the Articles for Standards Arrangements**

Councillor M G Bassenger, Chairman of the Joint Standards Committee, moved the recommendation detailed in the Minutes of the Committee.

Councillor Mrs P A Channer referred to Group Leaders also being notified of any complaints received regarding a Group member. She proposed an amendment to the recommendation that Group Leaders should be confidentially notified if a complaint was raised by one of their Members. The amendment was duly seconded.

A debate ensued. Following some discussion and advice from the Lead Legal Specialist and Monitoring Officer, Councillor Mrs Channer clarified her amendment that the Articles of the Constitution, Article 7- Standards Arrangements, Section 4, paragraph 3 (stage 1) be amended, requesting that Group Leaders also be notified of all complaints regarding a Group member. This proposal was duly seconded.

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote. This was duly seconded. The Chairman put the proposal in the name of Councillor Mrs Channer and the voting was as follows:

For the recommendation:

Councillors Miss A M Beale, R G Boyce, Mrs P A Channer, M F L Durham, M R Edwards, A L Hull, KJ V Keyes, K M H Lagan, C Mayes, C P Morley, S P Nunn, R H Siddall, E L Stephens, Mrs J C Stilts, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillors M G Bassenger, V J Bell, C Morris, W Stamp and C Swain.

Abstention:

Councillor M S Heard.

**RESOLVED**

- (ii) That subject to the above amendment, the changes to the Articles of the Constitution, Article 7 - Standards Arrangements and especially to the complaints process (as set out in Appendix 1 to the Minutes of the Joint Standards Committee), be approved.

## **RESOLVED**

- (iii) that subject to the above decision, the Minutes of the Joint Standards Committee held on 17 August 2021 be agreed.

### **237. MINUTES OF MEETINGS OF THE COUNCIL**

The Council noted the list of Committees that had met before and since the last meeting of the Council, up until Tuesday 24 August 2021 for which Minutes had been published.

### **238. QUESTIONS IN ACCORDANCE WITH PROCEDURE RULE 6(3) OF WHICH NOTICE HAS BEEN GIVEN**

There were none.

### **239. STATEMENT OF COMMUNITY INVOLVEMENT - ADOPTION**

The Council considered the report of the Director of Strategy, Performance and Governance presenting the 2021 Statement of Community Involvement (SCI) (Appendix 1 to the report) for approval following completion of a six-week consultation period.

The report provided background information regarding the draft SCI, recent consultation process undertaken, and responses received (summarised in Appendix 2 to the report). It was noted that the SCI set out how the Council would consult on planning policy issues, planning applications and neighbourhood plans.

The Leader of the Council presented the report and put the recommendation. This was duly seconded. Members extended their thanks to Officers for the report and work undertaken.

The Chairman moved the recommendation which was duly agreed. Councillor C Morris asked that his dissent to the recommendation be recorded.

**RESOLVED** that the 2021 Statement of Community Involvement (attached at Appendix 1 to the report), be adopted.

### **240. TAXI AND PRIVATE HIRE POLICY**

The Council considered the report of the Director of Service Delivery presenting an overarching taxi and private hire policy (attached at Appendix 1 to the report) based on recommendations in the Department for Transport's (DfT) statutory guidance. The report sought amendments to existing Council policy and conditions to reflect the DfT recommendations and outlined the consultation process with stakeholders.

The DfT guidance, issued in respect of licensed taxis and private hire, was set out in the report along with the recommendations the guidance made and proposals for the Council to consider. The report set out the main changes proposed to the Council's policy and licensing conditions. It was noted that the changes would strengthen the licensing regime and put safe-guarding at the core of the decision-making process.

The report outlined a proposed consultation with stakeholders on the changes recommended in the DfT's statutory guidance and set out the bodies to be consulted.

The Chairman drew Members' attention to a revised report, Appendix 1 and Appendix 1F which had been circulated prior to the meeting along with a new appendix 1G.

The Leader of the Council presented the report and put the recommendations as set out in the revised report. This was duly seconded.

Members discussed the report and the following points were raised:

- Appendix 1F referred to Quest Motors which no longer existed;
- there was no reference made to Covid within the documents;
- the policy required a notice to be displayed if different forms of payment were not accepted, but as cash was becoming the exception it was questioned if this should be specified.

In response the Director of Service Delivery, advised that those minor changes could be made to the documents and should for any reason it not be possible to make the changes he would advise Members accordingly. This was noted.

The Chairman moved the recommendations subject to the above minor amendment which were duly agreed. Councillor C Morris asked that his dissent to the recommendations be recorded.

## **RESOLVED**

- (i) that subject to the minor amendments detailed above, the draft overarching policy on taxi and private hire be approved;
- (ii) that the amendments to existing policy and licensing conditions be approved;
- (iii) that the consultation process be approved;
- (iv) that the Vehicle Inspection Standards manual be approved for immediate use.

## **241. FUTURE COMMITTEE MEETINGS ARRANGEMENTS**

The Council considered the report of the Director of Strategy, Performance and Governance seeking Members' consideration of ongoing arrangements for Committee meetings in light of changes to government restrictions (as set out in Appendix A to the report).

The report provided background information and reminded Members of the Council's decision in April 2021 to reinstate Committee meetings and the mitigations put in place.

The Leader of the Council presented the report and put the recommendations. This was duly seconded.

The Director of Strategy, Performance and Governance drew Members' attention to Appendix A to the report and in particular the current mitigations and options for Members' consideration including the costs relating to each option.

Councillor Miss S White proposed that the Council accept option 3 (as set out in Appendix 1) with a two monthly review to take into consideration Covid cases etc. She

added that should her proposal not be agreed Members consider option 4 but with live streaming. This proposal was duly seconded.

Councillor R H Siddall felt a more flexible approach should be agreed and proposed that meetings of the Council and District Planning Committee should remain to be held at the Stadium and all other meetings be held in the Council Chamber, removing screens and with individuals wearing masks if they could. He also proposed that the live streaming should continue. This proposal was duly seconded.

A debate ensued during which a number of views were expressed by Members and it was generally expressed that live streaming of meetings should continue. During the discussion reference was made to FFP3 face masks, sitting side by side, protecting the vulnerable, the requirement to complete Lateral Flow Tests, removal of screens from meetings, financial implications and risks to Officers.

The Chairman put the proposal in the name of Councillor Miss White to the Committee.

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote.

For the recommendation:

Councillors M G Bassenger, Miss A M Beale, V J Bell, R G Boyce, Mrs P A Channer, M FL Durham, M R Edwards, A L Hull, J V Keyes, K M H Lagan, C P Morley, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillors M S Heard, C Mayes, S P Nunn, R H Siddall, W Stamp, E L Stephens, Mrs J C Stilts and C Swain.

Abstention:

Councillor C Morris.

The Chairman declared that this proposal was duly agreed.

In response to a question regarding providing a higher standard of masks (FFP3) to Members and staff, the Director of Service Delivery advised that Officers would review the request and action it if appropriate.

Reference was made to recommendations (ii) and (iii) as set out in the report which the Council had not considered. Following further discussion, in respect of recommendation (ii) and additional mitigating actions it was suggested that the following be applied:

- side by side working, where possible;
- provision of FFP3 masks;
- a Lateral Flow Test should be undertaken, where a person was comfortable to do so;
- hand sanitiser should be provided on each individual workstation.

This was duly agreed.

The Chairman then put recommendation (iii) as set out in the report to the Council and this was agreed.

## **RESOLVED**

- (i) That all meetings move back to the Council Chamber, removing social distancing, but with other current mitigations and protocols in place along with live streaming, with a two-monthly review;
- (ii) That the following additional mitigating measure be agreed:
  - side by side working, where possible;
  - provision of FFP3 masks;
  - a Lateral Flow Test should be undertaken, where a person was comfortable to do so;
  - hand sanitiser should be provided on each individual workstation.
- (iii) That should the Government revise legislation to again allow for remote meetings, the Corporate Governance Working Group bring a further report back.

## **242. PLANNING ADVISORY SERVICE - REVIEW OF RECOMMENDATIONS**

The Council considered the report and recommendations (attached as Appendix 1 to the report) of the Corporate Governance Working Group (the Working Group) following the recommendations made in the report of the Planning Advisory Services (PAS). It was noted that the PAS was a Local Government Association (LGA) group which was an authoritative voice in planning policy, providing consultancy, peer support and resources to help Local Authorities respond to planning reform and embed best practice.

The report provided background information regarding the PAS review and the conclusions considered by the Working Group. It was noted that the majority were operational / procedural matters however should the Council adopt the recommendation to remove multiple Planning Committees constitutional amendments would be required and an updated Terms of Reference for the District Planning Committee was attached at Appendix B.

Members discussed the report and there was a lengthy debate regarding the proposal to move from three Area Planning Committees to one single Planning Committee. Although the proposal received some support, concern was raised particularly in respect of representing local residents.

Councillor Miss S White proposed that the Council did not accept the option for one Planning Committee as set out in the report and the three Area Planning Committees remain, as they were important to Members and kept the Council's democracy. This proposal was duly seconded.

Further debate ensued. In light of the discussion, Councillor R H Siddall commented that more information on the Planning Committees and the decisions they make was required. He proposed that this item of business be withdrawn for further analysis and information to be brought back to the Council next year (2022). This proposal was duly seconded.

The Chairman reminded the Council of the earlier proposition from Councillor Miss White which had been duly seconded.

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote, this was duly seconded. The Chairman then put the proposal in the name of Councillor Miss White to the Council.

Prior to the vote being taken clarification was given on the six-month rule and whether a Member could vote if they had not been present for the whole of the debate. Councillor Mrs P A Channer advised that she would not partake in this vote, having left the chamber during the debate. Councillor R G Boyce advised that although he had left the chamber during the debate he felt he had heard enough to enable him to vote. The voting on the proposal was as follows:

For the recommendation:

Councillors M G Bassenger, Miss A M Beale, A L Hull, J V Keyes, K M H Lagan, C P Morley, C Morris, S P Nunn, E L Stephens, Mrs J C Stilts, C Swain and Miss S White.

Against the recommendation:

Councillors V J Bell, M F L Durham, M R Edwards, C Mayes, R H Siddall, W Stamp and Mrs M E Thompson.

Abstention:

Councillor M S Heard.

The Chairman announced that this was therefore carried.

**RESOLVED** that the Council retains the three Area Planning Committees and rejects the proposal for one Planning Committee.

## **243. SEALING OF DOCUMENTS**

The Council considered the report of the Director of Resources seeking agreement to change the procedure for the sealing of documents.

The report outlined the Council's current procedure for sealing documents and the proposal to amend the Constitution to require only one senior employee to sign whenever a document required sealing. It was noted that many authorities now only required one senior employee to sign a sealed document.

The Leader of the Council presented the report and put the recommendation as set out in the report.

Councillor Mrs P A Channer referred to how in the past Members had been involved in sealing of documents. She proposed that one employee (e.g. a Director, legal Officer or Officer reporting to a Director) and the Leader of the Council / Deputy Leader of the Council or Chairman of a Committee be required to sign whenever a document needs to be sealed. This proposal was duly seconded.

The Lead Legal Specialist and Monitoring Officer provided Members with some further clarification and explained that sealing a document did not include approval of the document but merely witnessing the sealing being applied.

The Chairman then put the proposal in the name of Councillor Mrs Channer to the Council and upon a vote being taken that was agreed.

**RESOLVED** that paragraph 3.1.2 of the Responsibility and Functions General Provisions document that forms a part of the Constitution be amended to require one employee (a Director, legal Officer or Officer reporting to a Director) and the Leader of



the Council / Deputy Leader of the Council / Chairman of a Committee be required to sign whatever document needs to be sealed.

**244. QUESTIONS TO THE LEADER OF THE COUNCIL IN ACCORDANCE WITH PROCEDURE RULE 1 (3)(M)**

Councillor R H Siddall referred to the covid challenge faced by the Council over the past year, having gone through the recent transformation. He asked the Leader of the Council, having read the report presented to the Overview and Scrutiny Committee, how she felt the Independent administration had faced those challenges and at the same time supported staff and services. In response, the Leader commented that she felt the administration had handled the challenge to the best of its ability. She referred to the transformation, its related cuts and the issues (some ongoing) as a result of it. The Leader reported that Directors and staff were working very hard under difficult circumstances and pressures.

Councillor C Swain referred to events taking place in the Promenade Park over the weekends of 24 / 25 July and 1 / 2 August and how some local residents felt the noise level was excessive and intrusive. He provided some example of the issues and asked the Leader of the Council how such problems could be avoided or mitigated in the future. In response the Leader of the Council acknowledged that the Council had received some complaints but also many comments saying what fantastic events they had been. She referred to the Director of Service Delivery who explained that mitigation had been put in place for a number of issues identified. An Officer review meeting was scheduled to take place along with a meetings with the promoter and issues discovered would be taken into account.

Councillor C Morris asked the Leader of the Council three questions and in response to comment from the Leader, the Chairman advised Councillor Morris that the Leader of the Council had opportunity to give him a written response if she wished.

Councillor Mrs Channer referred to recent correspondence in response to the Governments announcements regarding county deals - District and County Councils working together. The Leader of the Council advised that she would have to get back to Councillor Mrs Channer as she was unsure of the correspondence being referred to. The Chairman advised that the Leader of the Council would respond to Councillor Mrs Channer's questions in writing.

Councillor Mrs Channer referred to the recent closure of the Splash Park and asked the Leader of the Council if she could give an indication in terms of the refunds issued and numbers involved. The Leader informed Members that this information had been requested and was due to be produced by one of the Directors within the next few days. The Leader advised that she would provide Members with a written response once the information had been received.

Councillor M F L Durham referred to the first question asked by Councillor Mrs Channer and then to a summary of the MHCLG (Ministry of Housing, Communities and Local Government) proposal for Local Government reform in the form of county deals sent to the Leader of the Council by the Leader of Essex County Council. Councillor Durham asked the Leader of the Council when she would be advising the membership of Maldon District Council about the Government's reorganisation. In response the Chairman advised that he had already explained that the Leader would provide a written response.

Councillor R G Boyce left the meeting during this item of business and did not return.

**245. BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES CONSIDERED BY THE CHAIRMAN TO BE URGENT**

The Chairman announced that in accordance with Section 100B(4) of the Local Government Act 1972 he had agreed to allow the Director of Strategy, Performance and Governance to raise an urgent item of business as the matter needed confirmation before 14 September 2021.

**246. URGENT BUSINESS - APPOINTMENT TO RIVER CROUCH COASTAL COMMUNITY TEAM STEERING GROUP**

The Council considered the urgent report of the Director of Strategy, Performance and Governance seeking review and appointment of one representative to the River Crouch Coastal Community Team Steering Group. It was noted that this report was brought forward due to the need for the appointment to be confirmed before the Steering Group met on 14 September 2021.

It was noted that following the Statutory Annual meeting of the Council, the Chairmen and Vice-Chairmen of the Strategy & Resources and Performance, Governance & Audit Committees were appointed to the River Crouch Coastal Community Team Steering Group (the Steering Group). Since then it had come to light that following a review of the Steering Groups Terms of Reference the Council was only able to put forward one representative.

The Leader of the Council presented the report and proposed that Councillor M G Bassenger be appointed as the Council's representative on the River Crouch Coastal Community Team Steering Group. This proposal was duly seconded.

Councillor Mrs Channer proposed that Councillor A L Hull be appointed at the Council's representative advising how Councillor Hull had lived in Burnham-on-Crouch for a long time and had knowledge of the River Crouch. This proposal was duly seconded.

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote. This was duly seconded.

The Chairman put the proposal to appoint Councillor Bassenger to the Council and the voting was as follows:

For the recommendation:

Councillors M G Bassenger, V J Bell, M R Edwards, M S Heard, K M H Lagan, C Mayes, C Morris, S P Nunn, R H Siddall, W Stamp, E L Stephens, Mrs J C Stilts and C Swain.

Against the recommendation:

Councillors Miss A M Beale, Mrs P A Channer, M F L Durham, A L Hull, J V Keyes, C P Morley, Mrs M E Thompson and Miss S White.

Abstention:

There were none.

**RESOLVED** that Councillor M G Bassenger be appointed to the River Crouch Coastal Community Team Steering Group for the remainder of the municipal year.

**247. STRATEGY AND RESOURCES COMMITTEE - 15 JULY 2021**

Councillor R H Siddall, Chairman of the Strategy and Resources Committee, reminded the Council of its earlier decision in respect of the Strategy and Resources Committee Minutes. He proposed that the Council accept in full the Minutes of the Strategy and Resources Committee held on 15 July 2021. This proposal was duly seconded and agreed.

**RESOLVED** that the Minutes of the Strategy and Resources Committee held on 15 July 2021 be agreed.

**248. EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED** that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test

**249. CHANGE IN DECISION MAKING PROCESS RELATING TO LAND OWNED BY THE COUNCIL**

The Council considered the report and recommendations of the Corporate Governance Working Group relating to the decision-making process for the release of council-owned land for residential development as a possible site for inclusion in the Local Development Plan (LDP) review.

The Lead Legal Specialist and Monitoring Officer outlined the detail of the report and the reasons behind the proposed changes.

Councillor Mrs P A Channer proposed that recommendation (i) as set out in the report be agreed. This proposal was duly seconded and agreed.

**RESOLVED** that the decision-making process for the release of Council-owned sites for possible inclusion in the Local Development Plan Review for residential development be temporarily amended by delegation of that decision to the Director of Resources and the Scheme of Delegation be amended, as set out below

**New delegation under Section 2 – to the Director of Service Delivery:**

Local Development Land

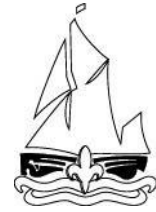
The identification of suitable and available land under the control of the Council for possible inclusion in the Local Development Plan Review begun in 2021 including the taking of any steps (e.g. re-appropriation) required to secure the availability of such land.

Note: This delegated power exists notwithstanding the powers of the Strategy and Resources Committee for the strategic control and management of the Council's assets and only for the duration of the selection of sites for inclusion in the Local Development Plan Review begun in 2021.

There being no further items of business the Chairman closed the meeting at 9.59 pm.

M S HEARD  
CHAIRMAN

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## RESPONSE FROM THE LEADER OF THE COUNCIL

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to  
COUNCIL  
4 NOVEMBER 2021

### PUBLIC QUESTIONS

#### 1. QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

- 1.1 In accordance with the Council's public speaking protocol the following questions were received from members of the public.

#### 2. QUESTIONS

- 2.1 The following questions were received from Mr Tom Kelly on Tuesday 26 October 2021.

##### 2.2 Question One:

- 2.2.1 Can it be made a Mandatory Duty for all members to visit MDC Cemeteries ANNUALLY, thus observing the need for an annual budgeted amount by way of investment to improve the condition of long neglected Resting Places, but separated from the standard budget re payroll etc etc?

##### 2.3 Question Two:

- 2.3.1 What steps have been taken to take NHS Bureaucracy to task and get them to understand their FAILURE to INVEST in Modern Health Infrastructure, not putting it down to "tomorrow, tomorrow", especially with the increasing population from housing development and the pressures thus laid on existing facilities??

#### 3. RESPONSE FROM THE LEADER OF THE COUNCIL

##### 3.1 Question One response:

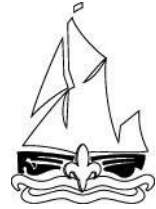
- 3.1.1 The Council is not legally able to make visits to the cemeteries a mandatory requirement for Councillors. It is down to individual Councillors to decide how best to use their time to service their constituents.
- 3.1.2 The cemeteries budget is separately identifiable. This year it includes six members of staff and total non-staffing expenditure of £47k, of which £33k relates to maintenance and repairs. Last year the Council allocated £10k for foundation work at Maldon Cemetery Chapel and purchased equipment for £11k, in addition to regular maintenance.

##### 3.2 Question Two response:

- 3.2.1 The Council has a much stronger partner relationship with NHS organisations sub-regionally and locally since the Covid-19 pandemic started, as can be demonstrated

by many organisation's working closer together to support each other and provide facilities to support the local response to the pandemic. We want to build on this legacy proactively and seek a closer working relationship with our NHS partners for the health benefits of all Maldon District residents going forward.

- 3.2.2 The Council already worked with the NHS Clinical Commissioning Group (CCG) when preparing its current Local Development Plan to try to ensure it could factor in how their services and facilities needed to change as a result of growth in the District. This much needed investment was recognised as being necessary by the Planning Inspector that found the Local Development Plan to be legal and sound. Delivering sustainable growth and new infrastructure through development and working with communities and partners to improve the physical and mental health and well-being of our residents' feature in three of the new monitored outcomes of the Council's Corporate Plan approved earlier this year; it is therefore already enshrined in council policy that this must continue to support new projects including the Local Development Plan Review that was started in Feb 2021.
- 3.2.3 Operationally, we are also now meeting with the NHS across a number of service delivery and strategy areas to ensure our residents' concerns are fully understood by the NHS teams delivering services on the ground. As part of our duties to spend S106 contributions that have been paid by developers in the District, this includes more specific engagement with the NHS planning teams to ensure the spending of those contributions on health projects in the District happens as quickly as possible.



**MINUTES of  
JOINT STANDARDS COMMITTEE  
6 SEPTEMBER 2021**

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**PRESENT**

Chairman	Councillor M G Bassenger
Vice-Chairman	Councillor Mrs J L Fleming, CC
Councillors	Miss A M Beale, C Mayes, R H Siddall, N J Skeens and Stilts
In attendance	Councillor C Morris and Mr R Perry ( Councillor Morris's Advocate)
Substitute	Councillor N Skeens
Town Councillor	Councillor Peter Stilts
Independent Person	Mr John Mitchell
Officer	Mr Paul Turner, Acting Monitoring Officer
Investigators	Mr Alex Oram, Mr Matt Lewin

**250. CHAIRMAN'S NOTICES**

The Chairman opened the meeting and asked all present to introduce themselves. He then took the Committee through some housekeeping arrangements for the meeting.

**251. APOLOGIES FOR ABSENCE AND SUBSTITUTION NOTICE**

Apologies for absence were received from Councillors R P F Dewick, K W Jarvis and S P Nunn.

In accordance with notice duly given Councillor N Skeens was attending as a substitute for Councillor S P Nunn.

**252. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 17 August 2021, with the inclusion of the amendment to Appendix 1 as agreed at Council on 2 September 2021, be approved and confirmed.

## **253. DISCLOSURE OF INTEREST**

There were none.

## **254. STANDARDS COMPLAINTS - COUNCILLOR CHRISY MORRIS**

The Committee considered the report of the Acting Monitoring Officer that advised the Committee of two investigations following complaints against Councillor Chrisy Morris in respect of which the Committee was required to adjudicate. The Committee noted that in the interests of ensuring that there was a fair hearing, Paul Turner, the Monitoring Officer of Essex County Council had been appointed as Acting Monitoring Officer of Maldon District Council for the purpose of the hearing.

The report set out the seven areas of complaint for consideration by the Committee based on the evidence before them and the sanctions it could apply if it was determined that a breach of the Code of Conduct had occurred.

The Acting Monitoring Officer presented the report and took the Committee through the procedure for complaints determination. He advised the Committee that Mr Oram, the Independent Investigator from ch&l associates, who had carried out an investigation into five complaints from Councillors would present his report first followed by Mr Lewin, from Cornerstone Barristers, who had investigated the complaints from both the Corporate Leadership Team and the Programmes, Performance and Governance Manager. Prior to deferring to Mr Oram, he said that once all reports, discussions and questions had been covered the Committee would deliberate in private.

Mr Oram then took the Committee through the headline issues in his report covering the four complaints. He drew Members' attention to the summary and the findings of his investigation which had concluded that all four complaints fell within the scope of the Code of Conduct (CoC). At paragraph 5.38 of the report he highlighted several occasions where Councillor Morris's conduct met the definition of bullying and accordingly he had failed to comply with paragraph 3.5 (b) of the CoC. It was further found that Councillor Morris's behaviour could reasonably be regarded as bringing his office or the authority into disrepute accordingly he had failed to comply with paragraph 3.5(e) of the Code and in terms of Councillor Morris's disclosure of confidential information, accordingly, he had failed to comply with paragraph 3.6 of the CoC.

In accordance with the Procedure, the Chairman invited Members of the Committee and the Independent Person to ask the Investigator, Mr Oram and the Acting Monitoring Officer any questions.

Officers responded to several questions raised, drawing Members' attention to specific points within the report, providing clarification and further information including:

- That publishing conversations was a point of principal and can have a detrimental impact on ability to work well together. The conversation in question related to council business.
- That breaches of the code also apply to behaviour on social media when presenting as a Councillor.
- That the use of the word 'corrupt' suggested serious wrong doing and questioned the integrity of Officers. This issue should not have been addressed in the Forum outlined in the report given Officers did not have the right to reply.



- That there was no requirement to sign the Code of Conduct as it applied to all members by operation of law under the Localism Act 2011.

With the exception of Councillor Morris there was general consensus that the Code applied to all elected Councillors who signed the 'Office of Acceptance' form. In accordance with procedure Councillor Morris then put his questions to Mr Oram who responded as follows:

- That the Councillor who had used a nickname throughout a meeting was from another authority and that authority found that member to have breached the Code of Conduct.
- That the report did not find a breach in relation to the Councillor Boyce complaint. With the other four complaints there was a breach.
- That in respect of the complaint by Councillor Swain the investigation was to determine if the disrespectful conduct had happened and he felt that this had been established through listening the remote meeting recording of 13 August 2020.

At this point there was a brief discussion around the use of language and how certain words can have serious detrimental reputational impacts when the situation could be a case of not having time to furnish information due to busy schedules.

## **255. ADJOURNMENT OF THE MEETING**

**RESOLVED** that the meeting be adjourned at 13:55 hours for a short comfort break.

## **256. RESUMPTION OF BUSINESS**

**RESOLVED** that the business of the meeting resumed at 14:00 hours.

## **257. STANDARDS COMPLAINTS - COUNCILLOR CHRISY MORRIS**

The Committee resumed consideration of the report of the Acting Monitoring Officer that advised the Committee of two investigations following complaints against Councillor Chrisy Morris in respect of which the Committee was required to adjudicate.

The Chairman called on Mr Lewin, from Cornerstone Barristers to present his report. Mr Lewin, in summary, said that both complaints were well founded and upheld. The conclusion in the report was clear. The YouTube posts were published in an official capacity commenting on Council business and filming on Council premises. The aggressive, intimidating and bullying behaviour brought both Councillor Morris and the Authority into disrepute. He went on to cite instances against the Director of Strategy, Performance and Governance and the Programmes Performance and Governance Manager. A total disregard had been demonstrated for the Code of Conduct which was reflected in the report.

He then referenced Article 10 that provided enhanced protection relating to freedom of expression in the case of political speech, however, he pointed out that this did not apply here as the issue was verbal attacks on officers and those officers should be afforded a level of protection.

In accordance with the complaints procedure, the Chairman then invited Members of the Committee and the Independent Person to ask the Investigator, Mr Lewin and the Acting Monitoring Officer any questions.

Officers responded to several questions raised, drawing Members' attention to specific points within the report, providing clarification and further information including:

- That in these instances passion was not a fair description for this behaviour. The incident at Performance Governance and Audit Committee was recorded and demonstrated bullying behaviour. That Councillors were in effect employers and that employees should be entitled to a safe work environment.
- That during the course of the investigation the Investigator had found Councillor Morris intimidating and that Councillor Morris's behaviour was as outlined in the report.
- That the fact an entire Corporate Leadership Team had made a complaint indicated the seriousness of the situation.

A brief discussion ensued around the focus of this report and the importance of setting an example. It was noted that whilst it was appropriate for strong, albeit respectful, discourse between Councillors, it was not possible for Officers to shout back when being shouted at.

In accordance with procedure Councillor Morris questioned the Investigator, Mr Lewin, as to the purpose of his call to the Programmes, Performance and Governance Manager. In response, the Investigator said the purpose was not at issue, it was how the call was dealt with. The Officer felt intimidated as a result of the call and reported the issue to the Line Manager.

At this point there was consensus that it would be normal for an officer to defer to their line manager should they feel intimidated and that language used and the manner in which it was used had consequences.

There being no further comment from Committee Members the Chairman invited Councillor Morris to make any representations with respect to the conclusions of the reports. Councillor Morris said he had concerns that he had tried to get addressed but had not been able to do so. He also felt that Councillor Swain's complaint had no basis. Mr Perry said that they disagreed with the reports.

The Chairman then asked Mr Oram and Mr Lewin if they had any questions for Councillor Morris, they had none. The Chairman then invited the Independent Person to make any representations or give advice. Mr Mitchell said he had listened very carefully to all arguments put forward and that the hearing had been fair. He felt that the allegations in the reports indicated breaches of control. His real concern was the seriousness of an entire Leadership Team submitting a complaint. The reports were well researched, contained sound evidence with serious allegations. These required the Committee's full attention and in his opinion there had been a breach of the Code of Conduct.

## **258. EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED** that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 and

Paragraph 6 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

**259. RESUMPTION OF BUSINESS IN OPEN SESSION**

**RESOLVED** that the meeting resumed in open session at 16:00 hours.

**260. STANDARDS COMPLAINTS - COUNCILLOR CHRIS MORRIS - THE COMMITTEE DECISION**

The Chairman read out the findings of the Committee which were agreed unanimously.

**RESOLVED**

- (i) That having listened to the various speakers today the Committee unanimously agreed all the findings of the investigation reports and breaches of the code of conduct by Councillor Morris as set out in the reports and adopted the reasoning of the investigating officers in their reports.
- (ii) That in terms of sanction the Committee proposed to formally censure Councillor Morris and restrict access to IT and email. The restriction to IT will be so that Councillor Morris can only contact the Council and Councillors via FreshService until 1 May 2022. A formal letter of censure would shortly be issued to Councillor Morris.
- (iii) That although the Committee had found serious breaches of the code, it noted that Councillor Morris does not appear to realise how he comes across to others. The Committee therefore recommend that Councillor Morris be provided with and accepts training on conflict management and resolving disputes.

**RECOMMENDED**

- (iv) That Councillor C Morris be removed from all Committees, Working Groups or Outside Body for the remainder of the Municipal Year.

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

There were none and the Chairman took the opportunity to thank all present for their contributions.

The meeting closed at 16:05 hours.

M G BASSENGER  
CHAIRMAN

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**MINUTES of  
STRATEGY AND RESOURCES COMMITTEE  
16 SEPTEMBER 2021**

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**PRESENT**

Chairman	Councillor R H Siddall
Vice-Chairman	Councillor C Swain
Councillors	R G Boyce MBE, Mrs P A Channer, M F L Durham, CC, K M H Lagan, N G F Shaughnessy, W Stamp, CC, Mrs M E Thompson and Miss S White
In attendance	Councillor C Morris

**274. CHAIRMAN'S NOTICES**

The Chairman welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

The Chairman then made a brief statement, referring to the Council's newly established Equalities, Diversity and Inclusivity Working Group which had recently met and agreed an action plan to be presented to this Committee later in the year. He advised Members that his title at the Committee was Chairman although he preferred Chair but noted this was not a convention of the Council. The Chairman expressed concern regarding behaviour at the last meeting of this Committee where he was not shown respect as the Chairman and hoped this did not happen again.

In response to the statement from the Chairman, Councillor Mrs P A Channer asked that it be noted that she was not present at the last meeting of this Committee.

**275. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor K W Jarvis.

**276. MINUTES - 15 JULY 2021**

**RESOLVED** that the Minutes of the Strategy and Resources Committee held on 15 July 2021 be approved and confirmed.

**277. DISCLOSURE OF INTEREST**

Councillor R G Boyce declared a non-pecuniary interest in Agenda Item 7 - Affordable Housing and Commuted Sum Strategy as he was Chairman of an Almshouse Trust which may be affected by this item of business.

Councillor M F L Durham declared a non-pecuniary interest in relation to Agenda Item 7 - Affordable Housing and Commuted Sum Strategy as a Member of Essex County Council.

Councillor Mrs P A Channer disclosed that she was trustee of a Almshouse Charity which related to Agenda Items 7 - Affordable Housing and Commuted Sum Strategy and 8 - Local Development Plan Review Issues and Options.

Councillor Mrs W Stamp declared a non-pecuniary interest as a Member of Essex County Council.

## **278. PUBLIC PARTICIPATION**

No requests had been received.

## **279. APPROVAL OF DUTY TO CO-OPERATE STRATEGY**

The Committee considered the report of the Director of Strategy, Performance and Governance seeking consideration of feedback received from the Draft Duty to Co-Operate Strategy (the Strategy) consultation and the changes considered necessary to address the feedback. Following consideration of this Members were asked to approve the Strategy to support the delivery of a lawful and sound Maldon District Local Development Plan (LDP) Review.

The report provided background information regarding the Draft Strategy and subsequent consultation. A Statement of Consultation setting out the comments received and the recommended changes was attached as Appendix 1 to the report and was transposed into the final Duty to Co-Operate in Appendix 2. The Strategy, Policy and Communications Manager advised that since the report was written, further comments had been received from Braintree District Council, although these would not amount to any changes to the Strategy. The Officer also advised that Appendix 2 should refer to September 2021 and not June 2021 as detailed.

The Chairman put the recommendations as set out in the report and this was duly seconded.

In response to a question and following clarification, the Chairman advised that approval of the Maldon District Duty to Co-Operate Strategy would be a recommendation to the Council. The Chairman amended his earlier proposal to reflect this and the amendment was duly seconded.

The Strategy, Policy and Communications Manager, in response to a query, explained that the preparations for a Greater Essex Local Nature Partnership were underway, although Government approval was required, and how the Partnership would have a similar status in the planning arena to that of the South East Local Enterprise Partnership (SELEP).

### **RESOLVED**

- (i) That the Committee notes the responses received to the Duty to Co-Operate Strategy targeted consultation and recommended changes as summarised in the Maldon District Duty to Co-Operate Statement of Consultation as set out in Appendix 1 to the report;

## RECOMMENDED

- (ii) that the updated Maldon District Duty to Co-Operate Strategy as set out in **APPENDIX 1** to these Minutes, be approved.

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

### 280. AFFORDABLE HOUSING AND COMMUTED SUM STRATEGY

The Committee considered the report of the Director of Strategy, Performance and Governance seeking adoption of the Affordable Housing and Commuted Sum Strategy (attached as Appendix 1 to the report).

Members were reminded that the Council did consider accepting financial contributions (commuted sums) from developers where it was justified that affordable housing could not be delivered on site or when the District's affordable housing needs could be better satisfied through this route. The Strategy had been brought forward to provide clarity and certainty for Developers, the Council and the General Public. It was not prescriptive but set out principles to be followed whilst undertaking viability assessments and determining an appropriate commuted sum.

The Chairman moved the recommendation as set out in the report and this was duly seconded.

A debate ensued and in response to questions raised, the Lead Specialist Place provided Members with further background information and the following:

- A requirement for any contribution to be provided in a specific village, Ward etc. would be against the Council's Planning Policy.
- The Council's Affordable Housing Policy was clear that to meet the needs of the District, Commuted Sums were not required to be used. To include this within the Strategy would conflict with the Council's Local Development Plan Policy.
- In respect of Development Management the Council's policy required on-site affordable housing but allowed Commuted Sums for exceptional circumstances. The Strategy would provide clarity for the Council's Housing Services as to how the policy could be interpreted and when a Commuted Sum may or may not be accepted. It was noted that this would not affect the planning process.
- Financial contributions were part of an adopted Supplementary Planning Document, facilitated through planning policies and the Strategy would not impact on the level of these it purely referred to them.
- A number of the elements highlighted within the Strategy had been brought forward from Housing Services in response to the work had they observed in relation to Affordable Housing.
- The Strategy would mean that the Council was able to defend itself (at Appeals etc.) and ensure it could provide housing for the residents of the District.

During the debate Councillor R G Boyce reminded Members of his earlier declaration of interest.

The Director of Resources clarified that any financial contributions received were externally audited and detailed within the Council's balance sheets.

The Chairman put the recommendation which was duly agreed. Councillor K M H Lagan asked that his dissent to this be recorded.

**RECOMMENDED** that the Affordable Housing and Commuted Sum Strategy attached at **APPENDIX 2** to these Minutes, be adopted.

## **281. LOCAL DEVELOPMENT PLAN REVIEW ISSUES AND OPTIONS**

The Committee considered the report of the Director of Strategy, Performance and Governance seeking Members' consideration of the Issues and Options Document (attached as Appendix 1 to the report) with a view to it going out for public consultation. It was noted that this would support the delivery of a lawful and sound Maldon District Local Development Plan (LDP) Review.

The report provided detail of the LDP Review agreed, the proposed timetable and work undertaken by Officers since the Review had been agreed. The report summarised the contents of the Issues and Options document and an equality impact assessment which had been prepared was attached at Appendix 2.

The Chairman moved the recommendations as set out in the report and this was duly seconded.

The Strategy, Policy and Communications Manager, in response to a question, confirmed that consideration had been given to the consultation timeline and the Christmas period. Members were advised depending on when the consultation started, assuming approval by the Council, the minimum length of time it had to run for was six weeks but because of the Christmas period this could and should be extended. The Chairman confirmed that Christmas was therefore being counted as a non-working week for the purpose of the consultation.

A debate ensued and some Members raised a number of points regarding the consultation document including:

- Rail provision within the District;
- Incorrect reference to 'towns' in the east of the District as there was only one;
- No mention of railways stations outside the District in relation to settlements in the north of the District or connection with strategic routes such as the A12;
- Affordable housing in areas other than those details in the document'

In response the Strategy, Policy and Communications Manager advised that the Planning Policy Working Group had discussed the Settlement Hierarchy and Spatial Options on a number of occasions, as well as the Issues and Options Document. He suggested that Officers could reflect on the comments made and make changes to the document in consultation with the Chairman of the Committee, prior to the document being agreed by the Council. It was noted that Members were not precluded from responding to the public consultation.

Further debate ensued and in response to further comments and questions, additional information was provided by Officers including:

- how in response to the Call for Sites the Council had received more land submitted than it had a need for. However, the Officer reminded Members that these were subject to further appraisal to determine whether they were suitable and sustainable. Officers were also expecting the Issues and Options document to generate more land submissions as part of the consultation.



- It was noted that Essex County Council (ECC) had commented it would not support 'pepper-potting' and the Strategy, Policy and Communications Manager advised that 'pepper-potting' was an approach to growth used in the planning system that should at least be considered by the Council. Although ECC had indicated they would not support it, it would be able to make that point in its formal consultation response, hopefully with its detailed reasons behind this stance. When queried on the appropriateness of the phrase 'pepper-potting', he advised Members not to look to remove this terminology from the document as it was an easier way to describe a technical approach to the public in the consultation.
- Climate change considerations and questions were included in the document and there was ongoing work to determine how far the LDP Review could go to support the Council's complimentary work on its Climate Action Strategy.

The Chairman proposed that the recommendations be amended, and the Issues and Options document went back to the Working Group for their review and then to the Council. The Director of Strategy, Performance and Governance clarified however that this approach was not possible and therefore this proposal was not supported.

Following further discussion, the Chairman proposed that further feedback from Members be sent to the Strategy, Policy and Communications Manager and Lead Specialist – Planning Policy and Implementation to allow them to make any amendments, in consultation with the Chairman of this Committee, prior to the updated document being put to the Council for approval. This proposal was duly seconded and agreed. The Chairman advised the Committee that any comments should be received by the end of the following week (Sunday 26 September) and all Committee Members would receive an email to remind them of this.

#### **RESOLVED**

- (i) That the progress made in the preparation of the Local Development Plan Review be noted;
- (ii) That Members of the Strategy and Resources Committee provide any further feedback to the Strategy, Policy and Communications Manager and Lead Specialist – Planning Policy and Implementation by the end of Sunday 26 September and the Issues and Options Document be amended in consultation with the Chairman prior to its presentation to the Council for approval.

#### **RECOMMENDED**

- (ii) That subject to any amendments as detailed in (ii) above, the Regulation 18 LDP Issues and Options Document for public consultation in accordance with the Regulations and the Maldon District Statement of Community Involvement 2021 (as set out in **APPENDIX 3** to these Minutes) be approved.

#### **282. APPROVAL TO CONSULT ON THE WOODFIELD COTTAGES CONSERVATION AREA PROPOSAL AND THE DRAFT WOODFIELD COTTAGES LOCAL LISTED BUILDING CONSENT ORDER**

The Committee considered the report of the Director of Strategy, Performance and Governance presenting for approval the Woodfield Cottages Conservation Area Proposal and Character Appraisal (attached as Appendix 1 to the report) and Local Listed Building Consent Order (Appendix 2).

The report provided background information to Nos. 116 – 156 Woodfield Cottages, Heybridge and the initiatives proposed to help improve the character and condition of the cottages. Appendix 3 set out the support for these initiatives received from Historic England.

The Chairman thanked the Conservation and Heritage Specialist for his fantastic report which he commented showed the Officer's enthusiasm for conservation. These comments were reiterated by other Members of the Committee. The Chairman then moved the recommendations as set out in the report which were duly seconded.

#### **RESOLVED**

- (i) that the Woodfield Cottages Conservation Area Proposal and Character Appraisal (attached as Appendix 1 to the report) is approved for public consultation;
- (ii) that the Draft Woodfield Cottages Local Listed Building Consent Order (attached as Appendix 2 to the report) is approved for public consultation.

#### **283. RESPONSE TO ROCHFORD DISTRICT COUNCIL - DEVELOPMENT CAPACITY LETTER - AUGUST 2021**

The Committee considered the report of the Director of Strategy, Performance and Governance seeking consideration of a request made under the Duty to Co-Operate from neighbouring Rochford District Council (RDC) concerning their development capacity and Maldon District's ability to help accommodate housing needs. The letter from RDC was attached as Appendix 2 to the report.

The report provided background to the request from RDC and set out the following matters for consideration:

- The Duty to Co-operate;
- Stage of plan-making in RDC and Maldon District Council'
- Green belt;
- Housing market area geographies;
- Existing agreement or protocols.

The Chairman moved the recommendation as set out in the report and this was duly seconded.

It was noted that the letter would be sent from the Director of Strategy, Performance and Governance.

**RESOLVED** that the response to Rochford District Council's letter be approved as set out in Appendix 1 to the report.

#### **284. SUPPLEMENTARY ESTIMATES, VIREMENTS AND USE OF RESERVES**

The Committee considered the report of the Director of Resources reporting Virements and Supplementary Estimates agreed under delegated powers where they were below the levels requiring approval by the Committee. The report also set out procurement exceptions granted and reported on the Use of Reserves during the year.

It was noted that there were no supplementary estimates, procurement requests or drawdown from Reserves in this period. Members attention was drawn to two Virements set out in the report, one requiring Committee approval and the other for information only.

The Chairman moved the recommendations as set out in the report. This was duly seconded and agreed.

## **RESOLVED**

- (i) That Virement 1) as set out below, be approved;
- (ii) That Virement 2) as set out below, be noted.

<b>Cost Centre To</b>	<b>Directorate/ Service</b>	<b>Cost Centre From</b>	<b>Directorate/ Service</b>	<b>Budget Amount</b>	<b>Description</b>
1) 172	Strategy, Performance and Governance (SPG) / Salaries	301	SPG / Local Development Plan (LDP) Project	£232,300	Separating out the salaries part of approved LDP budget.
2) 103	SPG / Communication	171	Resources/ Staffing	£9,600	Virement to correct miscoding.

## **285. EXCLUSION OF THE PUBLIC AND PRESS**

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

## **286. LEASE AGREEMENT**

The Committee considered the report of the Director of Service Delivery seeking Members' approval to enter into a 25-year lease with a Maldon Sports Club (the Club).

The report provided background information regarding the lease agreement and proposal to enter into a new lease.

The Chairman moved the recommendation as set out in the report and this was duly seconded.

Councillor Miss S White disclosed an interest in this item of business as she supported this type of sports club.

A lengthy debate ensued, during which a number of comments and questions were raised, including the terms and negotiations around proposed new lease, the benefits of the Club to the local community, costs required for the Council to breakeven. In response, the Commercial Manager and Director of Resources provided Members with further information.

Following further discussion the Chairman proposed an amendment that the annual rental figure be raised to £150 per annum and that the recommendations as set out in

the report be agreed subject to this change. This amendment was duly seconded and agreed.

Councillor R G Boyce asked that his abstention from voting on this item of business be recorded.

**RESOLVED**

- (i) That the Director of Service Delivery be authorised to enter into a 25-year lease with the Sports Club identified in the report on the terms contained within this report and subject to an annual rental figure of £150 per annum;
- (ii) That a figure of £7,000 is included within the 2022 / 23 budget to fund the one-off grant to the Club.

There being no other items of business the Chairman closed the meeting at 9.29 pm.

R H SIDDALL  
CHAIRMAN

## **Maldon District Council**

### **Local Development Plan Review**

Duty to Co-operate Strategy

Temporary Cover

September 2021

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## 1. Our Strategy

- 1.1. The Localism Act 2011 established a legal duty on all local authorities and prescribed bodies as defined in Town and Country Planning (Local Development) (England) Regulations 2012) to co-operate with each other to address strategic matters relevant to their areas.
- 1.2. This Strategy establishes MDC's commitment, as a 'strategic policy-making authority' to implement the Duty to Co-operate (DTC) for its Local Development Plan Review (LDP Review).
- 1.3. It sets out a framework of who we will make every effort to co-operate with, how we will seek to cooperate with them, when we will co-operate and what mechanisms we will put in place to record and ensure that co-operation occurs 'constructively, actively and on an on-going basis' as required by Section 110 of the Localism Act 2011.
- 1.4. Although the DTC is not a duty to agree, the Council understands the value to the District and the wider geographic area of seeking co-operation on strategic and cross-boundary planning matters in a focused, positive and structured way.
- 1.5. Concurrently, MDC will continue to work 'constructively, actively and on an on-going basis' with nearby strategic policy-making authorities on their own statutory Local Plan preparation or reviews, as well as other prescribed bodies.

## Impact of Planning Reform

- 1.6. The Government's Planning White Paper: Planning for the Future was published in 2020 setting out a series of proposals to reform the planning system in England, with the intention on streamlining and modernising the planning process. Proposal 3 included removing the Duty to Co-Operate test, albeit that the Government announced that it would be giving further consideration to the way in which strategic, cross boundary issues can be adequately planned for. A new Planning Bill was announced in the Queen's Speech 2021.
- 1.7. For as long as there remains a legal duty to co-operate with other prescribes bodies, this Strategy will be the approach used to deliver those obligations so as not to delay plan-making in Maldon District. Any changes to legislation or national policy that follows as a result of planning reforms will be considered at a later date.

## Consultation

- 1.8. This Strategy was subject to a 6-week targeted consultation with all other bodies subject to the legal duty and the feedback received was used to shape the final strategy, as documented in its Statement of Consultation.

## 2. Our Approach

### Maldon District Corporate Plan

- 2.1. Maldon District Council's Corporate Plan 2021-2023 provides a renewed framework of council priorities. It sets out 19 outcomes that focus the council's work across four strategic themes – Place, Prosperity, Community and Performance & Value. Given its cross-cutting nature, many of the outcomes can be connected to the work of the LDP Review. Outcome 18: Meaningful Engagement establishes that MDC will “*use engagement with our residents, businesses, partners and staff to inform our decision-making*”.
- 2.2. The Corporate Plan also sets out Core Values which MDC will use at all times to deliver its outcomes, including “Collaborate to Deliver”. This demonstrates that by co-operating with others we already recognise the difference it can make to our communities.

### National Policy & Guidance

- 2.3. The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) set out specific requirements or advice for how the DTC can be effectively discharged.
- 2.4. The DTC seeks to ensure that councils deliver effective strategic planning through their local plans by working with other councils beyond their administrative boundaries. This is to help to ensure that social, environmental and economic issues are addressed having considered the most relevant spatial scale, rather than just administrative boundaries. There is also recognition that the outcomes of the DTC for these issues require positive, constructive and continuous partnership working between councils.
- 2.5. MDC has taken the NPPF and PPG into account in preparing this Strategy including:
  - As a strategic policy-making authority, MDC will collaborate to identify relevant strategic matters to address in the LDP Review;
  - Recognising that effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy, determining where additional infrastructure is necessary and how development needs will be planned for;
  - Preparing, maintaining and publishing Statements of Common Ground, documenting the cross-boundary matters being addressed and progress in co-operating between bodies to address them.
- 2.6. The timetable for preparing the LDP Review and other policy and guidance is set out in the latest [Local Development Scheme](#) (LDS).
- 2.7. The NPPF identifies strategic policies (and therefore strategic issues) as those which set the overall strategy for the pattern, scale and quality of development and make sufficient provision for:



- a. Housing (including affordable), employment, retail, leisure and other commercial development;
- b. Infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- c. Community facilities (such as health, education and cultural infrastructure); and
- d. Conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure and planning measures to address climate change mitigation and adaptation.

2.8. Strategic matters are therefore those which are larger than local issues that cannot be dealt with by one local planning authority alone.

### Purpose of Strategy

2.9. The Strategy therefore describes to neighbouring and nearby local planning authorities (See Map in **Appendix 2**) and prescribed bodies what co-operation and engagement arrangement they can expect from MDC on any strategic, cross boundary planning matters identified and how they can participate in ensuring they are adequately considered to ensure that they can positively influence the evolution of the LDP Review and shape the proposals as they emerge.

## 3. Our Audience

- 3.1. The Strategy is aimed at neighbouring and nearby local planning authorities, Essex County Council and a range of other prescribed bodies as defined in legislation and guidance. These are listed in **Appendix 1** and these bodies are reciprocally required to co-operate with MDC on strategic, cross-boundary planning matters of concern.
- 3.2. The Strategy should be helpful to other relevant bodies that MDC might need to co-operate with when preparing the LDP Review. These include the Local Enterprise Partnership, NHS Clinical Commissioning Group and private sector utility and infrastructure providers as set out in **Appendix 1**. These other bodies could have a key role in supporting the Council in its LDP Review, developing the evidence base, testing development options and commenting on draft policies.
- 3.3. The Strategy is not aimed at other important LDP Review consultees such as statutory consultees (that are not Duty to Cooperate bodies) such as local residents, community groups, Parish & Town Councils, landowners, developers, utility providers or emergency services as these are not specifically listed as DTC bodies by Regulations. However, MDC will engage and consult these people and organisations on its LDP Review, Supplementary Planning Documents and when considering planning applications, it receives. How this will take place is set out in a separate statutory document called the [Statement of Community Involvement](#) (SCI).

## 4. Our Approach to Duty to Cooperate

- 4.1. Co-operation on preparing the LDP Review will be a two-way process between different authorities and bodies. Our timetables for strategic documents will not always be aligned and we must respect the differences in each other's organisation's responsibilities.

### Scoping Strategic & Cross-Boundary Issues

- 4.2. We will seek to scope out the strategic cross boundary issues facing the District as early as possible in the plan-making process. We will engage the Duty to Cooperate bodies individually and through any existing forums, as frequently as is necessary through formal meetings, informal meetings (virtual where possible), in writing and by commenting on plans and strategies developed by each other; so we can help shape each other's direction.
- 4.3. Throughout the LDP Review process, the list of strategic cross boundary matters and opportunities for joint working between prescribed bodies will be kept under review by MDC and influence the engagement and cooperation activities promoted.

### Engagement Arrangements

- 4.4. MDC will build-on existing and established joint working mechanisms that exist at an officer/member level (or both), as set out in **Appendix 3** and will only seek to establish a new engagement approach where there is a gap to ensure strategic issues are not disjointed from other strategic conversations.
- 4.5. Co-operation arrangements MDC propose to consider using include:
- Joint Member Meetings, Committees and Working Groups;
  - Joint Officer Meetings, Boards and Associations;
  - Commissioning of joint evidence base studies and reports;
  - Joint or aligned plans across Council areas;
  - Joint mechanisms for considering unmet housing or Gypsy & Traveller needs;
  - Memorandums of Understanding as a framework for co-operation;
  - Getting key decisions in writing from other authorities/ bodies;
  - Confirming understanding/ intentions in writing;
  - Partnership agreements or joint statements of policy/ strategy; and
  - Iteratively prepared Statements of Common Ground.
- 4.6. These arrangements will be undertaken in addition to statutory LDP Review and planning application consultations and any general correspondence issued by MDC.
- 4.7. MDC will seek to ensure that co-operation and engagement is undertaken by both Members and Officers. It will also ensure that arrangements for co-operation are fit for purpose and reasonable and will consider any feedback it receives from another prescribed body if they should feel that the co-operation is not being successful.

## Disagreement

- 4.8. MDC recognises that there may be future instances where an offer of co-operation from MDC to another party is declined, or agreement on shared-policy outcomes or approach cannot be achieved. Although the DTC is not a duty to agree, MDC will make every effort to ensure that strategic cross-boundary planning matters are properly identified and addressed as the LDP Review develops through its preparation stages and that any major disagreements are resolved, as far as practically possible, before submission to the Secretary of State for Examination in Public by the Planning Inspectorate.
- 4.9. Where it is considered necessary, MDC will use an independent arbitrator to try to reach a resolution with other parties.

## 5. Demonstrating Compliance

### Comprehensive & Robust Evidence

- 5.1. The DTC is a legal requirement and is the first thing the Planning Inspectorate will assess before considering whether the Plan is sound. To do this, the Planning Inspectorate will require comprehensive and robust evidence to demonstrate that the duty has been met, which will be considered at the Examination in Public in 2022/2023.

### Statements of Common Ground

- 5.2. The PPG expects councils to prepare a single Statement of Common Ground covering all strategic-plan making authorities. MDC consider that in practice this could become a rather complex process to manage given the different discussions and strategic issues, vary authority to authority. To be pragmatic, where possible, MDC propose to have a common first section of the Statement of Common Ground (SOCG), which is shared between all strategic plan-making authorities<sup>1</sup>. This would be supplemented with all detailed strategic cross-boundary matters addressed issue by issue between individual authorities or groups of authorities.
- 5.3. For the remainder of the SOCGs, MDC will seek to use an iterative, three-phased steps to a SOCG as illustrated in **Appendix 4** to record its engagement in co-operating. SOCGs will detail key information, provide clear signposting and links to evidence on websites where at all possible.

1. **Scoping SOCG** – these will set out the initial parties in discussion, the geographic area covered, the governance arrangements that are available, the strategic cross-boundary matters that exist between the authorities and any existing cooperation arrangements that exist that could continue to apply. These would be developed during policy and evidence activities undertaken to support Regulation 18 of the Town and Country Planning (Local Development) (England) Regulations 2012.

2. **Draft SOCG** – these will be version-controlled documents building on the Scoping SOCG and establish the matters agreed, outstanding matters, the process that are proposed to be used to seek a resolution or reach an agreement where possible, any potential additional signatories whose help may be needed to address the strategic issue and when the review of the SOCG can be expected. These would be developed during policy and evidence activities undertaken to support Regulation 18 and 19 of the Town and Country Planning (Local Development) (England) Regulations 2012.

3. **Final SOCG** – these will be the version which sets out the matters agreed, any matters which cannot be agreed, the governance arrangements to manage them into the future and all signatories party to them. These would be developed during policy activities undertaken to support Regulation 22 and 24

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<sup>1</sup> The Marine Management Organisation will only be an additional signatory

of the Town and Country Planning (Local Development) (England) Regulations 2012.

5.4. It is proposed that the final versions of SOCG will:

- Describe and show on a map the geographical areas the statement applies to;
- Set out the key strategic matters addressed;
- Set out the plan-making authorities and signatories responsible for joint-working arrangements;
- Detail the governance arrangements for the cooperation process and how it will be kept up to date;
- Set out how strategic cross boundary issues concerned with development needs of the District, the capacity of the area to meet those needs and the proposed distribution. If there is any unmet need, it will set out the extent and what agreement has been reached (or not) about how needs could be redistributed;
- Set out how the strategic cross boundary issues which relate to environmental or infrastructure assets regulated, owned or maintained by other public bodies subject to the DTC have been considered in the context of development needs and whether any agreements have been reached on the principles of mitigation or long-term management;
- Include a record of where agreement have or have not been reached on key strategic matters, including the process used to reach them; and
- Confirm whether each Statement relates to any other Statements covering the same or part of the same area.

5.5. SOCG will remain in draft form until they are signed by all signatories, which may mean they are not published until the submission of the Local Development Plan or its Examination in Public. Drafts will be water-marked to aid clarity.

## Record Keeping & Reporting

5.6. MDC will regularly record and report on co-operation and engagement activities, what decisions have been reached and why and what outcomes have been reached for LDP Review. These will be reported in summary form annually in the Authority Monitoring Report (AMR) and may be reported through other formal mechanisms, such as to through reports to the Strategy & Resources Committee or Council.

5.7. For the LDP Review, this evidence will be set out in a DTC Statement of Compliance submitted to the Secretary of State alongside the LDP Review. This will highlight to the Planning Inspector how preferred strategic approaches and policies have resulted from effective cooperation and joint-working.

## Appendix 1 – Relevant Duty to Cooperate Bodies

1.1. The following 'Duty to Cooperate' bodies as set out in the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended) are relevant to the preparation and implementation of the Maldon District Local Development Plan Review:

- Essex County Council
- Neighbouring and Essex local planning authorities including Braintree, Chelmsford, Colchester, Rochford, Tendring, Uttlesford, Basildon, Castle Point, Harlow, Southend-on-Sea, Thurrock, Brentwood and Epping Forest;
- Civil Aviation Authority;
- NHS Mid & South Essex Clinical Commissioning Group;
- Environment Agency;
- Essex County Highways Authority;
- Highways England;
- Historic England (as the Historic Buildings and Monuments Commission for England)
- Homes England;
- Natural England;
- NHS England (as the National Health Service Commissioning Board);
- Marine Management Organisation;
- Mayor of London (Greater London Authority);
- Office of Road and Rail; and
- Transport for London.

1.2. In addition, Planning Practice Guidance (Paragraph 030 Reference ID: 61-030-20190315), whilst Local Enterprise Partnerships and Local Nature Partnerships are not subject to the requirements of the duty, LPAs, county councils and prescribed bodies must cooperate with them. LPAs must also have regard to their activities when they are preparing their Local Plans, so long as those activities are relevant to plan-making.

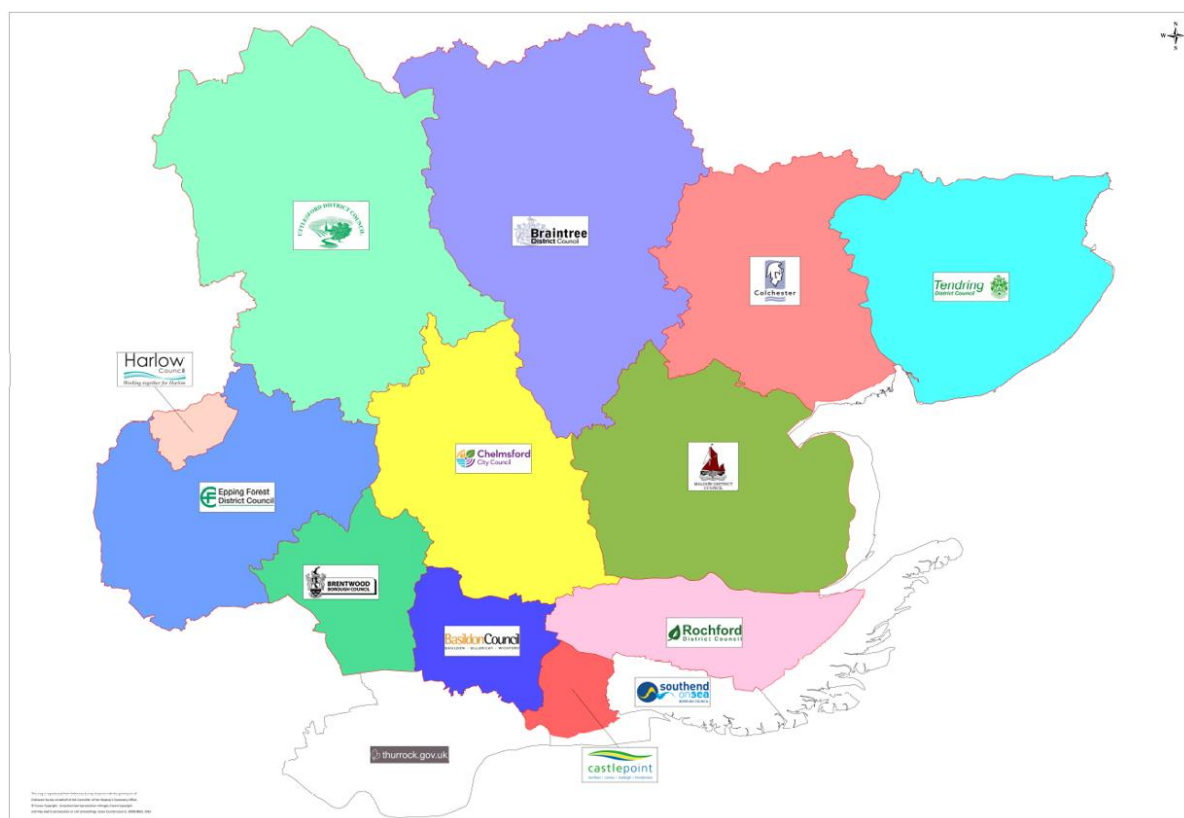
1.3. Therefore, to comply with the PPG, MDC will also cooperate with the:

- Greater Essex Local Nature Partnership<sup>2</sup>; and
- South East Local Enterprise Partnership.

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<sup>2</sup> Once it is formally established by the Government

## Appendix 2 – Strategic Policy Authorities Context Map



(Source: Essex County Council)

## Appendix 3 – Existing Co-Operation Governance Mapping

Public Body	Name of Existing Cooperation Arrangements	Level (Member/Officer)	Strategic Cross Boundary Theme <sup>3</sup>
<b>Essex County Council</b>	MDC & ECC LDP Review Strategic Liaison Group (SLiG)	Officer	ECC statutory functions relating to highways, public transport, minerals and waste planning, flood risk, education, public health & adult social care.
	MDC & ECC Transport Coordination Group (TCG)	Officer	Highways and Public Transport project coordination and delivery
<b>Neighbouring and other Essex Local Authorities</b>	Essex Partnership Board	Member & Officer	Local Government Administration
	Essex Chief Executives' & Leaders' Group (15 LAs)	Member & Officer	Local Government Administration (including Planning, Housing, Economy, Transport, Regeneration) etc.
	Essex Planning Policy Portfolio Holder & Chairman's (14 LPAs and ECC)	Member	Planning, Growth, Design, Infrastructure, Housing
	Essex Planning Officers' Association (14 LPAs and ECC)	Officer	Planning, Growth, Design, Infrastructure, Housing
	North Essex Economic Board (Uttlesford, Chelmsford, Maldon, Braintree, Tendring and Colchester)	Member & Officer	Economy
	Transport East (LGA)	Member & Officer	Strategic Road and Rail Connections & Investment
	Essex Coastal Forum	Member & Officer	Coastline Management & Essex RAMS
	Essex Flood Partnership Board	Member	Flood Risk, Drainage & Investment
	Essex Air Quality and Pollution Group	Officer	Environmental Pollution
	Superfast Essex Steering Board	Member	Broadband Investment

<sup>3</sup> Not intended to be exhaustive – all strategic cross boundary issues relevant to MDC will be set out in Statements of Common Ground



Public Body	Name of Existing Cooperation Arrangements	Level (Member/Officer)	Strategic Cross Boundary Theme <sup>3</sup>
	Health & Wellbeing Forum	Member & Officer	Public Health
<b>Civil Aviation Authority</b>	n/a	n/a	Airport Regulation & Airspace Management
<b>Environment Agency</b>	Essex Flood Partnership Board; Maldon District Strategic Flooding Projects Group	Member & Officer	River Catchment Management, Shoreline Management, Water, Flood Risk Mitigation
<b>Essex Highways Authority</b>	Local Area Highways Panel	Member	Highways
<b>Highways England</b>	A12 Chelmsford to A120 Widening Scheme Regional Delivery Partnership	Member & Officer	A12/A120 Strategic Routes
<b>Homes England</b>	MDC & Homes England Liaison Meetings	Officer	Housing, Regeneration, Development, Investment
<b>Historic England</b>	None	n/a	Historic environment
<b>Local Nature Partnership</b>	TBC	n/a	Natural environment
<b>Natural England</b>	None	n/a	Natural environment
<b>NHS England</b>	None	n/a	Public Health
<b>Mid &amp; South Essex NHS Clinical Commissioning Group</b>	Maldon Operational Group Maldon & MSE CCG Liaison Meetings	Member & Officer	Primary and Acute Health Care
<b>Marine Management Organisation</b>	None	n/a	Marine Planning
<b>Mayor of London (Greater London Authority)</b>	Wider South East Political Steering Group (LGA)	Member	Opportunities & impacts of Greater London on Wider South East
<b>Office for Road and Rail</b>	None	n/a	Road and Rail Regulation
<b>SELEP</b>	Essex Business Board	Member	Economy
	Coastal Communities Working Group	Officer	Coastal Communities
	Rural Working Group	Officer	Rural Communities
<b>Transport for London</b>	Wider South East Political Steering Group (LGA)	Member	Opportunities & impacts of Greater London Transport system on Wider South East

## Appendix 4 – Model Final Statement of Common Ground

<p><b>Front Cover</b></p> <p>Maldon District Local Development Plan Review Statement of Common Ground</p> <p>Signatories Logos</p>
<p><b>1. Main Parties:</b> <i>A list of bodies which have engaged in the SOCG – short summary of each body to aid contextual understanding)</i></p>
<p><b>2. Applicable Strategic Geography</b> <i>including a map, short description and justification for the strategic planning area that covers the SOCG.</i></p>
<p><b>3. Strategic Matters Considered</b> <i>Define and agree on the strategic/ cross boundary issues</i></p> <p><i>Establish the matters where a policy approach has been <u>agreed</u>, including any support for evidence or complimentary projects or initiatives, or additional partners.</i></p> <p><i>Establish any matters that are <u>outstanding</u>, noting the implications for strategic/cross boundary context and what process will happen to seek to resolve them before the SOCG is finalised, including any arbitration.</i></p>
<p><b>4. Governance Arrangements</b> <i>Define any specific governance arrangements that will be used to make decisions on delivering activities set out in the SOCG</i></p>
<p><b>5. Timetable for review and ongoing cooperation</b> <i>Establish a target date for agreeing the SOCG or when a review may need to be considered.</i></p> <p><i>Establish how strategic issues will be managed on an ongoing basis after plan adoption, any specific mechanisms or partnerships that will be used and how it will be monitored by all signatories.</i></p>
<p><b>6. Signatories</b></p> <p><b><i>Name of Lead Officer and Lead Committee/ Cabinet Member/ Board Member of each Organisation.</i></b></p>

## Affordable Housing and Commuted Sum Strategy

### 1. Introduction

- 1.1 The aim of Maldon District Council's (MDC) Affordable Housing Policies and guidance is to ensure the development of balanced and integrated communities and to deliver good quality affordable housing. The need for subsidised, affordable housing provision has long been recognised. The cost of good quality private sector housing in the right location means that significant numbers of households lack the income to meet the market cost of housing. Without subsidised housing, these households can fail to obtain housing of an acceptable standard.
- 1.2 This strategy explains MDC's approach to the delivery of affordable housing where these homes cannot be delivered as part of a development on-site, or where the delivery of the affordable homes elsewhere is more sustainable than on-site. In these circumstances a monetary alternative is provided to fund this off-site provision as a commuted sum. In accordance with the NPPF this guidance is not prescriptive, rather it sets out principles which should be followed whilst undertaking viability assessments and determining an appropriate commuted sum. This provides flexibility when dealing with housing proposals that vary significantly in location, scale, type and tenure.
- 1.3 Acceptance of a commuted sum has been a very rare occurrence for the council as affordable housing has generally been delivered on-site. There is a likelihood that in the future commuted sum payments will happen on a more regular basis and, whilst individually these sums may be relatively small, the total value of commuted sum receipts will continue to grow.
- 1.4 A legal agreement under section 106 of the Town and Country Planning Act 1990 (S.106) may require the council to spend, or commit to spend, commuted sums received within a specified timescale. If they have not been used or allocated for use, a developer may, after the specified period, seek a return of a commuted sum payments. As a non-stock holding authority, affordable housing in the District is provided by Housing Associations who rely on public subsidy towards the capital costs of development; this adds an additional layer of complexity to the use of any commuted sums received.

## Affordable Housing and Commuted Sum Strategy

- 1.5 It is therefore important for the council to have an agreed approach to enable timely and appropriate use of these monies.
- 1.6 The provision of affordable housing is considered to be in accordance with the Council's Corporate Plan (2021-2023); particularly 'Deliver the housing the District needs' and 'Deliver sustainable growth and new infrastructure through development'.

## 2. Definition of Affordable Housing

- 2.1 The NPPF Annex 2 defines Affordable Housing as:

*"Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:"*

*"a) Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable);(b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent)."*

*"b) Starter homes: is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's*

## Affordable Housing and Commuted Sum Strategy

*eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.”*

*“c) Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.”*

*“d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.”*

- 2.2 Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.
- 2.3 Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

**Affordable Housing and Commuted Sum Strategy**

- 2.4 Affordable rented housing is let by private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).
- 2.5 Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

**3. Definition of Commuted Sum**

- 3.1 A commuted sum is an amount of money, paid by a developer to Maldon District Council, where the size or scale of a development triggers a requirement for affordable housing, but it is not possible to deliver affordable housing on site. The sum will be used to provide affordable housing on an alternative site in the local authority.
- 3.2 The requirement for a commuted sum to be paid in lieu of on-site delivery of affordable housing is secured S.106 legal agreement. It is necessary to adhere to any specific constraints such as a time limit for the sum to be spent, or restrictions around locality for alternative provision.
- 3.3 The council can, in appropriate circumstances seek a legal agreement as part of a planning permission for a development. The Local Planning Authority must ensure that a S.106 obligation meets the relevant tests set out in the Community Infrastructure Levy Regulations 2010 (CIL).
- 3.4 It must be satisfied that the obligation is necessary to make the development is:
- Acceptable in planning terms;
  - Directly related to the development and fairly; and

## Affordable Housing and Commuted Sum Strategy

- Reasonably related in scale and kind.

### 4. Maldon District Council's Affordable Housing Policy

- 4.1 The Council's Local Development Plan (LDP) seeks to deliver market and affordable housing that meets the needs and aspirations of existing and future residents, of different demographic groups and needs, over the plan period (2014-2029). Specifically, the affordable housing policy positions is defined by LDP Policies H1: Affordable Housing, Policy H2: Housing Mix, H3: Accommodation for 'Specialist' Needs and both the 'Specialist Needs Housing Supplementary Planning Document' and 'Affordable Housing and Viability' Supplementary Planning Documents.
- 4.2 All housing development of 10 or more units or 1,000m<sup>2</sup> are required to contribute towards affordable housing provision to meet the identified needs of the District. Policy H1 of the LDP sets out the affordable housing requirements for each sub-area in the District. These are shown in the table below as the percentage of affordable required in each development where required:

Sub-area Requirements	
North Heybridge Garden Suburb:	25%
North of Heybridge - S2(d)	40%
North of Holloway Road - S2(e)	40%
West of Broad Street Green Road - S2(f)	40%
South Maldon Garden Suburb	40%
Strategic Allocations at Maldon, Heybridge and Burnham-on-Crouch	40%
All other developments:	
Northern Rural, Maldon Central and South and Rural South	40%
Maldon North and Rural South East Higher	30%
Rural South East Lower	25%

- 4.3 Since adoption of the Local Development Plan, the Government has set a national threshold of 10 units and maximum combined floor space of 1,000 sqm, beyond which, contributions to affordable housing provisions can only be

## Affordable Housing and Commuted Sum Strategy

sought. This is a material consideration that MDC gives significant weight to through the Development Management process.

- 4.4 The Council does consider accepting financial contributions (commuted sums) from developers where it is justified that affordable housing cannot be delivered on-site or when the District's affordable housing needs can be better satisfied through this route.

### Examples of where Commuted Sums may be acceptable

- 4.5 The Council expects on-site affordable housing to be provided on-site. Applicants should not automatically assume that a financial contribution in lieu of on-site affordable housing will be acceptable. However, it is accepted that, at times, it may be more beneficial to accept a financial contribution to better meet the District's affordable housing need. It is considered that these situations will include:
- The location of the proposed development is not in a sustainable suitable location (in relation to access to local services e.g. health, education and public transport).
  - The location of the site is not considered appropriate for affordable housing.
  - Delivery of on-site affordable housing in an area where there is already a dominance of a particular tenure of affordable housing.
  - Where the applicant can demonstrate that no registered provider is interested in purchasing the proposed affordable housing element.
  - There is a limited demand for this type of accommodation in the area, the type or tenure is considered to be unfavourable, there would be an overconcentration of a specific type or tenure of accommodation
  - When the contribution would make up part of a flat block and/or when the size of the units may be unattractive to a registered provider (This would normally only be relevant when considering the conversion of an existing building rather than the provision of a new development).



## Affordable Housing and Commuted Sum Strategy

- It can be demonstrated by the applicant that delivery is not possible because of viability constraints (an accompanying viability assessment will be required).

How will the Commuted sum be calculated

- 4.6 On sites where the Council has decided to take a financial contribution the Council will calculate the payment to be made. The formula used to work out the commuted sum is set within Maldon District Council's 'Affordable Housing and Viability Supplementary Planning Document (SPD)'. All contributions will be based upon this formula:

**Developer contribution:  $A = B \times C$**

**A:** the affordable dwelling payment.

**B:** the average price for an affordable dwelling (by size and tenure).

**C:** policy requirement number of units.

## 5. How will the Commuted Sums be spent

- 5.1 The Local Authority will use financial commuted sums in a number of ways and will require the flexibility to do so to be reflected in its approach and in the s.106 agreement. Where the contributions are accepted they will be used to provide an additional affordable housing enabling tool aimed at meeting the housing needs of the District. Commuted sums will be earmarked to enable the provision of affordable housing through a variety of means such as:

- To support and facilitate the delivery of affordable housing led development;
- To support the delivery of new build affordable housing;
- To create additional, larger or a different tenure mix within the existing affordable housing provision;
- To provide funding in order to make it possible for a higher proportion of affordable homes on a site than is required by policy;

**Affordable Housing and Commuted Sum Strategy**

- To fund extra units of affordable housing on alternative sites or additional units outside of those secured under the S106 agreement;
- For the deliver of affordable housing schemes that meet the specific hosing needs of the residents of the District;
- Acquisition of single dwellings that can be used for affordable housing units when opportunities arise.
- Secure long-term temporary accommodation.

**6 Conclusion**

- 6.1 Commuted sums provide a valuable opportunity for the councils to ensure that where delivery of affordable housing on a site is not possible, alternative provision can contribute towards the councils' aims of delivering affordable homes to meet local need.
- 6.2 There is a need for guidance to be approved for the spending of commuted sums, which allows for the appropriate and timely use of these payments to provide new-build affordable housing that meets the housing needs of the District.

**MALDON DISTRICT  
LOCAL DEVELOPMENT PLAN REVIEW**

**REGULATION 18**

**ISSUES AND OPTIONS DOCUMENT**

**DRAFT JULY 2021**

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## 1.0 ISSUES AND OPTIONS CONSULTATION BACKGROUND

### 1.1 Maldon District's Local Development Plan (LDP)

All councils have to prepare a Development Plan called a Local Plan; this document is, along with the National Planning Policy Framework (NPPF) used in the determination of planning decisions. It sets out how an area can meet its growth needs for things such as new housing and employment development. All local plans include a spatial strategy which directs where this growth will go and allocates land so that it can be developed. They also contain more detailed policies to guide how councils will make decisions on planning applications. The plan covers all types of development, from housing to employment, shops, infrastructure (roads, schools, green spaces) and community facilities, with a few exceptions including how waste and minerals related development will be catered for.

Maldon District Council's Local Development Plan (LDP) was approved following an Examination in Public by the Planning Inspectorate in 2017 and it covered the period 2014 to 2029. The LDP applies to the whole of Maldon District.

### 1.2 Why does the LDP Need Reviewing?

Policy S3 in the approved LDP had a trigger set out in it for an early review, in para 2.16 of the LDP it states;

*"The Council will monitor housing delivery against the housing trajectory for the District using the indicators specified in the Monitoring Framework set out in the LDP. If the Authority Monitoring Report (AMR) demonstrates that the Garden Suburbs and Strategic Allocations deliver less than 75% of their projected housing completions in three consecutive years (based on the trajectories set out in Figure 4 of this Plan), the Council will undertake a partial review of this Plan. In undertaking this review, the Council will ensure that sufficient infrastructure capacity is available and that the potential allocation of additional housing sites will not prejudice delivery of the infrastructure required by the Plan."*

The council has also been monitoring development every year since the LDP was approved. Monitoring in 2019/2020 showed that the trigger had been met for the first time.

Additionally, the evidence base, which supports the LDP is now becoming out of date and the District does not have a 5 year supply of housing land which helps residents with choice in their accommodation needs. National policy has also been amended since the LDP was approved and there are some aspects which are no longer in conformity with it, which reduces its effectiveness in managing development in the District. Finally, in February 2021, the Council declared a Climate Emergency and many of the policies in the LDP do not provide the best foundation from which to help manage and mitigate the effects of climate change on the District.

It is therefore considered an appropriate time for a review of the document. The reviewed LDP will start to carry some weight as it progresses through the plan making stages and on adoption will carry full legal weight and fully supersede the current LDP.

### 1.3 Timetable for the Review of the Local Plan

The updated Plan will cover the period up to at least 2038, fifteen years from the expected date of adoption in 2023. The council has published a timetable for updating the Plan in its statutory Local Development Scheme. The timetable is outlined below:

DOCUMENT TITLE	REVIEW OF THE LOCAL DEVELOPMENT PLAN
Role and Content	To provide an update to the Adopted Local Development Plan 2014 – 2029 this will provide a planning policy framework and development strategy for Maldon District up to 2038
Coverage	Maldon District
Timetable	Consult on Issues and Options – Autumn 2021 Consult on the Preferred Strategy LDP (Reg 18) – Summer 2022 Publish Draft LDP (Reg 19) – Early Spring 2023 Submit to the Secretary of State for Examination – Late Spring 2023 Adoption – Late Autumn 2023
Chain of Conformity	Relevant Planning Acts and Regulations National Planning Policy Framework and Planning Practice Guidance Maldon District Corporate Plan Local Development Plan Evidence base
Resource	Local Plans team; Other Council Officers; Co-operation with neighbouring local planning authorities; Co-operation with relevant stakeholders including infrastructure providers; Use of technology and web-based communication to assist with consultation; and Consultancy support to develop, review and update the evidence base and aid with the Examination.

#### 1.4 **Why are the Council consulting on an Issues and Options document now?**

As outlined in the timetable above, the LDP update process has a number of formal statutory stages to pass through which will take place over the next few years. This includes consultation on draft versions of the Plan. This Issues and Options document is the first formal but non-statutory consultation in the plan making process. Its main purpose is to ensure that the Plan had identified the main key issues for those parts of the Plan that the Council are reviewing and that all suitable options for accommodating change are considered. This is your opportunity to feed into the LDP Review process at an early stage and help shape the future changes to the Plan.

#### 1.5 **Will the Review of the Local Plan Impact on Neighbourhood Planning?**

For some Parish Councils in Maldon District, Neighbourhood Planning has enabled them to come together to produce a statutory plan for their local area to influence how development should be managed. Neighbourhood Plans have the same status in the planning process as Local Plans, but they must be in conformity with the Local Plan and also legislation, national planning policy & guidance.

Whilst any Neighbourhood Plans that have been formally 'made' (that is, they have been brought into effect for use in the District's planning policy framework) will continue to form part of the Development Plan for their areas, the most up to date plan takes precedence and therefore the LDP Review may supersede parts of Neighbourhood Plans which do not comply with it.

It is recommended that new and developing Neighbourhood Plans should, as far as it is possible, take into account the LDP Review as they are developed and that any 'made' Neighbourhood Plans may need to be reviewed themselves by Parish Councils in light of any changes coming forward. The council will support communities through this process.

#### 1.6 **Making Comments on this Consultation**

The consultation will run from XXXX to 5.30pm on the XXXX.

Representations should arrive no later than 5.30pm on XXXX. All representations received will be made available to view publicly.

The consultation document and supporting documents can be found on the council website at: [www.maldon.gov.uk/Issues-and-Options](http://www.maldon.gov.uk/Issues-and-Options)

If you would like to make comments, please reference specific questions, sections or paragraph numbers and be as specific as possible. You are not required to comment on all of the questions in the Issues and Options document and you can complete as many questions as desired.

Please send your comments in one of the following ways:

XXXXXX

## 2.0 **THE DISTRICT OF MALDON - A SPATIAL PICTURE**

- 2.1 The District covers an area of 36,000 hectares and has over 70 miles of unique coastline. Compared to other locations in Essex, the District has a relatively low crime rate, good quality housing stock, a unique retail offer with quality high streets in both Maldon and Burnham-on-Crouch. The District's natural landscape is dominated by the

two estuaries and the extensive flat and gently undulating alluvial plain along the Rivers Blackwater and Crouch and their relationship with the North Sea. The area has strong associations with fishing and marine trades, and more recently sailing.

- 2.2 The District has strong spatial connections with a number of important regional growth areas including, the Haven Gateway, the Thames Gateway, London, Chelmsford, the M11 corridor, M25; as well as Stanstead and Southend Airports.
- 2.3 The settlements of Maldon, Heybridge and Burnham-on-Crouch are important drivers for the local economy. The District is home to approximately 27,500 jobs generated from 3,681<sup>1</sup> businesses. The villages and rural areas also make a considerable contribution to the District's economy with a high performance in agricultural and farming related activities, including viticulture. Historically, the economy was based on agricultural production, coastal trade and manufacturing. However, in recent decades there has been a shift towards a mixed economy with an increased service sector, tourism and advanced engineering and manufacturing businesses.
- 2.4 Tourism is an important sector in the wider Essex economy contributing £3.4bn of value. Maldon District is an important contributor of this diverse appeal with its offering of heritage, unique landscapes, recreation areas and marine culture all within close proximity to London and the wider region. These qualities have made the District increasingly attractive to the TV and film industry as a production location, which itself is attracting more people to the area as they search for the places they see on their screens. To the Maldon District, tourism contributes around 17% of all employment and brings over £178m in visitor spend to the local economy<sup>2</sup>.
- 2.5 The District has a unique heritage including a maritime heritage with more than 1,000 entries on the statutory list of buildings of architectural or historic interest, 21 Scheduled Monuments, one Registered Park and Garden, and one Registered Battlefield. There are also 14 designated Conservation Areas which incorporate the historic cores of towns and villages, eight miles of waterway incorporating the Chelmer and Blackwater Navigation and the 24 buildings and open space of a nationally important World War One Aerodrome in Stow Maries.  
  
The District is 211th (out of 317 English local authority areas) in terms of its overall ranking in the Index of Multiple Deprivation. However, its score with regard to barriers to housing is lower with 149 out of the 317 English Local Authorities, which is most likely an indicator of the high cost of housing and the lack of rental housing supply especially in the south of the District.
- 2.6 In 2021, the District of Maldon had a population of approximately 65,800. By 2038, this is estimated to have increased to approximately 72,000. Whilst the District's population has doubled over the last 40 years, it still has one of the lowest population densities in Essex at approximately 182 residents per square kilometre. As with other locations in Essex, the population of the District is ageing and it is projected that between 2021 and 2038, the population aged between 65 and 84 years is expected to increase by approximately 45%; whilst those aged over 85 years is expected to double. There is also projected to be a decline in the ratio of working age people, which could have a future impact on employment vacancy rates.

<sup>1</sup> Cambridge Economics within the Maldon District Economic Study – Hatch 2020

<sup>2</sup> Destination Research – Economic Value of Tourism 2020



2.7 The District's natural landscape is dominated by the two estuaries and the extensive flat and gently undulating alluvial plain along the Rivers Blackwater and Crouch, these areas have fragile habitats and biodiversity with many of the areas being of international, national and local importance and subsequently have been designated as Ramsar Sites, Sites of Special Scientific Interest (SSSI), Special Protection Areas (SPA), Special Areas of Conservation (SAC) and National Nature Reserves (NNR). There are significant areas of semi-natural habitat that make an important contribution to the area's diverse landscape character and offers key landscape views across the estuaries. The presence and distribution of these habitats is strongly influenced by geology and landform and include woodland, grassland, estuary, salt marsh, mudflats, and freshwater and open water habitats.

2.8 The District is geographically split into three distinctive areas which are the Central Area (Maldon and Heybridge), the North and West Area and the South and East Area. The areas are described in more detail below and illustrated on Map X. (to be inserted)

### 2.9 The Central Area (Maldon and Heybridge)

Maldon and Heybridge are interdependent in terms of how residents use their services and facilities, though the River Blackwater runs between the two, connecting them by Fullbridge and the A414. These two settlements have a combined population of approximately 23,000 and account for over a third of the District's population. They have an important commercial, retail, leisure and service centre function that serves the whole District, assisting the growing tourism sector with museums, places of architectural interest and parks, including the renowned Promenade Park.

2.10 Maldon is a medieval market town that was first mentioned in AD 913 in the Anglo Saxon Chronicle. As one of the oldest towns in Essex, its rich history is reflected in the quality of its architectural heritage. There are 185 Listed Buildings in the Maldon Conservation Area alone. Maldon is also known internationally for its sea salt production and as a centre for Thames Sailing Barges. Unfortunately, its two railway stations were closed in the 1960s and some parts of the old railway line have since been built over.

Maldon is also home to the South Maldon Garden Suburb which was allocated for strategic growth in 2017 and is currently being built in phases, which will include new community facilities, including an NHS health hub, a new primary school and relief road.

Heybridge has two distinctive parts, a large urban area and the riverside area of Heybridge Basin. The urban area is characterised by its manufacturing heritage, which has had an important impact upon the urban grain and architecture of the area. The Basin area is quite different and is characterised by its relationship to the Chelmer and Blackwater Navigation that was opened in 1797. Many of its buildings can trace their links back to a maritime heritage and date from the development of the commercial waterway in the late eighteenth and early nineteenth centuries, with some twentieth century replacement buildings.

### 2.11 The North and West Area

2.12 In this area lies the settlements of Great Totham, Great Braxted, Purleigh, Tollesbury, Tolleshunt D'Arcy, Wickham Bishops, Woodham Mortimer and Woodham Walter, Little Totham, the Broad Street Green area and the area of Beacon Hill, Tollesbury, North Fambridge, Cold Norton, Stow Maries, and Cock Clarks.

- 2.13 This area is characterised by its distinctive settlements, ponds, reservoirs and wooded areas. North Fambridge is located in the south of the area and has its own railway station on the Southminster branch line that terminates at Wickford with onwards services into London Liverpool Street and Southend Victoria. There are golf courses, wooded walks, a linear country park along the route of the former Maldon to Witham railway line and the settlement of Stow Maries includes an important World War One Aerodrome.

Tollesbury is an historic settlement with a strong relationship with the River Blackwater and its economy was traditionally based on oyster dredging and agriculture. The hinterland is mainly comprised of marshland and saltings.

- 2.14 The Broad Street Green area, because of its close connection with the main settlement of Maldon and Heybridge was one of the areas the LDP allocated for strategic growth in 2017 and will in the future be the location of the North Heybridge Garden Suburb with its associated new community facilities, including a GP practice and primary school.

## 2.15 **The South and East Area**

- 2.16 In this area lies the following settlements; Burnham-on-Crouch, Southminster, Dengie, Bradwell-on-Sea, Asheldham, Bradwell Waterside, Mayland, Maylandsea, St Lawrence, Althorne, Tillingham and Steeple.

- 2.17 This area incorporates the Dengie Peninsula with its rural character, open big skies, tranquillity, marshland and mudflats. This area also incorporates Burnham-on-Crouch which is the second largest town in the District, after Maldon and Heybridge, connected to other places with a railway station. Burnham-on-Crouch is predominantly known for its coastal trading history and sailing activities. It is associated with its maritime connections including oyster trading and yachting, with a number of clubs which include the Crouch Yacht Club, the Royal Corinthian Yacht Club and the Royal Burnham Yacht Club.

- 2.18 The settlement of Southminster also lies in this area and contains several historic buildings including St Leonard's Church. The settlement also has its own railway station, which is the terminus of the Crouch Valley branch line.

- 2.19 A third railway station is located at Althorne, though the station is physically separated from the main settlement, which lies instead on a rise in the land and this gives it wide open views to the River Crouch and its landscape.

- 2.20 Bradwell-on-Sea on the Dengie Peninsula is a settlement with a history of national significance. It contains the remote Chapel of St Peter-on-the-Wall, which is one of the oldest chapels in England being constructed in AD 654 from Roman ruins when St Cedd was sent from Lindisfarne to spread the Gospel in East Anglia.

**Would you agree with the above spatial picture of the District?**

### 3.0 NATIONAL CONTEXT

#### 3.1 Planning System & National Issues

The Government has highlighted its ongoing commitment to the plan-led system, seeing it as a key way of delivering many of its objectives including an increase in house building nationally and raising the standard of design in new developments. By law, the LDP Review will need to be in conformity with new legislation including national policy and guidance and take account of any changes that the Government makes to the system whilst the LDP Review is evolving.

Alongside the Planning Bill, proposed in HM The Queen's Speech 2021, other topical issues that could affect the Maldon District as the LDP Review is delivered include:

- The introduction of the Future Homes Standard meaning a ban from installing fossil-fuel boilers in domestic properties from 2025;
- The introduction of a Future Buildings Standard to the Building Regulations, to improve the energy efficiency of non-domestic buildings;
- The ban on new petrol and diesel engines by 2040 and the need to increase alternatives; and
- The roll-out of Biodiversity Net-Gain schemes via development.

#### 3.2 Nationally Significant Infrastructure Projects

It is important to remember that not all planning decisions are determined by Maldon District Council. Some projects, which are deemed by the Government to be in the national interest are instead planned and determined through a separate policy and determination process called National Policy Statements (NPSs), Nationally Significant Infrastructure Projects (NSIPs) and Development Consent Orders (DCOs).

There are two NSIPs currently underway for the Maldon District. These are:

- Bradwell B New Nuclear Power Station
- A12 Junction Upgrade and Widening Scheme

##### Bradwell B New Nuclear Power Station

Maldon District has been identified by the Government as the location for a potential new nuclear new build site at Bradwell on-Sea, known as Bradwell B. Bradwell is no stranger to nuclear development and is also the site of the decommissioned Bradwell A Magnox power station. Whilst the current developer promoting the project paused work on the Development Consent Order (DCO) in January 2021, Bradwell-on-Sea is still an identified site in the National Policy Statement for Energy Infrastructure (EN-6)<sup>3</sup>, which the LDP Review cannot change and according to the Government it remains available and potentially suitable, in principle, for nuclear energy development.

3.3 Planning policies for NSIPs are set out in NPSs and do not form part of the LDP. The Council does however have to give them consideration when reviewing the LDP.

3.4 When determining DCO applications for NSIPs the Government will consult the Council. The Council will then prepare a Local Impact Report, to which the Planning

<sup>3</sup> [National Policy Statements for energy infrastructure - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/national-policy-statements-for-energy-infrastructure)

Act 2008 states that the Secretary of State must have regard to when determining the DCO. The LDP Review can therefore play a crucial role in helping to inform the Local Impact Report along with any other evidence and considerations.

- 3.5 The Council will, however, be the decision-maker for any ancillary development linked to the NSIP (but not included in the DCO) under its powers as LPA. Any such development will be considered against the LDP and the NPS.
- 3.6 There may also be occasions where supporting or preliminary work for NSIPs is required before the DCO work. If this happens any proposals will be considered in line with the policies in LDP.
- 3.7 **The A12 Junction Upgrade & Widening Scheme**  
On the north-west of the District is a proposal by Highways England to upgrade a stretch of the A12 between Chelmsford and Colchester (junction 19 Boreham Interchange to junction 25 Marks Tey Interchange). Some very small stretches of the road are physically in the Maldon District.
- 3.8 MDC has been engaged in the process since 2017 and together with our Highway Authority partners in Essex County Council and our neighbouring authorities, we have been working to identify ways to improve road conditions on connections into the A12 which Maldon District residents and businesses use.

#### 4.0 KEY ISSUES FOR MALDON DISTRICT

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##### 4.1 District Wide

It is important in the review to reconsider the issues that face the District and ensure that they are still relevant. These should be short and high level and relate to matters that relate to the District. In the current LDP approved in 2017, the main issues that were to be addressed were as follows;

- 4.2 **Housing** – In-migration and lack of supply meant that demand was significantly higher than the amount of housing that was being built. This increased the affordability issue of housing, meaning more people were finding themselves not being able to afford to continue to live in the District and some who had lived here all their lives were moving out to find somewhere more affordable to live. This was exacerbated by the fact that a large proportion of the working population out-commuted to London and there was a difference in the wages between those that worked locally. There was a high need for affordable housing across the District exacerbated by a lack of supply with an imbalance in the requirement against the delivery of the type and size of housing. There was also a growing requirement for the delivery of additional Gypsy and Traveller sites.
- 4.3 **Economy** - With the exception of few large-scale companies, the economy of the District was generally defined by a large number of small firms. Whilst there was overall prosperity across the District, there was a skills shortage with a high proportion of the working age population possessing no qualifications and a significant proportion of the population out-commuting to work. This resulted in a disparity in income levels of local workers, versus those who commuted, exacerbating issues of affordability and quality of life.

- 4.4 The Natural and Built Heritage** - The Maldon District was characterised by a diverse and distinct natural, historic and built heritage which made a significant contribution to the quality of life in the area. There was a need for the planning policy framework to optimise these assets whilst maintaining an appropriate balance with the requirement to also meet development needs. Due to the coastal and low-lying topography around the estuaries, the District was considered to be particularly vulnerable to the impacts of climate change and flooding. The vulnerability of new development needed to be minimised to ensure that this risk was not worsened for future generations.
- 4.5 Accessibility** - The District has direct links to the A12 trunk road via the A414 and the B1019. Many roads within the District comprised B and C class country roads. There is one railway branch line (the Crouch Valley Line) along the south of the District connecting Southminster, Burnham-on-Crouch, Althorne and North Fambridge to South Woodham Ferrers (in Chelmsford City area) and onto London, via Wickford. Bus and taxi services were the only other transport option for the rest of the District and there were issues around the level and frequency of bus service provision in some rural locations, though 78% of the Districts settlements have either a shopper or commuter bus service. The rural character and relatively poor accessibility across the District impacted upon the ability of individuals, particularly young people without access to their own transport to access things like education, work and social activities, which also affected older people's access to key services.
- 4.6 People and Communities** - The provision of infrastructure and facilities was considered to be a vital component in addressing the sustainability and well-being of communities and all new development needs were planned to be supported by the provision of adequate infrastructure. Facilities such as village shops, post offices, community halls and pubs located in the more rural settlements had a key role in securing the cohesiveness of the local communities. Engaging people through sports, arts, leisure and cultural activities was recognised to strengthen communities and was considered that it could help to reduce problems of anti-social behaviour and exclusion. All parts of the District needed to have the opportunities to access activities and facilities and there was a need for investment in strategic community infrastructure across the District to enable and improve provision.

#### **Question - Are These Issues Still Relevant?**

#### **4.8 Strategic & Cross Boundary Issues**

In September 2021, the council approved a Duty to Cooperate Strategy that stipulates how it meet its legal obligations with other specific bodies that it must cooperate with on strategic and cross-boundary matters. These include organisations such as Essex County Council, Highways England, the NHS, the Marine Management Organisation, Natural England and the Environment Agency.

Thematically these strategic and cross boundary issues can be summarised as:

#### **Highways**

- A12 widening and junction improvements at Hatfield Peverell, Rivenhall and Witham
- Delivery of local highway infrastructure identified in the current LDP including the South Maldon and North Heybridge Relief Roads

**Environment**

- Synergy between the South East Marine Plan and the LDP Review
- Impacts of continued growth in Maldon & Heybridge on Air Quality Management Area in Maldon & Danbury (within Chelmsford City area)
- Impact of residential growth on protected habitats in Essex
- Impact of growth on the water cycle

**Housing**

- Housing market area changes - Maldon is now in a Housing Market Area with Chelmsford and Braintree
- The need and provision of Gypsy & Traveller Transit Sites in Essex

**Education**

- Primary and secondary education provision and capacity due to growth

**Health**

- Delivery of strategic infrastructure projects including NHS Health Hubs, GP surgeries and relief roads for Maldon and Heybridge

**Question - Do you consider these to be the extent of strategic and cross boundary issues applicable for the Maldon District?****4.9 LDP Review - The Issues**

- 4.10 The previous LDP issues as set above may be still relevant, however there is the need to take into account that whilst the District has been building more housing in recent years, there is still a shortfall between the amount needed and the pace of delivery. There is also still a shortage of affordable housing and the out-commuting levels are still very high. The previous issues did not reflect the climate change emergency that the Council declared in February 2021, though they were considered in the LDP's accompanying Sustainability Appraisal but not emphasised as strongly in policy development.

- 4.11 A revision of the key issues are considered to be the following;

**1) Reducing emissions and adapting to climate change**

- New development is not doing enough to reduce emissions and adapt to the climate change increasing the amount of development that contributes to unsustainable travel patterns, resource usage and increased emissions of carbon and other greenhouse gases.
- Human interaction has the potential to increase flood risk, air, water and soil pollution which could have damaging consequences for the residents of the District.
- Lack of funding could compromise the ability of the Council and other Risk Management Authorities to bring forward viable flood risk mitigation schemes that could support existing and new communities.
- Whilst strategically, new partnership arrangements with other Essex authorities are building funding opportunities for mitigating development pressures on the most protected coastal habitats including those in the Maldon District, new developments are failing to bring forward genuine local mitigation measures to help improve the natural environment.



- Maldon District is in one of the driest areas of the country, water resources are scarce and require greater consideration in the planning process to reduce water wastage and capture and improve water efficiency in new development.

#### **4.12 2) Resident-centred places to live**

- The District possess' very attractive qualities for people living locally and as the District grows, it needs to ensure that by both design and delivery, the new places to live are resident focused.
- Median housing prices to earnings ratio is 11.87 (2019) which is the highest in Essex, this is considerable up from 4.2 in 1997 when the ONS started collecting this data and 10.82 in 2017. This is continuing to put a strain on affordability across the District.
- Because of the extensive rural nature of the District, there is a limited supply of brownfield land for development, which will inevitably mean that whilst the priority should continue to see land that has previously been developed brought forward for new places to live to be built, development will have to take place on more greenfield sites in the future.
- There are some settlements in the District which are much more isolated in terms of their distance from bigger settlements and their services and facilities. This places pressure on those settlements which are nearer in terms of location and public transport connectivity to take more growth.
- There remains an over-reliance on larger-scale developments to bring forward housing, which with hindsight may have contributed to some of the supply issues the District now sees, where those developers that have multiple sales outlets in the area are managing their construction resources differently than first intended, or where enabling works to larger sites are taking time to come to fruition. This will mean that going forward the council will need to consider allocating more smaller sites that could be built out by small-medium size builders that are not always constrained by the same issues.
- There is a continued need to support different types and sizes of housing, including perpetual First Homes, self-build/custom build homes and Gypsy & Traveller pitches.

#### **4.13 3) A stronger, more resilient and inclusive local economy**

- Population change in the District is driven by net-inward migration with some net international migration. The population is ageing with an expected decrease in the working-age population aged between 16 – 64, which could lead to an increasing labour shortage to local businesses by 2040. If nothing changes, this could see some sectors currently based in Maldon District relocate, or see a further increase of in-commuting into the District for work, which could increase congestion and pollution.
- There is growing competition for employment growth from larger employment centres around Maldon District such as Basildon and Chelmsford, whilst this could reduce land pressures, it could increase commuting and pollution.
- The District has a proliferation of smaller niche businesses but the LDP Review needs to be flexible enough to encourage and support them to grow-on when

they want to, as they provide valuable jobs many of which have higher wage offerings.

- Though 78% of settlements are connected by either a shoppers or commuters bus service, there is a perceived lack of a robust, interconnected multi-modal public transport system which leads to an increase in car usage, and a disconnect between where residents can live, work and access services. This could be affecting quality of life, business investment and the environment. It also means the District's lucrative and growing tourism industry is overly reliant on private vehicles as the means of travel.
- Whilst agriculture and tourism remain dominant employment sectors, both of these can be influenced by seasonal variations and this can undermine the number of full-time jobs available in the District. It is predicted that there will be a fall in agricultural jobs during the plan period, in line with national trends, but with 4 million visitors a year, tourism is a growing sector of the District's economy. Nevertheless, a lack of accommodation, restaurants and activities that maximise the District's coastal and estuarine location could hold it back from sustained growth as this lack of facilities does not encourage people to stay longer than a day.
- The current LDP allocated land equivalent to 11 football pitches for new employment development, however, the land that has been allocated employment land is not being built out as quickly as it could have been, which means it could become at risk of being lost to employment land uses if demand for other land use increases. This would mean the District would be at risk of not being able to react as well to the demand fluctuations expected in economic cycles, nor attract inward investment when opportunities arise.
- Our residents' qualifications profile is lower than the rest of Essex and the national average. The lack of skilled workers available locally can therefore deter inward investment and does not help to encourage aspiration in careers and jobs in our younger residents. This in turn limits their ability to rent or purchase homes and exacerbates out migration.
- The present LDP does not do enough to support small and medium sized construction firms who are more likely to be local and support local employment, economy and the local supply chain. It is estimated that for every dwelling built 3.1 local jobs are generated and through policy choices the LDP Review could look to diversify the share in the future.

#### **4.14 4) Thriving, Distinctive Rural Communities for all ages**

- There is a conflict between respecting the distinct character of the District's rural communities, whilst supporting improvements to rural housing, services and the economy
- The affordability of housing in rural communities leads to a lack of housing for younger people and families meaning they may have little choice but to move out to where they can afford. This has the effect of ageing the rural population, increasing isolation and leading to a decline in rural services and facilities if it is not more proactively managed.



- The perceived lack of a robust multi-modal public transport for both shoppers and commuters leads to more rural isolation and disconnectivity to settlements which support greater levels of employment and service provision.
- Many of the niche businesses in the District lie within our rural area and there is a forecast loss of manufacturing jobs during the plan period, this means there could be an impact on the rural economy.

#### **4.15 5) Protecting and Enhancing our Diverse Natural Environment**

- There are 211 kilometres of shoreline in Maldon District. The area of coastal designated sites is 7,815 hectares, representing 18 % of the total land area of the District. There are two National Nature Reserves (NNRs); with the Blackwater Estuary composed of the Tollesbury Flats and Old Hall Marshes. The Flats are an important feeding area for waterfowl and are an important habitat for a number of invertebrates. The Old Hall Marshes are also known to be a breeding ground and over-wintering site for waterfowl and are home to a number of important plant and invertebrate species. Sea level rise is having a serious impact on our coastal habitats due to coastal squeeze and the erosion of salt marsh.
- The unique biodiversity of the District is under pressure from climate change, land use and coastal squeeze – we move forward by ensuring development has the least impact as possible and invests in habitat improvement and biodiversity net-gain where it can be a success.
- The District has a reasonable level of ancient woodland concentrated in the west of the District; which plays host to numerous flora and fauna and is an important source of biodiversity which is under threat nationally.
- There are large numbers of prominent landscape areas and features within the District, with distinct contrasts between the well-wooded, higher land to the west and the flat marsh and pasture landscape of the valleys to the east. The natural rural environment is generally tranquil and undisturbed in character with a sense of remoteness, tranquillity and big dark skies which can be eroded by development.

#### **4.16 6) Making the Built Environment Beautiful**

- Much of Maldon District's archaeology, particularly that located along the coast, is susceptible to erosion due to sea level rise and climate change. This places these remains at significant risk.
- A Historic Environment Characterisation Project was undertaken in 2008 which identified 59 Historic Landscape Character Zones. We can already see the majority of zones have the potential for deposits, as well as being susceptible and sensitive to change. This means we need to take extra caution when looking at development locations and also consider where development could bring opportunities to understand and record our heritage for future generations...

- The unique heritage assets of the District can become at risk where they fall into disrepair or from nature forces; there are at present 7 sites on the Historic England at Risk Register.
- Whilst growth is an inevitability to ensure that future residents have good quality housing in sustainable rural communities and a robust economy, it is even more important that the design and setting of that growth enhances the rural and urban environments, otherwise the District is at risk of looking and feeling the same as everywhere else.

#### 4.17 7) Ensuring that infrastructure meets residents, visitors and business needs

- There is a shortfall on infrastructure funding from what was forecast to be available in the previous LDP, which has led to delays to key infrastructure in Maldon, Heybridge and Burnham-on-Crouch. We need to be realistic when developing the LDP Review that we choose a growth option that can better support infrastructure delivery.
- Maldon District has a higher than average ageing population and this brings with it issues around accessibility and access to health services. With the District being largely rural in nature the needs of the private vehicle will always be important. Parts of the District are more isolated from access to public transport infrastructure, leading to rural isolation. This can place pressure on wider services which have to service more residents remotely or over a broader area.
- With a continuing increase in population comes an increased pressure on existing infrastructure and public service delivery leading to a conflict between infrastructure delivery and growth. We need to work with infrastructure commissioners and providers to ensure that the District's growth options have affordable and viable solutions for upgrades where they are needed to continue to serve peoples' needs.

**Q1. Are these key issues the right ones or are there any key issues that you think have been missed?**

## 5.0 SPATIAL VISION

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5.1 In the 2017 Local Development Plan the Vision was set out as follows:

*The District's unique heritage and countryside will be protected by maintaining high design standards and adhering to the principles of sustainable development. Over the Plan period the District will grow sustainably to meet objectively assessed housing needs, taking into account environmental and infrastructure constraints. This approach will maintain the quality of life for the community and ensure the delivery of new affordable homes and infrastructure. It will also protect our local services, provide for our District's business needs, and retain the identity of our villages.*

*Growth will be concentrated in the most sustainable, accessible and appropriate locations taking into account constraints and the need to protect valued local countryside. The District's strong associations with the coast and our natural, historic and built heritage will make it a location of choice for people, businesses, day visitors*

*and tourists. We will ensure the sustainable growth of the tourism sector by protecting our designated sites, internationally important wildlife, our estuarine environment, salt marshes, unique heritage, beautiful countryside and picturesque towns and villages. Our economy will be based on a highly productive skilled workforce ensuring success in the local, national and global economy. Maldon Town will be a focus for regeneration in order to ensure its continuing success as the District's main economic, social and cultural hub.*

- 5.2 This vision was originally created in 2014 and though as set out above the issues within the District have not altered significantly, there has been a global pandemic and the impact that has had on both the national and local economy, a change of emphasis and direction for the Council, moving climate change higher up the corporate agenda. Affordability and the delivery of housing has become a higher priority and there is now a greater national emphasis on building beauty into development. Therefore, it is proposed to amend the Vision for the review of the LDP to reflect the global, national and local issues and line the Vision up with the issues in the District. It is also proposed to set the vision out more clearly and succinctly so that success can be measured more accurately against it and the delivery objectives.

5.3 **A proposed amended Vision is as follows;**

*By 2043 Maldon will be a district with;*

- 1) A commitment translated into local action which adapts to and reduces the risks of climate change, including supporting the transition to a low carbon economy.*
- 2) A network of sustainable, inclusive and healthy communities where all residents are able to enjoy a high quality of life, and where new housing and economic development balances the needs of communities, the economy and the environment.*
- 3) A diverse and competitive economy which supports the existing employment base but also delivers growth opportunities across a range of sectors that reduces the need for out-commuting, attracts and retains people of working-age and raises overall levels of aspiration and attainment for young people.*
- 4) A high-quality environment that protects the special merits of the District, particularly the historic environment, open landscapes, protected natural environment and unique biodiversity and geodiversity.*
- 5) Joined-up infrastructure in the right place and at the right time to increase overall connectivity and mobility for the needs of both residents, business and visitors.*

## 6.0 OBJECTIVES

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- 6.1 To achieve the Vision of the Local Development Plan it will deliver the following objectives.

- 6.2 1) *A commitment translated into local action which adapts to and reduces the risks of climate change, including supporting the transition to a low carbon economy.*

*We will;*

- Ensure that new development will be as energy efficient as possible in its design, materials and local energy sources in order to reduce emissions of carbon and other greenhouse gases.

- Reduce the impact of flood risk, air, water and soil pollution.
- Ensure new development is water efficient to reduce and mitigate against the effects of climate change and drought.
- Support development that minimises traffic generation and provides for sustainable transport solutions without compromising the ability of our rural communities who still need to use cars to access essential services and facilities to thrive and prosper.
- Positively support renewable energy development where it can support the District's move to carbon neutrality and net zero emissions.

6.3 *2) A network of sustainable, inclusive and healthy communities where all residents are able to enjoy a high quality of life, and where new housing and economic development balances the needs of communities, the economy and the environment.*

*We will;*

- Define a pattern of settlements and identify broad areas for growth.
- Allocate sufficient housing to meet the District's housing needs to 2043.
- Increase and support the supply of affordable housing, including affordable home ownership.
- Provide housing choice through self-build and custom build housing and housing to meet the differing needs of the District's residents.
- Develop where possible on previously developed land.
- Support the work of communities in neighbourhood planning.
- Ensure that development positively contributes to improving places and spaces for all and that "beauty" high quality and inclusivity is reflected in the design of the built environment.

6.4 *3) A diverse and competitive economy which supports the existing employment base but also delivers growth opportunities across a range of sectors that reduces the need for out-commuting, attracts and retains people of working-age and raises overall levels of aspiration and attainment for young people.*

*We will;*

- Maintain a diverse, competitive and resilient economy, underpinned by an ambitious and skilled local labour force.
- Encourage business start-up, expansion, diversification and investment opportunities.
- Encourage development that supports the enhancement of education, skills and employment opportunities for all residents, with a particular focus on those furthest from the labour market.
- Facilitate the development of rural and coastal businesses and protect and enhance rural community and service provision across the District.
- Ensure the delivery of regeneration and enhancement of the Central Area (incorporating Maldon Central, The Causeway Regeneration Area and the Leisure Quarter).
- Protect, enhance and where necessary reinvigorate the town centres within the District to broaden their appeal as attractive places for residents, businesses and visitors.

- Develop and support sustainable tourism that builds on the unique natural assets of the District's countryside, coast and estuarine location, including supporting accommodation, restaurants and visitor attractions.

6.5 *4) A high quality environment that protects the special merits of the District, particularly the historic environment, open landscapes, protected natural environment and unique biodiversity and geodiversity.*

*We will;*

- Protect and enhance the distinctive natural, and historic environment of the District.
- Improve and manage the natural environment to ensure that the impact of any development is offset by mitigation opportunities.
- Support the linking of areas of biodiversity importance to assist in the preservation of habitats and provide an improved network of green infrastructure.
- Ensure the protection of strategic gaps between development areas and settlements to safeguard their unique character and wider natural landscape setting.
- Work with owners, partners and developers to conserve and enhance heritage assets and their settings.

6.6 *5) Joined-up infrastructure in the right place and at the right time to increase overall connectivity and mobility for the needs of both residents, business and visitors.*

*We will;*

- Work with partners to maintain, improve and co-ordinate public transport provision, and promote sustainable modes of transport and movement where all users feel equally safe.
- Facilitate and work in partnership with commissioners and providers for the delivery of new infrastructure to meet the needs of all residents, business and visitors
- Ensure through our development choices we can maximise what infrastructure is provided at the right time to cater for changing demands.
- Ensure that the residents of new development can safely access education and health services and facilities.

- 1) **Do you agree with the objectives for the review of the LDP?**
- 2) **Are there other objectives that the LDP needs to aim to achieve?**

## **7.0 POLICIES TO BE REVIEWED AND WHY**

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- 7.1 National Planning Policy has changed since the adoption of the current Local Development Plan, paragraphs 20, 21, 22 and 23 of the NPPF lays out how local plans should be set out. They should consist of strategic policies which set the overall

strategy of pattern, scale and quality of development and make sufficient provision for housing, including affordable housing, employment, retail, leisure and other commercial development. Strategic policies should also cover infrastructure for transport, telecommunications, flood risk and coastal change management, conservation and enhancement of the natural, built and historic environment.

- 7.2 Strategic policies should not extend to detailed matters which should be set out in non-strategic policies. Most of the policies within the current Local Development Plan were non-strategic with some strategic policies throughout the Plan. The review of the LDP will look different because it has to incorporate this change in national policy.

## 8.0 MEETING THE HOUSING NEEDS FOR THE FUTURE

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- 8.1 The 2021 NPPF (paragraphs 60-67) requires local authorities to meet locally established needs. This should be informed by a local housing needs assessment, (LHNA) conducted using the standard method in national guidance unless exceptional circumstances justify an alternative approach. It also requires local authorities to take into account any needs that cannot be met from surrounding local authorities.
- 8.2 It is therefore necessary, as the NPPF indicates, to establish the appropriate scale of development for the next plan period 2023 – 2043. A key piece of evidence in this determination has been the “Maldon District Local Housing Needs Assessment” published in July 2021, this document is available on the Councils website at [www.maldon.gov.uk](http://www.maldon.gov.uk) (put the one that links to the document in This study was independently conducted on behalf of the Council by ICENI utilising the methodology requirements described by the NPPF and the accompanying Planning Practice Guidance. The report looks at the anticipated requirements for both economic development and housing. The technical details of the data below are fully described within the report. One of the conclusions in the document is that Maldon District lies within a Housing Market Area with Chelmsford and Braintree. National guidance requires us to take account of any unmet housing need of neighbouring authorities within Housing Market Areas. At present there is no evidence of any unmet housing need in these neighbouring local authority areas which would potentially need to be considered as to how it might be addressed.
- 8.3 The Government’s current standard method for assessing housing need takes the 2014 – based Household Projections and applies an upward adjustment based on the median house price to earnings ratio. Applying the standard method in Maldon District results in a minimum local housing need of 308 homes per annum. A review of the recent demographic data, including up-to-date projections and a range of data about past trends does not suggest that there is a strong case for the Council to move away from the standard method figure (in either an upward or downward direction).
- 8.4 Since the start of the current plan period in 2014 to 2021, the District has delivered 1,909 homes. The target for the same period was 2,170 homes, leaving a shortfall of 261 homes. Any housing shortfall should be carried over into the next plan period. It is also important to include a contingency figure or buffer on top of minimum amount of housing growth. This is to ensure that there is a range of different types of sites, large, medium and small and that there is a continuous



supply of housing over the plan period and beyond. Using the 308 homes annual target from the standard method as set out in paragraph 8.3 above the District will need to ensure that there is the potential for housing growth as a minimum for a further 4,492 homes from 2023 to 2043. This figure can fluctuate depending on the number of housing completions and permissions granted up to the moment of the submission of the Plan to the Secretary of State for its examination. It is also important to include a contingency figure or buffer on top of minimum amount of housing growth. This is ensure that there is a range of different types of sites, large, medium and small and that there is a continuous supply of housing over the plan period and beyond.

**Table 1 – Proposed Housing Figure for the Period 2023 - 2043**

<b>2023 - 2043</b>	
308 homes per annum	6,160
Plus 20% buffer	1,232
<b>Subtotal</b>	<b>7,392</b>
Less existing commitments	-3,161
<b>Sub total</b>	<b>4,231</b>
Plus, shortfall on completions from 2014	+261
<b>Total</b>	<b>4,492</b>

1) Do you agree with the Council using the standard methodology in the calculation of its housing target for the period 2023 – 2043.

2) Should the Council have a contingency or buffer figure in its housing target to ensure that it always has a continuous supply of housing over the plan period and if so what should that buffer be?

3) Should the plan period be longer than 15 years, should the period be 20 years, so that infrastructure can be planned in over a longer period

## **9.0 OPTIONS FOR GROWTH**

### **9.1 The Settlement Pattern**

9.2 As part of the work for the review of the Local Development Plan, the Council has prepared an updated Settlement Pattern which lists the settlements within the District in order of the how sustainable they appear to be, in terms of their available services and facilities, their location to other settlements which provide services and facilities, and their links to public transport networks.

9.3 The Settlement Pattern is a snapshot in time of the Districts' settlements and forms a baseline as to how they function and relate to one another. It is also a golden thread that runs through the plan in terms of clarity and what development is going to be supported in which tier of the pattern.

- 9.4 It is important to note that where a settlement is in the pattern does not necessarily dictate where growth is going to go in the future. This is because the policies in the LDP should do that, but it can help to see how successful those policies are. So, for instance if a policy sets out that a settlement is going to grow and provide additional services and facilities, it should in time, if the policy is positively working, move up the settlement pattern. Maldon/Heybridge and Burnham on Crouch are the District's two towns and therefore do not feature in the table below. The updated Settlement Pattern is listed below and the details behind it can be found on the Council's website at [www.maldon.gov.uk](http://www.maldon.gov.uk) – out the right link in ;

SETTLEMENT NAME
<b>Large villages</b>
Southminster
Tollesbury
Maylands
Latchingdon
Wickham Bishops (including Beacon Hill)
Tillingham
Tolleshunt D'Arcy
Great Totham South - clusters with Great Totham North
Cold Norton
Purleigh
<b>Medium Villages</b>
Bradwell-On-Sea
Althorne
Woodham Walter
St.Lawrence
Langford
Tolleshunt Knights
North Fambridge
Heybridge Basin
Steeple
Goldhanger
<b>Small Villages</b>
Tolleshunt Major
Great Totham North - clusters with Great Totham South
Little Totham
Great Braxted
Ulting
<b>Hamlets</b>
Woodham Mortimer
Stow Maries
Dengie
Mundon
Southminster - Old Heath Road
Asheldham
Hazeliagh
Little Braxted
Bradwell Waterside
Cock Clarks



**1) Do you agree with the updated Settlement Pattern and how the settlements in the District have been grouped together?**

**2) If you do not agree, how should they be grouped and on what basis?**

**3) Referring to the table on the Council's website which sets out all the services and facilities for each settlement – are there any comments about this or matters which need to be altered or changed.**

## **9.5 Options for Growth in the Review of the LDP**

9.6 The current approved LDP concentrated housing growth in sustainable extensions to Maldon, Heybridge and Burnham-on-Crouch in the form of Garden Suburbs and Strategic Allocations. The plan did not allocate growth in the District's smaller settlements but relied on existing commitments (sites with planning permission already) and windfall sites (not planned) coming forward within settlement boundaries.

9.7 This strategy, whilst being considered at the time as the one able to deliver positive growth for the District it has however caused a number of issues, which are prudent to reflect on:

- Small and medium building companies have found it difficult to build in Maldon District because of the lack of smaller allocated sites and windfall opportunities; this could be having an effect on job availability, growth and skills in this sector. It could also be slowing down the opportunity to bring forward housing more quickly on smaller sites.
- Though the plan had a windfall allowance in it, there was not a policy setting out how that was going to be delivered so it has not been as effective in tapping into this source of supply.

9.8 The Plan included settlement boundaries around most settlements. Whilst these appeared to be a way of protecting settlements, they have caused inflexibility in regard to housing coming forward. This is because settlement boundaries restrict development to within a defined settlement area. This has led to a lack of available land supply for windfall sites, which help support housing supply and this ultimately is one of the contributing factors to the District not having a 5 year supply of housing from 2021. The other negative impact of settlement boundaries is that all housing is constrained or squeezed into the settlements. This means that important green gaps, backland development and infill development have a presumption to be supported within the settlement boundary. This ultimately leads to a loss of the very unique character of some settlements, that it was an LDP objective to protect; especially the ones with larger properties and large gardens that can be subdivided. Over time, a continuation of this policy is likely to exacerbate this issue and the impact on the uniqueness of settlements will become more prevalent, as land is squeezed in them to fulfil housing demand.

- A lack of rural housing in the sustainable rural villages is failing to support transport provision and rural business improvements; this ultimately could lead to a loss of services and facilities and increased rural isolation and accessibility.

- Rural settlements have either had housing approved through the appeal system or have not grown sufficiently enough to ensure some affordable housing delivery is a tangible benefit. This could, if left unchecked, lead to an out-migration of younger people who cannot afford to live near their families, though it is hoped that the new “First Homes” may address some of this issue, the plan needs policies to accommodate this national change to policy.
- 9.9 At the time of the current approved LDP, national planning policy did not direct how much growth local planning authorities should place in settlements, but left the decision-making to each relevant authority. In 2019, national policy changed and acknowledged that small and medium sized sites can also make a positive contribution to wider housing delivery and offer other opportunities to local housing markets, SME builders and local supply chains. It is now envisaged by national policy that at least 10% of housing allocations will be delivered on sites which are no larger than 1.0 hectare.
- 9.10 The Council also has to consider the possibility that the Bradwell B Nuclear Power Station development will start to come forward during the plan period, in the event it is granted its DCO. This is a NSIP so the decision concerning it is not within the Council’s remit, but will be made by the Planning Inspectorate.
- 9.11 It would not be in the wider interests of the District if the Council did not give this project due consideration during the LDP Review. It needs to reflect on the possibility that it may have an impact on the District negative, neutral and positive. There may be other development needs arising from the Bradwell B project that the LDP needs to consider now, such as impacts on housing market, tourism and infrastructure. A silent LDP could be very damaging to the District leaving it vulnerable to development that the Council has very little control over. Therefore, each of the options outlined below is also accompanied by the following paragraph;
- 9.12 *“The LDP Review will have a major infrastructure project policy included which will consider the impacts of, and plan for, the Bradwell B Nuclear Power Station, should it proceed under the NSIP process. This policy will set out in broad terms the way the Council will deal with any growth needs arising from both the construction and the operation of the power station. It may look to allocate additional sites to manage this and these could be in the towns or large villages in the east of the District and/or along the rail line that terminates at Southminster. The policy will also set out how the Council will consider applications connected with any growth arising from the Power Station in terms of material planning considerations. This policy will only be activated if the Power Station receives consent and additional growth arises.”*
- 9.13 By placing the prospect of the Power Station into a major infrastructure project policy, it also enables the Council to be prepared if any other major infrastructure project comes forward in the District.

**Question - Do you agree with the approach set out above for major infrastructure projects?**

- 9.14 The Council is therefore asking for consideration to be given to the following housing growth options;

**9.15 *OPTION 1 – Retain the option in the LDP approved in 2017 – focus growth in the settlements of Maldon/Heybridge and Burnham on Crouch***

This option would continue the principles set out in the present approved LDP 2017 with most of the growth being allocated in Maldon/Heybridge and Burnham on Crouch, these are the main towns of the District. This could ensure the economies of scale necessary to generate a wide range of community facilities in these areas, a supported public transport network, business and employment opportunities and a supported retail offer. The only alteration would be encompassing national planning policy changes with regard to 10% of any housing allocation should be on smaller sites.

This scenario is characterised by the following;

- Urban extensions on greenfield sites adjacent to the main towns;
- 10% of the District's housing allocation on smaller sites would also be directed to Maldon/Heybridge and Burnham on Crouch;
- Promotion of new employment opportunities in the main towns;
- Continuation of the policy of having settlement boundaries;
- Development restricted in the other settlements to sites within the settlement boundaries;
- Development in the countryside restricted to that which supports the local economy and tourism.

**9.16 *OPTION 2 – A strong focus on the towns and larger sustainable villages***

This option would focus the majority of growth on the two towns in the District, Maldon/Heybridge and Burnham on Crouch and the larger sustainable villages. The larger sustainable villages in the context of this option will most likely be the top three/four/five (yet to be determined) large villages as set out in the settlement hierarchy with a good range of services and facilities and connectivity. This would ensure the economies of scale necessary to generate a wide range of community facilities, a supported public transport network, business and employment opportunities and a supported retail offer that could not only support their own populations but also spread benefits to their surrounding rural communities. It could also increase opportunities for small, medium building enterprises to develop housing in the District.

This scenario would be characterised by the following;

- Urban extensions on greenfield sites;
- 10% of the District's housing allocation being directed to the other sustainable large villages in the settlement pattern;
- A windfall policy for housing for the towns and large villages;
- A windfall policy for housing for the medium and small villages;
- Most affordable housing would be provided in the towns and with 'exceptions sites' being supported in the larger sustainable villages other large, medium and small villages, subject to identified need;
- Promotion of new employment opportunities in the towns and large villages;
- Increased new housing and business development in the more sustainable settlements (i.e. those with sufficient services and facilities to support themselves and surrounding smaller villages) sufficient to support their own role and meet the needs of smaller villages;

- Development in the countryside restricted to that which supports the local economy, including tourism.

**9.17 *OPTION 3 – Growth generally focused on the towns Maldon/Heybridge and Burnham on Crouch and all the large villages of the Settlement Hierarchy***

This option would focus on the most sustainable settlements within the District, with the allocated growth going in the towns Maldon/Heybridge and Burnham on Crouch and the large villages. The amount of growth will be proportioned out with the housing allocated being proportional to the number of houses already in each settlement.

This scenario would ensure the economies of scale necessary to generate a wide range of community facilities, a supported public transport network, business and employment opportunities and a supported retail offer for anticipated population growth.

The scenario would be characterised by the following;

- Urban extensions of greenfield sites;
- 10% of the District's housing allocation being directed to the medium villages;
- There will be a windfall policy for the towns and large villages;
- There will be a windfall policy for the medium and small villages;
- Most affordable housing would be provided in the towns and large villages with 'exceptions sites' being supported in the medium and small villages;
- Promotion of new employment opportunities in the towns and large villages;
- Increased new housing and business development in the more sustainable villages (i.e. those with sufficient services and facilities to support themselves and surrounding smaller villages) sufficient to support their own role and meet the needs of the smaller villages;
- Development in the countryside restricted to that which supports the local economy, including tourism.

**9.18 *OPTION 4 – Pepper pot growth throughout the Settlement Hierarchy (Spread the growth across all the sustainable settlements in the District)***

All growth will be pepper potted across the towns, large, medium and small villages this would include major and minor site allocations. This means that all settlements would get some growth and it would be based on a percentage proportion of the number of homes in each settlement, so larger settlements will receive more growth.

The scenario would be characterised by the following;

- Housing allocations in all towns, large, medium and small villages in the hierarchy, spreading the visual burden of growth across the settlements of the District.
- It may lead to an inability to provide essential infrastructure because of a lack of economies of scale and inevitably more smaller sites being brought forward.
- It would provide a quality of choice of sites across the District in different settlements which could support small, medium construction firms.
- There could be a decline in the amount of affordable housing coming forward because of smaller sites being allocated.
- May help support the sustainability of smaller settlements and encourage business and growth in those places.

- There will be a windfall policy for sites coming forward that are not allocated during the plan period.

**9.19 *OPTION 5 – Create a new satellite settlement or large urban extension bolted onto one of the towns, larger villages and/or settlement adjacent to the District boundary***

The satellite settlement or large urban extension would accommodate all allocated growth excepting 10% and a 20% buffer. This would ensure the economies of scale necessary to generate a wide range of community facilities, a supported public transport network, business and employment opportunities. The 10% and 20% buffer of growth would be allocated to the remaining towns and large villages.

The option would be characterised by the following;

- Urban extensions on greenfield sites in the new satellite settlement;
- 10% and the 20% buffer of the District's housing allocation being directed to the other towns and large villages, this will allow housing to come forward whilst the strategic allocations are preparing their applications and starts on site;
- A windfall policy for the towns and large villages;
- A windfall policy for housing for the medium and small villages;
- Most affordable housing would be provided in the satellite settlement or urban extension with 'exceptions sites' being supported in the other large, medium and small villages;
- Promotion of new employment opportunities in the towns and large villages if appropriate in the satellite settlement or urban extension;
- Increased new housing and business development in the more sustainable villages (i.e. those with sufficient services and facilities to support themselves and surrounding smaller villages) sufficient to support their own role and meet the needs of the smaller villages;
- Development in the countryside restricted to that which supports the local economy, including tourism.

**9.20 *Option 6 – Focus growth in the north of the District to link into the service and facilities available in Tiptree, Witham and Maldon/Heybridge.***

This option would focus major allocations in the settlements in the north of the District. These settlements have a relationship with the settlements of Tiptree and Witham which lie outside of the District, and Maldon/Heybridge in the District. They look to these settlements for the majority of their higher-order services and facilities. Maldon/Heybridge is not included in this scenario for strategic growth allocations because of the amount of growth it has previously received, the amount of existing commitments it already has but are still to come forward and the lag in infrastructure coming forward in the town. Maldon/Heybridge requires a period of time in order for planned infrastructure to be delivered and existing commitments to be built out without additional pressure from new strategic growth.

10% of allocated growth on smaller sites would be in the remaining large villages and Towns.

This option is characterised by the following;

- Urban extensions on greenfield sites in and adjacent to the settlements in the North of the District, and those that border the District in Braintree and Chelmsford.
- 10% of the District's housing allocation being directed to the remaining large villages and Towns.
- A windfall policy for the towns and remaining large villages
- A windfall policy for the medium and small villages
- Most affordable housing would be provided in the northern settlements of the District with 'exceptions sites' being supported in the medium and small villages;
- Promotion of new employment opportunities in the towns and if possible in the northern settlements of the District;
- Increased new housing and business development in the more sustainable villages (i.e. those with sufficient services and facilities to support themselves and surrounding smaller villages) sufficient to support their own role and meet the needs of the smaller villages;
- Development in the countryside restricted to that which supports the local economy, including tourism.

#### **9.21 *OPTION 7 – Focus growth along the rail line to Althorne, North Fambridge and Southminster***

This option would focus major allocations to Althorne, North Fambridge and Southminster because they have railway stations with a connection to London. Sites making up the 10% of housing allocations to be delivered on sites no larger than 1.0 hectare will be directed to Maldon/Heybridge, Burnham-on-Crouch and the remaining large villages. Though Burnham-on-Crouch has a railway station it is not included in this scenario for strategic growth because of the amount of growth in both allocations and windfall development it has previously received and the lag in infrastructure coming forward in the town. Burnham-on-Crouch requires a period of time in order for planned infrastructure to be delivered without additional pressure from new strategic growth.

This option is characterised by the following;

- Urban extensions on greenfield sites in and adjacent to Althorne, North Fambridge and Southminster;
- 10% of the District's housing allocation being directed to the District's towns and large villages (including Burnham on Crouch);
- A windfall policy for the towns and remaining large villages
- A windfall policy for the medium and small villages
- Most affordable housing would be provided in Althorne, North Fambridge and Southminster with 'exceptions sites' being supported in the medium and small villages;
- Promotion of new employment opportunities in the towns;
- Increased new housing and business development in the more sustainable villages (i.e. those with sufficient services and facilities to support themselves and surrounding smaller villages) sufficient to support their own role and meet the needs of the smaller villages;



- Development in the countryside restricted to that which supports the local economy, including tourism.

### **Please Note**

- 9.22 All options outlined are reliant on the fact that there will be sufficient land in the areas summarised for delivery of the strategic growth target.

**1) Which growth option do you consider to be the most appropriate for the District of Maldon? Please set out your reason for this view.**

**2) Do you believe that there is another suitable growth option for the District, perhaps a combination of any of the above – please set out your views.**

**3) Do you think it is appropriate to include in the LDP review a policy dealing with major infrastructure projects such as the Bradwell B Nuclear Power Station, to be activated if this type of project comes forward?**

## **10.0 EFFECTIVE USE OF LAND**

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- 10.1 The majority of housing in Maldon District is inevitably going to be delivered on greenfield sites because the District does not have a legacy of industrial landscapes laying derelict and would otherwise provide ideal brownfield sites for redevelopment. Housing can however be delivered in ways which utilises land more effectively and the Council would ask that you consider the following questions;

**1) Would you consider the delivery of housing appropriate on areas of land where there are disused agricultural buildings, or derelict land in or adjacent to large, medium and small villages?**

**2) Housing can be delivered in larger quantities, but using less greenfield land, by building at higher densities. Would you consider this appropriate if sites with higher densities were designed to ensure they achieved a high quality of design?**

**3) Would you support minimum density standards to uplift the delivery of housing and ensure land in Maldon District was used as efficiently as possible, or do you think design, or other factors should dictate density on housing sites?**

**4) Would you consider higher density housing appropriate in large, medium and small villages, if the design was to a higher standard and the character of the settlement was still respected?**

**5) Is it appropriate to develop land for housing that has been previously used for commercial uses such as employment and retail which is otherwise vacant, underused and derelict ?**

## 11.0 HOUSING IN THE MEDIUM AND SMALL VILLAGES

- 11.1 Inevitably housing will come forward and be developed in the large, medium and small villages, either through site allocations or as windfall development. The Council understands that the character of many of these settlements is very important to local people and whilst the rural settlements had settlement boundaries in the approved Local Plan, as discussed above, it is believed that these have not allowed for enough flexibility in the delivery of housing and this has contributed to the present lack of a 5-year supply of housing land and a squeeze on the character and uniqueness of the District's settlements.

**1) Should the medium and small settlements retain some form of a settlement boundary, albeit more flexibly drawn?**

**2) Should the Council develop a windfall policy for all or specific settlements, potentially capping the number of units for each site coming forward and ensuring the protection for key views, green infrastructure gaps and the historic environment in each village.**

## 12.0 FUTURE HOMES FOR GYPSY, TRAVELLER AND TRAVELLING SHOWPEOPLE

- 12.1 As with reviewing the needs for general housing, the Council has a duty to consider the needs of the District's Gypsy, Traveller and Travelling Showpeople. There are currently two public sites in the District which meet the needs of Gypsies and Travellers who do not own land, but rather have housing needs that are met locally on a rental basis. These sites are owned by Essex County Council. There are also a further 17 sites that are privately owned and home to a number of Gypsy, Traveller and Travelling Showpeople households.
- 12.2 The current LDP established Policy H6 which is a criteria-based policy to make provision for new Gypsy, Traveller and Travelling Showpeople pitches/plots to meet District needs, which in 2017 stood at an additional 9 pitches.
- 12.3 The Council will be updating its Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) in 2021/2022 to ensure any further provision of pitches and plots in the District is based on up to date and robust information collected locally and project the future need forward to the at least 2043 as the existing GTAA only looked forward to 2033.
- 12.4 This will help us to understand if there have been any changes in local households since the last GTAA was prepared in 2016, such as older children needing a pitch of their own, in-migration, or new households forming within the community. The GTAA update will also help us review whether any of the District's Gypsy, Traveller or Travelling Showpeople households are currently living in over-crowded conditions or are concealed households due to social mobility or a lack of provision, to determine if there is a need in the LDP Review to identify existing sites that could safely be intensified or expanded, new sites allocated in the plan, or stronger policies that can support meeting the need.
- 12.5 Work remains underway by all Essex Local Planning Authorities through the Duty to Cooperate to establish whether there is a specific need for Transit Sites to be built in Essex to cater for Gypsies and Travellers who continue to travel to the county but have no-where authorised to pitch-up. This has been underway since 2018, however it has been impacted



by Covid-19 and a fall in travelling lifestyle amongst the Gypsy & Traveller community due to lockdowns and a lack of work. The Council will remain part of this project during the LDP Review.

**1) In the event of an increase of need, should the Council work look to establish both private and public sites for Gypsies and Travellers in the future, recognising that not all needs can be catered by one tenure of provision?**

**2) In the event of an increase of need, should the Council seek to intensify or expand existing Gypsy, Traveller and Travelling Showpeople sites as much as possible, where it is otherwise safe and suitable to do so?**

**3) In the event of an increase of need, should the Council consider how it could use its Settlement Hierarchy, Rural Exception Sites and/or Windfall Policy (if implemented) to support the increased provision of new sites in sustainable locations that can serve the community's needs better?**

**4) Is there anything else the Council should be considering for homes for Gypsies, Travellers and Travelling Showpeople?**

### **13.0 SELF-BUILD/CUSTOM BUILD HOUSING PLOTS**

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13.1 The Council does not currently have a high number of registrations on its statutory Self-Build and Custom Housebuilding Register, however there were 430 people on the Buildstore Register looking to self-build in Maldon District and of those, 127 live in the District. There is therefore an indication that self/custom build, as a form of housing provision, is of interest to local people. The council has a legal duty to provide plots equivalent to the number of people who have joined the statutory register. To ensure compliance with this in the future, the council could therefore consider allocating specific sites for self-build/custom build, or encourage them to be brought forward on smaller sites in the District

**1) Should the Council seek a proportion of self-build/custom build plots on larger housing sites.**

**2) In addition to the above, should the Plan also allocate specific sites in the LDP Review exclusively for self-build/custom build, either put forward by people who want to self-build or caveated by policy that they can only be brought forward by self-builders.**

### **14.0 A BEAUTIFUL BUILT ENVIRONMENT**

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14.1 The Council would like the LDP Review to prioritise attractive places and spaces when making choices around future land allocations and policies. Attractive places and spaces are, by their nature, subjective, but they often reflect local character and what is special or distinctive about a place. The National Design Guide illustrates how well-designed places that are beautiful and successful can be achieved in practice and supports local design guidance that meets the priorities of local communities. The Building Better, Building Beautiful Commission is an independent body set up to advise the government on how to promote and increase the use of high-quality design for new build homes and neighbourhoods. Its report sets out the importance of considering beauty at three scales during the planning process. These are:

- Beautifully placed (sustainable settlement patterns, sitting in the landscape)
  - Beautiful places (streets, squares and parks, the "spirit of place")
  - Beautiful buildings (windows, materials, proportion, space)
- 14.2 The Commission defines a beautiful place as 'a place in which people wish to walk, rather than a place that the car helps them to avoid... buildings that reflect the history, character and identity of their community and that belong in their surroundings: somewhere, not anywhere... a walkable settlement, in which the streets are an improvement on what preceded them, even when what preceded them was open countryside'.
- 14.3 The Council wish to ensure that these are the kinds of places that we want to plan for and the LDP should help to deliver them. Maldon District Council already has an adopted Design Guide Supplementary Planning Document that seeks to achieve better design through developments, but it could go further than that by working to endorse the wider Essex Design Guide.
- 1) Designing beautiful spaces and buildings, how important do you think it is that we should actively plan to create beautiful spaces and buildings?**
- 2) What do you think about the design policy in the LDP 2017 and the Design Guide Supplementary Planning Document 2018? Do they need amending? If so, how and why?**
- 3) Should the Council seek to endorse the Essex Design Guide with a Maldon District supplementary section? Would this be a more flexible approach to design?**
- Please provide comments below on design matters you consider to be particularly important. We would be especially interested in your views on whether we should include general design guidance on relevant site allocations.

## 15.0 TACKLING CLIMATE CHANGE

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- 15.1 Climate change is one of the biggest threats that we face both as a district, nationally and globally. Extreme weather events and rising sea levels are more common and the rate of species extinction is increasing. These impacts will affect Maldon District, especially as it does have an issue with flood risk and is rural, with agriculture as one of its main employment sectors. Taking bold and decisive action over the next 15 years (or sooner) will be critical if we are to avoid global temperature rising beyond 2 degrees Celsius, which is identified as a critical level, above pre-industrial levels.
- 15.2 To this end the Council can in its review of the LDP significantly strengthen its policies in connection with climate change. This however, could come at a cost in terms of how much developers may be able to provide in other funding contributions for infrastructure such as affordable housing, and community funding. One of the main requirements of a local plan is its policies must not make development unviable or unaffordable to build. The Council tests this by carrying out a viability appraisal on all its policies. In connection with climate change the Council is interested in the following;
- 1) Should the LDP Review make climate change one of its key priorities?**

2) What do you consider to be important in terms of development and climate change? Are on site renewables such as photovoltaics, ground source heat pumps, etc as important/more important as off-site renewable energy projects such as on-land wind farms, solar farms, district heating networks, etc?

3) Should we plan for net-zero carbon from plan adoption in 2023? - This would require all new development to be net-zero carbon upon adoption of the plan. Would the Council need to bring forward any additional guidance to support this?

4) Should we plan for net-zero carbon from a specific future date? - This would require all new development to achieve net zero carbon from a future date in the plan process, set out in policy. It could allow time for the development industry to adjust to the higher standards and may mean we can secure more affordable housing and community benefits from development, earlier on in the plan process.

## **16.0 ENHANCING AND GROWING THE ECONOMY**

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- 16.1 Enabling the creation of a prosperous economy is an important objective of plan making. The provision of high quality employment land works to attract business and enterprise to an area, which in turn creates and diversifies employment opportunities, increases the addition of value and ultimately strengthens the local economy.
- 16.2 A high quality retail offer is attractive to residents and visitors alike, but the nature of the high street has rapidly changed within a very short period of time, this has been accelerated with the Covid pandemic and the closure of some key national anchor retail outlets.
- 16.3 In a rural area the prosperity and success of the rural economy can help with job growth and retention when other sectors are struggling and Maldon district has a high number of self-employed residents as well as a high number of niche rural businesses. These types of employment also link into the continuing sustainability of smaller rural settlements providing some local employment, in some cases providing higher wages and the opportunity for younger people to stay and work in their communities.
- 16.4 The Bradwell B site is designated in the current National Policy Statement for Energy Infrastructure (EN-6) for large scale nuclear, a policy position that the Council supports if it can be demonstrated that nuclear sector development and associated major infrastructure projects would make a meaningful contribution to a low carbon economy and bring potentially significant economic benefits to the area.

**1) Should the local plan policies strongly support the economy in terms of a transition to a low carbon economy, ensuring development and growth opportunities are supported through this process?**

**2) Should the local plan allocate employment land so that it extends existing employment premises / areas in the District by working with existing businesses to ascertain their future need?**

**3) Should the Council contain a policy preventing the redevelopment of employment premises to residential units? If so, should the scope of such a policy be limited in any way? Please explain the rationale for your answer.**

**4) How important is the rural economy? How do you believe the rural economy can be supported through policy?**

**5) Should the nature, size and type of policy support for Maldon and Burnham-on-Crouch's High Streets' change? How would you like the high street to change?**

## **17.0 THE VISITOR ECONOMY**

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**17.1** The visitor economy is covered by policy E5 in the current Local Plan. This policy supports development which contributes positively to the growth of local tourism in a sustainable manner and realise opportunities that arise from the District's landscape, heritage and built environment. Development for new tourist attractions, facilities and accommodation should demonstrate an identified need for the provision proposed and have good connections with other tourist destinations. The policy supports existing tourism development.

**1) Do you believe this policy requires modification? If so how would you like to see it changed?**

**2) Do you believe this policy encourages tourism or is it too restrictive?**

## **18.0 PROTECTING AND ENHANCING THE ENVIRONMENT**

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**18.1** Maldon District is blessed with an outstanding natural landscape. The two estuaries that it lies on form a distinctive characteristic and form an attractive lure for visitors. Many of the areas are of international, national and local importance and subsequently have been designated as Ramsar Sites, Sites of Special Scientific Interest (SSSI), Special Protection Areas (SPA), Special Areas of Conservation (SAC) and National Nature Reserves (NNR). Development can result in unacceptable negative impacts on areas of wildlife value. It is for this reason that new housing already pays a financial contribution in the District to mitigate impacts that would otherwise occur through increased user pressure.

**1) Should the Council consider having protected landscape views in the District, even though this may place development pressure elsewhere?**

## **19.0 ACCESS AND SUSTAINABLE TRANSPORT**

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**19.1** The Government define sustainable transport as "any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport". Promoting sustainable transport in new development can have multiple benefits – these include reducing traffic congestion, reducing carbon dioxide emissions, improving air quality, and improving both physical and mental health.

**19.2** Though, Maldon District is rural in character, it does not mean that some rural settlements do not have access to services and facilities in towns and larger settlements. The Council is supportive, in principle, of how it could integrate the 15/20-minute neighbourhood

concept<sup>4</sup> into the planning for growth, recognising however, that this is not practicable in some of the District's more rural locations. Most of the District has access to a reasonably regular bus service with shopper and commuter benefits and the District has four train stations all with access to London and regional connections, via Wickford.

- 19.3 Aside from the A12 and A414 both outside and inside the District, the road network is generally provided on lower-order B and C class roads. Whilst not comparable to some of the larger urban locations like Chelmsford and Colchester, this could be seen as a positive feature because it adds to the character of the District and is part of the attraction for those residents and visitors who seek a quiet rural idyll. However, some settlements find they have little or no footpath provision running alongside their rural roads, which can deter people to walk to services for safety reasons.
- 19.4 The current LDP sought to provide the following highway and public transport infrastructure to support the growth in the LDP, linked to Strategic Allocations throughout the District, which continue to remain relevant:
- North Heybridge Relief Road (part of North Heybridge Garden Suburb);
  - South Maldon Relief Road (part of South Maldon Garden Suburb);
  - Upgrades to B1018 Langford Road/ Heybridge Approach and A414 roundabout;
  - Improvements to B1010 and B1021 junction in Burnham on Crouch;
  - A414 Oak Corner and Spital Road junction improvements;
  - Eves Corner Junction changes in Danbury; and
  - Passenger transport improvements in South Maldon, North Heybridge and Burnham on Crouch.
- 19.5 In developing the LDP Review, it will be important that consideration is given how the above schemes can continue to be catered for and any additional highway and transportation impacts that any new spatial strategy and policies may lead to and the appropriate mitigation to minimise these impacts.
- It will also be important as to what other initiatives should be exploited to help improve access and transport in the District, including complementary measures such as developing place-based Transport Strategies to manage various competing demands for roadspace, parking and public transport in specific areas more effectively and in a coordinated manner; securing a District-wide Local Cycling and Walking Implementation Plan (LCWIP); and investing in project development such as the Department for Transport's Restore Your Railways Ideas Fund that could support the introduction of new movement corridors to support model shift.
- 19.6 The Council intend to commission a Highways and Transport Modelling Study that will help evaluate the impacts and test the mitigation necessary to reduce the impact. This will include reviewing appropriate opportunities to promote sustainable transport modes and a shift in people's behaviour of how they look to travel in the future, including a greater take-up of active travel choices (such as walking and cycling), reviewing any significant impacts from new development on the capacity and congestion on the transport network, any issues concerning highway safety and mitigation costs.
- 1) In terms of access and sustainable transport in the District, what is most important to you?**
- 2) Should the Council focus future growth on those areas with higher levels of commuter access either by bus or train?**

<sup>4</sup> [The 20-minute neighbourhood | Town and Country Planning Association \(tcpa.org.uk\)](https://www.tcpa.org.uk/)

- 3) Should all new development be linked to its settlement by a footpath wide enough to accommodate a wheelchair or double buggy/pram?
- 4) Should development have to demonstrate that it can provide footpath/cycle links, which incorporate green infrastructure and support active travel choices?
- 5) Should the council continue to explore and support complementary projects delivered outside the planning system that can support travel choice and modal shift in the District?

## 20.0 SECURING INFRASTRUCTURE

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- 20.1 The Government is clear in national policy that the LDP Review should set out a strategic policy which makes sufficient provision of infrastructure including transport, telecommunications [including digital and broadband], security, water supply, wastewater, flood risk and coastal change management and the provision of minerals and energy. It also stresses that community facilities such as health and education must also form part of the development of the future planning strategy for the District.
- 20.2 The LDP Review will put expectations on new developments to deliver high quality development with infrastructure to support the local community. These requirements, commonly known as S106 contributions or Community Infrastructure Levy (CIL) will have financial implications for development. Our policies in the LDP Review should therefore be clear so that developers do not pay too much for a piece of land then determine that they cannot afford to meet our policy requirements. All policy requirements are important but no requirement can be so high that it makes development unviable, so if one is raised, another may need to reduce. To help us set our policy requirements at a level that is viable for development to go ahead, the Council will be commissioning an update to its Viability Assessment.
- 20.3 In the delivery of the first five years of the current LDP, not all infrastructure has come forward at the pace envisaged. It is acknowledged that there are perceptions that there have been delays in expanding The Plume secondary school and the construction of the South Maldon Relief Road in Maldon, for example. Whilst the upgrades have not yet taken place, this is not down to the infrastructure not being planned for or S106 contributions not coming forward from development that has been constructed, rather there has been a slower than anticipated delivery of housing units in the Garden Suburbs and on other strategic allocations, which has in turn, not brought in enough S106 contributions yet to fund their delivery; but with further time and demand created when the new housing is built, triggers to release more funding from the developments will be hit.
- 20.4 The LDP Review will therefore be an important opportunity to consider how development in the District can best meets the needs of new and existing residents and businesses supported by necessary infrastructure. This will include considering if certain spatial options (as set out earlier in Section 9), or development phasing offer a better chance of securing the necessary infrastructure upgrades, given advantages over critical mass and how existing capacities are being managed by infrastructure commissioners or providers and how these relate to national standards or benchmarking.



- 20.5 There is a need for high quality digital connectivity to continue to support the District's residents, businesses, transport infrastructure and key services, such as schools and GP practices. Through work undertaken by Superfast Essex, more of the District's rural locations have access to superfast broadband, but connection in more remoter places can be limited. The Government is currently considering requiring all new build residential developments to be fitted with full fibre digital connections, which the LDP Review will support as far as possible.
- 20.6 Whilst the Council is the local planning authority for the District, it is not responsible for the commissioning or delivery of many of the forms of infrastructure that communities depend on. It is imperative therefore that the Council continues to work with all relevant infrastructure stakeholders, including Essex County Council to prepare an update to the Maldon District Infrastructure Delivery Plan (IDP) to ensure all developments have the best chance of being supported by the required infrastructure that offsets its impact on the District. This will include a review of infrastructure costings and help inform how development can be sustainably phased and reflected in the LDP Review policies. The IDP should also be able to continue to be used to consider whether a Community Infrastructure Levy (CIL), or any future replacement would help bring in additional contributions from more developments that otherwise have an impact.
- 20.7 Finally, moving forward, it will also become more important for the council to chase every penny of external funding and lobby Government and other funding bodies when infrastructure delivery either falls short of expectations, or cannot be funded fully/ at all by development.
1. **Should the Council focus future growth on those areas which stand to offer the better chance of securing infrastructure upgrades due to critical massing of development in particular locations?**
  2. **Affordable housing is often the biggest influence on viability, so should the Council continue to prioritise this policy requirement over infrastructure contributions or design quality across the District?**

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**MINUTES of  
PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE  
23 SEPTEMBER 2021**

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**PRESENT**

Chairman	Councillor Mrs J C Stilts
Councillors	R G Boyce MBE, M R Edwards, Mrs J L Fleming, CC, M S Heard, A L Hull and E L Stephens
Substitute	Councillor C Swain
In Attendance	Councillor C Morris

**287. CHAIRMAN'S NOTICES**

The Chairman welcomed all present and took the Committee through some housekeeping arrangements for the meeting.

**288. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors K W Jarvis and S P Nunn.

In accordance with notice given Councillor C Swain was in attendance at the meeting substituting for Councillor Nunn.

**289. MINUTES OF THE LAST MEETING**

**RESOLVED** by assent that the Minutes of the meeting of the Committee held on 29 July 2021 be approved and confirmed.

**290. DISCLOSURE OF INTEREST**

There were none.

**291. PUBLIC PARTICIPATION**

No requests had been received.

**292. UPDATE ON THE AUDIT OF THE 2020/21 ACCOUNTS**

The Committee considered the report of the Director of Resources that provided an update for members on the audit of the 2020/21 accounts.

The Chairman introduced the report and deferred to the Director of Resources to present the detail. The Director of Resources took the Committee through the report and advised that this year the preparation of the accounts had been significantly impacted both directly and indirectly by the Pandemic. The timescale for completion had been moved forward by two months. Additional requirements had been introduced and staffing changes took place in the middle of the closure period. In terms of the Pandemic from an accounting perspective, there had been far more transactions and technical adjustments, from a resourcing perspective staff had been off sick with Covid and were also focussed on the Covid response, for example dealing with complex grants. Despite these issues the Council's draft accounts were published ahead of the deadline of the 31 July 2021.

The Pandemic also compounded national issues of auditor resourcing. The audit of the Essex Pension Fund was now expected to commence in October and the Council's Audit was reliant on this being completed before the accounts were signed off so the accounts would not be audited by 30 September 2021. Due to the delay a notice to that effect will be published on the website. No significant issues have been identified by the auditors, the Finance team was now fully resourced and the intention was to bring the audited accounts to the next meeting of the Performance Governance and Audit Committee on 18 November 2021.

In response to issues raised the Director of Resources responded as follows:-

- That the link to the draft accounts would be circulated to all Committee members.
- That the Council had to await the conclusion of the Essex Pension Fund audit before the Council's auditors can carry out their work on it.
- That there were no additional costs to the Council in terms of the delay to the Essex Pension Fund audit.

There being no further discussion the Chairman moved the recommendation which was duly seconded and agreed by assent.

**RESOLVED** that the report was considered.

## **293. REVIEW OF CORPORATE PERFORMANCE - QUARTER 1**

The Committee considered the report of the Director of Strategy, Performance and Governance that required the Committee to undertake a quarterly review of the Thematic Strategies performance, as assurance that performance was being managed effectively to achieve the corporate outcomes as set out in the Council's Corporate Plan 2021 - 2023, and for recommended changes and improvements to be reported to the Strategy and Resources Committee in January 2022. Appendix 1 to the report provided an overview of performance as of the end of Quarter 1 (April - June 2021).

The Chairman introduced the report and deferred to the Programmes, Performance and Governance Manager to present the detail. She took the Committee through the first Corporate Performance report since the refreshed Corporate Plan was approved by Council in February 2021. The report covered quarter one, which was April- June 2021. This meant that the corporate performance measures for some of the themes had been updated to align to the new outcomes the Council was seeking to achieve, and some of the data collection for these was still in development. The rationale for this was set out in section 3.5 of the report.

Whilst the three theme areas were broadly on track, it was expected that the impact of Covid would still be seen within the performance reporting throughout the year, for example around business benefits and tourism together with school events.

The Committee's attention was drawn to section 3.4 in the report that highlighted the only performance indicator annotated 'at Risk', namely, the 'Five Year Housing Land Supply' (5YHLS) under the Place Thematic Strategy, and at Section 3.5 those new performance indicators introduced as a result of the refresh that were awaiting data.

The Chairman then moved the recommendations in the report and they were seconded by Councillor Fleming.

In response to issues raised Officers provided the following information:-

- That the call for sites commenced in April with a deadline of 23 June 2021, 180 sites were due to be reported to Strategy & Resources Committee. The next round of data on the 5YHLS was due in quarter 3 but in the meantime the council had commenced a number of actions to restore the supply including:- the review which will allocate more land; liaison with Parish Councils to prepare Neighbourhood Plans thus boosting local supply; creating relationships with developers to understand the pace of expected delivery etc.
- That the Action Plan comprised the need to approve plans for housing at a greater rate than at present.
- That where it states 'Awaiting Data' on the appendix this applied to new measures as a result of the Corporate Plan refresh. An example was fly-tipping where information was being sought on officer costs per clearance. That going forward 'awaited' or 'missing data' would be explained on the Appendix itself as well as in the covering report.
- That business engagement had been delayed due to staffing issues, however, the number of businesses now engaged in Sense of Place was at 24% equating to 774 businesses. That support for businesses included initiatives like 'Click it Local/Keep it Local', training support, recovery activities etc.
- That the work with Schools in supporting students with mental health issues had been disrupted due to Covid. The Community Lead Officer was now working on a strategy to support this area and data will be available in the next quarter. It was noted that Maldon District Council does not directly fund school initiatives, it sources funding for support programmes and signposts the respective Schools.
- That Officers would liaise with the Waste Management Team to progress the fly-tipping concerns.
- That Business benefit through Tourism would be assessed following the results of the Essex Wide Survey.
- That Intergenerational Projects delivery had been impeded by Covid and would be reported once up and running.

There being no further questions the Chairman put the duly seconded recommendations to the Committee and they were agreed by assent.

## RESOLVED

- (i) That Members reviewed the information as set out in the report and Appendix 1 with priority focus given to the Strategic Outcome level performance;
- (ii) That Members confirmed they were assured through this review that corporate performance was being managed effectively.

### 294. REVIEW OF CORPORATE RISK - QUARTER 1

The Committee considered the report of the Director of Strategy, Performance and Governance that required the Committee to undertake a quarterly review of the Corporate Risk Register as assurance that the corporate risks were being managed effectively. Appendix 1 was attached to the report for this purpose.

The Chairman introduced the report and deferred to the Programmes, Performance and Governance Manager to present the detail. She took the Committee through the report that covered quarter one of the corporate risk register, which was April- June 2021. As shown in Appendix 1 all risks, colour coded to reflect tolerance levels, remained unchanged in score since the last report received by the Committee.

However, there were three emerging risks highlighted where it was expected the Council could see a change for the next quarter reporting. These were:

- (i) R10 – failure to develop jobs to support the growing population;
- (ii) R29 - failure to deliver services as a result of Covid-19– changes were likely as restrictions ease, and,
- (iii) R9 - failure to have a coordinated approach for inward investment and maximising business rates growth.

This was due to a number of factors:- the evolving picture of the Pandemic; the ease in restrictions and the expected positive impact of the creation of *The Maldon District Investment Prospectus* respectively. It was noted that Service level risks were identified and monitored in Service Plans by the relevant Service Plan Owners and, if deemed appropriate, were escalated to committee for consideration.

The Chairman moved the recommendations in the report and these were seconded by Councillor Fleming.

In response to issues raised Officers provided the following information:-

- That the Council approached Risk 10 - *failure to develop jobs to support the growing population* as a key stakeholder in the community.
- That information of the impact on non-domestic rates would be circulated outside of the meeting.
- That plans for a fully manned reception would be considered by the Recovery Working Group taking into consideration the continued operation of the booster clinic to the end of December 2021. At present, face to face appointments were taking place for those in need.

- That the Risk Register would be updated to reflect the reduced level of risk on safeguarding (R1) as the main concern that arose from the audit was regarding a secure case management system which was now in place.
- That feedback from the Committee regarding prioritising connections to the A12 over the South Maldon Relief Road would be fed back to the Corporate Leadership Team.

There being no further discussion the Chairman put the recommendations to the Committee and they were agreed by assent

## **RESOLVED**

- (i) That Members reviewed the Corporate Risk Register at Appendix 1 and provided comment and feedback for consideration;
- (ii) That Members were assured through this review that corporate risk was being managed effectively;
- (iii) That Members challenged risk where the Committee felt that the Council's corporate goals may not be achieved.

## **295. BALANCE SCORECARD EXCEPTIONS REPORT**

To consider the report of the Director of Strategy, Performance and Governance that detailed exceptions to operational service reporting for Committee review and discussion.

The Chairman introduced the report and deferred to the Programmes, Performance and Governance Manager to present the detail. She advised that the Corporate Performance and Governance framework required the Committee be given visibility of any identified Balance Scorecard key performance indicators (KPI) that had met their threshold, supported by an action plan to ensure targets were met

This was the second reporting of the six- monthly balance scorecard exceptions report that built further on performance insight, giving the operational exceptions in addition to the corporate outcomes reporting that was received by this committee on a quarterly basis. Internally, the Extended Leadership Team reviewed a monthly performance dashboard that covered reporting around financial, operational, customer, organizational and statutory performance indicators.

This report aimed to draw Member attention to the exceptions, where, as a Council, there was both underperformance or performance that surpassed targets. In section 3.5 the areas of underperformance were highlighted and in section 3.7 the areas of overperformance were highlighted.

It was noted that the missed bins issue had emerged since the last report and that many other authorities were also impacted by a national HGV driver shortage. This was being closely monitored with the contractor SUEZ. Overall, indicators were impacted in some way by the changes of the Pandemic and wider economic issues and the reporting mechanism allowed the Council to determine the extent of the impact and account for this in its strategies and response. In conclusion she reminded Members that there was a form available for Members to complete as they identify further work to support customers.

The Chairman moved the recommendations in the report and these were seconded by Councillor Boyce.

In response to issues raised Officers provided the following information:-

- That to counter the driver shortages, which was a national issue, the Council was advertising for drivers and developing contingencies working with the army to provide training and agencies to fill the staff gaps.
- That a meeting was scheduled with SUEZ week commencing 27/9/21.
- That leisure participation and uptake data activity would be more accurate when reported later in the year as the summer period was always quiet. Activities like swimming was almost back to pre-Pandemic levels however gym membership was down.
- A meeting of the Member Working Group to discuss leisure related issues was scheduled to take place November time, date TBC.

There being no further discussion the Chairman put the recommendations to the Committee and they were agreed by assent

#### **RESOLVED**

- (i) That the Committee reviewed and commented on exceptions to service reporting provided in the report;
- (ii) That Members confirmed they were assured through this review that Operational performance was being managed effectively.

### **296. ANNUAL GOVERNANCE STATEMENT ACTIONS UPDATE**

The Committee considered the report of the Director of Strategy, Performance and Governance that updated the Committee on the actions identified in the 2020/21 Annual Governance Statement.

The Chairman introduced the report and deferred to the Programmes, Performance and Governance Manager to present the detail. She took the Committee through the report advising that the annual governance statement identified an action plan to build on and improve best practice around governance at Maldon District Council. This was the second time that this report was presented six monthly to the committee so that it had oversight of progress on actions and what the Council was doing to improve governance arrangements, as well as any barriers to achieving this.

It was noted that section 3.4 provided a table of the actions and the associated commentary explained the progress/work that had taken place to date.

The Chairman put the duly seconded recommendation to the Committee and it was agreed by assent.

**RESOLVED** that the Committee reviewed the annual governance statements table and updates and challenged where necessary.

## **297. REVIEW OF HEALTH AND SAFETY - QUARTER 1**

The Committee considered the report of the Director of Service Delivery that provided an update on health and safety statistics and activity during Quarter 1 (Q1) (1 April 2021 to 30 June 2021) and updated Members on activities commenced during Quarter 2 (Q2) (July to September).

The Chairman introduced the report and deferred to the Specialist Services Manager to present the detail. She reported the accident statistics and incidents of unacceptable behaviour, both of which were low. The Resources Facilities Team was seeking quotes to resolve the floor level problems in the Council Chamber and the First Aid procedure had been updated to reflect current arrangements.

Recognising the need to progress the review of the Health and Safety Action Plan, an Interim Health and Safety Lead Officer had been engaged for a 3-month period. The Officer was based within the Service Delivery Directorate and will work closely with the Senior Specialist (Environmental Health) and other Managers to identify priorities, seek assurance or action any improvements. This officer will also lead on the work to improve processes and procedures in time for the re-opening of the Splash Park in 2020.

The Chairman moved the recommendations in the report, seconded by Councillor Fleming.

In response to queries Officers provided the following information:-

- That an investigation was underway into the cabling accident in the park to ensure no re-occurrence in the future.
- That the new Interim Health and Safety Lead Officer would be largely based at the Parks Depot as the main area of focus was the Health and Safety Action Plan review . A corporate wide review will take place later in the work schedule.

There being no further questions the Chairman put the recommendations to the Committee and they were agreed by assent.

### **RESOLVED**

- (i) That the Committee reviewed the accident and incident statistics;
- (ii) That the Committee considered the work underway during Quarter 2 on health and safety activities.

## **298. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT**

The meeting closed at 8.00 pm.

MRS J C STILTS  
CHAIRMAN

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## REPORT of DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE

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to  
COUNCIL  
4 NOVEMBER 2021

### APPROVAL TO CONSULT ON THE MALDON DISTRICT LOCAL DEVELOPMENT PLAN REVIEW - ISSUES AND OPTIONS DOCUMENT 2021

#### 1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to seek approval to be able to consult on the Maldon District Local Development Plan Review's Issues and Options Document, in accordance with the approved Maldon District Local Development Scheme 2021-2024 and Regulation 18 of the Town and Country Planning (Local Development) (England) Regulations 2012.

#### 2. RECOMMENDATIONS

That the Council:

- (i) notes the progress that has been made in developing the Local Development Plan Review to date;
- (ii) notes the input, discussion and scrutiny provided by the Planning Policy Working Group as set out in **APPENDIX 1**;
- (iii) notes the Strategy and Resources Committee's '*Further Member Comments on the Local Development Plan Issues & Options Document*' as set out in **APPENDIX 2**;
- (iv) in line with the Strategy and Resources Committee resolution to the Council, approves to conduct public consultation and stakeholder engagement on the Maldon District Local Development Plan Review's Issues and Options Document (**APPENDIX 3**) in accordance with the Regulation 18 of the Town and Country Planning (Local Development) (England) Regulation 2021 and the adopted Maldon District Statement of Community Involvement 2021.

#### 3. BACKGROUND

- 3.1 On 23 February 2021, the Council approved a review of the Maldon District Local Development Plan (LDP) (as Minute No. 282 refers). The timetable to be followed was, in turn, established by the Council in the update to its statutory Local Development Scheme 2021-2024. This was set to be completed within 30 months and is currently due to be completed by Winter 2023.
- 3.2 Regulations allow for considerable flexibility to Local Planning Authorities (LPAs) in how they carry out the initial stages of LDP production, provided they comply with the specific requirements set out in Regulation 18 of the Town and Country Planning

(Local Planning) (England) Regulations 2012. This Regulation stipulates that the LPA must notify specific organisations and persons that they propose to prepare a Local Plan (known as the LDP in the Maldon District) and invite them to make representations about what it ought to contain. A standard vehicle in the quest to comply with Regulation 18 is for the LPA to prepare and approve for public consultation and stakeholder engagement, an Issues and Options Document.

### 3.3 Member Engagement

3.3.1 The Council will recall that it set up a cross-party Planning Policy Working Group (the Group) on 18 March 2021 to support the development of the LDP Review (Minute No. 342 refers). The Group has met for 9.5 hours over five occasions between May and September 2021.

3.3.2 The Working Group has discussed and debated a number of issues affecting the Maldon District that need to be considered for the LDP Review. These are captured in the minutes in **APPENDIX 1**, but by way of a summary, include:

- a) An appreciation of the LDP Review timetable, the roles and responsibilities of the Duty to Cooperate, the role of the council's Statement of Community Involvement, the purpose of the Equality Impact Assessment; project risks and their management, the scope of studies and evidence reviews, specific policy workstreams and possible impact on parish Neighbourhood Plans;
- b) Concerns about existing issues faced by communities in the District with respects to accessing primary and secondary education, healthcare and transport facilities;
- c) Concerns that roads and pathways are not being improved, whilst housing is being planned for, or already delivered;
- d) How well the housing policies in the LDP approved in 2017 have worked over the last four years;
- e) Contributions into the update of the Maldon District Settlement Hierarchy / Pattern, including sense-checking the review of facilities and access to services available in each settlement;
- f) Appreciating the relationship between policy requirements, planning obligations (S106), Community Infrastructure Levy (CIL) and viability;
- g) Understanding the principle of the role of tenure mix and First Homes, a new type of discounted affordable housing for sale that national policy has already introduced to the District;
- h) A high-level appreciation of the land parcels submitted into the Call for Sites 2021;
- i) Discussion and debate about the development of new Spatial Options to inform how future growth could be accommodated and directed in the District during the plan period, including creating an option for the north of the District that could take advantage of the A12 and railway lines outside the District;
- j) Discussion and debate about the development of the LDP Review's draft Vision and Objectives; and
- i) Development of the Issues and Options Document and discussion about its thematic sections.

3.3.3 In addition, all Members were invited to attend one of two 'All Member Workshops' in June 2021 which examined a variety of themes and issues spanning different areas of policy, which were distilled into a 'Strengths, Weaknesses, Opportunities and Threats' (SWOT) assessment that has informed the development of the LDP Review's draft Vision and Objectives. This informed further discussion by the Planning Policy Working Group as set out in paragraph 3.3.2.

3.3.4 The feedback from the Planning Policy Working Group and the All Member Workshop also assisted in the gradual development and sense-checking of the local data in the Settlement Hierarchy/Pattern Update 2021; a key element of the LDP Review's evidence base.

### **3.4 The Maldon District Issues & Options Document**

3.4.1 The Issues and Options Document is not a policy document. It is a discussion paper setting out the issues, challenges and constraints faced in the Maldon District across a number of environmental, economic and social themes.

3.4.2 It is arranged in the following order:

- A spatial picture of the District;
- The issues purporting to affect the District;
- A long-term strategic vision for the District;
- Objectives to deliver the Vision;
- The Plan Period of the Local Development Plan. The consultation document sets out a plan period of 20 years, 2023 – 2043, which would extend the life of the current LDP by fourteen years;
- The Housing Delivery Target for the plan period utilising the Government's standard method for calculation and tested through the Maldon District Local Housing Needs Assessment 2020;
- Revised Draft Settlement Hierarchy;
- Seven Spatial Options for the delivery of both housing and economic growth until 2043; and
- A series of consultation questions associated with the key policy subjects and their issues.

3.5 The Strategy and Resources Committee considered a report on the Issues and Options Document at its meeting on 16 September 2021 (Minute No. 281 refers).

3.6 The Committee debated the document, and some concerns were raised that there were aspects of it which needed further amendment, in order to more accurately reflect the nature of the District, its issues and specific discussions that had taken place at the Planning Policy Working Group.

3.7 Whilst the Committee resolved to recommend the Issues and Options Document to Council for approval to consult on it, it also resolved to grant its Members a further commenting period, which closed on 26 September 2021. During which time, Committee Members could make specific suggestions for further changes which they felt should be made and the reasons why.

- 3.8 The Committee delegated the function of making further changes to officers, in consultation with the Chairman of the Strategy and Resources Committee, prior to its consideration by the Council at this meeting.
- 3.9 Four Members of the Committee made specific comments. These have all resulted in changes being agreed between officers and the Chairman of Strategy and Resources Committee, as detailed in a schedule set out in **APPENDIX 2**. These amendments have subsequently been made to the Issues and Options Document set out in **APPENDIX 3**.
- 3.10 These changes have been further considered for an iterative update of the LDP Review's emerging Equalities Impact Assessment (EQIA) given the Council's obligations to the Equality Act 2010 and Human Rights Act 1998. No changes were necessary, but the EQIA is set out in **APPENDIX 4** for completeness.
- 3.11 In the event, public consultation and stakeholder engagement is approved by the Council for the Issues and Options Document, this will be organised as soon as practically possible. It will be held for a minimum of 6-weeks in accordance with legislation and the Council's adopted Statement of Community Involvement 2021. As confirmed at the Strategy and Resources Committee, a reasonable adjustment on this timescale will be made to ensure public and stakeholder participation is not affected by public and seasonal holidays between 2021 and 2022.
- 3.12 For clarity purposes, Members of the Council are advised that they are able to respond in an individual capacity to the public consultation and will be invited to do so.

#### **4. CONCLUSION**

- 4.1 In light of the report above and the matters before it, Council therefore has the following options.
- 4.1.1 **Option 1** – It can agree with the recommendations set out in Section 2 of this report and approve the public consultation and stakeholder engagement on the Issues and Options Document in accordance with Regulation 18 of the Regulations and the Maldon District Statement of Community Involvement 2021. This would give the public and stakeholders the first opportunity to get involved in the Maldon District Local Development Plan Review, commencing formal conversations with its residents, businesses, parishes, landowners, the development industry, neighbouring authorities and other statutory partners about how it should be planning for future growth and change in the District over the next 15-20 years.
- 4.1.2 Notwithstanding the implications set out in Section 6 below, this option would align most closely with the Council's statutory timetable agreed in its Local Development Scheme in February 2021 and can be delivered in accordance with approved budgets and staffing resources.
- 4.1.3 **Option 2** - Determine that it is dissatisfied with the LDP Review Issues and Options Document recommended by the Strategy and Resources Committee to the extent that it should not be consulted on.
- 4.1.4 In choosing this option, it would determine that the only reasonable course of action would be to refer the Document back to the Strategy and Resources Committee for further consideration and amendment. This would also mean the Planning Policy Working Group would need to be reconvened to support the process.

- 4.1.5 In the interests of effectiveness, the Council should provide the Committee and Working Group with a task-based terms of reference that defines the scope of its concern/s. This would focus the Committee and Working Group's work, which could be brought back to Council at a later date.
- 4.1.6 Notwithstanding the implications set out in Section 6 below, this option would mean the Council will not be able to meet its statutory timetable agreed in February 2021 and therefore Council would also have to concede that it will require the Local Development Scheme's timetable to be updated. Such a timetable slippage may also lead to future, as yet unquantifiable, budget pressures.

## 5. IMPACT ON STRATEGIC THEMES

- 5.1 The Strategic Themes of Place, Prosperity and Community seek to manage the Council's response to strategic issues facing the District. The Issues and Options Document consultation will assist the Council to prepare an LDP Review which reflects the aspirations and responds to the concerns of those that engage with it.

## 6. IMPLICATIONS

- (i) **Impact on Customers** – The Issues and Options Document's consultation will enable those that wish to engage in the preparation of the Local Development Plan Review process the change to do so effectively and help influence the creation of an updated and robust planning policy for the District.
- (ii) **Impact on Equalities** – The LDP Review will include an iteratively prepared Equalities Impact Assessment as part of its evidence base to inform the preparation of policies that meet the requirements of the Equality Act 2010 and Human Rights Act 1998. **Appendix 4** sets out the initial assessment for the Issues and Options Document.
- (iii) **Impact on Risk** – The Issues and Options Document consultation will help the Council reduce the risk that the LDP Review will fail its legal duties with regards to the engagement process, that could not be resolved after Submission to the Secretary of State and could otherwise result in the LDP Review's preparation being found procedurally flawed. It also ensures that the project maximises the consideration of any opportunities presented to the District by growth and the planning system in general. It also reduces the risk that the Council will miss its own timetable targets set in its statutory Local Development Scheme 2021-2024, which would have to be reviewed in the event consultation was delayed.
- (iv) **Impact on Resources (financial)** – The LDP Review and Local Development Scheme had a programme budget agreed at Council on 23 February 2021 to complete the project by 2024. The preparation of the Issues and Options Document to date has utilised some of that budget and the public consultation will continue to draw from these allocated resources. Any delays to the programme could lead to future unidentified and unquantified budget pressures.

- (v) **Impact on Resources (human)** – The Issues and Options Document consultation will not cause a negative impact on human resources, but it will be supported and delivered by existing officers, Members and suppliers.
- (vi) **Impact on the Environment** – The Issues and Options Document consultation will help to ensure that any environment issues and questions concerning the LDP Review are raised at an early stage in the process and can be considered carefully in the formulation of the final plan.
- (vii) **Impact on Strengthening Communities** – The Issues and Options Document consultation will provide the first opportunity for communities to engage in the LDP Review. It should help to maximise engagement with communities and ensure that their concerns and ideas can be considered in the formulation of the final plan.

Background Papers: None.

Enquiries to: Paul Dodson, Director of Strategy, Performance and Governance.

## Strategy and Resources Committee – Further Member Comments on the Local Development Plan Issues & Options Document

Approved by Councillor R H Siddall – Chairman of the Strategy and Resources Committee, Strategy, Policy and Communications Manager and Lead Specialist – Planning Policy & Implementation (in accordance with delegation given at Strategy & Resources Committee – 16 September 2021<sup>1</sup>)

30 September 2021

S&R Member	Paragraph No.	I&O Page	Comment	Agreed Action
Cllr P Channer	3.2	9	<p>Bradwell and A12 are referred to.</p> <p>I know that nothing may have really progressed but would it be wise to have a paragraph here referencing STEP Fusion to explain the situation.</p> <p>A total of 15 potential sites are in the running to host the UK's first prototype fusion power plant. The initial list has been published, 11 June 2021. This following a Call for Sites and an initial assessment for compliance with the key entry criteria being conducted. Those in the list, of which Bradwell is one, met the procedural entry criteria and now assessment has begun. Inclusion is without consideration of adjacent operations or proposals. However, if it does come on stream as sites are due to be shortlisted in the autumn would it not be prudent to have some reference to it now /process etc.</p>	<p><u>Amend 3.2 as follows</u></p> <p>Addition wording to be inserted to account for STEP Fusion possibility.</p> <p>“Maldon District has been identified by the Government as the location for a potential new nuclear new build site at Bradwell on-Sea <u>including the possibility of STEP Fusion (Footnote <a href="https://step.ukaea.uk/step-siting/">https://step.ukaea.uk/step-siting/</a>)</u>. <u>The site</u> known as Bradwell B...”</p>
Cllr K Lagan	3.6	10	<p>I'd rather like to say 'all current policies including those contained in the LDP' – this would make it clearer for the reader that its not just LDP policies that may apply.</p>	<p><u>Amend 3.6 as follows</u></p> <p>Change to “<u>with local and national policies. the policies in LDP</u>”</p>

<sup>1</sup> As permitted by Maldon District Council Constitution - Part 3 (1.1)

S&R Member	Paragraph No.	I&O Page	Comment	Agreed Action
Cllr P Channer	4.5	11	<p>4.5 states that the District has direct links to the A12 trunk road via the A414 and the B1019 etc. It then goes on to say that there is one railway branch line (the Crouch Valley Line) along the south of the district connecting Southminster, BOC, Althorne and North Fambridge to South Woodham Ferrers(In the Chelmsford City Area) and onto London ,via Wickford.</p> <p>Then the next sentence states that ‘ Bus and Taxi services were the only other transport option for the rest of the District and there were issues around the level and frequency of bus service provision in some rural locations ,though 78% of the Districts settlements have either a shopper or commuter bus service.</p> <p>4.5 gives the impression that everyone from villages/town named regarding the railway branch line utilise that form of transport ,plus everyone else uses it too. To get to the stations along the branch line buses do not necessarily connect with the stations, not everyone can walk or cycle to the stations ,and hence the private motor vehicle is utilised.</p> <p>People in the North of the District do have accessibility to Hatfield Peverel and Witham Stations and yet 4.5 is silent on that fact. North of the District does not use the Crouch Valley Branch Line but Witham or Hatfield Peverel Stations as the villages in the north of the district see the alignment with those stations due to close proximity of them. The number of trains through those is significantly higher than the number of trains in respect of the branch line in the South.</p> <p>Within the Policy Planning Working Group it was agreed that</p>	<p><u>Amend 4.5 as follows</u></p> <p>Paragraph to be reworded to ensure it matches the Settlement Hierarchy evidence and discussion at the Planning Policy Working Group.</p> <p><b>“Accessibility</b> - The District has direct links to the A12 trunk road via the A414 and the B1019. Many roads within the District comprised B and C class country roads. There is one railway branch line <u>within the District</u>, (the Crouch Valley Line) along the south of the District connecting Southminster, Burnham-on-Crouch, Althorne and North Fambridge to South Woodham Ferrers (in Chelmsford City area) and onto London, via Wickford. <u>In the north of the District there is access to the rail stations at Hatfield Peverel and Witham.</u> <del>Bus and taxi services were the only other transport option for the rest of the District and there were issues around the level and frequency of bus service provision in some rural locations, though</del> 78% of the District’s settlements have either a shopper or commuter bus service, <u>though still for some rural settlements this service is either non-existent or poor. Therefore, there is still a strong reliance on the car for connectivity across the District,</u> <del>the</del> rural character and relatively poor accessibility across the District <u>will impact</u> <del>impacted</del> upon the ability of individuals, particularly young people without access to their own transport to access things like education, work and social activities, which also affected older</p>



S&R Member	Paragraph No.	I&O Page	Comment	Agreed Action
			we should look outside the district not just within when the issue of silence with respect to highlighting usage of Witham and Hatfield Peverel Railway Station by residents of the District was challenged by Members.	people's access to key services"
Cllr Siddall	9.4 (Table)	23	Maldon & Heybridge and Burnham on Crouch should be added to the top of the Settlement Hierarchy Table so it is clear to the reader that these settlements remain at the top of the hierarchy.	<u>Amend as follows:</u>  Maldon & Heybridge and Burnham on Crouch are to be added into under Table on 9.4.
Cllr K Lagan	9.7	23	For the reader this needs to be expanded upon please: job availability – what and why? Skill – what and why?  It is too general to state these as a single statement.	<u>Amend Paras 9.6 and 9.7 as follows</u>  Further clarity to be provided in statement to address concerns.  9.6 - The current approved LDP concentrated housing growth in sustainable extensions to Maldon, Heybridge and Burnham-on-Crouch in the form of Garden Suburbs and Strategic Allocations. The plan did not allocate growth in <u>any</u> <u>of</u> the District's smaller settlements but relied on existing commitments (sites with planning permission already) and windfall sites <u>(sites which are not planned/allocated but come forward and are granted planning permission)</u> <u>(not planned) coming forward</u> within settlement boundaries.  9.7 - This strategy <u>was seen at the time as the one most able to successfully</u> <u>whilst being considered at the time as the one able to</u> deliver positive growth for the District <u>and to ensure that the District had a continuous 5 year supply</u> <u>of</u>

S&R Member	Paragraph No.	I&O Page	Comment	Agreed Action
				<p><u>housing.</u> <del>I</del>it has however caused a number of issues, which are prudent to reflect on:</p> <ul style="list-style-type: none"> <li>• <u>Allocating all of the housing on large sustainable extensions meant that it was only national building companies who came forward to develop these sites. This is because they have the funding and economies of scale to bring forward complex large scale developments. However, these types of sites take a long time from concept to delivery of housing on the ground and since the approval of the LDP the amount of housing being given approval and delivered is not sufficient to ensure that Maldon District has a continuous 5 year supply of housing. The 5 year supply currently stands at 3.26 years.</u></li> <li>• <u>This has also meant that small and medium building companies who operated in and around the District could only develop on sites outside of the large allocations. These types of sites can be delivered more quickly and help to ensure a steady supply of housing to the market. 11.2% of Maldon District's employee jobs are in the construction industry and small and medium businesses make up 98% of all Maldon District's business enterprises. At the present time, on smaller sites with under 10 houses being built there are only 285 homes in the district with planning permission and/or under construction. The National Building Federation estimates that</u></li> </ul>

S&R Member	Paragraph No.	I&O Page	Comment	Agreed Action
			<p>Windfall policy is concerning. Would be better (IMO) if we added some caveats to say sensitivity will be applied when considering windfall sites as this can be interpreted as every tiny spot is up for grabs to developers.</p>	<p><u>for every house built 3.4 jobs are created including the extensive supply chain associated with the building industry. Therefore, a plan which encourages building on smaller sites and thus supports small and medium business would not only assist with the supply of housing but assist with economic growth.</u></p> <ul style="list-style-type: none"> <li><del>Small and medium building companies have found it difficult to build in Maldon District because of the lack of smaller allocated sites and windfall opportunities; this could be having an effect on job availability, growth and skills in this sector. It could also be slowing down the opportunity to bring forward housing more quickly on smaller sites.</del></li> </ul> <p><u>Amend 9.7 as follows</u></p> <p>Though the plan had a windfall allowance in it, <u>(i.e. the plan set out how many houses were going to be built on sites which were not allocated in the plan)</u>, there was not a policy setting out how that <u>allowance</u> was going to be delivered, <u>whether there were any caveats around these types of sites coming forward, nor what the Council's position was given that there is a finite source of available developable land within the present development boundaries.</u> <del>so it has not been as effective in tapping into this source of supply.</del> <u>This lack of clear direction and flexibility has meant that not enough housing has been given permission to be</u></p>

S&R Member	Paragraph No.	I&O Page	Comment	Agreed Action
				<u>delivered in 5 years and any windfall development was in effect being squeezed into the development boundaries. This has added to the District's situation with regard to a lack of a 5 year supply of housing and is starting to have a detrimental effect on the character of the settlements of the District.</u>
Cllr K Lagan	9.9	24	<p>'Envisaged?'; Is this actual policy now? Where in the NPPF is it located please?</p> <p>'Envisaged' 10% of sites etc? Is this actual policy now. Its not clear using the word envisaged? It either will be or won't be?</p>	<p><u>Amend 9.9 and 9.7 as follows</u></p> <p>Replace the word "<del>envisaged</del>" with "<u>stipulated</u>" in accordance with Paragraph 69 (a) of the NPPF 2021.</p> <p>Further information has also been added to 9.7 concerning the relatively small proportion of small sites that are part of the land supply in the District currently.</p>
Cllr K Lagan	9.12	24	<p>Say 'a' instead of 'the Bradwell B Nuclear Power Station' Its not a done deal yet so it may or may not arise.</p> <p>I would like it to say after "...and power station receives consent..." – "and will lie dormant unless the government decision is to proceed with the project".</p>	<p><u>Amend 9.12 as follows</u></p> <p>"The LDP Review will have a major infrastructure project policy included which will consider the impacts of, and plan for, <u>a gigawatt nuclear power station</u> <del>the Bradwell-B Nuclear Power Station</del>, should it proceed under the NSIP process. This policy will set out in broad terms the way the Council will deal with any growth needs arising from both the construction and the operation of the power station. <del>It may look to allocate additional sites to manage this and these could be in the towns or large villages in the east of the District and/or along the rail line that terminates at Southminster.</del> The policy will also set out how the</p>

S&R Member	Paragraph No.	I&O Page	Comment	Agreed Action
				Council will consider applications connected with any growth arising from <del>a the</del> Power Station in terms of material planning considerations. <u>This policy will lie dormant unless the power station proceeds under the NSIP process and/or any ancillary development proposals are required. This policy will only be activated if the Power Station receives consent and additional growth arises."</u>
Cllr P Channer	9.12	24	This paragraph although applying the words 'may' and 'could' then highlights only additional sites referencing the east of the District and /or along the rail line that terminates at Southminster. This paragraph is ,it may be considered , heavily loaded to development being possibly all within the Dengie. No other strategic networks are referred to elsewhere in the District or adjacent to it. Bearing in mind we have historically been advised people involved in construction of ,and working at a power station ,the marker of travel of an hour and a half is applied the paragraph fails to mention other ' may' and 'could' options involving other areas of the District. People who will work at Bradwell may wish to live in the north of the District, or even outside of the District. The paragraph is loaded in my opinion and ties, in my opinion, the authority in a direction it may not want to go in and also reduces options for discussions about what is best for the District and infrastructure and /or community benefits across the entire District.	<u>Amend 9.12 as follows</u>  As set out in the full amended paragraph above <del>it may look to allocate additional sites to manage this and these could be in the towns or large villages in the east of the District and/or along the rail line that terminates at Southminster.</del> removed as the I&O Document is not making any decisions about future locations for growth.
Cllr P Channer	9.20	29	This paragraph refers to Option 6 – Focus Growth in the north of the District to link in to the services and facilities available in Tiptree, Witham and Maldon/Heybridge. I know that this is an option to be consulted on but like elsewhere in the document it is silent regarding referencing the railway	<u>Amend 9.20 as follows:</u>  <u>T</u> his option would focus major allocations in the settlements in the north of the District. These settlements have a relationship with the settlements

S&R Member	Paragraph No.	I&O Page	Comment	Agreed Action
			stations at Witham and Hatfield Peverel. No mention of strategic network either ie: A12. There should be reference by the authority to railway stations that serve the north of the district ,plus strategic network references , and not expect that consultees will be the ones to highlight this. The way things are worded and content are important so as not to perhaps lead to skewed responses which may by application skew outcomes.	of Tiptree and Witham which lie outside of the District, and Maldon/Heybridge in the District <u>—and residents can also access the railway connections at Hatfield Peverel and Witham and the strategic road connection of the A12. Residents of the District</u> <del>They</del> look to these settlements for the majority of their higher-order services and facilities. Maldon/Heybridge is not included in this scenario for strategic growth allocations because of the amount of growth it has previously received, the amount of existing commitments it already has but are still to come forward and the lag in infrastructure coming forward in the town. Maldon/Heybridge requires a period of time in order for planned infrastructure to be delivered and existing commitments to be built out without additional pressure from new strategic growth.
Cllr P Channer	9.21	29-30	Ok I know that this is another Option to be consulted on. It relates to Option 7 Focus Growth along the rail line to Althorne , North Fambridge and Southminster . This illustrates why Option 6 should have reference to the Railway Stations at Witham and Hatfield Peverel within it. Some residents in settlements north of the district are closer to railway stations (Witham and Hatfield Peverel ) than the residents who live in the named settlements, and other settlements, the document refers to in Option 7.	Amendment to 9.20 made as above.
Cllr K Lagan	10.1	31	Whilst I agree we are limited in regard to brownfield land, it should have a stronger statement that brownfield sites will be considered as primary sites and then move on to greenfield sites, etc.	Rather than making a policy commitment that is not in the spirit of the NPPF, it is recommended that an additional question 7) is added instead that seek views on whether local circumstances should mean a different approach to brownfield land could be taken.

S&R Member	Paragraph No.	I&O Page	Comment	Agreed Action
				<p><u>“7) It is difficult for Maldon District to have a policy that states that brownfield land should be developed first because of the lack of brownfield land sites in the District. This could also inadvertently lead to the redevelopment of active employment land to residential the consequences of this could lead to job losses and a decline in employment sites. Therefore, should instead of a brownfield land first approach should the Council place a greater emphasis on encouraging the development of brownfield land, though this may mean less affordable housing and other benefits versus the development of sites which could be an eyesore and blight on settlements and communities?”</u></p>
Cllr Swain	16.4	35	<p>This para does not reflect current MDC stance on the proposed nuclear power station. The current wording virtually endorses the project.</p> <p>I propose the following rewording for consideration as an amendment before submission to Council, otherwise as an amendment to be tabled at Council.</p> <p>Delete after ‘policy position that the Council’ . . . and substitute. . . ‘will support if the Government determines that construction of a nuclear power station at this site is in the national interest’.</p> <p>I think this expresses more accurately the position of the Council.</p>	<p><u>Amend as follows:</u></p> <p>Remove the paragraph and replace with general paragraph on low carbon economies as set out below.</p>

S&R Member	Paragraph No.	I&O Page	Comment	Agreed Action
Cllr K Lagan	16.4	35	<p>Remove this completely or significantly edit. At a meeting of council and during the debate around the ground works application, the vote showed that the current council does not support new nuclear at Bradwell and this was a key reason in bringing forward the LDP Review.</p> <p>It is not true that a 15-year, destructive build programme is low carbon – it is anything but.</p> <p>So the statement the council supports it is incorrect.</p> <p>Also the economic benefit to the district cannot be measured. If we make millions from tourism and the area is destroyed by construction, the short-term gain is lost. Please remove or re-write.</p>	<p><u>Amend as follows:</u></p> <p>Replace the paragraph.</p> <p><u>-The transition to a low carbon economy and society requires the Council to reduce emissions and plan for climate change adaption. This will include cutting emissions, maintaining secure energy supplies, maximising economic opportunities and protecting the most vulnerable.</u></p> <p><del>—The Bradwell B site is designated in the current National Policy Statement for Energy Infrastructure (EN-6) for large scale nuclear, a policy position that the Council supports if it can be demonstrated that nuclear sector development and associated major infrastructure projects would make a meaningful contribution to a low carbon economy and bring potentially significant economic benefits to the area.—</del></p>



**MALDON DISTRICT  
LOCAL DEVELOPMENT PLAN REVIEW**

**REGULATION 18**

**ISSUES AND OPTIONS DOCUMENT**

**DRAFT SEPTEMBER 2021**



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## 1.0 ISSUES AND OPTIONS CONSULTATION BACKGROUND

### 1.1 Maldon District's Local Development Plan (LDP)

All councils have to prepare a Development Plan called a Local Plan; this document is, along with the National Planning Policy Framework (NPPF) used in the determination of planning decisions. It sets out how an area can meet its growth needs for things such as new housing and employment development. All local plans include a spatial strategy which directs where this growth will go and allocates land so that it can be developed. They also contain more detailed policies to guide how councils will make decisions on planning applications. The plan covers all types of development, from housing to employment, shops, infrastructure (roads, schools, green spaces) and community facilities, with a few exceptions including how waste and minerals related development will be catered for.

Maldon District Council's Local Development Plan (LDP) was approved following an Examination in Public by the Planning Inspectorate in 2017 and it covered the period 2014 to 2029. The LDP applies to the whole of Maldon District.

### 1.2 Why does the LDP Need Reviewing?

Policy S3 in the approved LDP had a trigger set out in it for an early review, in para 2.16 of the LDP it states;

*"The Council will monitor housing delivery against the housing trajectory for the District using the indicators specified in the Monitoring Framework set out in the LDP. If the Authority Monitoring Report (AMR) demonstrates that the Garden Suburbs and Strategic Allocations deliver less than 75% of their projected housing completions in three consecutive years (based on the trajectories set out in Figure 4 of this Plan), the Council will undertake a partial review of this Plan. In undertaking this review, the Council will ensure that sufficient infrastructure capacity is available and that the potential allocation of additional housing sites will not prejudice delivery of the infrastructure required by the Plan."*

The council has also been monitoring development every year since the LDP was approved. Monitoring in 2019/2020 showed that the trigger had been met for the first time.

Additionally, the evidence base, which supports the LDP is now becoming out of date and the District does not have a 5 year supply of housing land which helps residents with choice in their accommodation needs. National policy has also been amended since the LDP was approved and there are some aspects which are no longer in conformity with it, which reduces its effectiveness in managing development in the District. Finally, in February 2021, the Council declared a Climate Emergency and many of the policies in the LDP do not provide the best foundation from which to help manage and mitigate the effects of climate change on the District.

It is therefore considered an appropriate time for a review of the document. The reviewed LDP will start to carry some weight as it progresses through the plan making stages and on adoption will carry full legal weight and fully supersede the current LDP.

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### 1.3 Timetable for the Review of the Local Plan

The updated Plan will cover the period up to at least 2038, fifteen years from the expected date of adoption in 2023. The council has published a timetable for updating the Plan in its statutory Local Development Scheme. The timetable is outlined below:

DOCUMENT TITLE	REVIEW OF THE LOCAL DEVELOPMENT PLAN
Role and Content	To provide an update to the Adopted Local Development Plan 2014 – 2029 this will provide a planning policy framework and development strategy for Maldon District up to 2038
Coverage	Maldon District
Timetable	Consult on Issues and Options – Autumn 2021 Consult on the Preferred Strategy LDP (Reg 18) – Summer 2022 Publish Draft LDP (Reg 19) – Early Spring 2023 Submit to the Secretary of State for Examination – Late Spring 2023 Adoption – Late Autumn 2023
Chain of Conformity	Relevant Planning Acts and Regulations National Planning Policy Framework and Planning Practice Guidance Maldon District Corporate Plan Local Development Plan Evidence base
Resource	Local Plans team; Other Council Officers; Co-operation with neighbouring local planning authorities; Co-operation with relevant stakeholders including infrastructure providers; Use of technology and web-based communication to assist with consultation; and Consultancy support to develop, review and update the evidence base and aid with the Examination.

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### 1.4 Why are the Council consulting on an Issues and Options document now?

As outlined in the timetable above, the LDP update process has a number of formal statutory stages to pass through which will take place over the next few years. This includes consultation on draft versions of the Plan. This Issues and Options document is the first formal but non-statutory consultation in the plan making process. Its main purpose is to ensure that the Plan had identified the main key issues for those parts of the Plan that the Council are reviewing and that all suitable options for accommodating change are considered. This is your opportunity to feed into the LDP Review process at an early stage and help shape the future changes to the Plan.

### 1.5 Will the Review of the Local Plan Impact on Neighbourhood Planning?

For some Parish Councils in Maldon District, Neighbourhood Planning has enabled them to come together to produce a statutory plan for their local area to influence how development should be managed. Neighbourhood Plans have the same status in the planning process as Local Plans, but they must be in conformity with the Local Plan and also legislation, national planning policy & guidance.

Whilst any Neighbourhood Plans that have been formally 'made' (that is, they have been brought into effect for use in the District's planning policy framework) will continue to form part of the Development Plan for their areas, the most up to date plan takes precedence and therefore the LDP Review may supersede parts of Neighbourhood Plans which do not comply with it.

It is recommended that new and developing Neighbourhood Plans should, as far as it is possible, take into account the LDP Review as they are developed and that any 'made' Neighbourhood Plans may need to be reviewed themselves by Parish Councils in light of any changes coming forward. The council will support communities through this process.

### 1.6 Making Comments on this Consultation

The consultation will run from XXXX to 5.30pm on the XXXX.

Representations should arrive no later than 5.30pm on XXXX. All representations received will be made available to view publicly.

The consultation document and supporting documents can be found on the council website at: [www.maldon.gov.uk/Issues-and-Options](http://www.maldon.gov.uk/Issues-and-Options)

If you would like to make comments, please reference specific questions, sections or paragraph numbers and be as specific as possible. You are not required to comment on all of the questions in the Issues and Options document and you can complete as many questions as desired.

Please send your comments in one of the following ways:

XXXXXX

## 2.0 THE DISTRICT OF MALDON - A SPATIAL PICTURE

- 2.1 The District covers an area of 36,000 hectares and has over 70 miles of unique coastline. Compared to other locations in Essex, the District has a relatively low crime rate, good quality housing stock, a unique retail offer with quality high streets in both Maldon and Burnham-on-Crouch. The District's natural landscape is dominated by the

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two estuaries and the extensive flat and gently undulating alluvial plain along the Rivers Blackwater and Crouch and their relationship with the North Sea. The area has strong associations with fishing and marine trades, and more recently sailing.

- 2.2 The District has strong spatial connections with a number of important regional growth areas including, the Haven Gateway, the Thames Gateway, London, Chelmsford, the M11 corridor, M25; as well as Stanstead and Southend Airports.
- 2.3 The settlements of Maldon, Heybridge and Burnham-on-Crouch are important drivers for the local economy. The District is home to approximately 27,500 jobs generated from 3,681<sup>1</sup>. The villages and rural areas also make a considerable contribution to the District's economy with a high performance in agricultural and farming related activities, including viticulture. Historically, the economy was based on agricultural production, coastal trade and manufacturing. However, in recent decades there has been a shift towards a mixed economy with an increased service sector, tourism and advanced engineering and manufacturing businesses.
- 2.4 Tourism is an important sector in the wider Essex economy contributing £3.4bn of value. Maldon District is an important contributor of this diverse appeal with its offering of heritage, unique landscapes, recreation areas and marine culture all within close proximity to London and the wider region. These qualities have made the District increasingly attractive to the TV and film industry as a production location, which itself is attracting more people to the area as they search for the places they see on their screens. To the Maldon District, tourism contributes around 17% of all employment and brings over £178m in visitor spend to the local economy<sup>2</sup>.
- 2.5 The District has a unique heritage including a maritime heritage with more than 1,000 entries on the statutory list of buildings of architectural or historic interest, 21 Scheduled Monuments, one Registered Park and Garden, and one Registered Battlefield. There are also 14 designated Conservation Areas which incorporate the historic cores of towns and villages, eight miles of waterway incorporating the Chelmer and Blackwater Navigation and the 24 buildings and open space of a nationally important World War One Aerodrome in Stow Maries.

The District is 211th (out of 317 English local authority areas) in terms of its overall ranking in the Index of Multiple Deprivation. However, its score with regard to barriers to housing is lower with 149 out of the 317 English Local Authorities, which is most likely an indicator of the high cost of housing and the lack of rental housing supply especially in the south of the District.

- 2.6 In 2021, the District of Maldon had a population of approximately 65,800. By 2038, this is estimated to have increased to approximately 72,000. Whilst the District's population has doubled over the last 40 years, it still has one of the lowest population densities in Essex at approximately 182 residents per square kilometre. As with other locations in Essex, the population of the District is ageing and it is projected that between 2021 and 2038, the population aged between 65 and 84 years is expected to increase by approximately 45%; whilst those aged over 85 years is expected to double. There is also projected to be a decline in the ratio of working age people, which could have a future impact on employment vacancy rates.

<sup>1</sup> Cambridge Economics within the Maldon District Economic Study – Hatch 2020

<sup>2</sup> Destination Research – Economic Value of Tourism 2020

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2.7 The District's natural landscape is dominated by the two estuaries and the extensive flat and gently undulating alluvial plain along the Rivers Blackwater and Crouch, these areas have fragile habitats and biodiversity with many of the areas being of international, national and local importance and subsequently have been designated as Ramsar Sites, Sites of Special Scientific Interest (SSSI), Special Protection Areas (SPA), Special Areas of Conservation (SAC) and National Nature Reserves (NNR). There are significant areas of semi-natural habitat that make an important contribution to the area's diverse landscape character and offers key landscape views across the estuaries. The presence and distribution of these habitats is strongly influenced by geology and landform and include woodland, grassland, estuary, salt marsh, mudflats, and freshwater and open water habitats.

2.8 The District is geographically split into three distinctive areas which are the Central Area (Maldon and Heybridge), the North and West Area and the South and East Area. The areas are described in more detail below and illustrated on Map X. (to be inserted)

### 2.9 The Central Area (Maldon and Heybridge)

Maldon and Heybridge are interdependent in terms of how residents use their services and facilities, though the River Blackwater runs between the two, connecting them by Fullbridge and the A414. These two settlements have a combined population of approximately 23,000 and account for over a third of the District's population. They have an important commercial, retail, leisure and service centre function that serves the whole District, assisting the growing tourism sector with museums, places of architectural interest and parks, including the renowned Promenade Park.

2.10 Maldon is a medieval market town that was first mentioned in AD 913 in the Anglo Saxon Chronicle. As one of the oldest towns in Essex, its rich history is reflected in the quality of its architectural heritage. There are 185 Listed Buildings in the Maldon Conservation Area alone. Maldon is also known internationally for its sea salt production and as a centre for Thames Sailing Barges. Unfortunately, its two railway stations were closed in the 1960s and some parts of the old railway line have since been built over.

Maldon is also home to the South Maldon Garden Suburb which was allocated for strategic growth in 2017 and is currently being built in phases, which will include new community facilities, including an NHS health hub, a new primary school and relief road.

Heybridge has two distinctive parts, a large urban area and the riverside area of Heybridge Basin. The urban area is characterised by its manufacturing heritage, which has had an important impact upon the urban grain and architecture of the area. The Basin area is quite different and is characterised by its relationship to the Chelmer and Blackwater Navigation that was opened in 1797. Many of its buildings can trace their links back to a maritime heritage and date from the development of the commercial waterway in the late eighteenth and early nineteenth centuries, with some twentieth century replacement buildings.

### 2.11 The North and West Area

2.12 In this area lies the settlements of Great Totham, Great Braxted, Purleigh, Tollesbury, Tolleshunt D'Arcy, Wickham Bishops, Woodham Mortimer and Woodham Walter, Little Totham, the Broad Street Green area and the area of Beacon Hill, Tollesbury, North Fambridge, Cold Norton, Stow Maries, and Cock Clarks.

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- 2.13 This area is characterised by its distinctive settlements, ponds, reservoirs and wooded areas. North Fambridge is located in the south of the area and has its own railway station on the Southminster branch line that terminates at Wickford with onwards services into London Liverpool Street and Southend Victoria. There are golf courses, wooded walks, a linear country park along the route of the former Maldon to Witham railway line and the settlement of Stow Maries includes an important World War One Aerodrome.

Tollesbury is an historic settlement with a strong relationship with the River Blackwater and its economy was traditionally based on oyster dredging and agriculture. The hinterland is mainly comprised of marshland and saltings.

- 2.14 The Broad Street Green area, because of its close connection with the main settlement of Maldon and Heybridge was one of the areas the LDP allocated for strategic growth in 2017 and will in the future be the location of the North Heybridge Garden Suburb with its associated new community facilities, including a GP practice and primary school.

#### 2.15 The South and East Area

- 2.16 In this area lies the following settlements; Burnham-on-Crouch, Southminster, Dengie, Bradwell-on-Sea, Asheldham, Bradwell Waterside, Mayland, Maylandsea, St Lawrence, Althorne, Tillingham and Steeple.

- 2.17 This area incorporates the Dengie Peninsula with its rural character, open big skies, tranquillity, marshland and mudflats. This area also incorporates Burnham-on-Crouch which is the second largest town in the District, after Maldon and Heybridge, connected to other places with a railway station. Burnham-on-Crouch is predominantly known for its coastal trading history and sailing activities. It is associated with its maritime connections including oyster trading and yachting, with a number of clubs which include the Crouch Yacht Club, the Royal Corinthian Yacht Club and the Royal Burnham Yacht Club.

- 2.18 The settlement of Southminster also lies in this area and contains several historic buildings including St Leonard's Church. The settlement also has its own railway station, which is the terminus of the Crouch Valley branch line.

- 2.19 A third railway station is located at Althorne, though the station is physically separated from the main settlement, which lies instead on a rise in the land and this gives it wide open views to the River Crouch and its landscape.

- 2.20 Bradwell-on-Sea on the Dengie Peninsula is a settlement with a history of national significance. It contains the remote Chapel of St Peter-on-the-Wall, which is one of the oldest chapels in England being constructed in AD 654 from Roman ruins when St Cedd was sent from Lindisfarne to spread the Gospel in East Anglia.

**Would you agree with the above spatial picture of the District?**



### 3.0 NATIONAL CONTEXT

#### 3.1 Planning System & National Issues

The Government has highlighted its ongoing commitment to the plan-led system, seeing it as a key way of delivering many of its objectives including an increase in house building nationally and raising the standard of design in new developments. By law, the LDP Review will need to be in conformity with new legislation including national policy and guidance and take account of any changes that the Government makes to the system whilst the LDP Review is evolving.

Alongside the Planning Bill, proposed in HM The Queen's Speech 2021, other topical issues that could affect the Maldon District as the LDP Review is delivered include:

- The introduction of the Future Homes Standard meaning a ban from installing fossil-fuel boilers in domestic properties from 2025;
- The introduction of a Future Buildings Standard to the Building Regulations, to improve the energy efficiency of non-domestic buildings;
- The ban on new petrol and diesel engines by 2040 and the need to increase alternatives; and
- The roll-out of Biodiversity Net-Gain schemes via development.

#### 3.2 Nationally Significant Infrastructure Projects

It is important to remember that not all planning decisions are determined by Maldon District Council. Some projects, which are deemed by the Government to be in the national interest are instead planned and determined through a separate policy and determination process called National Policy Statements (NPSs), Nationally Significant Infrastructure Projects (NSIPs) and Development Consent Orders (DCOs).

There are two NSIPs currently underway for the Maldon District. These are:

- Bradwell B New Nuclear Power Station
- A12 Junction Upgrade and Widening Scheme

##### Bradwell B New Nuclear Power Station

Maldon District has been identified by the Government as the location for a potential new nuclear new build site at Bradwell on-Sea, [including the possibility of STEP Fusion](#)<sup>3</sup>. The site – known as Bradwell B – ~~Bradwell~~ is no stranger to nuclear development and is also the site of the decommissioned Bradwell A Magnox power station. Whilst the current developer promoting the project paused work on the Development Consent Order (DCO) in January 2021, Bradwell-on-Sea is still an identified site in the National Policy Statement for Energy Infrastructure (EN-6)<sup>4</sup>, which the LDP Review cannot change and according to the Government it remains available and potentially suitable, in principle, for nuclear energy development.

- 3.3 Planning policies for NSIPs are set out in NPSs and do not form part of the LDP. The Council does however have to give them consideration when reviewing the LDP.

<sup>3</sup> <https://step.ukaea.uk/step-siting/>

<sup>4</sup> [National Policy Statements for energy infrastructure - GOV.UK \(www.gov.uk\)](#)

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- 3.4 When determining DCO applications for NSIPs the Government will consult the Council. The Council will then prepare a Local Impact Report, to which the Planning Act 2008 states that the Secretary of State must have regard to when determining the DCO. The LDP Review can therefore play a crucial role in helping to inform the Local Impact Report along with any other evidence and considerations.
- 3.5 The Council will, however, be the decision-maker for any ancillary development linked to the NSIP (but not included in the DCO) under its powers as LPA. Any such development will be considered against the LDP and the NPS.
- 3.6 There may also be occasions where supporting or preliminary work for NSIPs is required before the DCO work. If this happens any proposals will be considered in line with [local and national policies, the policies in LDP](#).
- 3.7 **The A12 Junction Upgrade & Widening Scheme**  
On the north-west of the District is a proposal by Highways England to upgrade a stretch of the A12 between Chelmsford and Colchester (junction 19 Boreham Interchange to junction 25 Marks Tey Interchange). Some very small stretches of the road are physically in the Maldon District.
- 3.8 MDC has been engaged in the process since 2017 and together with our Highway Authority partners in Essex County Council and our neighbouring authorities, we have been working to identify ways to improve road conditions on connections into the A12 which Maldon District residents and businesses use.

### 4.0 KEY ISSUES FOR MALDON DISTRICT

- 4.1 **District Wide**  
It is important in the review to reconsider the issues that face the District and ensure that they are still relevant. These should be short and high level and relate to matters that relate to the District. In the current LDP approved in 2017, the main issues that were to be addressed were as follows;
- 4.2 **Housing** – In-migration and lack of supply meant that demand was significantly higher than the amount of housing that was being built. This increased the affordability issue of housing, meaning more people were finding themselves not being able to afford to continue to live in the District and some who had lived here all their lives were moving out to find somewhere more affordable to live. This was exacerbated by the fact that a large proportion of the working population out-commuted to London and there was a difference in the wages between those that worked locally. There was a high need for affordable housing across the District exacerbated by a lack of supply with an imbalance in the requirement against the delivery of the type and size of housing. There was also a growing requirement for the delivery of additional Gypsy and Traveller sites.
- 4.3 **Economy** - With the exception of few large-scale companies, the economy of the District was generally defined by a large number of small firms. Whilst there was overall prosperity across the District, there was a skills shortage with a high proportion of the working age population possessing no qualifications and a significant proportion of the population out-commuting to work. This resulted in a disparity in income levels of local workers, versus those who commuted, exacerbating issues of affordability and quality of life.

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- 4.4 The Natural and Built Heritage** - The Maldon District was characterised by a diverse and distinct natural, historic and built heritage which made a significant contribution to the quality of life in the area. There was a need for the planning policy framework to optimise these assets whilst maintaining an appropriate balance with the requirement to also meet development needs. Due to the coastal and low-lying topography around the estuaries, the District was considered to be particularly vulnerable to the impacts of climate change and flooding. The vulnerability of new development needed to be minimised to ensure that this risk was not worsened for future generations.
- 4.5 Accessibility** - The District has direct links to the A12 trunk road via the A414 and the B1019. Many roads within the District comprised B and C class country roads. There is one railway branch line [within the District](#) (the Crouch Valley Line) along the south of the District connecting Southminster, Burnham-on-Crouch, Althorne and North Fambridge to South Woodham Ferrers (in Chelmsford City area) and onto London, via Wickford. [In the north of the District there is access to the rail stations at Hatfield Peverel and Witham. Bus and taxi services were the only other transport option for the rest of the District and there were issues around the level and frequency of bus service provision in some rural locations, though 78% of the District's settlements have either a shopper or commuter bus service, though still for some rural settlements this service is either non-existent or poor. Therefore, there is still a strong reliance on the car for connectivity across the District.](#) The rural character and relatively poor accessibility across the District ~~will impact~~ [impacted](#) upon the ability of individuals, particularly young people without access to their own transport to access things like education, work and social activities, which also affected older people's access to key services.
- 4.6 People and Communities** - The provision of infrastructure and facilities was considered to be a vital component in addressing the sustainability and well-being of communities and all new development needs were planned to be supported by the provision of adequate infrastructure. Facilities such as village shops, post offices, community halls and pubs located in the more rural settlements had a key role in securing the cohesiveness of the local communities. Engaging people through sports, arts, leisure and cultural activities was recognised to strengthen communities and was considered that it could help to reduce problems of anti-social behaviour and exclusion. All parts of the District needed to have the opportunities to access activities and facilities and there was a need for investment in strategic community infrastructure across the District to enable and improve provision.

### Question - Are These Issues Still Relevant?

#### 4.8 Strategic & Cross Boundary Issues

In September 2021, the council approved a Duty to Cooperate Strategy that stipulates how it meet its legal obligations with other specific bodies that it must cooperate with on strategic and cross-boundary matters. These include organisations such as Essex County Council, Highways England, the NHS, the Marine Management Organisation, Natural England and the Environment Agency.

Thematically these strategic and cross boundary issues can be summarised as:

##### Highways

- A12 widening and junction improvements at Hatfield Peverell, Rivenhall and Witham



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- Delivery of local highway infrastructure identified in the current LDP including the South Maldon and North Heybridge Relief Roads

### Environment

- Synergy between the South East Marine Plan and the LDP Review
- Impacts of continued growth in Maldon & Heybridge on Air Quality Management Area in Maldon & Danbury (within Chelmsford City area)
- Impact of residential growth on protected habitats in Essex
- Impact of growth on the water cycle

### Housing

- Housing market area changes - Maldon is now in a Housing Market Area with Chelmsford and Braintree
- The need and provision of Gypsy & Traveller Transit Sites in Essex

### Education

- Primary and secondary education provision and capacity due to growth

### Health

- Delivery of strategic infrastructure projects including NHS Health Hubs, GP surgeries and relief roads for Maldon and Heybridge

### Question - Do you consider these to be the extent of strategic and cross boundary issues applicable for the Maldon District?

#### 4.9 LDP Review - The Issues

- 4.10 The previous LDP issues as set above may be still relevant, however there is the need to take into account that whilst the District has been building more housing in recent years, there is still a shortfall between the amount needed and the pace of delivery. There is also still a shortage of affordable housing and the out-commuting levels are still very high. The previous issues did not reflect the climate change emergency that the Council declared in February 2021, though they were considered in the LDP's accompanying Sustainability Appraisal but not emphasised as strongly in policy development.

- 4.11 A revision of the key issues are considered to be the following;

#### 1) Reducing emissions and adapting to climate change

- New development is not doing enough to reduce emissions and adapt to the climate change increasing the amount of development that contributes to unsustainable travel patterns, resource usage and increased emissions of carbon and other greenhouse gases.
- Human interaction has the potential to increase flood risk, air, water and soil pollution which could have damaging consequences for the residents of the District.
- Lack of funding could compromise the ability of the Council and other Risk Management Authorities to bring forward viable flood risk mitigation schemes that could support existing and new communities.
- Whilst strategically, new partnership arrangements with other Essex authorities are building funding opportunities for mitigating development pressures on the most protected coastal habitats including those in the Maldon District, new

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developments are failing to bring forward genuine local mitigation measures to help improve the natural environment.

- Maldon District is in one of the driest areas of the country, water resources are scarce and require greater consideration in the planning process to reduce water wastage and capture and improve water efficiency in new development.

### 4.12 2) Resident-centred places to live

- The District possess' very attractive qualities for people living locally and as the District grows, it needs to ensure that by both design and delivery, the new places to live are resident focused.
- Median housing prices to earnings ratio is 11.87 (2019) which is the highest in Essex, this is considerable up from 4.2 in 1997 when the ONS started collecting this data and 10.82 in 2017. This is continuing to put a strain on affordability across the District.
- Because of the extensive rural nature of the District, there is a limited supply of brownfield land for development, which will inevitably mean that whilst the priority should continue to see land that has previously been developed brought forward for new places to live to be built, development will have to take place on more greenfield sites in the future.
- There are some settlements in the District which are much more isolated in terms of their distance from bigger settlements and their services and facilities. This places pressure on those settlements which are nearer in terms of location and public transport connectivity to take more growth.
- There remains an over-reliance on larger-scale developments to bring forward housing, which with hindsight may have contributed to some of the supply issues the District now sees, where those developers that have multiple sales outlets in the area are managing their construction resources differently than first intended, or where enabling works to larger sites are taking time to come to fruition. This will mean that going forward the council will need to consider allocating more smaller sites that could be built out by small-medium size builders that are not always constrained by the same issues.
- There is a continued need to support different types and sizes of housing, including perpetual First Homes, self-build/custom build homes and Gypsy & Traveller pitches.

### 4.13 3) A stronger, more resilient and inclusive local economy

- Population change in the District is driven by net-inward migration with some net international migration. The population is ageing with an expected decrease in the working-age population aged between 16 – 64, which could lead to an increasing labour shortage to local businesses by 2040. If nothing changes, this could see some sectors currently based in Maldon District relocate, or see a further increase of in-commuting into the District for work, which could increase congestion and pollution.
- There is growing competition for employment growth from larger employment centres around Maldon District such as Basildon and Chelmsford, whilst this could reduce land pressures, it could increase commuting and pollution.

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- The District has a proliferation of smaller niche businesses but the LDP Review needs to be flexible enough to encourage and support them to grow-on when they want to, as they provide valuable jobs many of which have higher wage offerings.
- Though 78% of settlements are connected by either a shoppers or commuters bus service, there is a perceived lack of a robust, interconnected multi-modal public transport system which leads to an increase in car usage, and a disconnect between where residents can live, work and access services. This could be affecting quality of life, business investment and the environment. It also means the District's lucrative and growing tourism industry is overly reliant on private vehicles as the means of travel.
- Whilst agriculture and tourism remain dominant employment sectors, both of these can be influenced by seasonal variations and this can undermine the number of full-time jobs available in the District. It is predicted that there will be a fall in agricultural jobs during the plan period, in line with national trends, but with 4 million visitors a year, tourism is a growing sector of the District's economy. Nevertheless, a lack of accommodation, restaurants and activities that maximise the District's coastal and estuarine location could hold it back from sustained growth as this lack of facilities does not encourage people to stay longer than a day.
- The current LDP allocated land equivalent to 11 football pitches for new employment development, however, the land that has been allocated employment land is not being built out as quickly as it could have been, which means it could become at risk of being lost to employment land uses if demand for other land use increases. This would mean the District would be at risk of not being able to react as well to the demand fluctuations expected in economic cycles, nor attract inward investment when opportunities arise.
- Our residents' qualifications profile is lower than the rest of Essex and the national average. The lack of skilled workers available locally can therefore deter inward investment and does not help to encourage aspiration in careers and jobs in our younger residents. This in turn limits their ability to rent or purchase homes and exacerbates out migration.
- The present LDP does not do enough to support small and medium sized construction firms who are more likely to be local and support local employment, economy and the local supply chain. It is estimated that for every dwelling built 3.1 local jobs are generated and through policy choices the LDP Review could look to diversify the share in the future.

#### 4.14 4) Thriving, Distinctive Rural Communities for all ages

- There is a conflict between respecting the distinct character of the District's rural communities, whilst supporting improvements to rural housing, services and the economy
- The affordability of housing in rural communities leads to a lack of housing for younger people and families meaning they may have little choice but to move out to where they can afford. This has the effect of ageing the rural population,

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increasing isolation and leading to a decline in rural services and facilities if it is not more proactively managed.

- The perceived lack of a robust multi-modal public transport for both shoppers and commuters leads to more rural isolation and disconnectivity to settlements which support greater levels of employment and service provision.
- Many of the niche businesses in the District lie within our rural area and there is a forecast loss of manufacturing jobs during the plan period, this means there could be an impact on the rural economy.

### 4.15 5) **Protecting and Enhancing our Diverse Natural Environment**

- There are 211 kilometres of shoreline in Maldon District. The area of coastal designated sites is 7,815 hectares, representing 18 % of the total land area of the District. There are two National Nature Reserves (NNRs); with the Blackwater Estuary composed of the Tollesbury Flats and Old Hall Marshes. The Flats are an important feeding area for waterfowl and are an important habitat for a number of invertebrates. The Old Hall Marshes are also known to be a breeding ground and over-wintering site for waterfowl and are home to a number of important plant and invertebrate species. Sea level rise is having a serious impact on our coastal habitats due to coastal squeeze and the erosion of salt marsh.
- The unique biodiversity of the District is under pressure from climate change, land use and coastal squeeze – we move forward by ensuring development has the least impact as possible and invests in habitat improvement and biodiversity net-gain where it can be a success.
- The District has a reasonable level of ancient woodland concentrated in the west of the District; which plays host to numerous flora and fauna and is an important source of biodiversity which is under threat nationally.
- There are large numbers of prominent landscape areas and features within the District, with distinct contrasts between the well-wooded, higher land to the west and the flat marsh and pasture landscape of the valleys to the east. The natural rural environment is generally tranquil and undisturbed in character with a sense of remoteness, tranquillity and big dark skies which can be eroded by development.

### 4.16 6) **Making the Built Environment Beautiful**

- Much of Maldon District's archaeology, particularly that located along the coast, is susceptible to erosion due to sea level rise and climate change. This places these remains at significant risk.
- A Historic Environment Characterisation Project was undertaken in 2008 which identified 59 Historic Landscape Character Zones. We can already see the majority of zones have the potential for deposits, as well as being susceptible and sensitive to change. This means we need to take extra caution when looking at development locations and also consider where development could bring opportunities to understand and record our heritage for future generations...



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- The unique heritage assets of the District can become at risk where they fall into disrepair or from nature forces; there are at present 7 sites on the Historic England at Risk Register.
- Whilst growth is an inevitability to ensure that future residents have good quality housing in sustainable rural communities and a robust economy, it is even more important that the design and setting of that growth enhances the rural and urban environments, otherwise the District is at risk of looking and feeling the same as everywhere else.

### 4.17 7) Ensuring that infrastructure meets residents, visitors and business needs

- There is a shortfall on infrastructure funding from what was forecast to be available in the previous LDP, which has led to delays to key infrastructure in Maldon, Heybridge and Burnham-on-Crouch. We need to be realistic when developing the LDP Review that we choose a growth option that can better support infrastructure delivery.
- Maldon District has a higher than average ageing population and this brings with it issues around accessibility and access to health services. With the District being largely rural in nature the needs of the private vehicle will always be important. Parts of the District are more isolated from access to public transport infrastructure, leading to rural isolation. This can place pressure on wider services which have to service more residents remotely or over a broader area.
- With a continuing increase in population comes an increased pressure on existing infrastructure and public service delivery leading to a conflict between infrastructure delivery and growth. We need to work with infrastructure commissioners and providers to ensure that the District's growth options have affordable and viable solutions for upgrades where they are needed to continue to serve peoples' needs.

**Q1. Are these key issues the right ones or are there any key issues that you think have been missed?**

## 5.0 SPATIAL VISION

5.1 In the 2017 Local Development Plan the Vision was set out as follows:

*The District's unique heritage and countryside will be protected by maintaining high design standards and adhering to the principles of sustainable development. Over the Plan period the District will grow sustainably to meet objectively assessed housing needs, taking into account environmental and infrastructure constraints. This approach will maintain the quality of life for the community and ensure the delivery of new affordable homes and infrastructure. It will also protect our local services, provide for our District's business needs, and retain the identity of our villages.*

*Growth will be concentrated in the most sustainable, accessible and appropriate locations taking into account constraints and the need to protect valued local countryside. The District's strong associations with the coast and our natural, historic and built heritage will make it a location of choice for people, businesses, day visitors*



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*and tourists. We will ensure the sustainable growth of the tourism sector by protecting our designated sites, internationally important wildlife, our estuarine environment, salt marshes, unique heritage, beautiful countryside and picturesque towns and villages. Our economy will be based on a highly productive skilled workforce ensuring success in the local, national and global economy. Maldon Town will be a focus for regeneration in order to ensure its continuing success as the District's main economic, social and cultural hub.*

- 5.2 This vision was originally created in 2014 and though as set out above the issues within the District have not altered significantly, there has been a global pandemic and the impact that has had on both the national and local economy, a change of emphasis and direction for the Council, moving climate change higher up the corporate agenda. Affordability and the delivery of housing has become a higher priority and there is now a greater national emphasis on building beauty into development. Therefore, it is proposed to amend the Vision for the review of the LDP to reflect the global, national and local issues and line the Vision up with the issues in the District. It is also proposed to set the vision out more clearly and succinctly so that success can be measured more accurately against it and the delivery objectives.

5.3 **A proposed amended Vision is as follows;**

*By 2043 Maldon will be a district with;*

- 1) A commitment translated into local action which adapts to and reduces the risks of climate change, including supporting the transition to a low carbon economy.*
- 2) A network of sustainable, inclusive and healthy communities where all residents are able to enjoy a high quality of life, and where new housing and economic development balances the needs of communities, the economy and the environment.*
- 3) A diverse and competitive economy which supports the existing employment base but also delivers growth opportunities across a range of sectors that reduces the need for out-commuting, attracts and retains people of working-age and raises overall levels of aspiration and attainment for young people.*
- 4) A high-quality environment that protects the special merits of the District, particularly the historic environment, open landscapes, protected natural environment including nationally significant areas and unique biodiversity and geodiversity.*
- 5) Joined-up infrastructure in the right place and at the right time to increase overall connectivity, accessibility and mobility for the needs of both residents, business and visitors.*

## 6.0 OBJECTIVES

- 6.1 To achieve the Vision of the Local Development Plan it will deliver the following objectives.
- 6.2 1) *A commitment translated into local action which adapts to and reduces the risks of climate change, including supporting the transition to a low carbon economy.*
- We will;*

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- Ensure that new development will be as energy efficient as possible in its design, materials and local energy sources in order to reduce emissions of carbon and other greenhouse gases.
- Reduce the impact of flood risk, air, water and soil pollution.
- Ensure new development is water efficient to reduce and mitigate against the effects of climate change and drought.
- Support development that minimises traffic generation and provides for sustainable transport solutions without compromising the ability of our rural communities who still need to use cars to access essential services and facilities to thrive and prosper.
- Positively support renewable energy development where it can support the District's move to carbon neutrality and net zero emissions.

- 6.3 *2) A network of sustainable, inclusive and healthy communities where all residents are able to enjoy a high quality of life, and where new housing and economic development balances the needs of communities, the economy and the environment.*

*We will;*

- Define a pattern of settlements and identify broad areas for growth.
- Allocate sufficient housing to meet the District's housing needs to 2043.
- Increase and support the supply of affordable housing, including affordable home ownership.
- Provide housing choice through self-build and custom build housing and housing to meet the differing needs of the District's residents.
- Develop where possible on previously developed land.
- Support the work of communities in neighbourhood planning.
- Ensure that development positively contributes to improving places and spaces for all and that "beauty" high quality and inclusivity is reflected in the design of the built environment.

- 6.4 *3) A diverse and competitive economy which supports the existing employment base but also delivers growth opportunities across a range of sectors that reduces the need for out-commuting, attracts and retains people of working-age and raises overall levels of aspiration and attainment for young people.*

*We will;*

- Maintain a diverse, competitive and resilient economy, underpinned by an ambitious and skilled local labour force.
- Encourage business start-up, expansion, diversification and investment opportunities.
- Encourage development that supports the enhancement of education, skills and employment opportunities for all residents, with a particular focus on those furthest from the labour market.
- Facilitate the development of rural and coastal businesses and protect and enhance rural community and service provision across the District.

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- Ensure the delivery of regeneration and enhancement of the Central Area (incorporating Maldon Central, The Causeway Regeneration Area and the Leisure Quarter).
- Protect, enhance and where necessary reinvigorate the town centres within the District to broaden their appeal as attractive places for residents, businesses and visitors.
- Develop and support sustainable tourism that builds on the unique natural assets of the District's countryside, coast and estuarine location, including supporting accommodation, restaurants and visitor attractions.

6.5 *4) A high-quality environment that protects the special merits of the District, particularly the historic environment, open landscapes, protected natural environment including nationally significant areas and unique biodiversity and geodiversity.*

*We will;*

- Protect and enhance the distinctive and natural environment which includes the coastal, rural and the historic environment of the District.
- Improve and manage the natural, historic and coastal/rural environment of the District to ensure that the impact of any development is offset by mitigation opportunities.
- Support the linking of areas of biodiversity and geodiversity importance to assist in the preservation of habitats and provide an improved network of green infrastructure.
- Ensure the protection of strategic gaps between development areas and settlements to safeguard their unique character and wider natural landscape setting.
- Work with owners, partners and developers to conserve and enhance heritage assets and their settings.

6.6 *5) Joined-up infrastructure in the right place and at the right time to increase overall connectivity, accessibility and mobility for the needs of both residents, business and visitors.*

*We will;*

- Work with partners to maintain, improve and co-ordinate public transport provision, and promote sustainable modes of transport and movement where all users feel equally safe.
- Facilitate and work in partnership with commissioners and providers for the delivery of new infrastructure to meet the needs of all residents, business and visitors
- Ensure through our development choices we can maximise what infrastructure is provided at the right time to cater for changing demands.
- Ensure that the residents of new development can safely access education and health services and facilities.

**1) Do you agree with the objectives for the review of the LDP?**

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### 2) Are there other objectives that the LDP needs to aim to achieve?

#### 7.0 POLICIES TO BE REVIEWED AND WHY

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- 7.1 National Planning Policy has changed since the adoption of the current Local Development Plan, paragraphs 20, 21, 22 and 23 of the NPPF lays out how local plans should be set out. They should consist of strategic policies which set the overall strategy of pattern, scale and quality of development and make sufficient provision for housing, including affordable housing, employment, retail, leisure and other commercial development. Strategic policies should also cover infrastructure for transport, telecommunications, flood risk and coastal change management, conservation and enhancement of the natural, built and historic environment.
- 7.2 Strategic policies should not extend to detailed matters which should be set out in non-strategic policies. Most of the policies within the current Local Development Plan were non-strategic with some strategic policies throughout the Plan. The review of the LDP will look different because it has to incorporate this change in national policy.

## 8.0 MEETING THE HOUSING NEEDS FOR THE FUTURE

- 8.1 The 2021 NPPF (paragraphs 60-67) requires local authorities to meet locally established needs. This should be informed by a local housing needs assessment, (LHNA) conducted using the standard method in national guidance unless exceptional circumstances justify an alternative approach. It also requires local authorities to take into account any needs that cannot be met from surrounding local authorities.
- 8.2 It is therefore necessary, as the NPPF indicates, to establish the appropriate scale of development for the next plan period 2023 – 2043. A key piece of evidence in this determination has been the “Maldon District Local Housing Needs Assessment” published in July 2021, this document is available on the Councils website at [www.maldon.gov.uk](http://www.maldon.gov.uk) (put the one that links to the document in This study was independently conducted on behalf of the Council by ICENI utilising the methodology requirements described by the NPPF and the accompanying Planning Practice Guidance. The report looks at the anticipated requirements for both economic development and housing. The technical details of the data below are fully described within the report. One of the conclusions in the document is that Maldon District lies within a Housing Market Area with Chelmsford and Braintree. National guidance requires us to take account of any unmet housing need of neighbouring authorities within Housing Market Areas. At present there is no evidence of any unmet housing need in these neighbouring local authority areas which would potentially need to be considered as to how it might be addressed.
- 8.3 The Government’s current standard method for assessing housing need takes the 2014 – based Household Projections and applies an upward adjustment based on the median house price to earnings ratio. Applying the standard method in Maldon District results in a minimum local housing need of 308 homes per annum. A review of the recent demographic data, including up-to-date projections and a range of data about past trends does not suggest that there is a strong case for the Council to move away from the standard method figure (in either an upward or downward direction).
- 8.4 Since the start of the current plan period in 2014 to 2021, the District has delivered 1,909 homes. The target for the same period was 2,170 homes, leaving a shortfall of 261 homes. Any housing shortfall should be carried over into the next plan period. It is also important to include a contingency figure or buffer on top of minimum amount of housing growth. This is to ensure that there is a range of different types of sites, large, medium and small and that there is a continuous supply of housing over the plan period and beyond. Using the 308 homes annual target from the standard method as set out in paragraph 8.3 above the District will need to ensure that there is the potential for housing growth as a minimum for a further 4,492 homes from 2023 to 2043. This figure can fluctuate depending on the number of housing completions and permissions granted up to the moment of the submission of the Plan to the Secretary of State for its examination. It is also important to include a contingency figure or buffer on top of minimum amount of housing growth. This is ensure that there is a range of different types of sites, large, medium and small and that there is a continuous supply of housing over the plan period and beyond.

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Table 1 – Proposed Housing Figure for the Period 2023 - 2043

2023 - 2043	
308 homes per annum	6,160
Plus 20% buffer	1,232
<b>Subtotal</b>	<b>7,392</b>
Less existing commitments	-3,161
<b>Sub total</b>	<b>4,231</b>
Plus, shortfall on completions from 2014	+261
<b>Total</b>	<b>4,492</b>

- 1) Do you agree with the Council using the standard methodology in the calculation of its housing target for the period 2023 – 2043.
- 2) Should the Council have a contingency or buffer figure in its housing target to ensure that it always has a continuous supply of housing over the plan period and if so what should that buffer be?
- 3) Should the plan period be longer than 15 years, should the period be 20 years, so that infrastructure can be planned in over a longer period

### 9.0 OPTIONS FOR GROWTH

#### 9.1 The Settlement Pattern

- 9.2 As part of the work for the review of the Local Development Plan, the Council has prepared an updated Settlement Pattern which lists the settlements within the District in order of the how sustainable they appear to be, in terms of their available services and facilities, their location to other settlements which provide services and facilities, and their links to public transport networks.
- 9.3 The Settlement Pattern is a snapshot in time of the Districts' settlements and forms a baseline as to how they function and relate to one another. It is also a golden thread that runs through the plan in terms of clarity and what development is going to be supported in which tier of the pattern.
- 9.4 It is important to note that where a settlement is in the pattern does not necessarily dictate where growth is going to go in the future. This is because the policies in the LDP should do that, but it can help to see how successful those policies are. So, for instance if a policy sets out that a settlement is going to grow and provide additional services and facilities, it should in time, if the policy is positively working, move up the settlement pattern. Maldon/Heybridge and Burnham on Crouch are the District's two towns and therefore do not feature in the table below. The updated Settlement Pattern is listed below and the details behind it can be found on the Council's website at [www.maldon.gov.uk](http://www.maldon.gov.uk) – out the right link in ;

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SETTLEMENT NAME
<b>Towns</b>
Maldon/Heybridge
Burnham on Crouch
<b>Large villages</b>
Southminster
Tollesbury
Maylands
Latchingdon
Wickham Bishops (including Beacon Hill)
Tillingham
Tolleshunt D'Arcy
Great Totham South - clusters with Great Totham North
Cold Norton
Purleigh
<b>Medium Villages</b>
Bradwell-On-Sea
Althorne
Woodham Walter
St.Lawrence
Langford
Tolleshunt Knights
North Fambridge
Heybridge Basin
Steeple
Goldhanger
<b>Small Villages</b>
Tolleshunt Major
Great Totham North - clusters with Great Totham South
Little Totham
Great Braxted
Ulting
<b>Hamlets</b>
Woodham Mortimer
Stow Maries
Dengie
Mundon
Southminster - Old Heath Road
Asheldham
Hazeliagh
Little Braxted
Bradwell Waterside
Cock Clarks

- 1) Do you agree with the updated Settlement Pattern and how the settlements in the District have been grouped together?
- 2) If you do not agree, how should they be grouped and on what basis?
- 3) Referring to the table on the Council's website which sets out all the services and facilities for each settlement – are there any comments about this or matters which need to be altered or changed.

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### 9.5 Options for Growth in the Review of the LDP

9.6 The current approved LDP concentrated housing growth in sustainable extensions to Maldon, Heybridge and Burnham-on-Crouch in the form of Garden Suburbs and Strategic Allocations. The plan did not allocate growth in any of the District's smaller settlements but relied on existing commitments (sites with planning permission already) and windfall sites (sites which are not planned/allocated but come forward and are granted planning permission) (not planned) coming forward within settlement boundaries.

9.7 This strategy was seen at the time as the one most able to successfully, whilst being considered at the time as the one able to deliver positive growth for the District and to ensure that the District had a continuous 5 year supply of housing. It has however caused a number of issues, which are prudent to reflect on:

- Allocating all of the housing on large sustainable extensions meant that it was only national building companies who came forward to develop these sites. This is because they have the funding and economies of scale to bring forward complex large scale developments. However, these types of sites take a long time from concept to delivery of housing on the ground and since the approval of the LDP the amount of housing being given approval and delivered is not sufficient to ensure that Maldon District has a continuous 5 year supply of housing. The 5 year supply currently stands at 3.26 years.
- This has also meant that small and medium building companies who operated in and around the District could only develop on sites outside of the large allocations. These types of sites can be delivered more quickly and help to ensure a steady supply of housing to the market. 11.2% of Maldon District's employee jobs are in the construction industry and small and medium businesses make up 98% of all Maldon District's business enterprises. At the present time, on smaller sites with under 10 houses being built there are only 285 homes in the district with planning permission and/or under construction. The National Building Federation estimates that for every house built 3.4 jobs are created including the extensive supply chain associated with the building industry. Therefore, a plan which encourages building on smaller sites and thus supports small and medium business would not only assist with the supply of housing but assist with economic growth.
- Though the plan had a windfall allowance in it, (i.e. in that the plan set out how many houses were going to be built on sites which were not allocated in the plan, there was not a policy setting out how that allowance was going to be delivered; whether there were any caveats around these types of sites coming forward, nor and what the Council's position was and given that there is a finite source of available developable land within the present development boundaries. This lack of clear direction and flexibility has meant that not enough housing has been given permission to be delivered in 5 years and any windfall development was in effect being squeezed into the development boundaries. T, this has added to the District's situation with regard to a lack of a 5 year supply of housing and is starting to have a detrimental effect on the character of the settlements of the District.
  - Small and medium building companies have found it difficult to build in Maldon District because of the lack of smaller allocated sites and windfall opportunities; this could be having an effect on job availability, growth and

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~~skills in this sector. It could also be slowing down the opportunity to bring forward housing more quickly on smaller sites.~~

- ~~• Though the plan had a windfall allowance in it, there was not a policy setting out how that was going to be delivered so it has not been as effective in tapping into this source of supply.~~

9.8 The Plan included settlement boundaries around most settlements. Whilst these appeared to be a way of protecting settlements, they have caused inflexibility in regard to housing coming forward. This is because settlement boundaries restrict development to within a defined settlement area. This has led to a lack of available land supply for windfall sites, which help support housing supply and this ultimately is one of the contributing factors to the District not having a 5 year supply of housing from 2021. The other negative impact of settlement boundaries is that all housing is constrained or squeezed into the settlements. This means that important green gaps, backland development and infill development have a presumption to be supported within the settlement boundary. This ultimately leads to a loss of the very unique character of some settlements, that it was an LDP objective to protect; especially the ones with larger properties and large gardens that can be subdivided. Over time, a continuation of this policy is likely to exacerbate this issue and the impact on the uniqueness of settlements will become more prevalent, as land is squeezed in them to fulfil housing demand.

- A lack of rural housing in the sustainable rural villages is failing to support transport provision and rural business improvements; this ultimately could lead to a loss of services and facilities and increased rural isolation and accessibility.
- Rural settlements have either had housing approved through the appeal system or have not grown sufficiently enough to ensure some affordable housing delivery is a tangible benefit. This could, if left unchecked, lead to an out-migration of younger people who cannot afford to live near their families, though it is hoped that the new "First Homes" may address some of this issue, the plan needs policies to accommodate this national change to policy.

9.9 At the time of the current approved LDP, national planning policy did not direct how much growth local planning authorities should place in settlements, but left the decision-making to each relevant authority. In 2019, national policy changed and acknowledged that small and medium sized sites can also make a positive contribution to wider housing delivery and offer other opportunities to local housing markets, SME builders and local supply chains. It is now ~~stipulated~~~~envisaged~~ by national policy that at least 10% of housing allocations will be delivered on sites which are no larger than 1.0 hectare.

9.10 The Council also has to consider the possibility that the Bradwell B Nuclear Power Station development will start to come forward during the plan period, in the event it is granted its DCO. This is a NSIP so the decision concerning it is not within the Council's remit, but will be made by the Planning Inspectorate.

9.11 It would not be in the wider interests of the District if the Council did not give this project due consideration during the LDP Review. It needs to reflect on the possibility that it may have an impact on the District negative, neutral and positive. There may be

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other development needs arising from the Bradwell B project that the LDP needs to consider now, such as impacts on housing market, tourism and infrastructure. A silent LDP could be very damaging to the District leaving it vulnerable to development that the Council has very little control over. Therefore, each of the options outlined below is also accompanied by the following paragraph;

9.12 *"The LDP Review will have a major infrastructure project policy included which will consider the impacts of, and plan for, a gigawatt nuclear power station~~the Bradwell-B Nuclear Power Station~~, should it proceed under the NSIP process. This policy will set out in broad terms the way the Council will deal with any growth needs arising from both the construction and the operation of the power station. ~~It may look to allocate additional sites to manage this and these could be in the towns or large villages in the east of the District and/or along the rail line that terminates at Southminster.~~ The policy will also set out how the Council will consider applications connected with any growth arising from the Power Station in terms of material planning considerations. This policy will lie dormant unless the power station proceeds under the NSIP process and/or any ancillary development proposals are required. This policy will only be activated if the Power Station receives consent and additional growth arises."*

9.13 By placing the prospect of the Power Station into a major infrastructure project policy, it also enables the Council to be prepared if any other major infrastructure project comes forward in the District.

**Question - Do you agree with the approach set out above for major infrastructure projects?**

9.14 The Council is therefore asking for consideration to be given to the following housing growth options;

9.15 **OPTION 1 – Retain the option in the LDP approved in 2017 – focus growth in the settlements of Maldon/Heybridge and Burnham on Crouch**

This option would continue the principles set out in the present approved LDP 2017 with most of the growth being allocated in Maldon/Heybridge and Burnham on Crouch, these are the main towns of the District. This could ensure the economies of scale necessary to generate a wide range of community facilities in these areas, a supported public transport network, business and employment opportunities and a supported retail offer. The only alteration would be encompassing national planning policy changes with regard to 10% of any housing allocation should be on smaller sites.

This scenario is characterised by the following;

- Urban extensions on greenfield sites adjacent to the main towns;
- 10% of the District's housing allocation on smaller sites would also be directed to Maldon/Heybridge and Burnham on Crouch;
- Promotion of new employment opportunities in the main towns;
- Continuation of the policy of having settlement boundaries;
- Development restricted in the other settlements to sites within the settlement boundaries;

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- Development in the countryside restricted to that which supports the local economy and tourism.

### 9.16 **OPTION 2 – A strong focus on the towns and larger sustainable villages**

This option would focus the majority of growth on the two towns in the District, Maldon/Heybridge and Burnham on Crouch and the larger sustainable villages. The larger sustainable villages in the context of this option will most likely be the top three/four/five (yet to be determined) large villages as set out in the settlement hierarchy with a good range of services and facilities and connectivity. This would ensure the economies of scale necessary to generate a wide range of community facilities, a supported public transport network, business and employment opportunities and a supported retail offer that could not only support their own populations but also spread benefits to their surrounding rural communities. It could also increase opportunities for small, medium building enterprises to develop housing in the District.

This scenario would be characterised by the following;

- Urban extensions on greenfield sites;
- 10% of the District's housing allocation being directed to the other sustainable large villages in the settlement pattern;
- A windfall policy for housing for the towns and large villages;
- A windfall policy for housing for the medium and small villages;
- Most affordable housing would be provided in the towns and with 'exceptions sites' being supported in the larger sustainable villages other large, medium and small villages, subject to identified need;
- Promotion of new employment opportunities in the towns and large villages;
- Increased new housing and business development in the more sustainable settlements (i.e. those with sufficient services and facilities to support themselves and surrounding smaller villages) sufficient to support their own role and meet the needs of smaller villages;
- Development in the countryside restricted to that which supports the local economy, including tourism.

### 9.17 **OPTION 3 – Growth generally focused on the towns Maldon/Heybridge and Burnham on Crouch and all the large villages of the Settlement Hierarchy**

This option would focus on the most sustainable settlements within the District, with the allocated growth going in the towns Maldon/Heybridge and Burnham on Crouch and the large villages. The amount of growth will be proportioned out with the housing allocated being proportional to the number of houses already in each settlement.

This scenario would ensure the economies of scale necessary to generate a wide range of community facilities, a supported public transport network, business and employment opportunities and a supported retail offer for anticipated population growth.

The scenario would be characterised by the following;

- Urban extensions of greenfield sites;
- 10% of the District's housing allocation being directed to the medium villages;

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- There will be a windfall policy for the towns and large villages;
- There will be a windfall policy for the medium and small villages;
- Most affordable housing would be provided in the towns and large villages with 'exceptions sites' being supported in the medium and small villages;
- Promotion of new employment opportunities in the towns and large villages;
- Increased new housing and business development in the more sustainable villages (i.e. those with sufficient services and facilities to support themselves and surrounding smaller villages) sufficient to support their own role and meet the needs of the smaller villages;
- Development in the countryside restricted to that which supports the local economy, including tourism.

#### 9.18 **OPTION 4 – Pepper pot growth throughout the Settlement Hierarchy (Spread the growth across all the sustainable settlements in the District)**

All growth will be pepper potted across the towns, large, medium and small villages this would include major and minor site allocations. This means that all settlements would get some growth and it would be based on a percentage proportion of the number of homes in each settlement, so larger settlements will receive more growth.

The scenario would be characterised by the following;

- Housing allocations in all towns, large, medium and small villages in the hierarchy, spreading the visual burden of growth across the settlements of the District.
- It may lead to an inability to provide essential infrastructure because of a lack of economies of scale and inevitably more smaller sites being brought forward.
- It would provide a quality of choice of sites across the District in different settlements which could support small, medium construction firms.
- There could be a decline in the amount of affordable housing coming forward because of smaller sites being allocated.
- May help support the sustainability of smaller settlements and encourage business and growth in those places.
- There will be a windfall policy for sites coming forward that are not allocated during the plan period.

#### 9.19 **OPTION 5 – Create a new satellite settlement or large urban extension bolted onto one of the towns, larger villages and/or settlement adjacent to the District boundary**

The satellite settlement or large urban extension would accommodate all allocated growth excepting 10% and a 20% buffer. This would ensure the economies of scale necessary to generate a wide range of community facilities, a supported public transport network, business and employment opportunities. The 10% and 20% buffer of growth would be allocated to the remaining towns and large villages.

The option would be characterised by the following;

- Urban extensions on greenfield sites in the new satellite settlement;
- 10% and the 20% buffer of the District's housing allocation being directed to the other towns and large villages, this will allow housing to come forward whilst the strategic allocations are preparing their applications and starts on site;

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- A windfall policy for the towns and large villages;
- A windfall policy for housing for the medium and small villages;
- Most affordable housing would be provided in the satellite settlement or urban extension with 'exceptions sites' being supported in the other large, medium and small villages;
- Promotion of new employment opportunities in the towns and large villages if appropriate in the satellite settlement or urban extension;
- Increased new housing and business development in the more sustainable villages (i.e. those with sufficient services and facilities to support themselves and surrounding smaller villages) sufficient to support their own role and meet the needs of the smaller villages;
- Development in the countryside restricted to that which supports the local economy, including tourism.

### 9.20 **Option 6 – Focus growth in the north of the District to link into the service and facilities available in Tiptree, Witham and Maldon/Heybridge.**

¶ This option would focus major allocations in the settlements in the north of the District. These settlements have a relationship with the settlements of Tiptree and Witham which lie outside of the District, and Maldon/Heybridge in the District, and residents can also access the railway connections at Hatfield Peverel and Witham and the strategic road connection of the A12. Residents of the District look to these settlements for the majority of their higher-order services and facilities. Maldon/Heybridge is not included in this scenario for strategic growth allocations because of the amount of growth it has previously received, the amount of existing commitments it already has but are still to come forward and the lag in infrastructure coming forward in the town. Maldon/Heybridge requires a period of time in order for planned infrastructure to be delivered and existing commitments to be built out without additional pressure from new strategic growth.

10% of allocated growth on smaller sites would be in the remaining large villages and Towns.

This option is characterised by the following;

- Urban extensions on greenfield sites in and adjacent to the settlements in the North of the District, and those that border the District in Braintree and Chelmsford.
- 10% of the District's housing allocation being directed to the remaining large villages and Towns.
- A windfall policy for the towns and remaining large villages
- A windfall policy for the medium and small villages
- Most affordable housing would be provided in the northern settlements of the District with 'exceptions sites' being supported in the medium and small villages;
- Promotion of new employment opportunities in the towns and if possible in the northern settlements of the District;
- Increased new housing and business development in the more sustainable villages (i.e. those with sufficient services and facilities to support themselves

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and surrounding smaller villages) sufficient to support their own role and meet the needs of the smaller villages;

- Development in the countryside restricted to that which supports the local economy, including tourism.

#### 9.21 **OPTION 7 – Focus growth along the rail line to Althorne, North Fambridge and Southminster**

This option would focus major allocations to Althorne, North Fambridge and Southminster because they have railway stations with a connection to London. Sites making up the 10% of housing allocations to be delivered on sites no larger than 1.0 hectare will be directed to Maldon/Heybridge, Burnham-on-Crouch and the remaining large villages. Though Burnham-on-Crouch has a railway station it is not included in this scenario for strategic growth because of the amount of growth in both allocations and windfall development it has previously received and the lag in infrastructure coming forward in the town. Burnham-on-Crouch requires a period of time in order for planned infrastructure to be delivered without additional pressure from new strategic growth.

This option is characterised by the following;

- Urban extensions on greenfield sites in and adjacent to Althorne, North Fambridge and Southminster;
- 10% of the District's housing allocation being directed to the District's towns and large villages (including Burnham on Crouch);
- A windfall policy for the towns and remaining large villages
- A windfall policy for the medium and small villages
- Most affordable housing would be provided in Althorne, North Fambridge and Southminster with 'exceptions sites' being supported in the medium and small villages;
- Promotion of new employment opportunities in the towns;
- Increased new housing and business development in the more sustainable villages (i.e. those with sufficient services and facilities to support themselves and surrounding smaller villages) sufficient to support their own role and meet the needs of the smaller villages;
- Development in the countryside restricted to that which supports the local economy, including tourism.

#### **Please Note**

- 9.22 All options outlined are reliant on the fact that there will be sufficient land in the areas summarised for delivery of the strategic growth target.

**1) Which growth option do you consider to be the most appropriate for the District of Maldon? Please set out your reason for this view.**

**2) Do you believe that there is another suitable growth option for the District, perhaps a combination of any of the above – please set out your views.**

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3) Do you think it is appropriate to include in the LDP review a policy dealing with major infrastructure projects such as the Bradwell B Nuclear Power Station, to be activated if this type of project comes forward?

### 10.0 EFFECTIVE USE OF LAND

10.1 The majority of housing in Maldon District is inevitably going to be delivered on greenfield sites because the District does not have a legacy of industrial landscapes laying derelict and would otherwise provide ideal brownfield sites for redevelopment. Housing can however be delivered in ways which utilises land more effectively and the Council would ask that you consider the following questions;

1) Would you consider the delivery of housing appropriate on areas of land where there are disused agricultural buildings, or derelict land in or adjacent to large, medium and small villages?

2) Housing can be delivered in larger quantities, but using less greenfield land, by building at higher densities. Would you consider this appropriate if sites with higher densities were designed to ensure they achieved a high quality of design?

3) Do you agree with building at higher densities in all settlements. What would you think was appropriate in terms of housing and higher densities?

4) Would you support minimum density standards to uplift the delivery of housing and ensure land in Maldon District was used as efficiently as possible, or do you think design, or other factors should dictate density on housing sites?

5) Would you consider higher density housing appropriate in large, medium and small villages, if the design was to a higher standard and the character of the settlement was still respected?

6) Is it appropriate to develop land for housing that has been previously used for commercial uses such as employment and retail which is otherwise vacant, underused and derelict ?

7) Whilst it is difficult for Maldon District to have a policy that states that brownfield land should be developed first because of the lack of brownfield land sites in the District. This could also inadvertently lead to the redevelopment of active employment land to residential the consequences of this could lead to job losses and a decline in employment sites. Therefore, should instead of brownfield land first should the Council place a greater emphasis on encouraging the development of brownfield land, though this may mean less affordable housing and other benefits versus the development of sites which could be an eyesore and blight on settlements and residents?

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### 11.0 HOUSING IN THE MEDIUM AND SMALL VILLAGES



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- 11.1 Inevitably housing will come forward and be developed in the large, medium and small villages, either through site allocations or as windfall development. The Council understands that the character of many of these settlements is very important to local people and whilst the rural settlements had settlement boundaries in the approved Local Plan, as discussed above, it is believed that these have not allowed for enough flexibility in the delivery of housing and this has contributed to the present lack of a 5-year supply of housing land and a squeeze on the character and uniqueness of the District's settlements.

**1) Should the medium and small settlements retain some form of a settlement boundary, albeit more flexibly drawn?**

**2) Should the Council develop a windfall policy for all or specific settlements, potentially capping the number of units for each site coming forward and ensuring the protection for key views, green infrastructure gaps and the historic environment in each village.**

### 12.0 FUTURE HOMES FOR GYPSY, TRAVELLER AND TRAVELLING SHOWPEOPLE

- 12.1 As with reviewing the needs for general housing, the Council has a duty to consider the needs of the District's Gypsy, Traveller and Travelling Showpeople. There are currently two public sites in the District which meet the needs of Gypsies and Travellers who do not own land, but rather have housing needs that are met locally on a rental basis. These sites are owned by Essex County Council. There are also a further 17 sites that are privately owned and home to a number of Gypsy, Traveller and Travelling Showpeople households.
- 12.2 The current LDP established Policy H6 which is a criteria-based policy to make provision for new Gypsy, Traveller and Travelling Showpeople pitches/plots to meet District needs, which in 2017 stood at an additional 9 pitches.
- 12.3 The Council will be updating its Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) in 2021/2022 to ensure any further provision of pitches and plots in the District is based on up to date and robust information collected locally and project the future need forward to the at least 2043 as the existing GTAA only looked forward to 2033.
- 12.4 This will help us to understand if there have been any changes in local households since the last GTAA was prepared in 2016, such as older children needing a pitch of their own, in-migration, or new households forming within the community. The GTAA update will also help us review whether any of the District's Gypsy, Traveller or Travelling Showpeople households are currently living in over-crowded conditions or are concealed households due to social mobility or a lack of provision, to determine if there is a need in the LDP Review to identify existing sites that could safely be intensified or expanded, new sites allocated in the plan, or stronger policies that can support meeting the need.
- 12.5 Work remains underway by all Essex Local Planning Authorities through the Duty to Cooperate to establish whether there is a specific need for Transit Sites to be built in Essex to cater for Gypsies and Travellers who continue to travel to the county but have no-where authorised to pitch-up. This has been underway since 2018, however it has been impacted by Covid-19 and a fall in travelling lifestyle amongst the Gypsy & Traveller community due to lockdowns and a lack of work. The Council will remain part of this project during the LDP Review.



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1) In the event of an increase of need, should the Council work look to establish both private and public sites for Gypsies and Travellers in the future, recognising that not all needs can be catered by one tenure of provision?

2) In the event of an increase of need, should the Council seek to intensify or expand existing Gypsy, Traveller and Travelling Showpeople sites as much as possible, where it is suitable to do so?

3) In the event of an increase of need, should the Council consider how it could use its Settlement Hierarchy, Rural Exception Sites and/or Windfall Policy (if implemented) to support the increased provision of new sites in sustainable locations that can serve the community's needs better?

4) Is there anything else the Council should be considering for homes for Gypsies, Travellers and Travelling Showpeople?

### 13.0 SELF-BUILD/CUSTOM BUILD HOUSING PLOTS

13.1 The Council does not currently have a high number of registrations on its statutory Self-Build and Custom Housebuilding Register, however there were 430 people on the Buildstore Register looking to self-build in Maldon District and of those, 127 live in the District. There is therefore an indication that self/custom build, as a form of housing provision, is of interest to local people. The council has a legal duty to provide plots equivalent to the number of people who have joined the statutory register. To ensure compliance with this in the future, the council could therefore consider allocating specific sites for self-build/custom build, or encourage them to be brought forward on smaller sites in the District

1) Should the Council seek a proportion of self-build/custom build plots on larger housing sites.

2) In addition to the above, should the Plan also allocate specific sites in the LDP Review exclusively for self-build/custom build, either put forward by people who want to self-build or caveated by policy that they can only be brought forward by self-builders.

3) Should the Council in the development of a self-build/custom build policy consider ensuring that smaller low cost housing units are encouraged to come forward?

### 14.0 A BEAUTIFUL BUILT ENVIRONMENT

14.1 The Council would like the LDP Review to prioritise attractive places and spaces when making choices around future land allocations and policies. Attractive places and spaces are, by their nature, subjective, but they often reflect local character and what is special or distinctive about a place. The National Design Guide illustrates how well-designed places that are beautiful and successful can be achieved in practice and supports local design guidance that meets the priorities of local communities. The Building Better, Building Beautiful Commission is an independent body set up to advise the government on how to promote and increase the use of high-quality design for new build homes and neighbourhoods. Its report sets out the importance of considering beauty at three scales during the planning process. These are:

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- Beautifully placed (sustainable settlement patterns, sitting in the landscape)
- Beautiful places (streets, squares and parks, the "spirit of place")
- Beautiful buildings (windows, materials, proportion, space)

14.2 The Commission defines a beautiful place as 'a place in which people wish to walk, rather than a place that the car helps them to avoid... buildings that reflect the history, character and identity of their community and that belong in their surroundings: somewhere, not anywhere... a walkable settlement, in which the streets are an improvement on what preceded them, even when what preceded them was open countryside'.

14.3 The Council wish to ensure that these are the kinds of places that we want to plan for and the LDP should help to deliver them. Maldon District Council already has an adopted Design Guide Supplementary Planning Document that seeks to achieve better design through developments, but it could go further than that by working to endorse the wider Essex Design Guide.

**1) Designing beautiful spaces and buildings, how important do you think it is that we should actively plan to create beautiful spaces and buildings?**

**2) What do you think about the design policy in the LDP 2017 and the Design Guide Supplementary Planning Document 2018? Do they need amending? If so, how and why?**

**3) Should the Council seek to endorse the Essex Design Guide with a Maldon District supplementary section? Would this be a more flexible approach to design?**

**4) Should the Council in its design policy encourage support for modern innovative design and design to counter the effects of climate change?**

**5) Please provide comments below on design matters you consider to be particularly important. We would be especially interested in your views on whether we should include general design guidance on relevant site allocations.**

### 15.0 TACKLING CLIMATE CHANGE

15.1 Climate change is one of the biggest threats that we face both as a district, nationally and globally. Extreme weather events and rising sea levels are more common and the rate of species extinction is increasing. These impacts will affect Maldon District, especially as it does have an issue with flood risk and is rural, with agriculture as one of its main employment sectors. Taking bold and decisive action over the next 15 years (or sooner) will be critical if we are to avoid global temperature rising beyond 2 degrees Celsius, which is identified as a critical level, above pre-industrial levels.

15.2 To this end the Council can in its review of the LDP significantly strengthen its policies in connection with climate change. This however, could come at a cost in terms of how much developers may be able to provide in other funding contributions for infrastructure such as affordable housing, and community funding. One of the main requirements of a local plan is its policies must not make development unviable or unaffordable to build. The Council tests this by carrying out a viability appraisal on all its policies. In connection with climate change the Council is interested in the following;

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- 1) Should the LDP Review make climate change one of its key priorities?
- 2) What do you consider to be important in terms of development and climate change? Are on site renewables such as photovoltaics, ground source heat pumps, etc as important/more important as off-site renewable energy projects such as on-land wind farms, solar farms, district heating networks, etc?
- 3) Should we plan for net-zero carbon from plan adoption in 2023? - This would require all new development to be net-zero carbon upon adoption of the plan. Would the Council need to bring forward any additional guidance to support this?
- 4) Should we plan for net-zero carbon from a specific future date? - This would require all new development to achieve net zero carbon from a future date in the plan process, set out in policy. It could allow time for the development industry to adjust to the higher standards and may mean we can secure more affordable housing and community benefits from development, earlier on in the plan process.

### 16.0 ENHANCING AND GROWING THE ECONOMY

- 16.1 Enabling the creation of a prosperous economy is an important objective of plan making. The provision of high quality employment land works to attract business and enterprise to an area, which in turn creates and diversifies employment opportunities, increases the addition of value and ultimately strengthens the local economy.
- 16.2 A high quality retail offer is attractive to residents and visitors alike, but the nature of the high street has rapidly changed within a very short period of time, this has been accelerated with the Covid pandemic and the closure of some key national anchor retail outlets.
- 16.3 In a rural area the prosperity and success of the rural economy can help with job growth and retention when other sectors are struggling and Maldon district has a high number of self-employed residents as well as a high number of niche rural businesses. These types of employment also link into the continuing sustainability of smaller rural settlements providing some local employment, in some cases providing higher wages and the opportunity for younger people to stay and work in their communities.
- 16.4 [-The transition to a low carbon economy and society requires the Council to reduce emissions and plan for climate change adaption. This will include cutting emissions, maintaining secure energy supplies, maximising economic opportunities and protecting the most vulnerable.](#)

[The Bradwell B site is designated in the current National Policy Statement for Energy Infrastructure \(EN-6\) for large scale nuclear, a policy position that the Council supports if it can be demonstrated that nuclear sector development and associated major infrastructure projects would make a meaningful contribution to a low carbon economy and bring potentially significant economic benefits to the area.](#)

- 1) Should the local plan policies strongly support the economy in terms of a transition to a low carbon economy, ensuring development and growth opportunities are supported through this process?

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- 2) Should the local plan allocate employment land so that it extends existing employment premises / areas in the District by working with existing businesses to ascertain their future need?
- 3) Should the Council contain a policy preventing the redevelopment of employment premises to residential units? If so, should the scope of such a policy be limited in any way? Please explain the rationale for your answer.
- 4) How important is the rural economy? How do you believe the rural economy can be supported through policy?
- 5) Should the Council support the development of live/work housing units?
- 6) Should the nature, size and type of policy support for Maldon and Burnham-on-Crouch's High Streets' change? How would you like the high street to change?

### 17.0 THE VISITOR ECONOMY

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- 17.1 The visitor economy is covered by policy E5 in the current Local Plan. This policy supports development which contributes positively to the growth of local tourism in a sustainable manner and realise opportunities that arise from the District's landscape, heritage and built environment. Development for new tourist attractions, facilities and accommodation should demonstrate an identified need for the provision proposed and have good connections with other tourist destinations. The policy supports existing tourism development.
- 1) Do you believe this policy requires modification? If so how would you like to see it changed?
  - 2) Do you believe this policy encourages tourism or is it too restrictive?
  - 3) How could planning policy encourage more visitors to the District other than day visitors?

### 18.0 PROTECTING AND ENHANCING THE ENVIRONMENT

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- 18.1 Maldon District is blessed with an outstanding natural landscape. The two estuaries that it lies on form a distinctive characteristic and form an attractive lure for visitors. Many of the areas are of international, national and local importance and subsequently have been designated as Ramsar Sites, Sites of Special Scientific Interest (SSSI), Special Protection Areas (SPA), Special Areas of Conservation (SAC) and National Nature Reserves (NNR). Development can result in unacceptable negative impacts on areas of wildlife value. It is for this reason that new housing already pays a financial contribution in the District to mitigate impacts that would otherwise occur through increased user pressure.
- 1) Should the Council consider having protected landscape views in the District, even though this may place development pressure elsewhere?

## 19.0 ACCESS AND SUSTAINABLE TRANSPORT

- 19.1 The Government define sustainable transport as “any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport”. Promoting sustainable transport in new development can have multiple benefits – these include reducing traffic congestion, reducing carbon dioxide emissions, improving air quality, and improving both physical and mental health.
- 19.2 Though, Maldon District is rural in character, it does not mean that some rural settlements do not have access to services and facilities in towns and larger settlements. The Council is supportive, in principle, of how it could integrate the 15/20-minute neighbourhood concept<sup>5</sup> into the planning for growth, recognising however, that this is not practicable in some of the District’s more rural locations. Most of the District has access to a reasonably regular bus service with shopper and commuter benefits and the District has four train stations all with access to London and regional connections, via Wickford.
- 19.3 Aside from the A12 and A414 both outside and inside the District, the road network is generally provided on lower-order B and C class roads. Whilst not comparable to some of the larger urban locations like Chelmsford and Colchester, this could be seen as a positive feature because it adds to the character of the District and is part of the attraction for those residents and visitors who seek a quiet rural idyll. However, some settlements find they have little or no footpath provision running alongside their rural roads, which can deter people to walk to services for safety reasons.
- 19.4 The current LDP sought to provide the following highway and public transport infrastructure to support the growth in the LDP, linked to Strategic Allocations throughout the District, which continue to remain relevant:
- North Heybridge Relief Road (part of North Heybridge Garden Suburb);
  - South Maldon Relief Road (part of South Maldon Garden Suburb);
  - Upgrades to B1018 Langford Road/ Heybridge Approach and A414 roundabout;
  - Improvements to B1010 and B1021 junction in Burnham on Crouch;
  - A414 Oak Corner and Spital Road junction improvements;
  - Eves Corner Junction changes in Danbury; and
  - Passenger transport improvements in South Maldon, North Heybridge and Burnham on Crouch.
- 19.5 In developing the LDP Review, it will be important that consideration is given how the above schemes can continue to be catered for and any additional highway and transportation impacts that any new spatial strategy and policies may lead to and the appropriate mitigation to minimise these impacts.

It will also be important as to what other initiatives should be exploited to help improve access and transport in the District, including complementary measures such as developing place-based Transport Strategies to manage various competing demands for road space, parking and public transport in specific areas more effectively and in a coordinated manner; securing a District-wide Local Cycling and Walking Implementation Plan (LCWIP); and investing in project development such as the Department for Transport’s Restore Your Railways Ideas Fund that could support the introduction of new movement corridors to support model shift.

<sup>5</sup> [The 20-minute neighbourhood | Town and Country Planning Association \(tcpa.org.uk\)](https://www.tcpa.org.uk/)

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19.6 The Council intend to commission a Highways and Transport Modelling Study that will help evaluate the impacts and test the mitigation necessary to reduce the impact. This will include reviewing appropriate opportunities to promote sustainable transport modes and a shift in people's behaviour of how they look to travel in the future, including a greater take-up of active travel choices (such as walking and cycling), reviewing any significant impacts from new development on the capacity and congestion on the transport network, any issues concerning highway safety and mitigation costs.

**1) In terms of access and sustainable transport in the District, what is most important to you?**

**2) Should the Council focus future growth on those areas with higher levels of commuter access either by bus or train?**

**3) Should all new development be linked to its settlement by a footpath wide enough to accommodate a wheelchair or double buggy/pram?**

**4) Should development have to demonstrate that it can provide safe footpath/cycle links/connections, which incorporate green infrastructure and support active travel choices?**

**5) Should the council continue to explore and support complementary projects delivered outside the planning system that can support travel choice and a shift away from the use of the car in the District?**

### 20.0 SECURING INFRASTRUCTURE

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20.1 The Government is clear in national policy that the LDP Review should set out a strategic policy which makes sufficient provision of infrastructure including transport, telecommunications [including digital and broadband], security, water supply, wastewater, flood risk and coastal change management and the provision of minerals and energy. It also stresses that community facilities such as health and education must also form part of the development of the future planning strategy for the District.

20.2 The LDP Review will put expectations on new developments to deliver high quality development with infrastructure to support the local community. These requirements, commonly known as S106 contributions or Community Infrastructure Levy (CIL) will have financial implications for development. Our policies in the LDP Review should therefore be clear so that developers do not pay too much for a piece of land then determine that they cannot afford to meet our policy requirements. All policy requirements are important but no requirement can be so high that it makes development unviable, so if one is raised, another may need to reduce. To help us set our policy requirements at a level that is viable for development to go ahead, the Council will be commissioning an update to its Viability Assessment.

20.3 In the delivery of the first five years of the current LDP, not all infrastructure has come forward at the pace envisaged. It is acknowledged that there are perceptions that there have been delays in expanding The Plume secondary school and the construction of the South Maldon Relief Road in Maldon, for example. Whilst the upgrades have not yet taken place, this is not down to the infrastructure not being planned for or S106 contributions not coming forward from development that has been constructed, rather there has been a slower than anticipated delivery of housing

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units in the Garden Suburbs and on other strategic allocations, which has in turn, not brought in enough S106 contributions *yet* to fund their delivery; but with further time and demand created when the new housing is built, triggers to release more funding from the developments will be hit.

- 20.4 The LDP Review will therefore be an important opportunity to consider how development in the District can best meets the needs of new and existing residents and businesses supported by necessary infrastructure. This will include considering if certain spatial options (as set out earlier in Section 9), or development phasing offer a better chance of securing the necessary infrastructure upgrades, given advantages over critical mass and how existing capacities are being managed by infrastructure commissioners or providers and how these relate to national standards or benchmarking.
- 20.5 There is a need for high quality digital connectivity to continue to support the District's residents, businesses, transport infrastructure and key services, such as schools and GP practices. Through work undertaken by Superfast Essex, more of the District's rural locations have access to superfast broadband, but connection in more remoter places can be limited. The Government is currently considering requiring all new build residential developments to be fitted with full fibre digital connections, which the LDP Review will support as far as possible.
- 20.6 Whilst the Council is the local planning authority for the District, it is not responsible for the commissioning or delivery of many of the forms of infrastructure that communities depend on. It is imperative therefore that the Council continues to work with all relevant infrastructure stakeholders, including Essex County Council to prepare an update to the Maldon District Infrastructure Delivery Plan (IDP) to ensure all developments have the best chance of being supported by the required infrastructure that offsets its impact on the District. This will include a review of infrastructure costings and help inform how development can be sustainably phased and reflected in the LDP Review policies. The IDP should also be able to continue to be used to consider whether a Community Infrastructure Levy (CIL), or any future replacement would help bring in additional contributions from more developments that otherwise have an impact.
- 20.7 Finally, moving forward, it will also become more important for the council to chase every penny of external funding and lobby Government and other funding bodies when infrastructure delivery either falls short of expectations, or cannot be funded fully/ at all by development.

**1) Should the Council take into account the advantages of locations which stand to offer the better chance of securing new infrastructure due to critical massing of development?**

**2) Affordable housing is often the biggest influence on viability, so should the Council continue to prioritise this policy requirement over other infrastructure contributions or design quality across the District?**

**3) Should we consider spare capacity within our existing infrastructure where we determine where new development should go?**

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## Maldon District Council Equality Analysis

Title: Maldon District Local Development Plan Review	Date 07/09/2021	Officer Preparing M Winslow
<b>1. Background</b>		
<p><b>1.1 Description of policy</b> (Including aims, outcomes and in the case of an existing service how long it has been delivered in its current format)</p> <p>The Maldon District Local Development Plan Review will establish an updated statutory planning policy framework for the District. It will replace the Local Development Plan that was approved in July 2017 covering the plan period to 2014-2029. It will contain policies covering settlement growth, housing, employment, economic development, town centres, the natural, built and historic environment, design, transport and infrastructure. It is recommended that the LDP Review will cover the period 2023-2040; extending its life by over a decade.</p> <p>The first publication associated with the LDP Review will be the Issues &amp; Options Report, which will capture the extent of the review and seek views on the updated vision and objectives, structure of the plan, the issues it will consider and options for addressing those issues.</p> <p>All policies are subject to a Sustainability Appraisal as required by legislation, which will be including specialist environmental and habitat assessments, as well as a Health Impact Assessment and this Equalities Impact Assessment. These will collectively and iteratively inform the preparation of the LDP Review, alongside evidence and public consultation.</p>		
<p><b>1.2 Who are the users of the proposal / policy / service</b> (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 with an interest in land use planning in the District (member of the public, business, developer, landowner, planning agent, Essex local authority or infrastructure commissioner/ provider.)</p> <p>The Planning Inspectorate or Secretary of State – for S78 appeals</p>		
<p><b>1.3 Have users been consulted with?</b> (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>The LDP Review is subject to statutory consultation and non-statutory engagement with users. This will be carried out in accordance with the Statement of Community Involvement and the relevant legislation and Regulations.</p>		
<p><b>1.4 If the analysis is regarding an existing Service, what are users' views of that Service?</b> (Base your view on evidence such as satisfaction surveys, levels of compliments and levels of complaints).</p>		

## Maldon District Council Equality Analysis

N/A

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

<b>Aim</b>	<b>How does the proposal / policy / service meet the equality aim?</b>	<b>Action or addition needed in order that the proposal / policy / service meets the aim?</b>
<b>2.1 To eliminate unlawful discrimination, harassment and victimisation</b>	The LDP Review provides an updated planning policy framework for land use and infrastructure planning & delivery that will have a measured impact on a number of different users.	<p>The policies are all in development, but the social, environmental and economic evidence being commissioned and the complementary assessments for the Review's EQiA, Sustainability Appraisal and Health Impact Assessment will consider the needs of all and how they should be planned for. Policies will be written positively to ensure that they eliminate unlawful discrimination, harassment and victimisation every opportunity and mitigation measures will be made progressively to ensure protected characteristics are considered in the policies' development.</p> <p>The policies will be subject to public consultation and refinement as they are drafted ahead of submission to the Secretary of State.</p> <p>The LDP Review will be subject to an Examination in Public, by an Independent Planning Inspector who will determine if the Plan is lawful and sound and can be adopted by the Council.</p>
<b>2.2 To advance equality of opportunity between people who share a protected characteristic and those who do not</b>	The LDP Review provides an updated planning policy framework for land use and infrastructure planning & delivery that will have a measured impact on a number of different users. This will include people who share a protected characteristic and those who do not.	The policies are all in development, but the social, environmental and economic evidence being commissioned and the complimentary assessments for the Review's EQiA, Sustainability Appraisal and Health Impact Assessment will consider the needs of all and how they should be planned for. Policies will be written positively to ensure that they advance equality at every opportunity and mitigation measures will be made progressively to ensure protected characteristics are considered in the policies' development.

## Maldon District Council Equality Analysis

		<p>The policies will be subject to public consultation and refinement as they are drafted ahead of submission to the Secretary of State.</p> <p>The LDP Review will be subject to an Examination in Public, by an Independent Planning Inspector who will determine if the Plan is lawful and sound and can be adopted by the Council.</p>
<p><b>2.3 To foster good relations between those who share a protected characteristic and those who do not</b></p>	<p>The LDP Review provides an updated planning policy framework for land use and infrastructure planning &amp; delivery that will have a measured impact on a number of different users. This will include people who share a protected characteristic and those who do not and seek to foster good relations between them.</p>	<p>The policies are all in development, but the social, environmental and economic evidence being commissioned and the complimentary assessments for the review's EQiA, Sustainability Appraisal and Health Impact Assessment will consider the needs of all and how they should be planned for. Policies will be written positively to ensure that they advance equality at every opportunity and mitigation measures will be made progressively to ensure protected characteristics are considered in the policies' development.</p> <p>The policies will be subject to public consultation and refinement as they are drafted ahead of submission to the Secretary of State.</p> <p>The LDP Review will be subject to an Examination in Public, by an Independent Planning Inspector who will determine if the Plan is lawful and sound and can be adopted by the Council.</p>

## Maldon District Council Equality Analysis

**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
<b>3.1 Age</b> (What will the impact be on different age groups such as younger or older people?)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The LDP Review Issues & Options Report has considered how planning policies could impact all age groups, including housing, employment, and infrastructure for people of all ages.	The LDP Review Issues & Options Report is written age-blind, unless there is a national policy requirement to address specific needs such as older persons' housing or primary education, etc.  The LDP Review Issues & Options Report consultation will use approaches to seek feedback from a wide range of ages.
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
<b>3.2 Disability</b> (Consider all disabilities such as hearing loss, dyslexia etc as well as access issues for wheelchair users where appropriate)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The LDP Review Issues & Options Report has considered how planning policies could be reviewed to have a positive impact on people with disabilities, including through design measures and access to services.	The LDP Review Issues & Options Report consultation will seek feedback on whether there are any specific policies that could be written/ strengthened to positively address disabilities in the District. This will also be considered as part of the future Sustainability Appraisal & Health Impact Assessment.  The LDP Review Issues & Options Report consultation will make reasonable adjustments to seek feedback from a wide range of people.
<b>3.3 Pregnancy and</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The LDP Review Issues & Options	The LDP Review Issues & Options

## Maldon District Council Equality Analysis

Maternity (Think about pregnancy, new and breastfeeding Mums)				Report has considered how planning policies could be reviewed to have a positive impact on women and people that are pregnant and lactating, including through new design measures, access to buildings and the implementation of service improvements.	Report consultation will seek feedback on whether there are any specific policies that could be written/ strengthened to positively address pregnancy, maternity and childcare. This may also be considered as part of the future Sustainability Appraisal & Health Impact Assessment.
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"/>	The LDP Review covers planning policy that caters for all genders and sexes.	None required
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"/>	The LDP Review covers planning policy that caters for all genders and sexes.	None required
3.6 Religion or belief (Includes not having a religion or belief)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The LDP Review provides an updated Planning Policy framework at a District level to all customers regardless of religion or belief.  As part of the planning of new communities, spaces for places of worship can be accommodated in new developments.	The LDP Review Issues & Options Report consultation will seek feedback on whether there are any specific policies that could be written/ strengthened to positively address religion or belief.
3.7 Sexual Orientation (What is the impact on heterosexual, lesbian, gay or bisexual people?)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The LDP Review provides an updated Planning Policy framework at a District level to all customers regardless of sexual orientation.  As part of the planning of new communities, spaces for LGBTQIA+ venues can be accommodated in new developments.	The loss of existing LGBTQIA+ facilities through the planning process, can lead to LGBTQIA+ communities feeling more isolated and vulnerable. This may also be considered as part of the future Health Impact Assessment.
3.8 Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The LDP Review provides an updated	The LDP Review Issues & Options

## Maldon District Council Equality Analysis

(Includes ethnic or national origins including Gypsies and Travellers)				Planning Policy framework at a District level to all customers regardless of race. This will include a review of the District's accommodation opportunities for Gypsies, Travellers and Travelling Showpeople households, including those who have ceased to travel as a result of the education or health needs of household members.	Report consultation will seek feedback on whether there are any specific policies that could be written/ strengthened to positively influence the District's accommodation opportunities for Gypsies, Travellers and Travelling Showpeople. This will be considered as part of the future Sustainability Appraisal & Health Impact Assessment.
3.9 Socio-Economic Group (Will people of any particular socio-economic group be particularly affected?)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The LDP Review provides an updated Planning Policy framework at a District level to all customers regardless of their socio-economic grouping. This will include how the District can improve provision and protection for people on low incomes, people who are unemployed, people who do not have access to private transport and those who cannot access market housing or Traveller plots, for example. Likewise, the LDP Review will consider the needs of those that can access market housing, can access educational opportunities and have greater degrees of economic mobility.	The LDP Review Issues & Options Report consultation will seek feedback on whether there are any specific policies that could be written/ strengthened to positively influence the District's opportunities for different socio-economic groups. This will be considered as part of the future Sustainability Appraisal & Health Impact Assessment.

**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.)

It is highly likely that there could be a cumulative impact to one or more of these groups with protected characteristics. This will be legally screened as part of the Sustainability Appraisal and considered by the complementary assessments examining health impact, where it is relevant.

Other plans or strategies and service provision in place at a District/ county/ national level will also have varying degrees of influence and impact; some positive, some negative – which has yet to be evaluated in full. This will include things such as the Essex School Organisation Plan, the Maldon District

## Maldon District Council Equality Analysis

Corporate Plan, the Covid-19 Reset and Recovery Plans to name a few. A more comprehensive appraisal will be carried out for the statutory Sustainability Appraisal.

The Council will, as the Local Planning Authority for the Maldon District, work alongside its partners and Duty to Cooperate bodies such as Essex County Council, healthcare providers including the NHS, education providers and emergency services to address social, economic and environmental challenges facing the District's residents and businesses.

### 5. Outcome

#### 5.1 Consider all the analysis and evidence above and indicate

(1) No change needed ☐ (2) Adjust ☒ (3) Adverse impact but continue ☐ (4) Stop, remove the proposal / policy / service ☐

#### 5.2 Adjustments

If option (2) above is selected please detail what adjustments are needed, who is responsible and how that will be reviewed. Also outline how that will be agreed (i.e., Committee, CMT).

Officers will continue to use evidence and the outcomes of public consultation and stakeholder engagement to inform the LDP Review's development until its submission to the Secretary of State in 2022/2023.

**5.3 Decision Making** (How will this equality analysis be taken into account during the decision making process? For example will it be included with a report to Committee/CMT? Will it be considered at department level or by a Head of Service? How will community/stakeholders views be taken into account?)

The EqlA will be reviewed by the Strategy, Policy and Communications Manager and will be presented to the Planning Policy Programme Board and Planning Policy Working Group as required to help explain how policy development has been informed by the duties covered in the Equality Act 2010 and Human Rights Act 1998. The continual evolution and preparation of the EqlA by officers (and any external advisors) will be presented to Strategy & Resources Committee & Council seeking the LDP Review Issues & Options Report's approval and all future statutory stages of policy development. The EqlA will be published on the Council's website, along with the LDP Review document it relates to.

The Strategy & Resources Committee and Council will need to consider the feedback received on policies concerning any matter that could be interpreted under the EqlA and determine how the policies should be changed to make the adverse impacts identified either more positive/ or neutral.

### 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?**

## Maldon District Council Equality Analysis

The Local Development Plan Review will include the undertaking of the following core evidence studies, which will seek information and understanding on a variety of topics to address gaps in evidence or data:

- Local Housing Needs Assessment
- Gypsy, Traveller and Travelling Showpeople Accommodation Assessment
- Nature Conservation Study
- Sustainability Appraisal and Integrated Assessment combining Health Impacts Assessment & Equalities Impact Assessment
- Strategic Flood Risk Assessment Review
- Water Cycle Study
- Transport Modelling
- Employment Land and Premises Study
- Infrastructure Study and Infrastructure Delivery Plan
- Green Infrastructure, Sport and Recreational Study
- Retail Needs Assessment
- Viability Study

This evidence will be reviewed and interpreted to help design and refine the new planning policy framework of the LDP Review.

In addition, the LDP Review will be supported by the purchase of a new Consultation and Engagement Platform by September 2021, which will, through technology solutions, help the Council engage as many users of the future planning policy framework as possible. This will include the ability to seek equality profile information from customers to improve equality monitoring.

### 6.2 Summary of actions highlighted within this analysis (Include how this will be picked up within service/work plans)

1. **Consult on the LDP Review Issues & Options Report to determine the extent of the planning policy update for the Maldon District**
2. **Commission specific evidence or undertake in-house studies to determine how the District's planning policies need to respond to different needs and challenges**
3. **Implement a new Consultation and Engagement Platform by September 2021 from which to conduct effective statutory and non-statutory engagement of users, stakeholders and partners.**

### 6.3 Arrangements for future monitoring of equality impact of this proposal / policy / service

There will be ongoing monitoring of the LDP Review and its EqIA by:

- Planning Policy Programme Board



**Maldon District Council Equality Analysis**

- Extended Leadership Team Project Board
- Planning Policy Working Group
- Strategy & Resources Committee
- Council

**6.4 Approved by (Manager or Head of Service signature and date)**

**G Button 07.09.2021**

Once approved please forward this analysis to Cally Darby to arrange publication.

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## **REPORT of DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

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to  
**COUNCIL**  
**4 NOVEMBER 2021**

### **LANGFORD AND ULTING NEIGHBOURHOOD PLAN - DECISION ON EXAMINER'S REPORT**

#### **1. PURPOSE OF THE REPORT**

- 1.1 To inform Members of and seek their approval for the recommended modifications made in the Examiner's Report (at **APPENDIX 1**) for the Langford and Ulting Neighbourhood Plan; and to seek Member's approval for the Neighbourhood Plan to proceed to referendum.

#### **2. RECOMMENDATIONS**

- (i) that the Examiner's modifications be agreed and that subject to these modifications the Neighbourhood Plan meets the Basic Conditions and other legislative requirements;
- (ii) that the draft Decision Statement attached at **APPENDIX 2** be approved, to be published on the Council's website; and
- (iii) that the Langford and Ulting Neighbourhood Plan be agreed as modified (at **APPENDIX 3**) proceeds to a local referendum based on the boundary of Langford and Ulting Neighbourhood Area as recommended by the Examiner.

#### **3. NEIGHBOURHOOD PLAN INTRODUCTION**

- 3.1 Neighbourhood planning is part of the Government's initiative to empower local communities to take forward planning proposals at a local level<sup>1</sup>. Neighbourhood Plans, once made, form part of the Development Plan. Following an update to Neighbourhood Planning guidance in response to the Covid-19 pandemic, a Neighbourhood Plan will now carry significant weight in decision making when it is approved to proceed to referendum.
- 3.2 Neighbourhood planning is led by a town or parish council or neighbourhood forum, in this case the preparation of the Neighbourhood Plan has been undertaken by Langford and Ulting Parish Council.
- 3.3 The Neighbourhood Plan was originally examined in spring 2016. However, following the Examiner's Report, the Parish Council took the decision to revise the Neighbourhood Plan, taking it back to the Regulation 14 stage to enable community consultation on the revised Plan.

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<sup>1</sup> Section 116 of the Localism Act

3.4 The production of a Neighbourhood Plan must follow a regulatory process summarised below:

Key Stage	Action	Date
1. Neighbourhood Area designation	Langford and Ulting Neighbourhood Plan Area designation requested by Langford and Ulting Parish Council and approved by Maldon District Council. This sets the area the Neighbourhood Plan will apply to.	23 April 2013
2. Pre-Submission Consultation	Regulation 14 consultation organised by the Parish Council (minimum six weeks).	05 November – 16 December 2019
3. Submission	LUPC submitted the Neighbourhood Plan to MDC	25 November 2020
4. Publication	Regulation 16 consultation organised by MDC (6 weeks)	15 January - 12 March 2021
5. Examination	Independent Examiner reviews the Plan against the statutory Basic Conditions. The Examiner either recommends that a Neighbourhood plan does not proceed to referendum, or can proceed referendum, with or without modifications, and recommends the extent of the area the referendum applies to.	Examiner's report received 09 September 2021
6. Plan Proposal Decision	Maldon District Council considers the Examiner's report, including the recommended modifications, and if satisfied with the Plan proposal, agrees for it to proceed to referendum.	04 November 2021
7. Referendum	Organised and funded by Maldon District Council. Where 50% or more of those voting are in favour of the Neighbourhood Plan, it comes into force, and must be 'made' by the Council and it forms part of the statutory Development Plan.	16 December 2021 (subject to the decision of Council)

## 4. EXAMINATION

- 4.1 Following the Regulation 16 consultation, an Independent Examiner was appointed by Maldon District Council, with consent of the Parish Council, to carry out the examination of the Neighbourhood Plan. The Examiner, Andrew Ashcroft BA (Hons) MA, DMS, MRTPI, examined the Plan by written representations, and undertook an unaccompanied site visit of the Neighbourhood Plan area.
- 4.2 The role of the Examiner is to assess whether the Neighbourhood Plan meets certain legal requirements:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area<sup>2</sup>; and

<sup>2</sup> Requirements under Section 38B of the Planning and Compulsory Purchase Act 2004

- the Plan has been prepared for an area that has been designated<sup>3</sup> and has been developed and submitted for examination by a qualifying body, in this case by Langford and Ulting Parish Council.
- 4.3 The Examiner must consider whether the submitted Plan meets the Basic Conditions<sup>4</sup>. To comply with the basic conditions, the Plan must:
- Have regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan
  - The making of the neighbourhood plan contributes to the achievement of sustainable development
  - The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
  - The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union obligations and the European Convention on Human Rights (ECHR)
  - Regulation 32 of the Neighbourhood Planning (General) Regulations set out an additional condition to be considered: the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects.
- 4.4 The Basic Conditions that refer to EU obligations have not been updated. The European Union (Withdrawal) Act 2018 converts much of EU law into domestic law. The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 make changes to the statutory instruments that transpose the Habitats and Wild Bird Directives into UK law, so that they continue to work following the UK's exit from the EU. The intention is to ensure habitat and species protection and standards as set out under these Directives are implemented in the same way or an equivalent way when the UK exits the EU. There is no change to national policy. Current references to "European site", "European Marine Site", "Special Area of Conservation" and "Special Protection Area" are retained in legislation. The ECHR is an international treaty the UK signed in 1950. EU Exit will have no direct impact on the UK's obligations under the ECHR.
- 4.5 The Examiner has now issued his report and recommends a number of modifications which are necessary to ensure that the Langford and Ulting Neighbourhood Plan meets the basic conditions. A copy of the Examiner's report is attached at **APPENDIX 1**.
- 4.6 The Examiner's conclusion is that, subject to the modifications recommended in the report, the Langford and Ulting Neighbourhood Plan meets the basic conditions and other statutory requirements outlined in the report. The Examiner recommends that, subject to the modifications proposed in the report, the Langford and Ulting Neighbourhood Plan can proceed to referendum.

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<sup>3</sup> Designated under Section 61G of the Localism Act

<sup>4</sup> Basic conditions are set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990

## **5. THE LOCAL PLANNING AUTHORITY'S ROLE**

- 5.1 The Local Planning Authority is responsible for determining whether the plan meets the basic conditions, with or without modifications, and for whether the Neighbourhood Plan should proceed to referendum. It must also decide on whether the referendum area should be extended beyond the Neighbourhood Area.
- 5.2 Once the Council has received the Examiner's report it must decide what action to take. Regulation 18 of the Neighbourhood Plan (General) Regulations 2012 (as amended) states that the local planning authority must decide:
- (a) to decline to consider a plan proposal
  - (b) to refuse a plan proposal
  - (c) what action to take in response to the recommendation of an examiner made in a report
  - (d) what modifications, if any, they are to make to the draft plan;
  - (e) whether to extend the area to which the referendum (or referendums are) to take place; or
  - (f) that they are not satisfied with the plan proposal.
- 5.3 There are no grounds to decline to consider the Neighbourhood Plan under part (a) as this relates to repeat proposals; or to refuse to consider the Plan under part (b) as the legislative requirements have been met.
- 5.4 In relation to part (c), the Examiner has made a series of recommendations; the local authority needs to consider what action to take in relation to these. This is discussed in section 6 of this report. If the authority proposes to make a decision which differs from that recommended by the Examiner then a six week period must be given for people to make representations. If the local authority considers it appropriate then the issue can be referred to further examination.
- 5.5 The local authority must also consider, under part (d) whether there are any other modifications which are required to ensure the basic conditions are met; to ensure the Neighbourhood Plan is compatible with the Convention rights, to ensure the requirements of legislation are met, and to correct errors. Minor modifications, for example to correct errors in the Plan's text are permissible, as they do not impact on the Plan itself. However, if the Council makes other modifications, for example by changing policy, those modifications will be subject to a six week consultation period, and the Council's decision could be open to legal challenge. Officers are not recommending that further modifications are made to the Plan.
- 5.6 The local authority must consider whether to extend the area to which the referendum is held under part (e). this is discussed in section 7 of this report.
- 5.7 If the local authority is not satisfied that the plan meets the basic conditions, is not compatible with Convention rights or requirements of legislation are not met then they must refuse the Neighbourhood Plan under part (f). This is not the case with this Neighbourhood Plan.
- 5.8 The Neighbourhood Plan (General) Regulations 2012 state that a Local Planning Authority must publish the actions which will be taken in response to the recommendations of the Examiner. This is known as a 'Decision Statement'.

## **6. CONSIDERATION OF THE EXAMINER'S REPORT AND PROPOSED MODIFICATIONS**

- 6.1 The Examiner has recommended modifications to ensure that the Plan meets the basic conditions and have the clarity required by national guidance and ensure that the policies do what they are intended to do.
- 6.2 The Examiner recommends detailed changes to some of the policies, so that they comply with the NPPF (2021). In addition, significant changes are recommended to two policies:
- Policy 1 Landscape Features is re-written to comply with the NPPF, whilst still achieving the original intent of the policy
  - Policy 8 Working from Home is re-written for clarity, and to ensure that proposals for working from existing houses is considered in the same context as new dwellings.
- 6.3 Having considered each of the recommendations made in the Examiner's Report and the reasons for them, Officers agree that the Examiner has undertaken a fair examination of the submitted Neighbourhood Plan, properly considering all duly made representations. Officers recommend that the Council accept all of the Examiner's modifications to the draft Plan.
- 6.4 Langford and Ulting Neighbourhood Parish Council has advised that it has agreed with the modifications recommended by the Examiner.
- 6.5 The Examiner's modifications and Officers' recommendations for each of these are set out Table 1 in the draft Decision Statement attached at **APPENDIX 2**.
- 6.6 Officers have considered whether any other modifications are required to ensure that the Neighbourhood Plan meets the required conditions. It is not considered that any additional modifications are required.
- 6.7 Officers consider that, subject to the Examiner's modifications being made to the Plan, the Langford and Ulting Neighbourhood Plan meets the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended), is compatible with the Convention Rights and meets the requirements of paragraph 8(1) of Schedule 4B to the Town and Country Planning Act (as amended).

## **7. REFERENDUM**

- 7.1 It is recommended that Members agree that the modifications to the Plan are made and that the modified Neighbourhood Plan proceeds to referendum. The Neighbourhood Plan incorporating the Examiner's modifications is attached at **APPENDIX 3**.
- 7.2 It is recommended that Members agree the Decision Statement and that this is published as soon as possible and publicised in a manner to meet publicity requirements in the regulations.
- 7.3 The Examiner's required modifications have been made to the Langford and Ulting Neighbourhood Plan.
- 7.4 In relation to the referendum area, the Examiner concluded that there is no reason to alter or extend the Plan area for the purpose of holding a referendum. The Council

agrees with this recommendation and therefore, the area for the referendum should be the Langford and Ulting Neighbourhood Area as approved by Maldon District Council on 23 April 2013 (shown in Appendix 3). The Neighbourhood Area is the same as the parish area.

- 7.5 Once the Council has published the Decision Statement detailing its intention to send a Neighbourhood Plan to referendum, the plan can be given significant weight in decision-making. Therefore, once the Decision Statement has been published, the Council's Development Management team will be able to use the Langford and Ulting Neighbourhood Plan, in determining planning applications within the Langford and Ulting neighbourhood area.
- 7.6 Subject to the decision of Council, the referendum is planned to be held on 16 December 2016.
- 7.7 Following referendum, if more than 50% of those voting, vote yes then the Neighbourhood Plan comes into force and must be 'made' within 8 weeks of the referendum. However, due to the Committee timetable, the first available opportunity to make the Plan will be at Council on 24 February 2022.

## **8. CONCLUSION**

- 8.1 The Langford and Ulting Neighbourhood Plan has been examined by an Independent Examiner. The Examiner has found that subject to modification, the plan meets the relevant legal, procedural and planning tests and can proceed to referendum.
- 8.2 The Council has a statutory duty to decide whether to progress the plan to referendum, with or without modifications, or to refuse the plan. The Council must publish a decision statement setting out the reasons for that decision as soon as possible after making it. The Council must consider each of the Examiner's recommendations, and the reasons for them, and decide what action to take in response.
- 8.3 It is recommended that the Examiner's recommendations are implemented, and that the modified Plan proceeds to Referendum.
- 8.4 Once a Decision Statement is approved and published, a Neighbourhood Plan is given significant weight in decision-making, for determining planning applications within its neighbourhood area.
- 8.5 If Council decides that the Neighbourhood Plan can proceed to referendum, the referendum can be held on 16 December 2021. A neighbourhood plan comes into force once it has been approved at referendum it has the same legal status as the Local Plan and will be used by Development Management to help determine applications for planning permission that are located within the parish boundary.



## 9. IMPACT ON STRATEGIC THEMES

- 9.1 The Neighbourhood Plan supports the three themes of Prosperity, Place and Community through its policies that support business, protect the natural and built environment and protect community facilities in the neighbourhood area.

## 10. IMPLICATIONS

- (i) **Impact on Customers** – The Neighbourhood Plan provides additional localised planning policies for future development in Langford and Ulting. It will help to protect the residential amenity of existing and future residents in Langford and Ulting.
- (ii) **Impact on Equalities** – There are no negative impacts identified.
- (iii) **Impact on Risk** – The decision on the Examiner's Report and whether or not the Plan proceeds to referendum create certainty over the status of the Neighbourhood Plan.
- (iv) **Impact on Resources (financial)** – The Council is required to pay for the Examination and the Referendum. Normally, a Council can apply for a LPA grant once the referendum date has been set. Under the Covid Regulations 2020, once a Council has approved and published the Decision Statement, the Council can apply for the grant, at the next available application window.
- (v) **Impact on Resources (human)** – The referendum is a statutory requirement that will be actioned by the Elections Team.
- (vi) **Impact on the Environment** – The Neighbourhood Plan once made becomes part of the development plan for the district. It provides locally specific policies to assess planning applications against. It should have positive impacts on the environment.
- (vii) **Impact on Strengthening Communities** – The Neighbourhood Plan has been prepared through community engagement and refined through public consultation. The Plan, as modified, provides a local layer of planning policy to support the community's aspirations for the neighbourhood area.

### Background Papers:

- Information on the Langford and Ulting Neighbourhood Plan Area designation, Reg14 and 16 consultations and the Examination can be found on the MDC website at: [https://www.maldon.gov.uk/info/20048/planning\\_policy/8112/community\\_led\\_planning\\_and\\_neighbourhood\\_plans/7](https://www.maldon.gov.uk/info/20048/planning_policy/8112/community_led_planning_and_neighbourhood_plans/7)

Enquiries to: Leonie Alpin Specialist – Local Plan

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# **Langford and Ulting Neighbourhood Development Plan 2014-2029**

**A report to Maldon District Council on the Langford  
and Ulting Neighbourhood Development Plan**

**Andrew Ashcroft  
Independent Examiner  
BA (Hons) M.A. DMS M.R.T.P.I.**

**Director – Andrew Ashcroft Planning Limited**

**Executive Summary**

- 1 I was appointed by Maldon District Council in July 2021 to carry out the independent examination of the Langford and Ulting Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 23 July 2021.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding its local character and its landscape setting.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Langford and Ulting Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

**Andrew Ashcroft**  
**Independent Examiner**  
**9 September 2021**

## 1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Langford and Ulting Neighbourhood Development Plan 2014-2029 (the 'Plan').
- 1.2 The Plan has been submitted to Maldon District Council (MDC) by Langford and Ulting Parish Council (LUPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012 and its updates in 2018, 2019 and 2021. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It has a clear focus on maintaining the character and appearance of the neighbourhood area and safeguarding its natural and heritage assets.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the Plan area and will sit as part of the wider development plan.

## 2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
  - 2.2 I was appointed by MDC, with the consent of LUPC, to conduct the examination of the Plan and to prepare this report. I am independent of both MDC and LUPC. I do not have any interest in any land that may be affected by the Plan.
  - 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.
- Examination Outcomes*
- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
    - (a) that the Plan as submitted proceeds to a referendum; or

- (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
- (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

*Other examination matters*

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
  - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

### **3 Procedural Matters**

- 3.1 In undertaking this examination I have considered the following documents:
- the submitted Plan;
  - the Basic Conditions Statement;
  - the Consultation Statement;
  - the various supporting documents including the Landscape Character Assessment and the Site Assessment (April 2018);
  - the SEA/HRA screening report;
  - the representations made to the Plan;
  - the Parish Council's responses to the Clarification Note;
  - the adopted Maldon District Local Development Plan;
  - the National Planning Policy Framework (July 2021);
  - Planning Practice Guidance (March 2014 and subsequent updates); and
  - relevant Ministerial Statements.
- 3.2 I visited the neighbourhood area on 23 July 2021. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.
- 3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised MDC of this decision once I had received the responses to the clarification note.

## **4 Consultation**

*Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 LUPC has prepared a Consultation Statement. The Statement sets out the mechanisms used to engage all concerned in the plan-making process. The events have taken place over an extensive period which began in the Summer of 2013. This reflects an earlier submission of the Plan which was withdrawn after examination. The Statement also provides specific details about the consultation process that took place on the pre-submission version of the Plan (November to December 2019). It captures the key issues in a proportionate way.
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out at the initial stages of the Plan. They included:
  - the various Focus Group meetings and other opportunities for local residents to become engaged in the Plan;
  - the meetings with landowners (2013 and 2014);
  - the landowners survey (March 2014);
  - the business survey (July 2014);
  - the call for sites (June/July 2017); and
  - the housing needs survey (April 2019).
- 4.4 The Statement also provides details of the way in which LUPC engaged with statutory bodies. It is clear that the process has been proportionate and robust.
- 4.5 Appendix B of the Statement provides specific details on the issues raised during the consultation on pre-submission version of the Plan. It helpfully describes how the Plan was revised to take account of comments made at that stage (and which now feature in the submitted Plan).
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. MDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

#### *Representations Received*

- 4.8 Consultation on the submitted plan was undertaken by MDC and ended on 12 March 2021. This exercise generated comments from the following organisations:
  - National Grid
  - Sport England
  - Natural England
  - CML Microsystems
  - Historic England;
  - Essex County Council.
  - National Grid
  - Watsons Farms

- Anglian Water Services
- Woodham Walter Parish Council

4.9 I have taken account of the various representations in examining the Plan. Where it is appropriate to do so I make specific reference to the individual representations in Section 7 of this report.

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area consists of the combined parishes of Langford and Ulting. Its population in 2011 was 328 persons living in 127 houses. It was designated as a neighbourhood area on 24 April 2013. It is located to the south-east of Witham and the A12 and to the north-west of Maldon/Heybridge. The neighbourhood area is predominantly rural in nature and much of its area is in agricultural use.
- 5.2 The principal settlement in the neighbourhood area is Langford. It is an attractive village based around the intersection of Maldon Road (B1019) and Witham Road (B1018). Its environment is dominated by St Giles Church, the Mill House and the Museum of Power (the former Essex Water Company). The Langford Conservation Area occupies the centre of the village and adjoins the Chelmer and Blackwater Navigation Conservation Area. The other settlement in the neighbourhood area is Ulting. It is smaller than Langford and has a dispersed settlement pattern. It has a close relationship with the River Chelmer which it overlooks from slightly higher ground. It is located in the Chelmer and Blackwater Navigation Conservation Area.
- 5.3 The remainder of the neighbourhood area consists of a very attractive agricultural landscape. The River Chelmer and the River Blackwater dominate its landscape which sits comfortably in the rural landscape to the west of Maldon/Heybridge.

### *Development Plan Context*

- 5.4 The Maldon District Local Development Plan was approved in July 2017. It sets out the basis for future development in the District up to 2029. Langford is identified as one of a series of smaller villages in the Plan's settlement hierarchy (Policy S8). The Plan identifies smaller villages as defined settlements containing few or no services and facilities, with limited or no access to public transport, very limited or no employment opportunities. Ulting is identified as one of a series of other villages with no defined settlement boundary.
- 5.5 Policy S8 of the Local Development Plan offers support for sustainable developments within defined settlement boundaries. It also comments that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. In this context outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for the limited range of development set out for such locations in national policy. Langford has its own defined settlement boundary which closely follows the existing built-up area of the village.
- 5.6 The following other policies in the Local Development Plan are also particularly relevant to the Langford and Ulting Plan:

Policy S7	Prosperous Rural Communities
Policy D1	Design Quality and Built Environment
Policy D2	Climate Change and Environmental Impact of New Development



Policy E3	Community Services and Facilities
Policy E5	Tourism
Policy H2	Housing Mix
Policy N2	Natural Environment and Biodiversity
Policy T1	Sustainable Transport
Policy T2	Accessibility

- 5.7 Section 3 of the Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context. In doing so it has relied on up-to-date information and research that has underpinned previous and existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.
- 5.8 MDC has now embarked on a review of the Local Development Plan (LDP). Consultation on an Issues & Options Report will take place later this year. MDC anticipates that the Plan will be adopted in the latter part of 2023. It has sent letters to parish councils about the potential implication of the LDP Review on neighbourhood plan work. Given that the LDP review is at a very early stage it has no direct impact on the examination of the neighbourhood plan itself. However, it may have an impact on the monitoring and review of the neighbourhood plan in the event that it is made. I address this matter later in this report.
- Unaccompanied Visit*
- 5.9 I visited the neighbourhood area on 23 July 2021.
- 5.10 I drove into Langford from the A12/Hatfield Peverel to the west. This gave me an initial impression of its setting and character in general, and its relationship to the strategic highways network in particular. I saw the scale and location of Oval Park as I approached the village.
- 5.11 I parked in John Thresh Way. I saw the interesting designs of the modern housing and the Museum of Power and its various artefacts.
- 5.12 I walked into the centre of the village. I saw the significance of St Giles Church in the wider context of the village. I also took the opportunity to look at the details of its Norman apse. I also saw the importance of the Mill House in this part of the village.
- 5.13 I also saw the importance of the River Blackwater in the heart of the village.
- 5.14 I then drove to the south east to Heybridge so that I could understand the relationship between the neighbourhood area and Heybridge/Maldon.
- 5.15 I then drove back through Langford and onto Ulting. I saw that it had a different character to that of Langford with a dispersed settlement pattern. I saw All Saints Church and its very distinctive belfry. I also saw its relationship with the River Chelmer.
- 5.16 I finished my visit by driving to Woodham Walter. This helped me to understand the relationship between the different settlements in this part of the District. It also highlighted the significance of the River Chelmer in the neighbourhood area.

## **6 The Neighbourhood Plan and the Basic Conditions**

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

- 6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contribute to the achievement of sustainable development;
  - be in general conformity with the strategic policies of the development plan in the area;
  - be compatible with European Union (EU) obligations and the European Convention on Human Rights (ECHR); and
  - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).
- 6.3 I assess the Plan against the basic conditions under the following headings.  
*National Planning Policies and Guidance*
- 6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in July 2021. The approach in the submitted Basic Conditions Statement is based on the 2019 version of the NPPF which was in force when the Plan was submitted. Where necessary I make specific comments in Section 7 of the report where there are differences between the two versions of the NPPF.
- 6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Langford and Ulting Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Maldon District Local Development Plan;
  - delivering a sufficient supply of homes;
  - building a strong, competitive economy;
  - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
  - taking account of the different roles and characters of different areas;
  - highlighting the importance high quality design and good standards of amenity for all future occupants of land and buildings; and
  - conserving heritage assets in a manner appropriate to their significance.
- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms subject to the recommended modifications included in this report. It sets out a positive vision for the future of the neighbourhood area within the context of its role in the settlement hierarchy. In particular it includes a policy on landscape character areas, and other policies to safeguard its special natural and built environment. The Basic

Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.

- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

*Contributing to sustainable development*

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for infill housing development (Policy 12), to support small businesses (Policy 7) and for home-working (Policy 8). In the social role, it includes policies on community facilities (Policies 10 and 11), and on broadband and mobile phone infrastructure (Policy 13). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on wildlife and biodiversity (Policy 2), and on design (Policy 5). The Parish Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

*General conformity with the strategic policies in the development plan*

- 6.12 I have already commented in detail on the development plan context in Maldon in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

*European Legislation and Habitat Regulations*

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement MDC undertook a screening exercise (October 2020) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process, it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 6.16 The screening report also included a separate Habitats Regulations Assessment (HRA) of the Plan. The HRA report is both thorough and comprehensive. It takes

appropriate account of the significance of the Essex Estuaries SAC, the Blackwater Estuaries SPA/Ramsar and the Dengie SPA/Ramsar.

6.17 It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required. The HRA advises that the principal reasons for this conclusion are:

- there are no sites identified for development in the Neighbourhood Plan;
- the neighbourhood plan focuses on protecting the quality of the village and its environment and it is considered that the Plan's likely impact will have a positive effect on the environment;
- the scale of the development supported by the Neighbourhood Plan is minor, and it is not expected to result in significant effects on the protected sites

The wider process provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.

6.18 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

6.19 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

### *Summary*

6.20 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

## **7 The Neighbourhood Plan policies**

7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions.

7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.

7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan.

This sits at the heart of the localism agenda. In particular it has refined its approach after the examination of an earlier version of the Plan.

- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. It includes a separate section on non-land use aspirations.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

### *The initial section of the Plan (Sections 1-3)*

- 7.8 These initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in a professional way. It makes a very effective use of well-selected photographs and maps. A very clear distinction is made between its policies and the supporting text. It also highlights the links between the Plan's objectives and its resultant policies.
- 7.9 Section 1 sets the background to the Plan. It comments about how the Plan has been prepared and how it will be used within the Plan period. It defines both the neighbourhood area (in Map 1) and the Plan period (in paragraph 1.5). It also sets out the key consultation events that took place during the Plan's evolution. This part of the Plan overlaps with the Consultation Statement. This section also comments about how the Plan will fit into the wider planning system. In this context Diagram 1 is very helpful and informative.
- 7.10 Section 2 describes the neighbourhood area. It does so in a very effective fashion. It is comprehensive in its coverage and includes information on its location, its demographic profile, its accessibility and its economic base. It helpfully sets the scene for the Plan. It concludes by setting out a series of key issues (in paragraph 2.36). This provides both a summary for this section of the Plan and a context for the remainder of the Plan.
- 7.11 Section 3 sets out a comprehensive vision and ten related objectives for the Plan. A key strength of the Plan is the way in which the objectives provide the basis for the resultant policies. In all cases the objectives are distinctive to the neighbourhood area. It is clear that the policies flow from the evidence base and the supporting text.
- 7.12 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

### Policy 1 Landscape Features

- 7.13 The policy is underpinned by LUPC's production of a Landscape Character Assessment. It identifies the particular features that make up the character of the parish. The Assessment identifies five distinct Character Areas as follows:
  - Chelmer and Blackwater Navigation;
  - Langford Conservation Area;
  - Ulting;
  - Fields; and
  - Parkland

The supporting text (paragraphs 4.9 to 4.25) identifies important features for each of the character areas. This is a very impressive and distinctive part of the Plan.

- 7.14 The resulting policy has a close relationship with the character assessment work. It comments that planning permission will be granted for development proposals that do not result in unacceptable harm to natural landscape features that are important to the character and appearance of the area. It continues by commenting that harm or loss of these features will not be permitted unless a landscape strategy, which would compensate for the loss or harm, is secured or where there are overriding public benefits arising from the development.
- 7.15 The intention of the policy flows from the supporting text. However as submitted it does not have the clarity required by the NPPF for a development plan policy. In particular it attempts to comment about the decision which MDC will make on relevant planning applications rather than to set out a policy to assist in that process. I also recommend additions to the supporting text so that its relationship with the policy is clearer. Otherwise, the approach meets the basic conditions. It will do much to deliver the environmental dimension of sustainable development in the parish.

**Replace the policy with:**

**‘Development proposals should be designed to respect the natural landscape features that are important to the character and appearance of the area and as described in the Landscape Character Assessment.**

**Development proposals which would result in an unacceptable harm to the relevant natural features will not be supported unless appropriate mitigation to compensate for the loss or harm is incorporated in the planning application concerned or where there are overriding public benefits arising from the development’**

*At the end of paragraph 4.25 add: ‘Policy 1 seeks to ensure that development proposals take full account of the character and appearance of the Character Area in which they are located’*

#### Policy 2 Protecting and Enhancing Biodiversity

- 7.16 This policy is based around the importance of two key wildlife corridors which form important components of a district-wide ecological network. The Chelmer and Blackwater Navigation is a west-to-east river and canal corridor also featuring a towpath and linear banks which are important green infrastructure routes for leisure users and wildlife. The Blackwater Rail Trail is the route of the dismantled railway which links Maldon to Witham and is a significant corridor for wildlife movement. While not a statutory right of way, the Rail Trail has potential to become an important walking and cycling route in the future. Other locally designated ecological assets include Local Wildlife Sites as identified by Essex Wildlife Trust, designated Ancient Woodlands and water bodies.
- 7.17 The policy comments that all development should protect and where possible enhance biodiversity by complying with six criteria. They include matters such as veteran trees and sustainable drainage. The second part of the policy comments the opportunity for mitigation and the implications for applications which do not follow the approach in the earlier part of the policy.
- 7.18 The approach taken is entirely appropriate. However, the majority of development in the Plan period will be of a minor or domestic nature and will not present the opportunity to provide the types of connections anticipated by the policy. As such I recommend that the first part of the policy is modified so that it can be applied on a proportionate basis. In coming to this judgement, I have taken account of LUPC’s responses to the clarification note.

- 7.19 The second part of the policy is hybrid in its nature. It overlaps with the criteria in the first part and comments about the potential for mitigation. It also indicates that proposals which cause unacceptable harm to biodiversity will not be supported. I recommend that this element of the policy is simplified and that the overlaps with the first part are removed. Otherwise, the approach meets the basic conditions. It will do much to deliver the environmental dimension of sustainable development in the parish.

**At the beginning of the first part of the policy add: ‘As appropriate to their scale, nature and location’**

**Replace the second part of the policy with: ‘Development proposals which would unacceptably harm biodiversity or wildlife will not be supported unless appropriate mitigation or compensatory measures are incorporated into the wider proposal’**

### Policy 3 Recreational Disturbance Avoidance and Mitigation

- 7.20 This policy takes account of an innovative local initiative. The Maldon District Local Development Plan, together with neighbouring local planning authorities’ local plans and neighbourhood plans are likely to adversely affect the integrity of European designated nature conservation sites (‘European Sites’) due to increased recreational pressure from a growing population. Maldon District Council has worked with the other Greater Essex Local Planning Authorities and Natural England on the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).
- 7.21 The Essex Coast RAMS focuses on the mitigation that is necessary to protect the wildlife of the Essex coast from the increased visitor pressure associated with new residential development, in combination with other plans and projects, and how this mitigation will be funded.
- 7.22 MDC adopted the RAMS Supplementary Planning Document in August 2020. In particular it sets out the guidance to be followed in the determination of planning applications and formalises the arrangements for securing the developer contributions for new qualifying residential development.
- 7.23 I am satisfied that the submitted policy is appropriate for the submitted Plan to address this important strategic issue. It reflects the collaborative approach being taken by the relevant local authorities. The incorporation of a policy of this nature will ensure a positive outcome within the submitted Plan to an important strategic matter. It meets the basic conditions.

### Policy 4 Footpaths and Bridleways

- 7.24 The policy makes a connection between access and new development. It comments that new developments should integrate with the current green infrastructure network, and seek to improve the connectivity between wildlife areas and green spaces. It identifies measures such as improving and extending the existing footpath and cycle path network, allowing greater access to housing, schools, work places and retail facilities, green spaces, public open spaces and the countryside.
- 7.25 The approach taken is entirely appropriate. However, the majority of development in the Plan period will be of a minor or domestic nature and will not present the opportunity to provide the types of connections anticipated by the policy. As such I recommend that the policy is modified so that it can be applied on a proportionate basis. Otherwise, it meets the basic conditions.

**At the beginning of the second part of the policy add: 'As appropriate to their scale, nature and location'**

#### Policy 5 Design and Character

- 7.26 The policy seeks to ensure that new buildings should be sympathetic to their surroundings and that alterations to existing buildings should also be carried out sensitively taking account of the location and character of the host property and those around it. It responds positively to the increasingly important national design agenda.
- 7.27 The policy comments that new proposals must plan positively for the achievement of high-quality and inclusive design reinforcing the locally-distinctive and aesthetic qualities of the buildings and landscape in the Parish. It identifies five factors which define good design in the parish.
- 7.28 The policy takes a distinctive approach to this important matter. In general terms it meets the basic conditions. I recommend detailed modifications to the wording used both in the initial part of the policy and in the various design criteria. In turn they will bring the clarity required by the NPPF for a development plan policy.
- 7.29 The Plan was submitted before the publication of the most recent version of the NPPF. The principal changes between the 2019 and 2021 versions of the NPPF relate to design matters. Given that the detailed contents of this policy and the way in which it includes locally-distinctive design criteria and provides clear guidance for developers I am satisfied that the submitted Plan continues to have regard to national policy. Nevertheless, I recommend that the supporting text is expanded to address the 2021 version of the NPPF.
- 7.30 Otherwise, the policy meets the basic conditions. It will assist significantly in delivering the environmental dimension of sustainable development and high-quality design in the parish.
- Replace 'must' with 'should'**  
**In each of the criteria replace 'will' with 'should'**

**In b) replace 'will be discouraged' with 'should be avoided'**

*At the end of paragraph 4.42 add: 'This approach is consistent with the design-led approach as captured in national planning policy. The Plan sets out the Council's approach towards a clear design vision and expectations for development sites. This will ensure that applicants have as much certainty as possible about what is likely to be acceptable'*

#### Policy 6 Historic Environment

- 7.31 This policy applies the approach in the NPPF to the historic environment. The supporting text comments about the diversity and range of the heritage assets in the parish.
- 7.32 The policy has been well-constructed. It meets the basic conditions.

#### Policy 7 Supporting and Encouraging Small Businesses

- 7.33 This policy offers support to employment space for small businesses. It identifies two particular development types. The policy takes account of the rural nature of the



parish where there are a number of small businesses and home workers. Small businesses are defined as those employing up to ten people. The policy takes a positive approach to business development in rural areas. It meets the basic conditions.

- 7.34 CML Microsystems PLC comment that the policy should be broadened so that it offers support to employment development irrespective of the size of the business concerned and its number of employees. Whilst such an approach would have merit it is already captured in national planning policy (paragraphs 84 and 85 of the NPPF). In any event the neighbourhood plan process is designed to allow a qualifying body to include planning policies which it feels to be most relevant to the neighbourhood area concerned.

#### Policy 8 Working from home

- 7.35 Given the rural nature of the parish and the contribution that home workers can make, the policy positively promotes home working opportunities. It does this through encouraging the design of new homes or buildings to incorporate options and possibilities for creating a home office or workspace area.
- 7.36 I recommend that the first part of the policy is modified so that it is fully expressed as a policy. As submitted, it includes elements of supporting text (by way of the examples in the policy)
- 7.37 I recommend that the second part of the policy is reconfigured and then incorporated into the first part. It will ensure that proposals for working from existing houses can be considered in the same context.

**Replace the policy with: 'New dwellings should be designed to enable a home office to be accommodated through the conversion of a garage or roof space or a workspace area or by arranging the internal layout to provide appropriate or dedicated workspace. Development proposals to facilitate home working should retain car parking spaces or provide for replacement or additional parking spaces'**

#### Policy 9 Farm and Other Rural Businesses

- 7.38 This policy offers support to the reuse of farm and other rural buildings for business or tourism purposes. It is a criteria-based policy.
- 7.39 The policy takes an appropriate approach to this matter and which has regard to national policy. I recommend a series of modifications so that the wording used both in the initial part of the policy and in the criteria have the clarity required by the NPPF for a development plan policy. Otherwise, it meets the basic conditions. It will assist significantly in delivering the economic dimension of sustainable development.

**In the opening part of the policy replace 'permitted' with 'supported'**  
**In a) replace 'result in harmful effects' with 'have an unacceptable impact'**  
**Replace b) with 'can be satisfactorily accommodated within the local road network'**  
**In c) replace 'have an acceptable relationship with' with 'be compatible with'**  
**In d) replace 'adversely' with 'unacceptably'**

#### Policy 10 Community Facilities and Services

- 7.40 This policy recognises the important of community facilities to the well-being of the neighbourhood area. It comments that proposals to retain and enhance existing community facilities and services or to provide new ones will be supported. It is a criteria-based policy.
- 7.41 I recommend a detailed modification to the first of the three criteria to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions. It will assist significantly in delivering the social dimension of sustainable development.

**In a) replace ‘not conflict or cause harm’ with ‘not cause unacceptable harm’**

#### Policy 11 Protecting Community Facilities and Services

- 7.42 This policy continues the approach taken in Policy 10. It comments that proposals for the change of use of premises or the redevelopment of sites that provide community facilities or services will only be permitted in certain circumstances.
- 7.43 As submitted the policy requires that any such application satisfies both of the criteria. However, this may not always be practicable. In any event the two criteria are themselves exceptional circumstances which would warrant supporting the proposed development.
- 7.44 I also recommend a detailed modification to the wording used in the initial part of the policy. Otherwise, it meets the basic conditions. It will assist significantly in delivering the social dimension of sustainable development.

**In the opening part of the policy replace ‘permitted’ with ‘supported’**

**At the end of the first criterion replace ‘and’ with ‘or’**

#### Policy 12 New Housing

- 7.45 The policy sets out the Plan’s approach to infill development. It comments that small-scale infill residential development within the settlement boundary of Langford that does not impact adversely on the character and appearance of the surrounding area or living conditions of future occupiers and neighbouring occupiers will be supported. In particular it requires that proposals should respect the characteristics and local distinctiveness of the Langford Conservation Area. Proposals will be expected to have a direct highway frontage
- 7.46 It is a comprehensive policy which takes account both of the work on the Character Appraisal and the importance of the Langford Conservation Area. I recommend a detailed modification to the wording used in the policy. Otherwise, it meets the basic conditions. It will provide a clear context for infill development.
- 7.47 CML Microsystems PLC comments that a modest amount of housing can be secured at Oval Park which will secure further employment use, comply with the mixed-use provisions of Local Plan Policy E1 and have a significant affordable component. Whilst the representation acknowledges that the site is outside the settlement limit of the village, it asserts that it can offer sustainability benefits through integrating employment and residential use and that accessibility can be significantly enhanced. An additional element of the policy is proposed in the representation.
- 7.48 I have considered this matter very carefully. In doing so I have taken account of LUPC’s response to the invitation to comment on the representations in the clarification note. Based on all the information available to me I am not convinced that the proposed additional element of the policy is either necessary or appropriate. MDC has determined a series of planning applications for residential development at Oval Park based on national and local

planning policies. In any event Oval Park is remotely-located in relation to Langford (approximately 800 metres to its north west). Any housing on the site would be self-contained both within the context of Langford village and the wider neighbourhood area.

**Replace 'impact adversely' with 'unacceptably impact'**

**Policy 13 New Broadband and Mobile Infrastructure**

- 7.49 The policy has two related parts. The first offers support for new broadband and mobile phone infrastructure. The second comments that all new residential and commercial developments should be designed to be served by a fast and reliable broadband connection to the premises.
- 7.50 The policy responds positively to this increasingly important matter. In particular it builds in appropriate environmental and operational safeguards. Some elements of such infrastructure benefit from permitted development rights or are administered through the prior notification regime. I recommend modifications to the policy to address these matters. Otherwise, it meets the basic conditions. It will assist significantly in delivering the economic and the social dimensions of sustainable development.
- Replace the opening element of the first part of the policy with: 'Insofar as planning permission is required proposals for the installation of new Broadband and mobile phone infrastructure will be supported provided that:'**

**Community Aspirations**

- 7.51 The Plan includes a series of Aspirations. They are issues where the residents of the parish have expressed a strong view, but which are not land use based. They are included in a separate part of the Plan in accordance with national guidance.
- 7.52 The Aspirations are as follows:
- a 30mph speed limit on B1019/1018 through the whole of Langford including Maldon Road, Hatfield Road and Witham Road. With the additional 11 houses at the old waterworks site and two more large houses by the railway bridge this becomes more feasible;
  - a 30mph speed limit on Maypole Road. This may well be achieved with the advent of the North Heybridge Garden Suburb development; and
  - a reduced speed limit on B1019 between the Langford and Ulting village gateways.

- 7.53 I am satisfied that the aspirations are both appropriate to the parish and locally distinctive.

**Monitoring and Review**

- 7.54 Section 5 of the Plan (and paragraphs 5.4 and 5.5 in particular) addresses the way in which a 'made' Plan would be monitored and reviewed. They comment that a full or partial review of this Plan may be triggered by changes to legislation, changes to national or District-wide planning policies or significant planning issues being raised by the local community which cannot be dealt with effectively by a combination of national, district and/or existing Neighbourhood Plan policies. Throughout the Plan period, the Parish Council indicates that it will seek to maintain and develop its working relationship with MDC and other organisations as well as engaging with its residents and the community. This is best practice.
- 7.55 In its response to the clarification note LUPC provided a copy of a letter to parish councils from MDC on the implications of its review of the Local Development Plan (LDP). Plainly only time will tell the extent to which a 'made' neighbourhood plan (assessed against the

existing LDP) would remain in general conformity with the review of the Plan. This is an important matter as the planning system attaches greatest weight to the plan which has most recently become part of the development plan where there is any conflict between the various sets of policies. In this context I recommend a modification to Section 5 so that the review of the LDP is specifically addressed together with the importance of LUPC assessing the need or otherwise for a review of the neighbourhood plan at the point at which the LDP Review is adopted.

*At the end of paragraph 5.4 add: 'The District Council has now embarked on a review of the Local Development Plan. It is anticipated that the Plan will be adopted in late 2023. This will be an important event for the local planning policy context. The Parish Council will assess the need for a review of the neighbourhood plan within six months of the adoption of the emerging Local Development Plan Review'*

#### Other matters – General

- 7.56 This report has recommended a series of modifications both to the policies and to the text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for MDC and LUPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

*Modification of general text (where necessary) to achieve consistency with the modified policies.*

## 8 Summary and Conclusions

### *Summary*

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2029. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that Langford and Ulting Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

### *Conclusion*

- 8.3 On the basis of the findings in this report I recommend to Maldon District Council that subject to the incorporation of the modifications set out in this report that the Langford and Ulting Neighbourhood Development Plan should proceed to referendum.

### *Referendum Area*

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as originally approved by Maldon District Council on 24 April 2013.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft  
Independent Examiner  
9 September 2021

DRAFT

## APPENDIX 2 DRAFT DECISION STATEMENT



**Maldon District Council**  
**Langford & Ulting Neighbourhood Plan Decision Statement**

**Summary**

1. Following an independent examination, Maldon District Council confirms that the Langford & Ulting Parish Neighbourhood Plan, as recommended to be modified by the Examiner, will proceed to a Neighbourhood Planning Referendum.
2. This 'decision statement' sets out Maldon District Council's response to each of the Examiner's recommendations.
3. The referendum will be held on 16 December 2021.

**Background**

4. The Langford & Ulting Parish Neighbourhood Plan relates to the area that was designated by the Council as a Neighbourhood Area on 24 April 2013. This area is coterminous with the Langford & Ulting Parish boundary and is entirely within the Local Planning Authority area.
5. Langford & Ulting Parish Council undertook pre-submission consultation on the draft Plan in accordance with Regulation 14 (November – December 2019).
6. Following the submission of the Langford & Ulting Neighbourhood Plan to the Council in November 2020 the Council publicised the draft Plan for a six-week period and representations were invited in accordance with Regulation 16. The publicity period ended on 12 March 2021.
7. The Council appointed Mr Andrew Ashcroft, with the consent of Langford & Ulting Parish Council, to undertake the examination of the Langford & Ulting Neighbourhood Plan. The Examiner's Report was sent to the District Council and Langford & Ulting Parish Council on 09 September 2021.

**Decision and reasons**

8. The Examiner's Report concludes that subject to making the recommended modifications, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum. The Examiner also recommends that the referendum area is based on the Neighbourhood Area that was designated by the Council in April 2013.
9. The Neighbourhood Planning (General) Regulations 2012 (as amended) requires in Regulation 18 for the local planning authority to outline what action to take in response to the recommendations of an Examiner in relation to a Neighbourhood Plan.

10. Having considered each of the recommendations in the Examiner's report and the reasons for them, the Council, with the agreement of Langford & Ulting Parish Council, has decided to accept the recommended modifications to the Langford & Ulting Parish Neighbourhood Plan set out in Table 1 below. This decision was made at Council on 04 November 2021.
11. The Council considers that subject to the modifications set out in Table 1 below, the Plan meets the basic conditions set out in the legislation.
12. The Council is also required to consider whether to extend the area to which the referendum is to take place under Regulation 18(1e). The Examiner recommended that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Maldon District Council as a Neighbourhood Area. The Council has considered this recommendation and the reasons for it, and has decided to accept it.
13. The referendum on the Langford & Ulting Neighbourhood Plan will be based on the designated Langford & Ulting Parish Neighbourhood Area (see map on page 8)
14. To meet the requirements of the Localism Act 2011, a referendum which poses the question "*Do you want Maldon District Council to use the Neighbourhood Plan for Langford & Ulting to help it decide planning applications in the neighbourhood area?*", will be held on 16 December 2021.

05 November 2021

Table 1 LUNP Independent Examiner's recommended changes

KeyUnderlined text is new text~~Crossed out text (example)~~ is deleted

Section/ policy	Examiner's recommended changes	Local Authority decision and reason
Para 4.25	At the end of the policy add:  <u>Policy 1 seeks to ensure that development proposals take full account of the character and appearance of the Character Area in which they are located.</u>	Agreed. The additional text makes the relationship between the supporting text and the policy clearer.
Policy 1 Landscape Features	Replace policy:  <u>Development proposals should be designed to respect the natural landscape features that are important to the character and appearance of the area and as described in the Landscape Character Assessment.</u>  <u>Development proposals which would result in an unacceptable harm to the relevant natural features will not be supported unless appropriate mitigation to compensate for the loss or harm is incorporated in the planning application concerned or where there are overriding public benefits arising from the development.</u>	Agreed. The replacement text provides the policy clarity, as required by the NPPF
Policy 2 Protecting and Enhancing Biodiversity	<u>As appropriate to their scale, nature and location</u> all development should protect and where appropriate enhance biodiversity by:  a) protecting designated sites, protected species and ancient and species-rich hedgerows, grasslands and woodlands; and b) preserving ecological networks, and the migration and transit of flora and fauna; and c) protecting ancient trees or veteran trees of arboricultural value, or ancient woodlands; and d) promoting the mitigation, preservation, restoration and recreation of wildlife habitats, and the protection and recovery of priority species; and e) providing a net gain in flora and fauna; and f) adopting best practice in sustainable drainage.  <u>Development proposals which would unacceptably harm biodiversity or wildlife will not be supported unless appropriate mitigation or compensatory measures are incorporated into the wider proposal.</u>  <del>Proposals will demonstrate that ecological considerations have been properly assessed in relation to the application site and those adjacent to it where appropriate. Where necessary appropriate</del>	Agreed. Any policy requirements need to be in proportion to the development proposed.  Replacement text is clearer and more concise

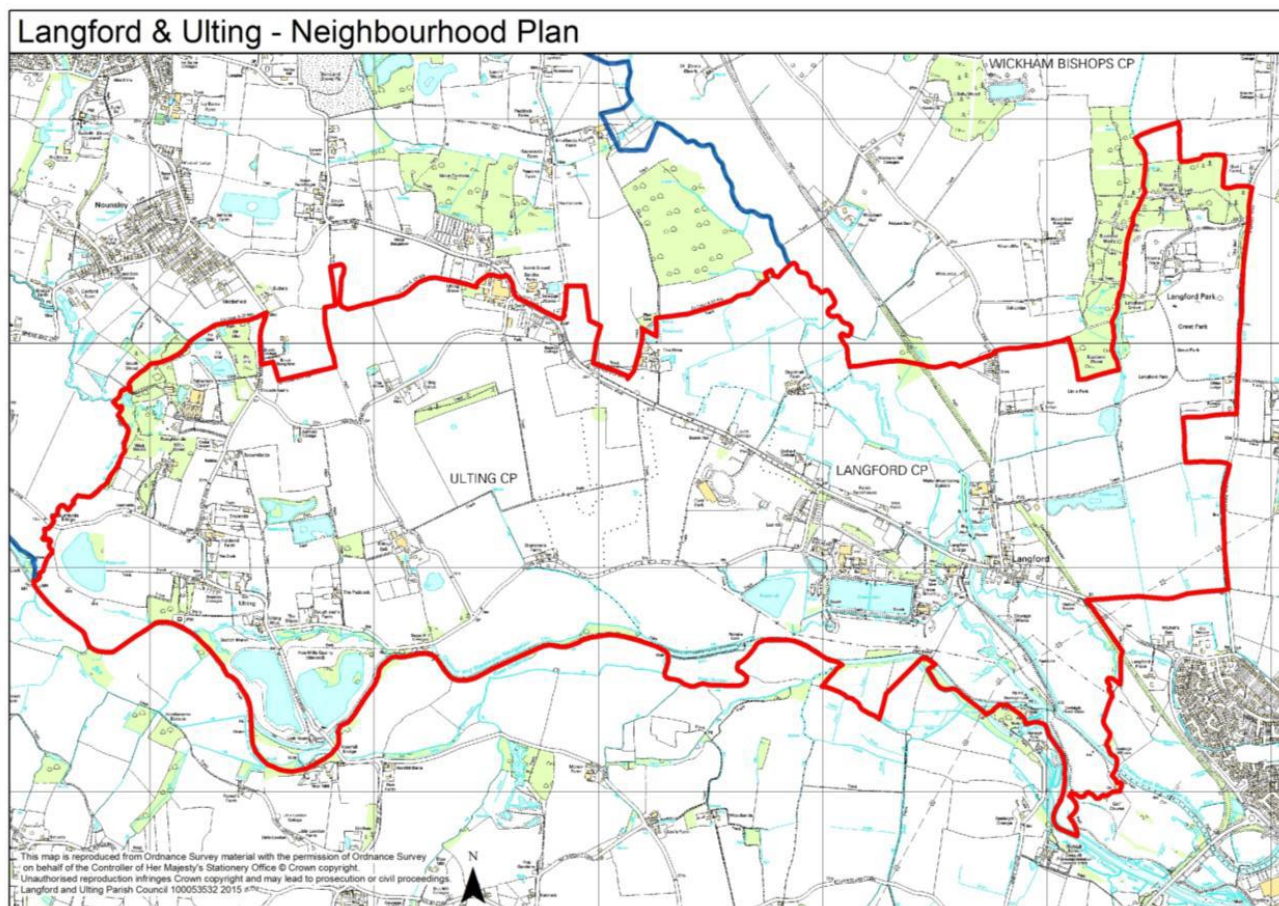


Section/ policy	Examiner's recommended changes	Local Authority decision and reason
	<del>mitigation or compensatory measures will be carried out. Where this is not possible and the development would harm biodiversity applications will be refused unless material considerations dictate otherwise.</del>	
Policy 4 Footpaths and Bridleways	Existing footpaths, cycle routes and bridleways provide good opportunities for well-connected access to local destinations by sustainable modes of transport across the parish and provide a high level of recreation and amenity value.  <u>As appropriate to their scale, nature and location</u> new developments should integrate with the current green infrastructure network, seeking to improve the connectivity between wildlife areas and green spaces through measures such as improving and extending the existing footpath and cycle path network, allowing greater access to housing, schools, work places and retail facilities, green spaces, public open spaces and the countryside.	Agreed. Any policy requirements need to be in proportion to the development proposed
Para 4.42	At the end of paragraph 4.42 add: <u>This approach is consistent with the design-led approach as captured in national planning policy. The Plan sets out the Council's approach towards a clear design vision and expectations for development sites. This will ensure that applicants have as much certainty as possible about what is likely to be acceptable.</u>	Agreed The policy conforms with the 2021 version of the NPPF.
Policy 5 Design and Character	Proposals <del>must</del> <u>should</u> plan positively for the achievement of high quality and inclusive design reinforcing the locally distinctive and aesthetic qualities of the buildings and landscape in the Parish. This means that:  a) new buildings, alterations and extensions to existing buildings, <del>will</del> <u>should</u> be individually designed but take their cue from the scale and character, form and materials of existing buildings, and where relevant the host building; and b) traditional boundary treatments <del>will</del> <u>should</u> be respected and reinforced and high walls and fences <del>should be avoided</del> <u>will be discouraged</u> ; and c) plot sizes and widths and gardens <del>will</del> <u>should</u> reflect the existing grain and pattern of development in the locality; and d) good quality materials <del>will</del> <u>should</u> be used; and e) new development <del>will</del> <u>should</u> respect the historic environment of our Parish	Agreed The policy conforms with the 2021 version of the NPPF.
Policy 8 Working from Home	Replace policy:  <u>New dwellings should be designed to enable a home office to be accommodated through the conversion</u>	Agreed The policy is clearer and ensures that proposals for working

Section/ policy	Examiner's recommended changes	Local Authority decision and reason
	<p><u>of a garage or roof space or a workspace area or by arranging the internal layout to provide appropriate or dedicated workspace. Development proposals to facilitate home working should retain car parking spaces or provide for replacement or additional parking spaces.</u></p>	<p>from existing houses is considered in the same context as new dwellings.</p>
<p>Policy 9 Farm and Other Rural Businesses</p>	<p>The reuse of farm and other rural buildings will be <del>permitted</del> <u>supported</u> for business or tourism purposes provided that the proposed use:</p> <p>a) would not <del>result in harmful effects</del> <u>have an unacceptable impact</u> on the surrounding landscape; and</p> <p>b) <del>would have an acceptable impact on the road network;</del> <u>can be satisfactorily accommodated within the local road network and</u></p> <p>c) would <del>have an acceptable relationship with</del> <u>be compatible with</u> agricultural and other land based activities; and</p> <p>d) would not <del>adversely</del> <u>unacceptably</u> harm the amenities of adjoining or nearby residential occupiers; and</p> <p>e) the building in question can be converted to a high standard using materials sympathetic to the local palette.</p>	<p>Agreed There may be other issues that preclude the granting of planning permission/prior approval</p>
<p>Policy 10 Community Facilities and Services</p>	<p>Proposals to retain and enhance existing community facilities and services or to provide new ones will be supported provided that:</p> <p>a) the service or facility does <del>not conflict or cause harm</del> <u>not cause unacceptable harm</u> to the amenity of nearby residential uses; and</p> <p>b) the proposal would not lead to unacceptable traffic congestion or adversely affect the free-flow of traffic; and</p> <p>c) access arrangements are satisfactory and an appropriate level of parking can be provided.</p>	<p>Agreed The policy conforms with the 2021 version of the NPPF.</p>
<p>Policy 11 Protecting Community Facilities and Services</p>	<p>The change of use of premises or redevelopment of sites that provide valued community facilities or services will only be <del>permitted</del> <u>supported</u> where:</p> <p>a) the premises or site cannot be readily used for, or converted to any other community facility; <del>and or</del></p> <p>b) the facility or service which will be lost will be adequately supplied or met by an existing or new facility in the locality or settlement which shall be equivalent to or better than the facility that is being lost in terms of both quantity and quality</p>	<p>Agreed There may be other issues that preclude the granting of planning permission/prior approval. Some types of development benefit from permitted development rights. Either of the criteria would warrant supporting proposed development; a proposal does not need to satisfy both criteria.</p>

Section/ policy	Examiner's recommended changes	Local Authority decision and reason
Policy 12 New Housing	Small-scale infill residential development within the settlement boundary of Langford that does not <del>impact adversely</del> <u>unacceptably impact</u> on the character and appearance of the surrounding area or living conditions of future occupiers and neighbouring occupiers will be supported where it complies with other policies in the Neighbourhood Plan and the Maldon District Local Development Plan. In particular proposals should respect the characteristics and local distinctiveness of the Langford Conservation Area. Proposals will be expected to have a direct highway frontage.	Agreed The policy conforms with the 2021 version of the NPPF
Policy 13 New Broadband and Mobile Infrastructure	<p><del>Support will be given to the installation of new infrastructure provided that:</del> <u>Insofar as planning permission is required proposals for the installation of new Broadband and mobile phone infrastructure will be supported provided that:</u></p> <ul style="list-style-type: none"> <li>• Infrastructure is fully integrated into the design of future development proposals; and</li> <li>• Where new masts or structures are required, they should be sympathetic to their surroundings.</li> </ul> <p>All new residential and commercial developments should be designed to be served by a fast and reliable broadband connection to the premises. Connection should include the installation of appropriate cabling within the homes or business units as well as a fully enabled connection of the developed areas to the full main telecommunications network to provide the fastest available broadband access.</p>	Agreed Some elements of infrastructure benefit from permitted development rights or are administered through the prior notification regime.
Monitoring and review	At the end of paragraph 5.4 add: <u>The District Council has now embarked on a review of the Local Development Plan. It is anticipated that the Plan will be adopted in late 2023. This will be an important event for the local planning policy context. The Parish Council will assess the need for a review of the neighbourhood plan within six months of the adoption of the emerging Local Development Plan Review.</u>	Agreed. This updates the NP by referencing the LDP Review.
Other matters	Recommend modification of general text (where necessary) to achieve consistency with the modified policies.	Noted This provides flexibility to make consequential changes to the general text as needed.

## Langford and Ulting Neighbourhood Plan Area



**DRAFT DECISION STATEMENT****Maldon District Council  
Langford & Ulting Neighbourhood Plan Decision Statement****Summary**

1. Following an independent examination, Maldon District Council confirms that the Langford & Ulting Parish Neighbourhood Plan, as recommended to be modified by the Examiner, will proceed to a Neighbourhood Planning Referendum.
2. This 'decision statement' sets out Maldon District Council's response to each of the Examiner's recommendations.
3. The referendum will be held on 16 December 2021.

**Background**

4. The Langford & Ulting Parish Neighbourhood Plan relates to the area that was designated by the Council as a Neighbourhood Area on 24 April 2013. This area is coterminous with the Langford & Ulting Parish boundary and is entirely within the Local Planning Authority area.
5. Langford & Ulting Parish Council undertook pre-submission consultation on the draft Plan in accordance with Regulation 14 (November – December 2019).
6. Following the submission of the Langford & Ulting Neighbourhood Plan to the Council in November 2020 the Council publicised the draft Plan for a six-week period and representations were invited in accordance with Regulation 16. The publicity period ended on 12 March 2021.
7. The Council appointed Mr Andrew Ashcroft, with the consent of Langford & Ulting Parish Council, to undertake the examination of the Langford & Ulting Neighbourhood Plan. The Examiner's Report was sent to the District Council and Langford & Ulting Parish Council on 09 September 2021.

**Decision and reasons**

8. The Examiner's Report concludes that subject to making the recommended modifications, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum. The Examiner also recommends that the referendum area is based on the Neighbourhood Area that was designated by the Council in April 2013.

9. The Neighbourhood Planning (General) Regulations 2012 (as amended) requires in Regulation 18 for the local planning authority to outline what action to take in response to the recommendations of an Examiner in relation to a Neighbourhood Plan.
10. Having considered each of the recommendations in the Examiner's report and the reasons for them, the Council, with the agreement of Langford & Ulting Parish Council, has decided to accept the recommended modifications to the Langford & Ulting Parish Neighbourhood Plan set out in Table 1 below. This decision was made at Council on 04 November 2021.
11. The Council considers that subject to the modifications set out in Table 1 below, the Plan meets the basic conditions set out in the legislation.
12. The Council is also required to consider whether to extend the area to which the referendum is to take place under Regulation 18(1e). The Examiner recommended that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Maldon District Council as a Neighbourhood Area. The Council has considered this recommendation and the reasons for it, and has decided to accept it.
13. The referendum on the Langford & Ulting Neighbourhood Plan will be based on the designated Langford & Ulting Parish Neighbourhood Area (see map on page 8)
14. To meet the requirements of the Localism Act 2011, a referendum which poses the question "*Do you want Maldon District Council to use the Neighbourhood Plan for Langford & Ulting to help it decide planning applications in the neighbourhood area?*", will be held on 16 December 2021.

05 November 2021

**Table 1 LUNP Independent Examiner's recommended changes**KeyUnderlined text is new text

Crossed out text (example) is deleted

<b>Section/ policy</b>	<b>Examiner's recommended changes</b>	<b>Local Authority decision and reason</b>
Para 4.25	<p>At the end of the policy add:</p> <p><u>Policy 1 seeks to ensure that development proposals take full account of the character and appearance of the Character Area in which they are located.</u></p>	Agreed. The additional text makes the relationship between the supporting text and the policy clearer.
Policy 1 Landscape Features	<p>Replace policy:</p> <p><u>Development proposals should be designed to respect the natural landscape features that are important to the character and appearance of the area and as described in the Landscape Character Assessment.</u></p> <p><u>Development proposals which would result in an unacceptable harm to the relevant natural features will not be supported unless appropriate mitigation to compensate for the loss or harm is incorporated in the planning application concerned or where there are overriding public benefits arising from the development.</u></p>	Agreed. The replacement text provides the policy clarity, as required by the NPPF
Policy 2 Protecting and Enhancing Biodiversity	<p><u>As appropriate to their scale, nature and location</u> all development should protect and where appropriate enhance biodiversity by:</p> <ul style="list-style-type: none"> <li>a) protecting designated sites, protected species and ancient and species-rich hedgerows, grasslands and woodlands; and</li> <li>b) preserving ecological networks, and the migration and transit of flora and fauna; and</li> <li>c) protecting ancient trees or veteran trees of arboricultural value, or ancient woodlands; and</li> <li>d) promoting the mitigation, preservation, restoration and recreation of wildlife habitats, and the protection and recovery of priority species; and</li> <li>e) providing a net gain in flora and fauna; and</li> <li>f) adopting best practice in sustainable drainage.</li> </ul>	<p>Agreed.</p> <p>Any policy requirements need to be in proportion to the development proposed.</p> <p>Replacement text is clearer and more concise</p>

Section/ policy	Examiner's recommended changes	Local Authority decision and reason
	<p><u>Development proposals which would unacceptably harm biodiversity or wildlife will not be supported unless appropriate mitigation or compensatory measures are incorporated into the wider proposal.</u></p> <p><del>Proposals will demonstrate that ecological considerations have been properly assessed in relation to the application site and those adjacent to it where appropriate. Where necessary appropriate mitigation or compensatory measures will be carried out. Where this is not possible and the development would harm biodiversity applications will be refused unless material considerations dictate otherwise.</del></p>	
Policy 4 Footpaths and Bridleways	<p>Existing footpaths, cycle routes and bridleways provide good opportunities for well-connected access to local destinations by sustainable modes of transport across the parish and provide a high level of recreation and amenity value.</p> <p><u>As appropriate to their scale, nature and location</u> new developments should integrate with the current green infrastructure network, seeking to improve the connectivity between wildlife areas and green spaces through measures such as improving and extending the existing footpath and cycle path network, allowing greater access to housing, schools, work places and retail facilities, green spaces, public open spaces and the countryside.</p>	Agreed. Any policy requirements need to be in proportion to the development proposed
Para 4.42	<p>At the end of paragraph 4.42 add: <u>This approach is consistent with the design-led approach as captured in national planning policy. The Plan sets out the Council's approach towards a clear design vision and expectations for development sites. This will ensure that applicants have as much certainty as possible about what is likely to be acceptable.</u></p>	Agreed The policy conforms with the 2021 version of the NPPF.
Policy 5 Design and Character	<p><del>Proposals must</del> <u>should</u> plan positively for the achievement of high quality and inclusive design reinforcing the locally distinctive and aesthetic qualities of the buildings and landscape in the</p>	Agreed The policy conforms with the 2021 version of the

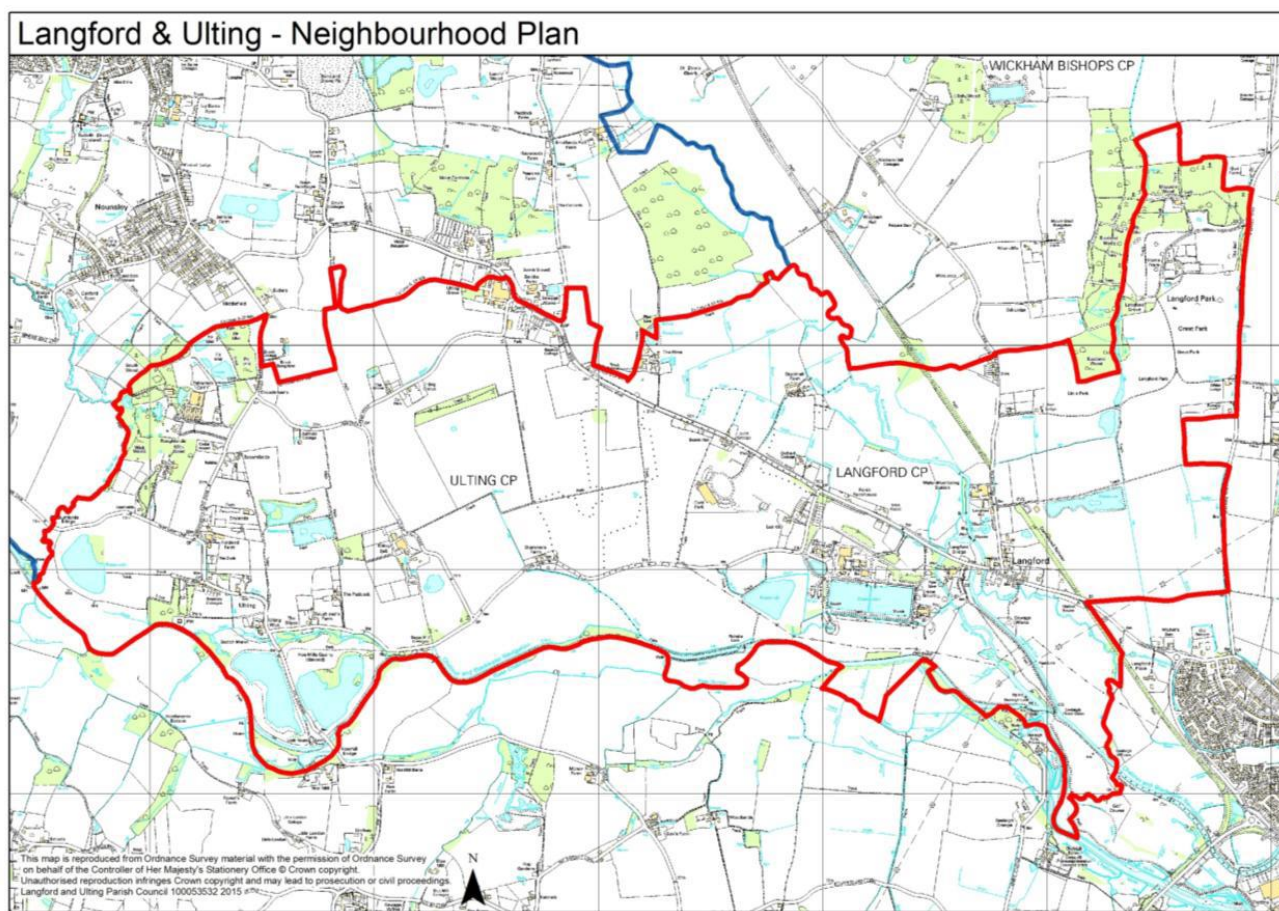


Section/ policy	Examiner's recommended changes	Local Authority decision and reason
	<p>Parish. This means that:</p> <p>a) new buildings, alterations and extensions to existing buildings, <del>will</del> <u>should</u> be individually designed but take their cue from the scale and character, form and materials of existing buildings, and where relevant the host building; and</p> <p>b) traditional boundary treatments <del>will</del> <u>should</u> be respected and reinforced and high walls and fences <u>should be avoided</u> <del>will be discouraged</del>; and</p> <p>c) plot sizes and widths and gardens <del>will</del> <u>should</u> reflect the existing grain and pattern of development in the locality; and</p> <p>d) good quality materials <del>will</del> <u>should</u> be used; and</p> <p>e) new development <del>will</del> <u>should</u> respect the historic environment of our Parish</p>	NPPF.
Policy 8 Working from Home	<p>Replace policy:</p> <p><u>New dwellings should be designed to enable a home office to be accommodated through the conversion of a garage or roof space or a workspace area or by arranging the internal layout to provide appropriate or dedicated workspace. Development proposals to facilitate home working should retain car parking spaces or provide for replacement or additional parking spaces.</u></p>	<p>Agreed</p> <p>The policy is clearer and ensures that proposals for working from existing houses is considered in the same context as new dwellings.</p>
Policy 9 Farm and Other Rural Businesses	<p>The reuse of farm and other rural buildings will be <del>permitted</del> <u>supported</u> for business or tourism purposes provided that the proposed use:</p> <p>a) would not <del>result in harmful effects</del> <u>have an unacceptable impact</u> on the surrounding landscape; and</p> <p>b) <del>would have an acceptable impact on the road network;</del> <u>can be satisfactorily accommodated within the local road network</u> and</p> <p>c) would <del>have an acceptable relationship with</del> <u>be compatible with</u> agricultural and other land based activities; and</p> <p>d) would not <del>adversely</del> <u>unacceptably</u> harm the amenities of adjoining or nearby residential occupiers; and</p> <p>e) the building in question can be converted to a</p>	<p>Agreed</p> <p>There may be other issues that preclude the granting of planning permission/prior approval</p>

Section/ policy	Examiner's recommended changes	Local Authority decision and reason
	high standard using materials sympathetic to the local palette.	
Policy 10 Community Facilities and Services	Proposals to retain and enhance existing community facilities and services or to provide new ones will be supported provided that:  a) the service or facility does <del>not conflict or cause harm</del> <u>not cause unacceptable harm</u> to the amenity of nearby residential uses; and b) the proposal would not lead to unacceptable traffic congestion or adversely affect the free-flow of traffic; and c) access arrangements are satisfactory and an appropriate level of parking can be provided.	Agreed The policy conforms with the 2021 version of the NPPF.
Policy 11 Protecting Community Facilities and Services	The change of use of premises or redevelopment of sites that provide valued community facilities or services will only be <del>permitted</del> <u>supported</u> where:  a) the premises or site cannot be readily used for, or converted to any other community facility; <del>and or</del> b) the facility or service which will be lost will be adequately supplied or met by an existing or new facility in the locality or settlement which shall be equivalent to or better than the facility that is being lost in terms of both quantity and quality	Agreed There may be other issues that preclude the granting of planning permission/ prior approval. Some types of development benefit from permitted development rights. Either of the criteria would warrant supporting proposed development; a proposal does not need to satisfy both criteria.
Policy 12 New Housing	Small-scale infill residential development within the settlement boundary of Langford that does not <del>impact adversely</del> <u>unacceptably impact</u> on the character and appearance of the surrounding area or living conditions of future occupiers and neighbouring occupiers will be supported where it complies with other policies in the Neighbourhood Plan and the Maldon District Local Development Plan. In particular proposals should respect the characteristics and local distinctiveness of the Langford Conservation Area. Proposals will be expected to have a direct highway frontage.	Agreed The policy conforms with the 2021 version of the NPPF
Policy 13 New	<del>Support will be given to the installation of new infrastructure provided that:</del> <u>Insofar as planning</u>	Agreed Some elements of

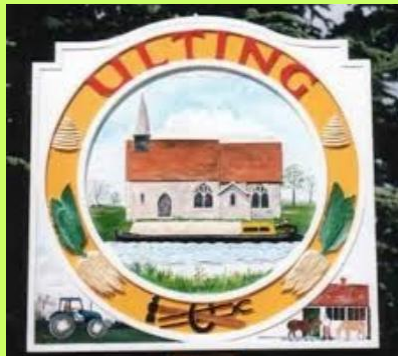
Section/ policy	Examiner's recommended changes	Local Authority decision and reason
Broadband and Mobile Infrastructur e	<p><u>permission is required proposals for the installation of new Broadband and mobile phone infrastructure will be supported provided that:</u></p> <ul style="list-style-type: none"> <li>• Infrastructure is fully integrated into the design of future development proposals; and</li> <li>• Where new masts or structures are required, they should be sympathetic to their surroundings.</li> </ul> <p>All new residential and commercial developments should be designed to be served by a fast and reliable broadband connection to the premises. Connection should include the installation of appropriate cabling within the homes or business units as well as a fully enabled connection of the developed areas to the full main telecommunications network to provide the fastest available broadband access.</p>	infrastructure benefit from permitted development rights or are administered through the prior notification regime.
Monitoring and review	<p>At the end of paragraph 5.4 add:  <u>The District Council has now embarked on a review of the Local Development Plan. It is anticipated that the Plan will be adopted in late 2023. This will be an important event for the local planning policy context. The Parish Council will assess the need for a review of the neighbourhood plan within six months of the adoption of the emerging Local Development Plan Review.</u></p>	Agreed. This updates the NP by referencing the LDP Review.
Other matters	Recommend modification of general text (where necessary) to achieve consistency with the modified policies.	Noted This provides flexibility to make consequential changes to the general text as needed.

## Langford and Ulting Neighbourhood Plan Area





# Langford & Ulting Neighbourhood Plan 2014 - 2029





C. S.

## Foreword

Langford and Ulting are two very small villages historically closely linked to agriculture and in more recent times to the water company. The rural history is still reflected in the community today and the water company is still very much in evidence. It is a green and very pleasant place to live with the Chelmer and Blackwater Conservation Area at its heart and many interesting, beautiful and historic buildings scattered through the two communities.

In 2011 the Localism Act was introduced and a couple of years later the Parish Council decided that we should produce a Neighbourhood Plan to give us a voice in the future of our communities' development. Thus it was that I was asked to set up a Steering Group with Jenny Clemo, our Parish Clerk, and so our journey began.

Over the years we have engaged with our community with questionnaires, focus groups and engagement meetings at our annual art shows, village picnics and at any event where residents gathered in any number. We have, over the years, experienced real enthusiasm from a large number of people many of whom have given their help generously and we have been able to use their many talents freely. We have had great help from the Rural Community Council of Essex, Planning Aid, AECOM and Locality – the latter through their extremely good Planning Camps which were so informative and useful. Our most recent task has been to update all of the information contained within the Plan to bring it right up to date.

The very reason we started on this journey, being a small community, has turned out to be a benefit. The results of the surveys, questionnaires and other community engagement events showed that a large majority of residents wanted the same things for the future in our villages and this makes it possible for the final plan to really deliver the aspirations and aims of our communities; to embrace and manage change whilst allowing Langford and Ulting to continue to be a green and pleasant place to live.

**Vicky Anfilogoff**

Chairman

Langford & Ulting Parish Council and Neighbourhood Plan Steering Group



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## Section 1 - Introduction

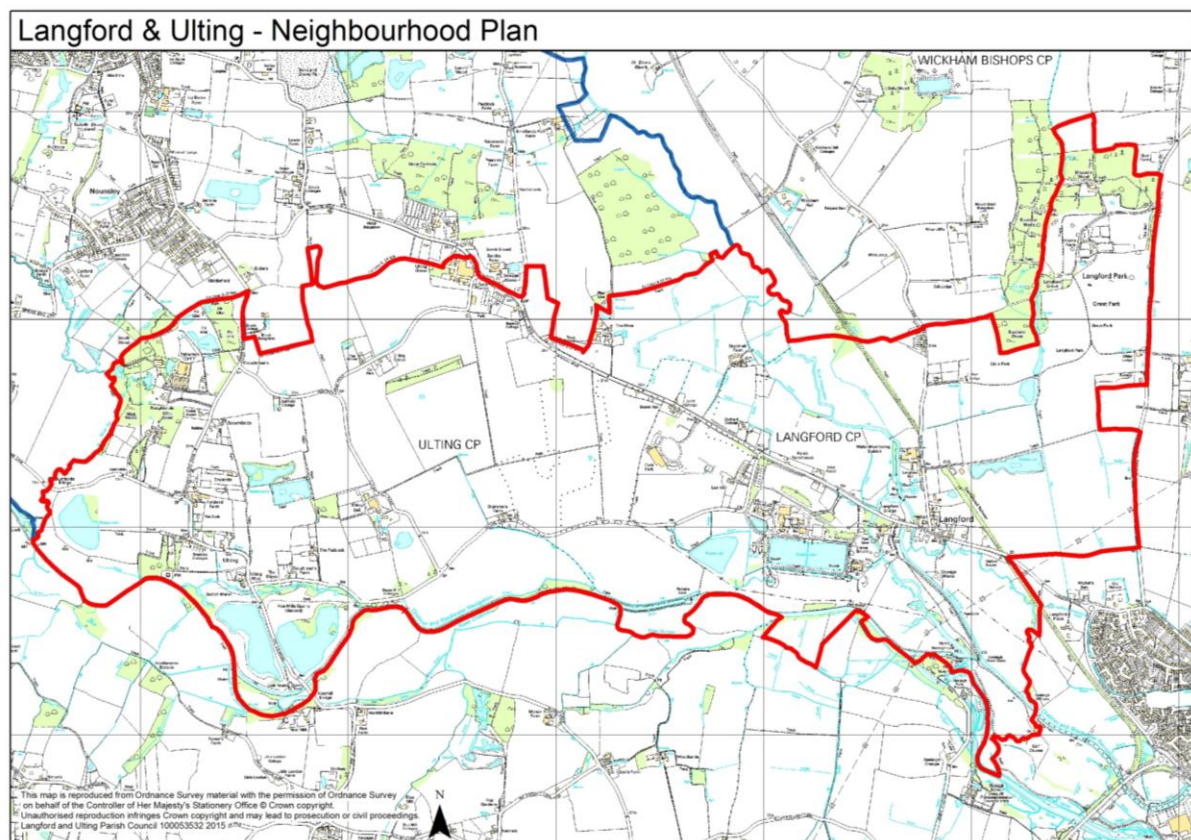
### What is Neighbourhood Planning?

- 1.1 “The Localism Act 2011 introduced statutory Neighbourhood Planning in England. It enables communities to draw up a Neighbourhood Plan for their area and is intended to give communities more of a say in the development of their local area within certain limits and parameters”.
- 1.2 Neighbourhood planning provides the local community with a powerful tool to guide the long-term future of Langford and Ulting and its surrounding countryside for the period 2014 to 2029.

### Which Area does The Neighbourhood Plan cover?

- 1.3 The Langford & Ulting Neighbourhood Plan covers all of Langford & Ulting parish and is contiguous with the parish boundary. An application for the Neighbourhood Plan area designation was approved by Maldon District Council in a letter dated 24<sup>th</sup> April 2013. See: <https://e-voice.org.uk/langford-ulting/assets/documents/designation-letter>
- 1.4 It should be noted that a small part of the Neighbourhood Plan area at its eastern end includes part of the North Heybridge Garden suburb urban extension. The North Heybridge Garden Suburb Strategic Masterplan Framework and policies of the Local Development Plan will apply.

The Plan area is shown in the map below:



Map 1 – Langford & Ulting Neighbourhood Plan Area

### **What Time Period does The Neighbourhood Plan cover?**

1.5 The Plan covers the period from 2014 to 2029. This 15-year period has been selected to coincide with Maldon District Approved Local Development Plan 2014 – 2029. (LDP)

### **Why do we want a Neighbourhood Plan?**

1.6 Neighbourhood planning provides the opportunity for communities to set out a positive vision for how they want the neighbourhood area to develop in ways that meet identified local need and make sense for local people. Langford & Ulting Parish Council therefore decided to set up a Neighbourhood Plan Steering Group which would consult with the community and prepare a Neighbourhood Plan that would take into account local people's views on the appropriate amount and type of development in Langford and Ulting over the next 15 years.

### **Your Involvement in the Neighbourhood Plan Process**

1.7 Community consultation events have included two residents' surveys (Autumn 2012 and May 2014), which were hand delivered to all properties in the parish. Two focus group events were held, one in Langford in June 2013 and another in Ulting in July 2013, where residents were able to comment on their vision for the future of Langford and Ulting.

1.8 Residents were also given the opportunity to make comments at the Village Art Shows in 2013 and 2014 and at the Ulting Village Picnic in June 2014.

1.9 A survey of local businesses was carried out in the summer of 2014.

1.10 From the analysis of the 2014 residents' survey, it was decided that more information was required and a Housing Needs Survey was hand delivered to all residents in November 2014.

1.11 Subsequent to the withdrawal of the Neighbourhood Plan in October 2016, a Call for Sites form was circulated to residents and landowners in June 2017. This was with the intention of possibly allocating housing through the Neighbourhood Plan. A Site Assessment Report prepared by AECOM was received in April 2018.

1.12 Before finalising the policies in the Neighbourhood Plan a further Housing Needs Survey was delivered to all residents by hand in February 2019.

1.13 Detailed information on the community consultation process can be found in the Consultation Statement.<sup>1</sup>

1.14 The Neighbourhood Plan Steering Group has taken the following steps to create the Neighbourhood Plan: (see next page).

<sup>1</sup> The Consultation Statement and related Evidence Base documents are available online (<https://e-voice.org.uk/langford-ulting/langford-ulting-neighbourhood/>)

## The Neighbourhood Plan Process

### 2012

April 2012	Neighbourhood Planning Regulations published
Autumn 2012	Early engagement (first resident survey)

### 2013

Spring 2013 onwards	Understanding the area – Data and evidence collection and interpretation
March 2013	Art Show – Opportunity for members of the public to make comments
June /July 2013	Focus Groups in Langford and Ulting

### 2014

April 2014	Art Show – Opportunity for members of the public to make comments
May 2014	Second survey – testing ideas for the future development of the village and the surrounding countryside
June 2014	Ulting Village Picnic – opportunity to talk to residents about the Plan
July 2014	Business Survey
November 2014	Housing Needs Survey
November 2014	Landscape Character Assessment
Autumn 2014	Plan Creation – Bringing together all the evidence and consultation results

### 2015

March/April 2015	Draft Neighbourhood Plan Pre-submission consultation - testing proposals for future development of the village and surrounding countryside (Draft Plan – 6 weeks)
July 2015	Plan amendment and finalisation
Winter 2015	Submission consultation (Final Plan – 6 weeks)

### 2016

March/April 2016	Examination – an Independent Examiner tested the plan
October 2016	The Parish Council agreed to withdraw the Neighbourhood Plan

### 2017

June 2017	Call for Sites
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### 2018

November 2018	Plan amendments agreed by Parish Council
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### 2019

February 2019	Housing Needs Survey
August/September 2019	SEA/HRA consultation
October/November 2019	Draft Neighbourhood Plan Pre-submission consultation - testing proposals for future development of the village and surrounding countryside

**2020**

February/August 2020	Plan amendment and finalisation
Winter 2020	Submission consultation (Final Plan – 6 weeks)

**2021**

February/March 2021	Examination – an Independent Examiner will test the plan
May 2021	Referendum
July 2021	Adoption – If approved at Referendum then Plan given full weight by Maldon District Council to determine planning applications

**How the Neighbourhood Plan fits into the Planning System** (see Diagram 1 below)

1.15 Although the Government's intention is for local people to decide what goes on in their parish, all Neighbourhood Plans must:

- have appropriate regard to national planning policy and guidance;
- contribute to the achievement of sustainable development;
- be in general conformity with strategic policies in the development plan for the local area;
- be compatible with EU obligations and human rights requirements; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site<sup>2</sup> or a European offshore marine site<sup>3</sup> either alone or in combination with other plans or projects.

1.16 The Neighbourhood Plan must be in general conformity with the strategic policies of the LDP. In order to future-proof the Neighbourhood Plan, the Steering Group has ensured that the Neighbourhood Plan is appropriately in line with the up-to-date evidence, strategic needs identified for the area and the Local Development Plan.

1.17 Essex County Council is the Waste Planning Authority for the Plan area and is responsible for preparing planning policies and assessing applications for waste management development. The Essex and Southend-on-Sea Waste Local Plan (WLP) was adopted in July 2017 forming part of the statutory Development Plan and should be read alongside the Maldon District Local Development Plan. The WLP cover the period from 2017 to 2032. It sets out where and how waste management developments can occur and contains the policies against which waste management planning applications are assessed.

1.18 Essex County Council is the Minerals Planning Authority for the Plan area and is responsible for preparing planning policies and assessing applications for mineral development. The Essex Minerals Local Plan 2014 (MLP) forms part of the statutory Development Plan and should be read alongside the Maldon District Local Development Plan. Active and unworked sand and gravel deposits are subject to a Minerals Safeguarding policy (MLP Policy S8), which seeks to prevent deposits being sterilised by non-mineral development. A large proportion of the Neighbourhood Plan area is covered by sand and gravel deposits, and any development of 5ha or more may require a minerals resource assessment to be undertaken, as required by Policy S8. The MLP also designates Mineral Consultation Areas at a distance of 250m around active quarries, mineral infrastructure and mineral deposits permitted for extraction. ECC must be

<sup>2</sup> As defined in the Conservation of Habitats and Species Regulations 2012

<sup>3</sup> As defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

consulted on all non-mineral related development proposed within these Consultation Areas.



**Diagram 1: Planning Policy Hierarchy in Relation to Langford & Ulting Neighbourhood Plan**

#### **What is in The Neighbourhood Plan?**

1.19 The Plan is for the parish as a whole and looks at a wide range of issues, including:

- achieving high quality development which fits well with the location;
- protecting the rurality of the parish as well as the surrounding countryside including the landscape, views and habitats;
- meeting local housing needs;
- promoting local businesses;
- public rights of way; and
- broadband and mobile connectivity.

#### **How this Plan is Organised**

1.20 The Plan is divided into five sections:

- **Section 1 - Introduction**
- **Section 2 - About Langford & Ulting Today:** a brief description of the parish today and the key issues that have influenced the Plan.
- **Section 3 - Our Vision for Langford & Ulting:** over the next 15 years.
- **Section 4 - Neighbourhood Plan Policies:** this sets out policies to support the overall vision and objectives.
- **Section 5 - Monitoring and Review:** how the Plan will be monitored and reviewed.

## Section 2: About Langford & Ulting Today

### A Short History

- 2.1 The parish of Langford was so named because of the long ford along the side of the River Pant, or Blackwater, 'lang' in Saxon meaning 'long'. It is a tiny rural village with many iconic listed buildings. Its Mill was recorded in the Domesday Book although not the 11<sup>th</sup> Century church, St. Giles, which is unique for having the only extant western apse in the county and, possibly, England.
- 2.2 Langford Hall was built during Tudor times and was used as the manor house for many years. It was acquired by the Wescomb family in 1680 and in 1782 Nicholas Wescomb built Langford Grove, now demolished, letting out the Hall to tenants. In the 1890s it housed the Cleveland Bay stud. It was he who built a cut through from the Mill to the River Chelmer to take his grains and flour to London via Maldon. However, with the building of the Chelmer and Blackwater Navigation Canal in 1793, The Cut became redundant, was filled in and today serves as a 'hazard' on the golf course. Two of the Wescomb daughters married cousins of Lord Byron and the village came under the Byron family control for a while. They eventually took up their seat in Nottinghamshire and left the village.
- 2.3 In 1848 the Langford and Ulting Halt was opened on the Witham-Maldon railway branch line and was closed by Dr. Beeching in 1964 as part of his programme of extensive cuts.
- 2.4 The village became prominent in 1927 when it was chosen as the site for a new Steam Water Pumping Station giving many jobs to villagers; the emphasis changing from agricultural to industrial for a while. In 1963 the steam operation closed and an electric pumping system was installed, with the old steam pumping station becoming a scheduled ancient monument in 1986 and is now the Museum of Power.
- 2.5 A village school ran from 1875 to 1920 and was then used as the Village Hall until 1993 when it was sold into private ownership. The old Victorian cowshed in the centre of the village was purchased by the Parish Council and converted into a new Village Hall. This is a vibrant part of village life where many varied activities take place, including a pre-school nursery and the annual Art Show.
- 2.6 Ulting is also a very rural parish with many scattered listed buildings. Agriculture continues to be at its heart with many residents now running small businesses from home.
- 2.7 The parish church of All Saints was built beside the River Chelmer in c.1150 with major restoration work in the 1870s. The cult of 'Our Lady of Ulting' began when a chantry of the Virgin Mary was established there and it became a place of pilgrimage ranking with Walsingham and other famous shrines.
- 2.8 In 1832 the first sugar beet factory in England was built in Ulting by Robert and James Marriage. They believed that refining sugar from locally grown beet would reduce the need to import sugar and, thereby, the need for slave labour. They built a steam mill – at a cost of £2,000 – adjacent to the current site of Sugar Mill Cottages and employed thirty men, women and children. Their enterprise and hopes were cut short by the import of cheap cane sugar.



2.9 In 1898, Ernest Doe started his business by taking over the lease of the blacksmith's shop in Ulting, at what is now known as 'Doe's Corner' and from this modest start Doe's has become a large, successful and well recognised agricultural business.

2.10 This is a very brief history but a longer version can be found at <https://e-voice.org.uk/langford-ulting/history-of-langford-ulting/>

### Village Descriptions

2.11 **Langford** is a small parish lying approximately 3 kilometres in a northwesterly direction from the picturesque market town and port of Maldon in Essex. The village is set in relatively low-lying countryside straddling the river Blackwater with the Chelmer and Blackwater Navigation forming the southern boundary.

2.12 The centre of the village is within the Langford Conservation Area which adjoins the Chelmer and Blackwater Navigation Conservation Area. Maypole Wood, Eastlands Wood and Langford Cut Meadows are designated as Local Wildlife Sites<sup>4</sup>.



2.13 "The settlement comprises a scatter of houses around the T-junction formed by the B1018 which runs north to Wickham Bishops"<sup>5</sup> and the B1019 which joins Heybridge to Hatfield Peverel. There are 76 dwellings which vary from cottages to substantial houses in their own grounds.

2.14 There are 19 listed residential properties with 11 listed other buildings and features which include a garden temple, walled garden, bridge and weir, a pump and railings. The predominant building materials are timber framed and plastered or red brick with handmade red plain tile roofs and red brick chimneystacks<sup>6</sup>. The village has many houses built between the 16th and 19th centuries. The more recent 20<sup>th</sup> century additions are either rendered or red brick with tiled roofs with a few exceptions. There are 8 listed structures associated with the Chelmer and Blackwater Navigation.

2.15 "The village has important open spaces within it, notably the grounds of the Museum of Power"<sup>7</sup> which houses Langford Water Pumping Station, a Scheduled Ancient Monument, the closed and open churchyards in the centre of the village and the wide vistas along the rivers Chelmer and Blackwater. There is a significant amount of open space between buildings and boundary treatment is sensitive to the rural setting including natural hedges, trees and low picket fences.

2.16 Visitor attractions include the Museum of Power, Maldon Golf Club, the Blackwater Rail Trail and the Chelmer and Blackwater Navigation. The Grade II\* listed St Giles church is also of interest.

<sup>4</sup> Maldon District Local Wildlife Sites Review – Essex Ecology Services Ltd, December 2007

<sup>5</sup> Langford Conservation Area Appraisal 2006, p3

<sup>6</sup> EB024 Building Materials

<sup>7</sup> Langford Conservation Area Appraisal 2006, p13

2.17 Langford has the following facilities:

- community shop run by volunteers (open 2 hours daily)
- Parish Church
- village hall
- mobile library (Once every 3 weeks stops at Ulting Lane green, Langford)

2.18 **Ulting** is a small parish lying approximately 5 kilometres in a west northwesterly direction from the picturesque market town and port of Maldon in Essex. "It is predominately rural in character with a dispersed settlement pattern. The southern part of the parish comprises the flood plain of the River Chelmer and this area of low-lying land rises gently to the north.

2.19 The main settlement, little more than a hamlet, overlooks the river on this higher ground,"<sup>8</sup> and is included in the Chelmer and Blackwater Navigation Conservation Area. Wick and Fairwinds Woods are designated as Local Wildlife Sites<sup>9</sup> and are protected by a Tree Preservation Order.



2.20 There are 58 dwellings which vary from cottages to substantial houses in their own grounds and two narrow boats.

2.21 There are 17 listed residential properties with 14 listed other buildings and features including Ulting School, garden wall and railings. The predominant building materials are timber framed and plastered or red brick with handmade red plain tile roofs and red brick chimneystacks<sup>10</sup>. The village has many houses built between the 16th and 19th centuries. The more recent 20<sup>th</sup> century additions are either rendered or red brick with tiled roofs with a few exceptions. There are 2 listed structures associated with the Chelmer and Blackwater Navigation. All Saints Church which is situated in a peaceful setting by the Chelmer and Blackwater Navigation is Grade II\* listed.

2.22 Ulting has the following facilities:

- Parish Church

## Housing

2.23 Overall there are 134 properties, including two narrow boats moored at Hoe Mill, Ulting, in the parish. Between 2001 and 2011 two agricultural buildings in Ulting were converted into dwellings. Under the Town and Country Planning (General Permitted Development Order) 2015, a further five agricultural buildings in Ulting and one in Langford have been granted permission to be converted into dwellings. Maldon District Council granted planning permission for 11 large family homes on a piece of land adjacent to the Museum of Power in Langford. Building work commenced on these homes in December 2014, 9 are now occupied and work on the remaining two is almost complete. In March 2015, planning permission for 2 large family homes on a plot in Langford Conservation Area was granted and these have been completed.

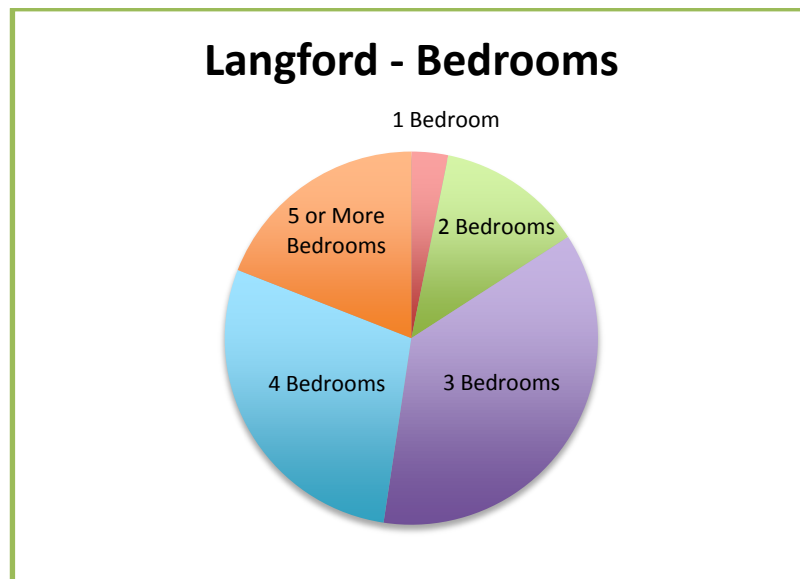
<sup>8</sup> Maldon District Local Plan First Review, adopted August 1996. p 206

<sup>9</sup> Maldon District Local Wildlife Sites Review – Essex Ecology Services Ltd, December 2007

<sup>10</sup> EB024 Building Materials



2.24 In the 2011 Census Langford had 63 dwellings with a predominance of family housing (84% of homes have 3 bedrooms or more), 89% of homes are owned, with 6% available for social rent and 5% private rent.



2.25 In the 2011 Census Ulting had 56 dwellings and 2 narrow boats with a predominance of family housing (78% of homes have 3 bedrooms or more), 78% of homes are owned, with 3% available for social rent, 14% private rent and 5% rent free.



2.26 The residents' survey carried out in May 2014 revealed that residents would prefer development on individual plots rather than one large housing estate.

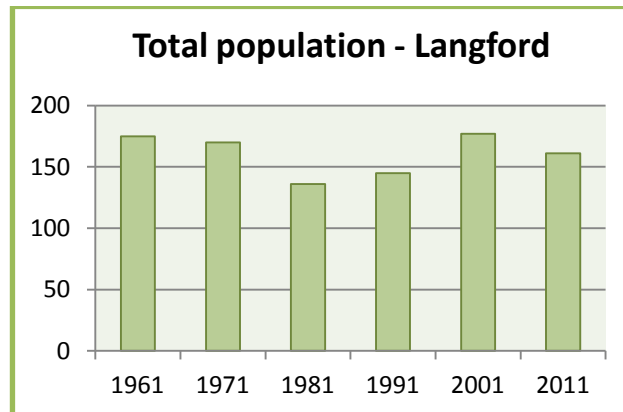
2.27 The Housing Needs Surveys undertaken in November 2014 and April 2019 revealed a local need for market and affordable housing but there is pressure from developers for Langford to accommodate significantly more housing than is necessary to meet local housing need.

### Population

2.28 From the 2011 Census, the total population of the parish of Langford & Ulting was 328.

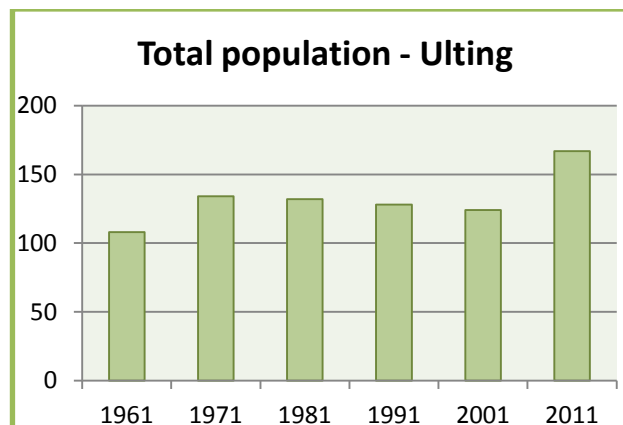
### Langford

2.29 "The population decreased by 3% between 1961 and 1971 and then decreased by a further 20% to 136 in 1981. In 1991 the population estimate was 145"<sup>11</sup> with four houses having been built in the previous 10 years. In 2001 the population was 177 and this had decreased by 9% to 161 in 2011. The population is also ageing with the share of residents above 60 years of age moving from 21% in 2001 to 30% in 2011. There are a significant lack of residents between the ages of 25 and 39 (6%).



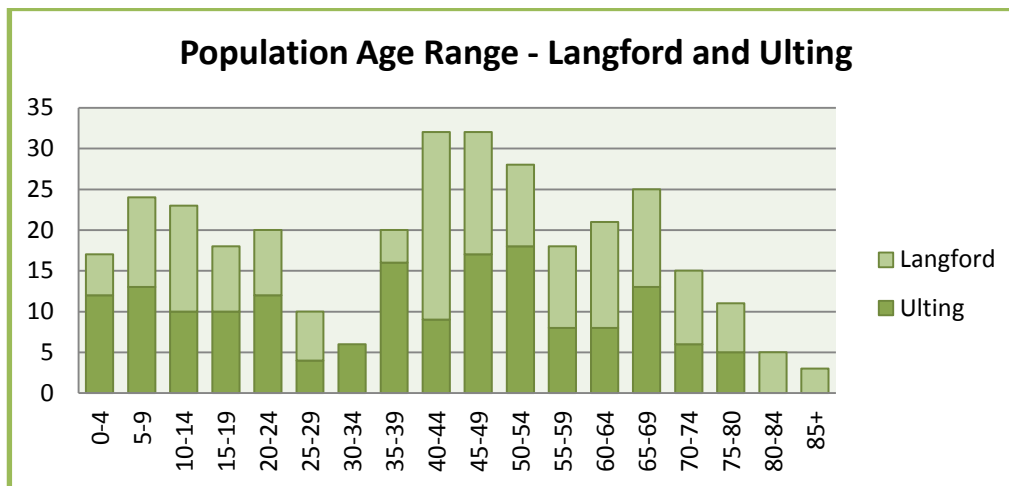
### Ulting

2.30 "The population increased from 108 in 1961 to 134 in 1971, but remained virtually static over the next ten years with a total of 132 in 1981"<sup>12</sup>. In 2001 the population was 124 but by 2011 the population had increased by 35% to 167. The proportion of residents above 60 years of age has remained fairly constant at approximately 19% between 2001 and 2011. There are a significant lack of residents between the ages of 25 and 34 (6%).



<sup>11</sup> Maldon District Local Plan First Review, adopted August 1996. p 130

<sup>12</sup> Maldon District Local Plan First Review, adopted August 1996. p 206



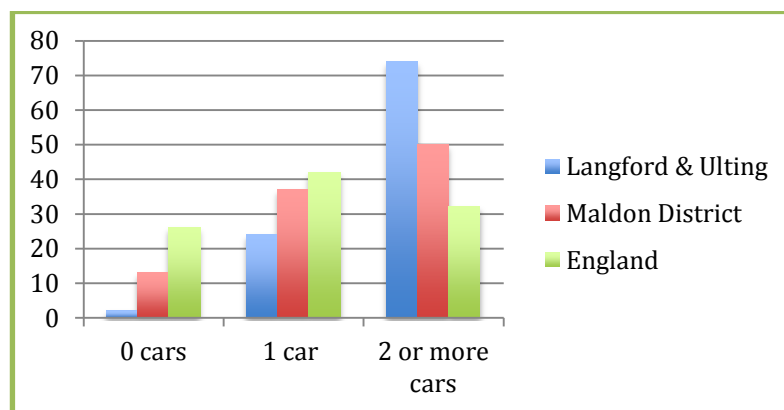
### Health

2.31 86% of residents are in very good or good health according to the 2011 Census.

### Transport

2.32 In 2011 there were 285 cars or vans available in Langford and Ulting. Two households (2%), did not own a car or van compared with England - 26% and Maldon District - 13%. 24% of households had one car compared with England - 42% and Maldon District - 37%. 74% of households in Langford and Ulting had 2 or more cars. This compares with an average of 32% for England and 50% for Maldon District.

2.33 Of the 163 residents who were in employment in 2011, 69% travelled to work by car. 11% travelled by train, but as it is approximately 4 miles from Langford to Hatfield Peverel station and 2.5 miles from Ulting, a car is almost certainly the usual way of getting to the station. 13.5% worked mainly from home and 2% caught a bus, coach or minibus.



**Car Ownership Comparison**

2.34 There is a two to two and a half hourly bus service running six times on weekdays and Saturdays between Maldon and Chelmsford which has three stops along the B1019, Doe's Corner, Ulting Lane and Langford village.

### Economic Activity

2.35 Of the 245 people economically available in the parish, 68% are economically active. Of these, 67% are employed either full or part time and 30% are self-employed either full or part time. Of the 32% who are economically inactive, 57% are retired, 17% are students and 18% are looking after the home or family.

**Key Issues**

2.36 The Steering Group identified a number of key issues derived from the statistical content above and the results of the household questionnaire surveys, (2012 and 2014), the business survey (2014) and housing needs surveys (2014 and 2019), as follows:

- achieving high quality development which fits well with the location;
- protecting the rurality of the parish as well as the surrounding countryside including the landscape, views and habitats;
- meeting local housing needs
- promoting local businesses;
- public rights of way; and
- broadband and mobile connectivity.

2.37 These reflect the issues the community sought to see resolved in the neighbourhood planning process and have shaped and influenced the Langford & Ulting Neighbourhood Plan

## Section 3: Our Vision for Langford & Ulting

### 3.1 Our **vision** is:

**Langford & Ulting will continue to be a friendly and neighbourly place to live and work in. Future development will meet the needs of this rural community whilst retaining the special qualities of our countryside and waterway setting and reflecting the historically dispersed nature of and diversity of styles in the evolution of our parish.**

### 3.2 Following on from consultation and engagement with the community, the majority view is that we support the following **objectives**:

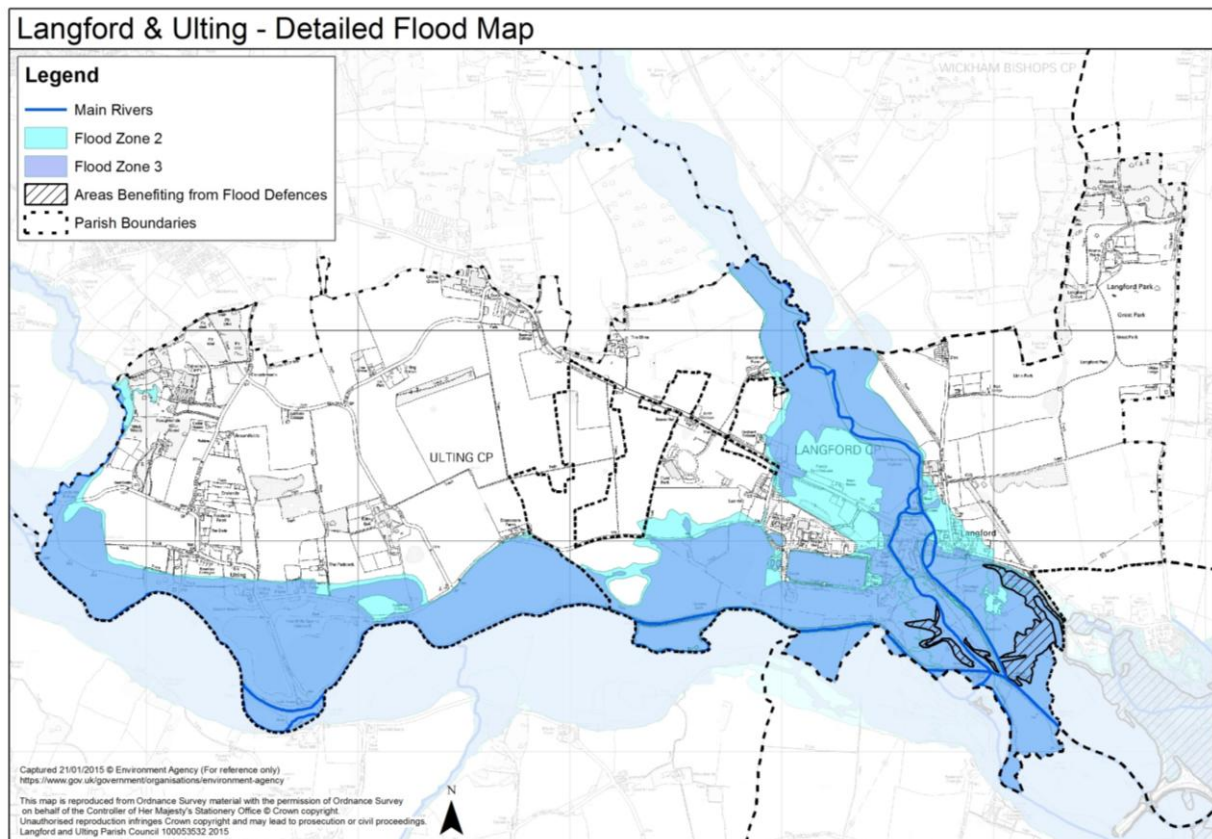
- to enhance the friendliness and neighbourliness of our community by increasing connectivity and providing opportunities for community engagement;
- to protect the parish's special landscape and countryside attributes;
- to protect and enhance the historic features that make our place unique;
- to achieve a high standard of design in new development;
- to adhere to the principles of sustainable development;
- to meet local housing needs;
- to support and encourage businesses through rural and agricultural diversification, the provision of suitable premises and tourism;
- to enhance the quality of life for residents;
- to protect and support local facilities and services; and
- to encourage healthy lifestyles.

## Section 4: The Neighbourhood Plan Policies

- 4.1 This part of the Plan contains the policies that will help to realise the community's vision and objectives for Langford & Ulting and address key issues that have been raised during consultation. Policies in this section relate to the use and development of land.
- 4.2 Once the Plan has been made by Maldon District Council these policies will be taken into account by the District Council in determining planning applications.
- 4.3 Each policy is preceded by a short introductory section which outlines the background and intent of the policy and refers to relevant evidence. The evidence documents are also listed in Appendix A and are available to read on the Parish Council's website or Maldon District Council's website.

### A High Quality Natural and Built Environment

- 4.4 The distinctive nature of the parish is defined by, and intrinsically linked to, the countryside and environment within which it is located. Many residents clearly value the rural feel of the area. The Residents' Surveys gave strong support to managing wildlife habitats in the parish.
- 4.5 It must also be acknowledged that the Environment Agency Flood Plain Extents map in the Mid Essex Strategic Flood Risk Assessment shows large areas surrounding the River Blackwater to be designated as Flood Zone 3b "Functional Floodplain". This is defined as "land where water has to flow or be stored in times of flood". According to Table 3 of the NPPF, 'more vulnerable' land uses (such as residential development) should not be permitted in this zone. This means that the Plan area is constrained in terms of flood risk. Whilst Map 2 shows the extent of the flood plain at the time of writing, reference should be made to the most up to date information on the Environment Agency's website.



Map 2 – Detailed Flood Map

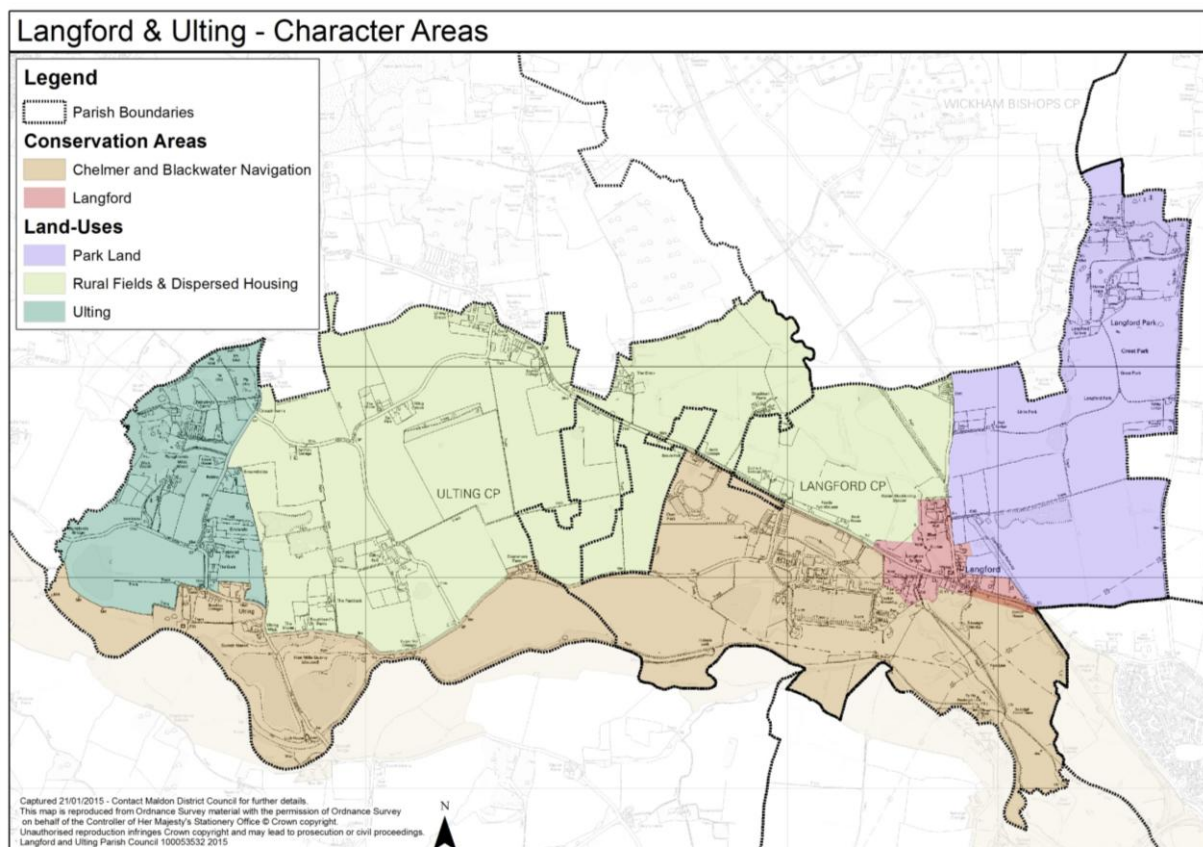
## Landscape Features

4.6 The Government's National Planning Practice Guidance underpins the NPPF and states: 'One of the core principles in the NPPF is that plans should recognise the intrinsic character and beauty of the countryside. This includes designated landscapes but also the wider countryside.' The guidance emphasises that landscape should be taken into account in plan-making and decision-taking on planning applications.

4.7 A Landscape Character Assessment has been carried out to help identify the particular features that make up the character of Langford & Ulting. The work on the assessment was undertaken by volunteers in the community and specifically developed as part of the Neighbourhood Plan evidence base in 2014. The assessment draws on the existing published documents available including the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessments, the Chelmer and Blackwater Conservation Area – Landscape Character Assessment, Langford Conservation Area Review and Appraisal and the Maldon District Historic Environment Characterisation Project.

4.8 The Landscape Character Assessment identified five distinct Character Areas, which are shown on the map below. A brief description of the attributes of each Character Area is given below, but further information is available from the Character Assessment document. The Character Areas are:

- Chelmer and Blackwater Navigation
- Langford Conservation Area
- Ulting
- Fields
- Parkland



Map 3 – Character Areas

- 4.9 The key-defining characteristic of the **Chelmer and Blackwater Navigation** Character Area is its beautiful open countryside.
- 4.10 Positive aspects are the excellent walks along the canal and numerous footpaths and the magnificent views to be had. Hawthorn and blackthorn hedges provide a froth of blossom in the Spring and there are blackberries and sloes to pick in the Autumn. Sugar Mill Cottages stand as a testimony to the first sugar beet mill in England that was built in Ulting in 1832 by Robert and James Marriage in their attempt to promote the abolition of slavery by producing sugar by 'free labour'. Sadly the plantation owners and cheap imported sugar scuppered this venture. There is a marker on the canal bank to show where the mill once stood.
- 4.11 Negative aspects include the pylon routes crossing the Lower Chelmer/Blackwater valleys which are detrimental to the open character of the area and speeding vehicles on the narrow lanes.
- 4.12 The key defining characteristics of the **Langford Conservation Area** are its landmark features. The church is unique in Essex in having the only extant original western apse and is a lively working building with regular services and other social events. It now houses a small non-profit making community shop in the vestry.
- 4.13 The old General Stores and Homestead, which was once the village shop, is very poorly maintained and detracts greatly from the beauty of the Conservation Area.
- 4.14 The Southend Waterworks Company bought the Mill, designed by the architect Frederick Chancellor in 1879. In 1924 the machinery was removed and an extraction pump was installed. It is unfortunate that this very large building could not be used to more benefit for the village. A proposal to turn the building into flats sadly came to nothing as the ceiling heights do not comply with building regulations and access is still required to the pump.
- 4.15 The Mill House, once the residence of the Miller, has had many incarnations since the mill fell silent. In the 1980s it became an old people's home, then in the 1990s it housed asylum seekers, and is now back in use as a hotel.
- 4.16 The Museum of Power was the original steam pumping engine house for the waterworks, which came to the village in 1927. This materially altered the make-up of the village and transformed the rural village into an important water-pumping centre for the Southend area until 1963 when an electrical pumping station by the reservoirs replaced it. It is now open to the public, and although it is a positive feature that the building has been retained as a social and educational centre, it is unfortunate that, for security reasons in 2006, the museum had to install a high chain link fence and gates to the front boundary and high security railings to the east boundary, which although necessary, have a negative impact on the Conservation Area.
- 4.17 The lane from the Museum up to Beeleigh is well used by golfers, hikers and dog walkers, but is not well maintained. Unfortunately large ditches have been dug to stop travellers from setting up camp here. Although they are necessary, these and the problem of fly tipping along the lane, ruin the appearance of the open space which could be more appealing to walkers and visitors to the Museum. Many of the Museum's signs at the entrance to the Museum could also be replaced and improved.
- 4.18 The **Ulting Character Area** is totally rural and wonderfully 'out of the way'. It is characterised by the openness of the fields and the extensive vistas across them to hills and woodlands beyond. There is also a peacefulness here, which is quite wonderful, especially alongside All Saints Church, which sits beside the canal.



- 4.19 Negative aspects are the dilapidated buildings at the Nounsley end of Crouchmans Farm Road, which are an eyesore that detracts from the beauty of the surrounding countryside. In this group of buildings there are two dilapidated houses, which could easily be brought back into use. Although these are actually in the Braintree District Area and therefore outside the parish, they are very visible and detrimental to the rural scene.
- 4.20 There is also a problem with 'wild swimming' and sometimes unsocial behaviour on the canal by the Church in the summer months which is a great nuisance to residents.
- 4.21 **The Fields** is a beautiful open area with lots of space and the feeling of countryside. The fields are large with few hedges giving the feel of an expansive rural open space with beautiful old buildings. Although the road through this area is of good quality it is nevertheless liable to flood at the Langford end.
- 4.22 The **Parkland** character area is differentiated by its open spaces and long views with some occasional ancient pollarded oaks. The area has an open agricultural feel with arable fields either side of the road.
- 4.23 At times of traffic congestion in Heybridge, Maypole Road is used as a short cut by speeding traffic, which impacts on the otherwise peace and tranquility of this area.
- 4.24 In summary, the parish is characterised by a quiet and peaceful rural, agricultural quality.
- 4.25 As a result, the Neighbourhood Plan includes a suite of policies designed to enhance the natural and built environment of the parish. Policy 1 seeks to ensure that development proposals take full account of the character and appearance of the Character Area in which they are located.

#### **Policy 1 Landscape Features**

Development proposals should be designed to respect the natural landscape features that are important to the character and appearance of the area and as described in the Landscape Character Assessment.

Development proposals which would result in an unacceptable harm to the relevant natural features will not be supported unless appropriate mitigation to compensate for the loss or harm is incorporated in the planning application concerned or where there are overriding public benefits arising from the development.

- 4.26 The National Planning Policy Framework refers to the impacts that new development could have on the natural environment and wider area including:
- mitigating and reducing to a minimum potential adverse impacts resulting from noise from new development and avoiding noise giving rise to significant adverse impacts on health and the quality of life;
  - protecting tranquil areas which have remained relatively undisturbed for their amenity value;
  - limiting the impact of light pollution from artificial light on local amenity; intrinsically dark landscapes and nature conservation.

#### **Biodiversity**

- 4.27 There are two key wildlife corridors which form important components of a district-wide ecological network. The Chelmer and Blackwater Navigation is a west-to-east river and canal

corridor also featuring a towpath and linear banks which are important green infrastructure routes for leisure users and wildlife. The Blackwater Rail Trail is the route of the dismantled railway which links Maldon to Witham and is a significant corridor for wildlife movement. While not a statutory right of way, the Rail Trail has potential to become an important walking and cycling route in the future.

- 4.28 Other locally designated ecological assets include Local Wildlife Sites as identified by Essex Wildlife Trust, designated Ancient Woodlands and water bodies. Any locally important designated assets identified in the future should also be considered by this policy.
- 4.29 The National Planning Policy Framework states that impacts on biodiversity should be minimised. Given that climate change will have a major impact on biodiversity, the impacts of development should be minimised through the use of sustainable drainage systems (unless there is clear evidence that this would be inappropriate), whilst paying high regard to ecological networks.

### **Policy 2 Protecting and Enhancing Biodiversity**

As appropriate to their scale, nature and location all development should protect and where appropriate enhance biodiversity by:

- a) protecting designated sites, protected species and ancient and species-rich hedgerows, grasslands and woodlands; and
- b) preserving ecological networks, and the migration and transit of flora and fauna; and
- c) protecting ancient trees or veteran trees of arboricultural value, or ancient woodlands; and
- d) promoting the mitigation, preservation, restoration and recreation of wildlife habitats, and the protection and recovery of priority species; and
- e) providing a net gain in flora and fauna; and
- f) adopting best practice in sustainable drainage.

Development proposals which would unacceptably harm biodiversity or wildlife will not be supported unless appropriate mitigation or compensatory measures are incorporated into the wider proposal.

### **Recreational disturbance Avoidance and Mitigation**

- 4.30 The Maldon District Local Development Plan, together with neighbouring Local Planning Authorities' Local Plans and Neighbourhood Plans are likely to adversely affect the integrity of European designated nature conservation sites ('European Sites') due to increased recreational pressure from a growing population. Maldon District Council has worked with the other Greater Essex Local Planning Authorities and Natural England on the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).
- 4.31 The Essex coast RAMS focuses on the mitigation that is necessary to protect the wildlife of the Essex coast from the increased visitor pressure associated with new residential development in-combination with other plans and projects, and how this mitigation will be funded.
- 4.32 Financial contributions will be sought for all residential development, which falls within the zones of influence for the Essex coastal European Habitat sites, towards a package of measures to avoid and mitigate likely significant adverse effects on these sites. Details of the zones of

influence and the necessary measures are included in the Essex Coast RAMS Supplementary Planning Document (SPD)<sup>13</sup>.

4.33 The Essex Coast RAMS was adopted by Maldon District Council on 6<sup>th</sup> August 2020.

4.34 Proposals within the zones of influence for recreational disturbance to European Sites will need to carry out a project level Habitat Regulations Assessment and implement bespoke mitigation measures to ensure that in-combination recreational disturbance effects are avoided and/or mitigated.

### **Policy 3 Recreational disturbance Avoidance and Mitigation**

All residential development within the zones of influence of European Sites are required to make a financial contribution towards mitigation measures, as detailed in the Essex Coast RAMS, to avoid adverse in-combination recreational disturbance effects on European Sites.

All residential development within the zones of influence will need to deliver all measures identified (including strategic measures) through project level Habitat Regulations Assessment (HRAs), or otherwise, to mitigate any recreational disturbance impacts in compliance with the Habitat Regulations and Habitats Directive.

### **Footpaths and Bridleways**

4.35 Footpaths, cycle routes and bridleways crisscross the parish and are an established means of providing access to the countryside. This provides a recreational resource, but also opportunities for social interaction and the promotion of healthy lifestyles and social wellbeing. They therefore make an important contribution to the quality of life and are valued by the community.

### **Policy 4 Footpaths and Bridleways**

Existing footpaths, cycle routes and bridleways provide good opportunities for well-connected access to local destinations by sustainable modes of transport across the parish and provide a high level of recreation and amenity value.

As appropriate to their scale, nature and location new developments should integrate with the current green infrastructure network, seeking to improve the connectivity between wildlife areas and green spaces through measures such as improving and extending the existing footpath and cycle path network, allowing greater access to housing, schools, work places and retail facilities, green spaces, public open spaces and the countryside.

<sup>13</sup> [https://www.maldon.gov.uk/info/20048/planning\\_policy/8114/other\\_local\\_plan\\_documents/9](https://www.maldon.gov.uk/info/20048/planning_policy/8114/other_local_plan_documents/9)

## Design and Character of New Development

- 4.36 The National Planning Policy Framework, states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. It continues by stating that ‘plans should set out a clear design vision and expectations’ and that, ‘design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics’. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. This is one way that sustainable development can be achieved and the quality of life can be improved and is reflected in the NPPF, to always seek to secure high quality design, sympathetic to local character and history, and a good standard of amenity for all existing and future occupants of land and buildings.
- 4.37 There was very strong unanimous support in the community that any new buildings should be sympathetic to their surroundings and that alterations to existing buildings should be carried out sensitively taking account of the location and character of the host property and those around it.
- 4.38 Comments emphasised the diversity of styles in the village and indicated this is what makes it special. A clear lack of support for pastiche and “sameness” bore this out. Turning this into a policy means that high quality design development which responds to the character of the existing parish and which reflects and respects the diversity of styles will be supported.
- 4.39 The parish has a dispersed settlement pattern which has evolved over time. With a rich plethora of listed buildings and Conservation Areas, the character is gained from the variety and diversity of building styles and materials. More recent developments have been architecturally undistinguished and have added dwellings of similar design together in one place rather than reflecting the range and diversity of existing architecture.
- 4.40 The Character Assessment work that the community has carried out together with the Langford Conservation Area Appraisal and Management Plan describes and explains the distinctive character of the parish.
- 4.41 There is an opportunity to enhance the built environment and improve the quality of design, but also to embrace diversity and add to the richness of the parish’s character.
- 4.42 This policy intends to provide clear guidance to those preparing proposals for development that the community wishes to celebrate diversity and variety in any new buildings and an overall high quality. This approach is consistent with the design-led approach as captured in national planning policy. The Plan sets out the Council’s approach towards a clear design vision and expectations for development sites. This will ensure that applicants have as much certainty as possible about what is likely to be acceptable.

### Policy 5 Design and Character

Proposals should plan positively for the achievement of high quality and inclusive design reinforcing the locally distinctive and aesthetic qualities of the buildings and landscape in the Parish. This means that:

- a) new buildings, alterations and extensions to existing buildings, should be individually designed but take their cue from the scale and character, form and materials of existing buildings, and where relevant the host building; and
- b) traditional boundary treatments should be respected and reinforced and high walls and fences should be avoided; and
- c) plot sizes and widths and gardens should reflect the existing grain and pattern of development in the locality; and
- d) good quality materials should be used; and
- e) new development should respect the historic environment of our Parish.

## Historic Environment

4.43 The residents' surveys gave strong support to the importance of living within a historic and beautiful environment.

4.44 There is evidence for settlement in the Langford and Ulting area from the Mesolithic period onwards. There are significant areas of cropmarks, including a round-barrow cemetery beside the river and Roman settlement, including a possible temple, on the gravel terraces. In total, 199 historic sites are recorded on the Historic Environment Record, of which 138 are undesignated. See also Langford Historic Settlement Assessment Report, 2006<sup>14</sup>.

4.45 The parish includes a number of designated heritage assets including three Grade II\* listed buildings – Ulting Hall (which is located outside the boundaries of the Conservation Areas), the Church of St. Giles, Langford (which is located within the boundary of the Langford Conservation Area) and the Church of All Saints, Ulting (which is located within the boundary of the Chelmer and Blackwater Conservation Area). There are a total of 55 Grade II listed buildings, most of which are located within the Conservation Areas, but there is also a significant minority located outside the Conservation Areas. There is one Scheduled Monument – Langford Pumping Station.

4.46 In the Neighbourhood Plan area, there are also a number of 'non-designated heritage assets'. These are historic buildings and structures which, although they may not meet the criteria for national listing, possess local value because of their architectural and historic interest. Local Planning Authorities are encouraged to identify 'non-designated heritage assets' against consistent criteria and recognise them in 'local lists'. The preparation of a local list for Langford and Ulting is programmed for 2020.

<sup>14</sup> <https://e-voice.org.uk/langford-ulting/assets/documents/langford-historic-settlement-a>

### Policy 6 Historic Environment

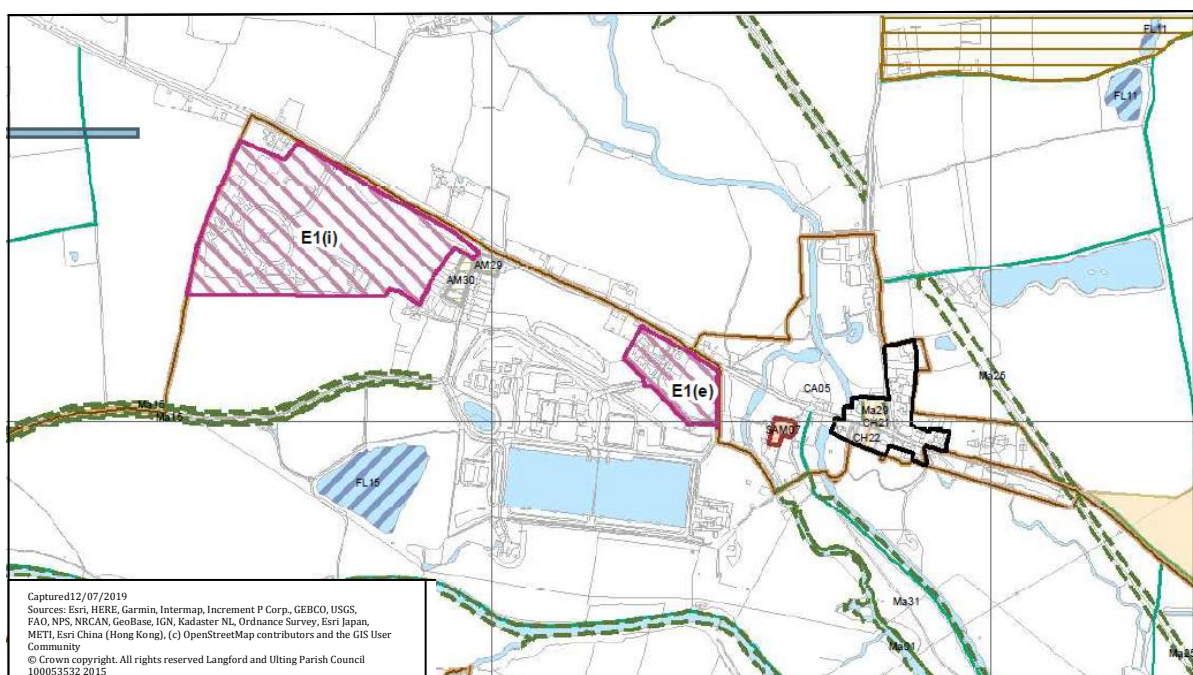
Any designated heritage assets in the Parish and their settings, will be conserved or enhanced for their historic significance and their importance with particular regard to their local distinctiveness, character and sense of place.

Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset.

## The Economy and Business

4.47 Maldon District is predominately rural in nature and has over 70 miles of coastline. Its natural landscape is dominated by two estuaries and the plain along the Rivers Blackwater and Crouch. Historically much of the economy was based on agriculture and land related activities, but in recent decades there has been a shift towards a more mixed economy with an increased service sector. The District Council recognises that the villages and rural areas make an important contribution to the overall economical strength of the District.

4.48 The District Council recognises that one of the District's key strengths is its entrepreneurial base with relatively high levels of self-employment. However, with changes to the global market, more constrained public sector investment and the need to improve competitiveness, building upon the strengths and diversity of the economy to provide a range of employment opportunities is key. Within the parish, there are three notable employers; Ernest Doe & Sons Ltd, CML Microsystems Plc and Essex & Suffolk Water. 11.75 hectares of the CML Microsystems site at Oval Park is allocated in the LDP for B1 and B2 development and also has an extant planning consent for future employment generating development to the benefit of the local economy. The allocated area at Oval Park is identified on the excerpt from the LDP Policies Map (North West) as E1(i) below:



Map 4 – Local Development Plan Policies Map



4.49 The Business Survey showed that the majority of businesses in the area operate from home. There was a wide mixture of businesses ranging from farming and agriculture to construction, knowledge based, retail and service industries and repair and manufacturing. Whilst the majority of businesses trade locally, some of the businesses within the parish operate nationally and internationally. Many of the businesses employ a significant number of people and over 60% of these people are local.

4.50 Of the things that made business life tougher, many were non-planning issues that are not appropriate for the Neighbourhood Plan and will need to be addressed through other mechanisms. Nevertheless there was a clear indication that slow internet speed was a key issue and that local businesses would support an increase in population to help generate more jobs and to ensure that they can operate on equal terms with those in towns.

4.51 National planning policy highlights the need for planning policies to support economic growth in rural areas to help create jobs and prosperity and to take a positive approach to sustainable new development.

### **Small Business Use**

4.52 Given the rural nature of the parish there are a number of small businesses and home workers. This is borne out by the Business Survey. They are important to the parish and therefore this policy supports and encourages the establishment or growth of small businesses in suitable locations and those working from home. Small businesses are defined as those employing up to ten people.

4.53 This policy helps to provide a supply of suitable space for businesses to locate and grow within the parish bringing welcome employment opportunities to the parish and District as a whole.

### **Policy 7 Supporting and Encouraging Small Business**

The provision of employment generating space for small businesses will be supported. This can take the form of:

- new buildings or extensions to existing premises provided that they are of a high quality design, suitably accessed and would not adversely harm the amenities of adjoining or nearby residential occupiers or
- the change of use of an existing building which is sympathetically converted, in an accessible location and which would not adversely harm the amenities of adjoining or nearby residential occupiers.

### **Working from Home**

4.54 There has been a significant increase over the last ten years or so in home working. This ranges from more people working from home, perhaps for a day a week or by basing their business from home. Often working from home is regarded as a non-planning issue because planning permission is not required in most situations. However, the encouragement of working from home has much potential in contributing to the achievement of sustainable development. It can reduce out-commuting and help to boost local economies by enhanced spending power through lower levels of commuting costs and more use being made of local facilities and services.

4.55 Given the rural nature of the parish and the contribution that home workers can make, the policy positively promotes home working opportunities. It does this through encouraging designers of new homes or buildings to incorporate options and possibilities for creating a home office or workspace area. This can be achieved for example, by discouraging open plan

layouts or designing garages or roof spaces that are capable of conversion into suitable work areas.

#### **Policy 8 Working from Home**

New dwellings should be designed to enable a home office to be accommodated through the conversion of a garage or roof space or a workspace area or by arranging the internal layout to provide appropriate or dedicated workspace. Development proposals to facilitate home working should retain car parking spaces or provide for replacement or additional parking spaces.

#### **Farm and Other Rural Buildings**

4.56 There are a number of farm and other rural buildings within the parish that could provide opportunities for new or existing businesses to remain in, or locate to, the parish. This includes tourism uses. Subject to satisfactory design and location and the impact on the road network and any nearby residential occupiers, the reuse of such buildings can help to strengthen the local economy.

#### **Policy 9 Farm and Other Rural Buildings**

The reuse of farm and other rural buildings will be supported for business or tourism purposes provided that the proposed use:

- a) would not have an unacceptable impact on the surrounding landscape; and
- b) can be satisfactorily accommodated within the local road network; and
- c) would be compatible with agricultural and other land based activities; and
- d) would not unacceptably harm the amenities of adjoining or nearby residential occupiers; and
- e) the building in question can be converted to a high standard using materials sympathetic to the local palette.

### **Community Facilities and Services**

4.57 Langford has a parish church, community shop run by volunteers, a village hall and a mobile library once every three weeks. Ulting has a parish church. Langford residents valued the village hall. The importance of village clubs and groups was also highlighted and both churches and the village hall are important in providing meeting places and for wider social interaction. The Museum of Power is also an important visitor attraction and has a café facility.

4.58 The National Planning Policy Framework promotes the retention and development of local services and community facilities in villages highlighting local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

4.59 The policies aim to retain existing facilities and services and support the appropriate development of new ones.



### **Policy 10 Community Facilities and Services**

Proposals to retain and enhance existing community facilities and services or to provide new ones will be supported provided that:

- a) the service or facility does not cause unacceptable harm to the amenity of nearby residential uses; and
- b) the proposal would not lead to unacceptable traffic congestion or adversely affect the free-flow of traffic; and
- c) access arrangements are satisfactory and an appropriate level of parking can be provided.

### **Policy 11 Protecting Community Facilities**

The change of use of premises or redevelopment of sites that provide valued community facilities or services will only be supported where:

- a) the premises or site cannot be readily used for, or converted to any other community facility; or
- b) the facility or service which will be lost will be adequately supplied or met by an existing or new facility in the locality or settlement which shall be equivalent to or better than the facility that is being lost in terms of both quantity and quality.

4.60 Development proposals will be required to ensure the provision of all new community assets and open spaces, are designed for multi-purpose use, and link to the green infrastructure network.

## **Housing**

### **Langford**

4.61 The residents' survey confirmed that most respondents felt the amount of existing housing in Langford was 'about right'. However, support for a 'few more houses' was also given. Together these two categories of response accounted for 97%. This was also confirmed in responses to another question in the survey which asked about the number of new homes which should be built over the next 15-year period. Responses to this question which offered a wide range of options from '0' to '100+', indicated that 'up to 10' was most popular but some respondents favoured from '11 – 50', which equates to 5 new houses a year. A large majority of respondents preferred development on individual plots and were against one large estate with only one respondent being in favour.

4.62 The survey also asked about other aspects of housing. In relation to tenure across privately owned, privately rented, sheltered and housing association, again respondents felt that the existing spread of tenure was 'about right', but privately owned housing came out top in relation to the 'few more needed' category. This response was again consistent with another question in the survey on the variety of housing in Langford.

4.63 In relation to type and size of property, support was given for smaller houses and bungalows with greatest support for low cost and affordable housing.

### **Ulting**

4.64 The residents' survey confirmed that most respondents felt the amount of existing housing in Ulting was 'about right'. However, there was support for a 'few more houses'. Together these two categories of response accounted for 88%. This was also confirmed in responses to another question in the survey which asked about the number of new homes that should be built over the next 15-year period. Responses to this question which offered a wide range of options from '0' to '100+', indicated that 'up to 10' was most popular but some respondents favoured from '11 – 50'. A large majority of respondents preferred development on individual plots and were against one large estate.

4.65 The surveys also asked about other aspects of housing. In relation to tenure across privately owned, privately rented, sheltered and housing association, again respondents felt that the existing spread of tenure was 'about right', but privately owned housing came out top in relation to the 'few more needed' category. This response was again consistent with another question in the survey on the variety of housing in Ulting.

4.66 In relation to type and size of property, support was given for smaller houses and bungalows with greatest support for low cost and affordable housing.

### **Providing to Meet Local Housing Need**

4.67 Langford and Ulting form part of Maldon District's rural area for the purposes of housing land supply. Langford is identified as a smaller village in the LDP's settlement hierarchy and for the first time will have an identified settlement boundary within which housing development will be acceptable. The nature of Langford is such however, that opportunities for development will be small scale principally on individual plots and small areas of land. The village and parish contribution to housing land supply will therefore be limited to small scale development and is likely to amount to an average of 1 or 2 dwellings per year over the plan period.

#### **Policy 12 New Housing**

Small-scale infill residential development within the settlement boundary of Langford that does not unacceptably impact on the character and appearance of the surrounding area or living conditions of future occupiers and neighbouring occupiers will be supported where it complies with other policies in the Neighbourhood Plan and the Maldon District Local Development Plan. In particular proposals should respect the characteristics and local distinctiveness of the Langford Conservation Area. Proposals will be expected to have a direct highway frontage.

4.68 It is recognised that the District as a whole is very rural in nature and many live in dispersed rural communities. Whilst Langford and Ulting are small dispersed settlements they do have a number of services and facilities and many businesses. The community does not want to see the villages, or the parish as a whole, stagnate. In contrast, there is a desire to see the strong community identity of the parish and these two settlements reinforced and strengthened. For this reason the parish is keen to see that the needs of those already living and working in the parish are met.

4.69 However, the characteristics of the local area are also paramount. There are residents who have spent many years in the parish in family housing who now wish to move to more suitable accommodation but do not wish to leave family, friends and familiar surroundings by having to

move further afield. There are also younger families who wish to locate to the parish but cannot do so and young people born and brought up in the parish with no wish to leave but who cannot find suitable accommodation to rent or purchase.

- 4.70 The parish as part of its evidence base carried out a Housing Needs Survey in November 2014. Undertaken independently by the Rural Community Council of Essex (RCCE), the document is available as part of the supporting information for this Plan. This comprehensive survey found that there was an identified need for some affordable housing.
- 4.71 A second Housing Needs Survey was undertaken by the RCCE in April 2019. This survey also showed that there was an identified need for some affordable housing.
- 4.72 The Parish Council received technical support from AECOM and a call for potential sites was carried out in June 2017, with the intention of possibly allocating housing through the Neighbourhood Plan. Unfortunately, reduced Sites 9 and 10 as recommended in the Call for Sites Assessment report were no longer available.
- 4.73 The Parish Council feel that such affordable housing as defined in the National Planning Policy Framework can be supported through the rural exceptions route and that it is not necessary to either repeat higher level national and local policies on this or to identify and allocate sites in this Plan as this would in any case, go against the grain of an exception site.

## **Broadband and Mobile Connectivity**

- 4.74 High-speed broadband and better mobile connectivity can make a significant difference to those living and working in villages and rural areas. Both the householder and business surveys confirmed that broadband speed in some parts of the parish is slow. This affects the ability of residents and businesses to maximise their future potential as broadband is a key method of communication and contributes to quality of life. In addition, parts of the Parish have none or a very poor mobile signal.
- 4.75 In line with Broadband Delivery UK, part of the Department for Culture, Media and Sport, the Government is keen to see improvements to broadband and mobile infrastructure. The National Planning Policy Framework supports high quality communications infrastructure. It specifically states that the development of high-speed broadband technology and other communication networks plays a vital role in enhancing the provision of local community facilities and services.
- 4.76 The District Council also recognises the benefits of high speed broadband in encouraging home based working within the rural areas.
- 4.77 High-speed broadband will help to address these issues and bring additional opportunities for our communities.
- 4.78 The policy tries to ensure that developers have early regard to the connectivity of their proposals and that provision is factored into decisions about cost and investment. Opportunities to provide ducting during infrastructure works should be taken where possible.

**Policy 13 – New Broadband and Mobile Infrastructure**

Insofar as planning permission is required proposals for the installation of new broadband and mobile phone infrastructure will be supported provided that:

- Infrastructure is fully integrated into the design of future development proposals; and
- Where new masts or structures are required, they should be sympathetic to their surroundings.

All new residential and commercial developments should be designed to be served by a fast and reliable broadband connection to the premises. Connection should include the installation of appropriate cabling within the homes or business units as well as a fully enabled connection of the developed areas to the full main telecommunications network to provide the fastest available broadband access.

## Section 5: Monitoring and Review

- 5.1 Once the Neighbourhood Plan has been 'made' by Maldon District Council, the Council will determine all applications and other proposals in the light of policies set out in the plan.
- 5.2 There is no statutory requirement for the impact of this Plan and its policies to be monitored. Langford & Ulting Parish Council will periodically monitor the impact of policies on change in the Parish by considering the policies' effectiveness in the planning application decision-making process. The Parish Council will do this by referring to this Plan when reviewing planning applications. The Parish Clerk will keep a record of the application, any applicable policies, and comment from the Parish Council together with the eventual outcome of the application.
- 5.3 Applicants will be expected to demonstrate in their applications how they conform to the Neighbourhood Plan policies.
- 5.4 A full or partial review of this Plan may be triggered by changes to legislation, changes to national or District-wide planning policies or significant planning issues being raised by the local community which cannot be dealt with effectively by a combination of national, district and/or existing Neighbourhood Plan policies. The District Council has now embarked on a review of the Local Development Plan. It is anticipated that the Plan will be adopted in late 2023. This will be an important event for the local planning policy context. The Parish Council will assess the need for a review of the neighbourhood plan within six months of the adoption of the emerging Local Development Plan Review.
- 5.5 Throughout the implementation of the Neighbourhood Plan period, the Parish Council will seek to maintain and develop its working relationship with Maldon District Council and other organisations as well as engaging with its residents and the community.

## Section 6: Proposals Not Forming Part of the Plan

6.1 This section covers non-planning matters that are aspirations that we want to keep in mind for the future.

- 30mph speed limit on B1019/1018 through the whole of Langford including Maldon Road, Hatfield Road and Witham Road. With the additional 11 houses at the old waterworks site and two more large houses by the railway bridge this becomes more feasible.
- 30mph speed limit on Maypole Road. This may well be achieved with the advent of the North Heybridge Garden Suburb development.
- Reduced speed limit on B1019 between the Langford and Ulting village gateways.

## Appendix A: Evidence Base Documents

1. Neighbourhood Plan Evidence Base Documents can be found on the Parish Council website:  
<https://e-voice.org.uk/langford-ulting/assets/documents/>

- EB001** Terms of Reference
- EB002** Designation Letter
- EB003** Website
- EB004** Newsletter Articles
- EB005** Village Plan 2010
- EB006** Questionnaire 2012
- EB007** First Residents' Survey
- EB008** Art Show 2013
- EB009** Langford Focus Group
- EB010** Ulting Focus Group
- EB011** SHLAA Owner's Letter
- EB012** Landowner Letter
- EB013** Landowner Map
- EB014** Art Show 2014
- EB015** Langford Questionnaire 2014
- EB016** Ulting Questionnaire 2014
- EB017** Second Residents' Survey
- EB018** Business Questionnaire
- EB019** Business Survey 2014
- EB020** Housing Needs Survey 2014
- EB021** Statutory Consultee Email
- EB022** Reg 14 Comment Form
- EB024** Building Materials
- EB025** Landscape Character Assessment
- EB026** Site Assessment Report
- EB027** Housing Needs Survey 2019
- EB028** Screening Opinion on need for SEA and HRA Assessment

2. The documents referred to below can be accessed by clicking on the link unless otherwise stated:

### Approved Maldon District Local Development Plan

- [https://www.maldon.gov.uk/info/20048/planning\\_policy/9712/approved\\_local\\_development\\_plan\\_21\\_july\\_2017](https://www.maldon.gov.uk/info/20048/planning_policy/9712/approved_local_development_plan_21_july_2017)

### Landscape Character Maldon District

- Landscape Character Assessment 2006:  
<https://www.maldon.gov.uk/publications/LDP/pre-submission/2%20Design%20and%20Climate%20Change/EB009a%20Landscape%20Character%20Assessment.pdf>
- Landscape and Visual Impact Assessment 2010:  
<https://www.maldon.gov.uk/publications/LDP/pre-submission/2%20Design%20and%20Climate%20Change/EB021%20Landscape%20and%20Visual%20Impact%20Assessment.pdf>
- Historic Designed Landscapes of Essex, Part 4, The District of Maldon, Essex Gardens Trust, 2010 (pp 51-58): <https://www.maldon.gov.uk/publications/LDP/pre->

[submission/1%20Spatial%20Vision%20and%20Development/EB024%20Historic%20Design%20Landscapes%20of%20Essex.pdf](#) (Langford Grove)

#### **Langford Historic Settlement Assessment Report, T O'Connor, ECC & MDC, 2006**

- <https://e-voice.org.uk/langford-ulting/assets/documents/langford-historic-settlement-a>

#### **Maldon District Historic Environment Characterisation Project:**

- Historic Designed Landscapes <https://www.maldon.gov.uk/publications/LDP/pre-submission/2%20Design%20and%20Climate%20Change/EB018%20Maldon%20District%20Historic%20Environment%20Characterisation%20Project.pdf>

#### **Conservation Areas**

- Langford Conservation Area Appraisal and Management Plan: [https://www.maldon.gov.uk/publications/LDP/pre-submission/2%20Design%20and%20Climate%20Change/EB022e%20Conservation%20Area%20Review%20and%20Appraisal\\_Langford.pdf](https://www.maldon.gov.uk/publications/LDP/pre-submission/2%20Design%20and%20Climate%20Change/EB022e%20Conservation%20Area%20Review%20and%20Appraisal_Langford.pdf)
- Chelmer and Blackwater Conservation Area Character Assessment (1999): [https://www.maldon.gov.uk/downloads/file/10254/chelmer and blackwater navigation design](https://www.maldon.gov.uk/downloads/file/10254/chelmer_and_blackwater_navigation_design)

#### **Employment Land Assessment**

- Maldon District Employment Land Review: <https://www.maldon.gov.uk/publications/LDP/pre-submission/3%20Economic%20Prosperity/EB035a%20Maldon%20District%20Employment%20Land%20Review%20Report.pdf>

#### **Strategic Housing Land Availability Assessment**

- Strategic Housing Land Availability Assessment June 2012: <https://www.maldon.gov.uk/publications/LDP/pre-submission/4%20Housing/EB056a%20Strategic%20Housing%20Land%20Availability%20Assessment%20Report.pdf>
- Strategic Housing Land Availability Assessment Site Schedules: <https://www.maldon.gov.uk/publications/LDP/pre-submission/4%20Housing/EB056b%20Strategic%20Housing%20Land%20Availability%20Assessment%20Site%20Schedules%202012.pdf>
- Strategic Housing Land Availability Assessment Site Maps: <https://www.maldon.gov.uk/publications/LDP/pre-submission/4%20Housing/EB056c%20Strategic%20Housing%20Land%20Availability%20Assessment%20Site%20Maps%202012.pdf>
- Maldon District Council Historic Rate of Windfall Delivery: <https://www.maldon.gov.uk/publications/LDP/pre-submission/1%20Spatial%20Vision%20and%20Development/EB001a%20Maldon%20District%20Council%20Historic%20Rate%20of%20Windfall%20Delivery.pdf>

#### **Strategic Housing Market Assessment**

- Strategic Housing Market Assessment Update 2012: <https://www.maldon.gov.uk/publications/LDP/pre-submission/4%20Housing/EB010c%20Strategic%20Housing%20Market%20Assessment%20Update%202012.pdf>



- Strategic Housing Market Assessment Update Explanatory Note 2013  
<https://www.maldon.gov.uk/publications/LDP/pre-submission/4%20Housing/EB010d%20Strategic%20Housing%20Market%20Assessment%20Update%20Explanatory%20Note%202013.pdf>
- Strategic Housing Market Assessment Update 2014:  
<https://www.maldon.gov.uk/publications/LDP/pre-submission/4%20Housing/EB010e%20Strategic%20Housing%20Market%20Assessment%20Update%202014.pdf>
- Five Year Housing Land Supply Statement 2013/14:  
<https://www.maldon.gov.uk/publications/LDP/pre-submission/7%20Implementation%20and%20Monitoring/EB096b%20Five-Year%20Housing%20Land%20Supply%20Statement%20May%202014.pdf>
- LDP Evidence, Maldon District Council, Final Advice Note:  
<https://www.maldon.gov.uk/publications/LDP/pre-submission/1%20Spatial%20Vision%20and%20Development/EB051%20Maldon%20District%20LDP%20Evidence%20PAS%20Final%20Advice%20Note.pdf>

### **Strategic Flood Risk Assessment**

- Strategic Flood Risk Assessment Appendix D Maldon Supplementary Report May 2008:  
<https://www.maldon.gov.uk/publications/LDP/pre-submission/2%20Design%20and%20Climate%20Change/EB031%20Mid%20Essex%20Strategic%20Flood%20Risk%20Assessment%20Maldon%20Report.pdf>

### **Affordable Housing**

- Affordable Housing Guide December 2005:  
<https://www.maldon.gov.uk/publications/LDP/pre-submission/4%20Housing/EB057%20Maldon%20District%20Affordable%20Housing%20Guide.pdf>

### **Older Person's Housing**

- Older Persons' Housing Strategy: <https://www.maldon.gov.uk/publications/LDP/pre-submission/4%20Housing/EB071%20Maldon%20District%20Older%20Persons'%20Housing%20Strategy.pdf>

### **Green Infrastructure**

- Maldon District Green Infrastructure Survey September 2011:  
<https://www.maldon.gov.uk/publications/LDP/pre-submission/5%20Natural%20Environment%20and%20Green%20Infrastructure/EB041a%20Maldon%20District%20Green%20Infrastructure%20Study%20Report.pdf>
- Maldon District Local Wildlife Sites Review December 2007:  
<https://www.maldon.gov.uk/publications/LDP/pre-submission/5%20Natural%20Environment%20and%20Green%20Infrastructure/EB047%20Maldon%20District%20Local%20Wildlife%20Sites%20Review.pdf>

### **Maldon District Infrastructure Delivery Plan**

- Maldon District Infrastructure Delivery Plan Part 1 – Baseline:  
<https://www.maldon.gov.uk/publications/LDP/pre-submission/7%20Implementation%20and%20Monitoring/EB059a%20Maldon%20District%20Infrastructure%20Delivery%20Plan%20Baseline%20Report.pdf>

- Maldon District Infrastructure Delivery Plan Update – December 2013:  
<https://www.maldon.gov.uk/publications/LDP/pre-submission/7%20Implementation%20and%20Monitoring/EB059c%20Maldon%20District%20Infrastructure%20Delivery%20Plan%20December%20Update.pdf>

#### Miscellaneous

- Maldon District Rural Facilities Survey February 2011:  
<https://www.maldon.gov.uk/publications/LDP/pre-submission/8%20General%20Other/EB038%20Maldon%20District%20Rural%20Facilities%20Survey.pdf>
- Maldon District Rural Facilities Survey January 2016:  
<https://www.maldon.gov.uk/publications/LDP/pre-submission/8%20General%20Other/EB038b%20Maldon%20District%20Rural%20Facilities%20Survey.pdf>
- Ward Profile – Wickham Bishops and Woodham:  
[https://www.maldon.gov.uk/publications/LDP/pre-submission/8%20General%20Other/EB046q%20Ward%20Profile\\_Wickham%20Bishops%20and%20Woodham.pdf](https://www.maldon.gov.uk/publications/LDP/pre-submission/8%20General%20Other/EB046q%20Ward%20Profile_Wickham%20Bishops%20and%20Woodham.pdf)
- Maldon District Vehicle Parking Standards SPD 2018:  
[https://www.maldon.gov.uk/info/20048/planning\\_policy/8114/other\\_local\\_plan\\_documents/5](https://www.maldon.gov.uk/info/20048/planning_policy/8114/other_local_plan_documents/5)



**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

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**to  
COUNCIL  
4 NOVEMBER 2021**

**ONE MALDON DISTRICT**

**1. PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to provide further clarity on the structure and Member representation of One Maldon District (OMD) following Member agreement in principle on 30 June 2021.

**2. RECOMMENDATIONS**

That the Council endorses the approach to the formation of One Maldon District (OMD); enabling a senior level partnership between organisations and communities across our District to work together effectively to improve the health and well-being of residents and to ensure community safety.

**3. SUMMARY OF KEY ISSUES**

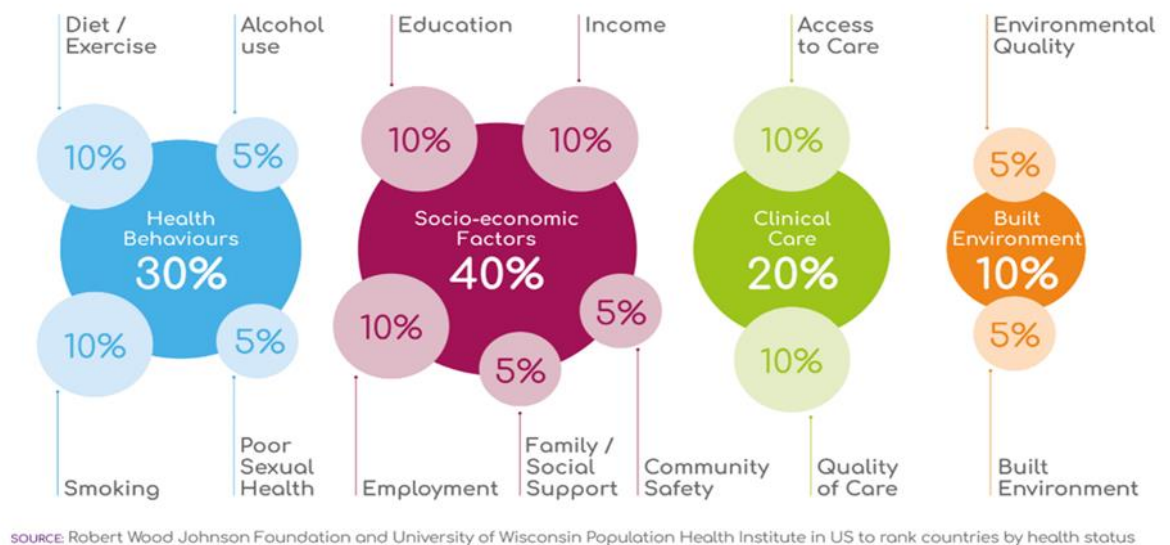
**3.1 The case for change**

- 3.1.1 Health and well-being and community safety are key elements of the Maldon District Council Corporate Plan 2021-3, including:

- Working with our communities and partners to improve the physical health and well-being of our residents;
- Working with our communities and partners to improve the mental health and well-being of our residents;
- Ensuring the safety and wellbeing of our vulnerable children, adults and families;
- Working with our communities, schools and partners, to improve our children and young peoples' health and well-being, giving them the best start in life;
- Building on the strengths of our communities and what they can do to support themselves and help each other to thrive.

- 3.1.2 The need for organisations and communities to work together to improve health and well-being and community safety is long-established. By bringing key partners and stakeholders together One Maldon District will enable strategic delivery to improve the lives of our residents. The Covid-19 pandemic has shone a light on the need for cooperation and coordination across our District. For the past 20 months, we have worked tirelessly with our partners and stakeholders to provide the best possible response for our communities. OMD is our opportunity, our vehicle, to ensure that partnership approach continues.

- 3.1.3 The approach for OMD is underpinned by research as demonstrated by The Robert Wood Johnson model of Health Determinants set out below, which highlights the links between health behaviours, socio-economic factors, clinical care and built environment, as the key determinants of a healthy population.



- 3.1.4 There are wider changes occurring within the health landscape with the proposed dissolution of Clinical Care Groups (CCG's) in the NHS and the establishment of Integrated Care Systems (ICS's) promoting closer working between the NHS and public and voluntary sector partnerships, to be delivered through a place-based approach. The Model of One Maldon would enhance the partnership working in the District and enable a joined-up approach to work with all partners and particularly the Mid Essex Alliance – the place-based forum through which the NHS will work with the partners of Mid-Essex.

### 3.2 What is the proposed One Maldon District (OMD)?

- 3.2.1 One Maldon District is proposed as a senior level partnership, working together to ensure a healthier and prosperous Maldon District in relation to themes of Place, Prosperity, Community and Safety. OMD seeks to maximise collaboration to ensure there is an abundance of opportunities for enhanced health, well-being, community safety and feeling of safety within communities across the District. A proposed Terms of Reference are presented in **APPENDIX 1**.

### 3.3 What is the purpose of One Maldon District?

- 3.3.1 OMD would provide oversight to performance and delivery of Maldon District Livewell Group and the Responsible Authorities Group, ensuring a joined-up approach to the Health and Well-being and Community Safety agendas. It would bring together senior representatives from the local statutory, voluntary and private sectors to enhance local quality of life in the District. The Board would look to horizon scan new opportunities and challenges for Maldon District, translating them into local action for sub-groups and partnerships. The adoption of OMD would enable organisations across the District to better align resources, including pooling resources where appropriate to reduce duplication and deliver improved outcomes at less cost.
- 3.3.2 OMD would provide strong and effective leadership to Maldon District, by challenging one another, holding each other to account and overcoming any blockages within representatives' own organisations. Adopting the board would enable integration of

relevant data, research and intelligence functions and promote shared understanding and analysis of needs across organisations. OMD would ensure effective links between the Strategic Boards through communication, networking and engagement. Due to senior level representation it would improve escalation of matters where there is changing demographic need or issues in Maldon District that needs further exploration.

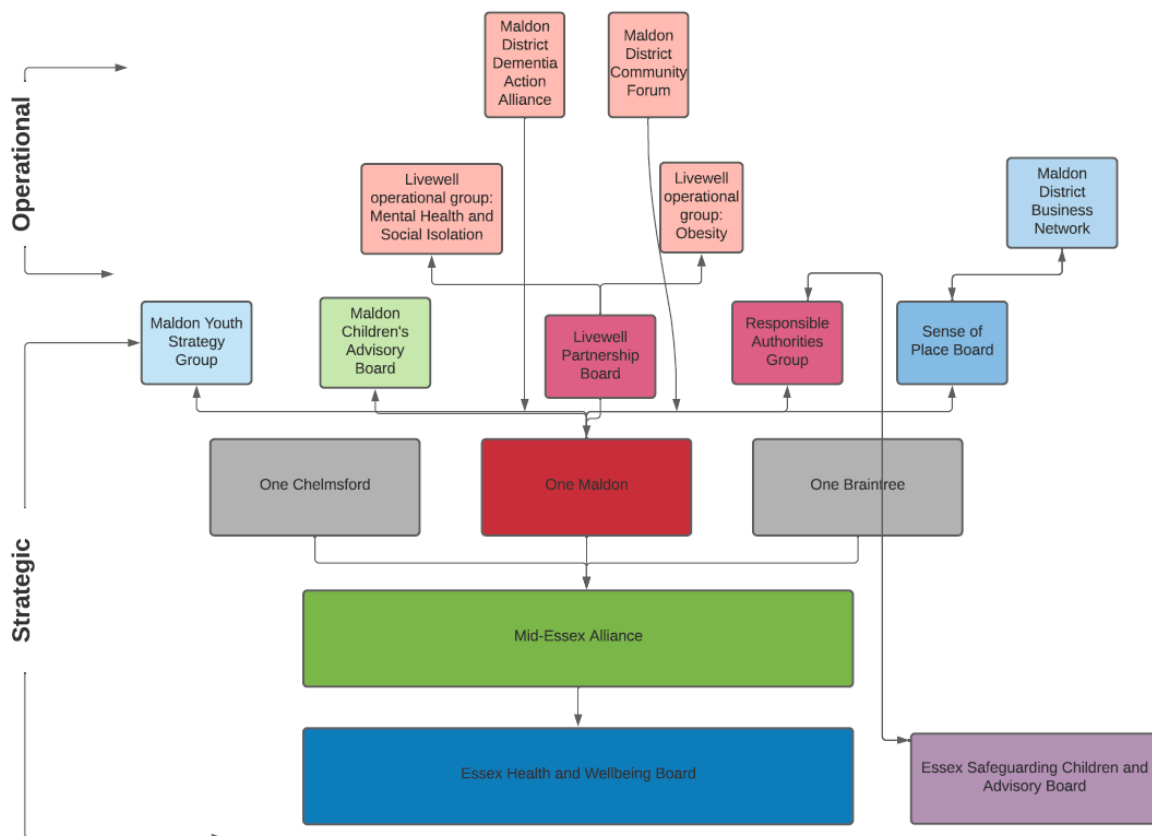


Diagram One: Proposed Structure of OMD

### 3.4 What would the membership One Maldon District look like?

- 3.4.1 A range of partners would be invited to represent their organisation at a senior level. This will include: Local Authority (Maldon District Council and Essex County Council), Voluntary Sector, Safety (Police, Fire and Probation), Local business representation, Political Representation (Appointed Members and Local Members of Parliament (MP's)), Cultural sector, Education (Schools, Further Education and Higher Education), Faith representation, Health (Clinical Commissioning Group), Housing and Representation of Maldon will be at the Elected Member level, likely to be the Leader of the Council and the Leader of the Opposition. The Main Board will be supported by sub-groups to ensure it maintains the engagement of all partners and provides the appropriate forums for discussion and joint working.

Diagram Two: Proposed Membership



### 3.5 How has it worked in other local authorities?

- 3.5.1 The concept of this board is well established and working efficiently and effectively in both Colchester Borough Council and Chelmsford City Council. Having the board in place enables external funding to be brought in which can then be disseminated as required.

### 3.6 Next Steps

- 3.6.1 The next steps will be to determine the structure of One Maldon and finalise the Terms of Reference and proposed representation, including the Member representation from Maldon District Council, be represented through the Leader of the Council, but also through which is initially proposed to be the Leader of the Council and Leader of the Opposition.

## 4. CONCLUSION

- 4.1 OMD will improve communication and partnership working that is undertaken at a senior level between the statutory, voluntary and private sector. The OMD board will support Maldon District Council (MDC) to work more efficiently and effectively in relation to community safety and health and well-being whilst supporting work which will achieve delivery of our corporate outcomes.

## 5. IMPACT ON STRATEGIC THEMES

- 5.1 The introduction of One Maldon District will have a contribution to all of the Strategic Themes of Place, Prosperity and Community and the organisational focus of

Performance and Value. OMD will assist in the delivery of the Corporate Plan outcomes through a partnership approach to the issues facing the District.

## 6. IMPLICATIONS

- (i) **Impact on Customers** – The OMD board will provide senior level coordination between statutory, private and voluntary organisations within the District. This will mean more joined up ways of working and support MDC in our delivery of the corporate outcomes: customers' expectations exceeded, continuing to work sustainably, effective engagement to support strong resilient communities, partnership working to safeguard vulnerable adults, children and families and working with communities and partners to support our health and wellbeing priorities.
- (ii) **Impact on Equalities** – The Council is committed to providing equal opportunities with no discrimination. There are no identifiable impacts currently based upon the work to date.
- (iii) **Impact on Risk:**
  - **Operational risk** – None.
  - **Organisational risks** – None.
  - **Partnerships** - The OMD board is likely to strengthen the following partnerships: voluntary sector, Police, Fire, Probation, Business, Cultural Sector, Education, Faith Representation and Clinical Commissioning Group.
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – The OMD partners could support of the actions of the Climate Action Strategy and ensuring their organisations sign up as a Climate Action Friend (subject to approval).
- (vii) **Impact on Strengthening Communities** - The importance of strengthening communities is fully recognised in the One Maldon Approach; with the update seeking that the Council's resources be coordinated with partners to help communities thrive with support where it is necessary.

Background Papers: None.

Enquiries to: Paul Dodson, Director of Strategy, Performance and Governance.

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## **DRAFT: One Maldon District Terms of Reference**

### **1. What is One Maldon District?**

One Maldon District is a senior level partnership, working together to ensure a healthier and prosperous Maldon District in relation to Place, Prosperity, Community and Safety. One Maldon District seeks to maximise collaboration to ensure there is an abundance of opportunities for enhanced health, wellbeing, community safety and feeling of safety within communities across the District.

### **2. One Maldon District purpose**

One Maldon District has been established to bring together senior representatives from the local statutory, voluntary and private sectors to enhance local quality of life, jointly bid and draw down funding, discuss and link strategies and initiatives. The main purpose of One Maldon District is to:

- Focus on three key themes, namely Community, Place and Prosperity;
- Provide a joined-up approach to the focus themes;
- Provide oversight to performance and delivery of Maldon District Livewell Group and Responsible Authorities Group; and
- Aspire to be an example of best strategic partnership working

### **3. One Maldon District aims**

One Maldon District is a vehicle to ensure strategic leaders collaborate and work together to drive and lead change, our key aims will include:

- Act as a vehicle which provides a united voice from and into Maldon District at both a regional and national level.
- To horizon scan new opportunities and challenges for Maldon District, translating them into local action for partners and partnerships.
- To lead efforts to better align organisational resources, including pooling resources where appropriate, in order to reduce duplication and deliver improved outcomes at less cost.
- To provide strong and effective leadership to the Maldon District, by challenging one another, holding each other to account and overcoming any blockages within own organisations.
- To work to integrate relevant data, research and intelligence functions and promote shared understand and analysis of needs.
- To ensure effective links between the Strategic Boards and with communities through communication, networking and engagement.
- To escalate or refer matter where there is changing demographic needs or issue in Maldon District that needs further exploration.
- Ensure community is at the heart of what we do by leading on social cohesion, fostering asset-based community development and ensure priorities and outcomes are informed by effective community engagement.
- Maximising and sharing funding opportunities to strengthen and provide expert support of bid submission and grant distribution.

#### 4. Membership

- This is a strategic level board which unites organisations from the community, business, public and voluntary sector
- The level of membership (Figure 1.) required is so a member is able to represent whole organisations or sectors, devise and confirm joint strategic plan, make high level decisions, commit resources and seek to break down any operational barriers.

**Figure 1.** One Maldon District suggested membership diagram

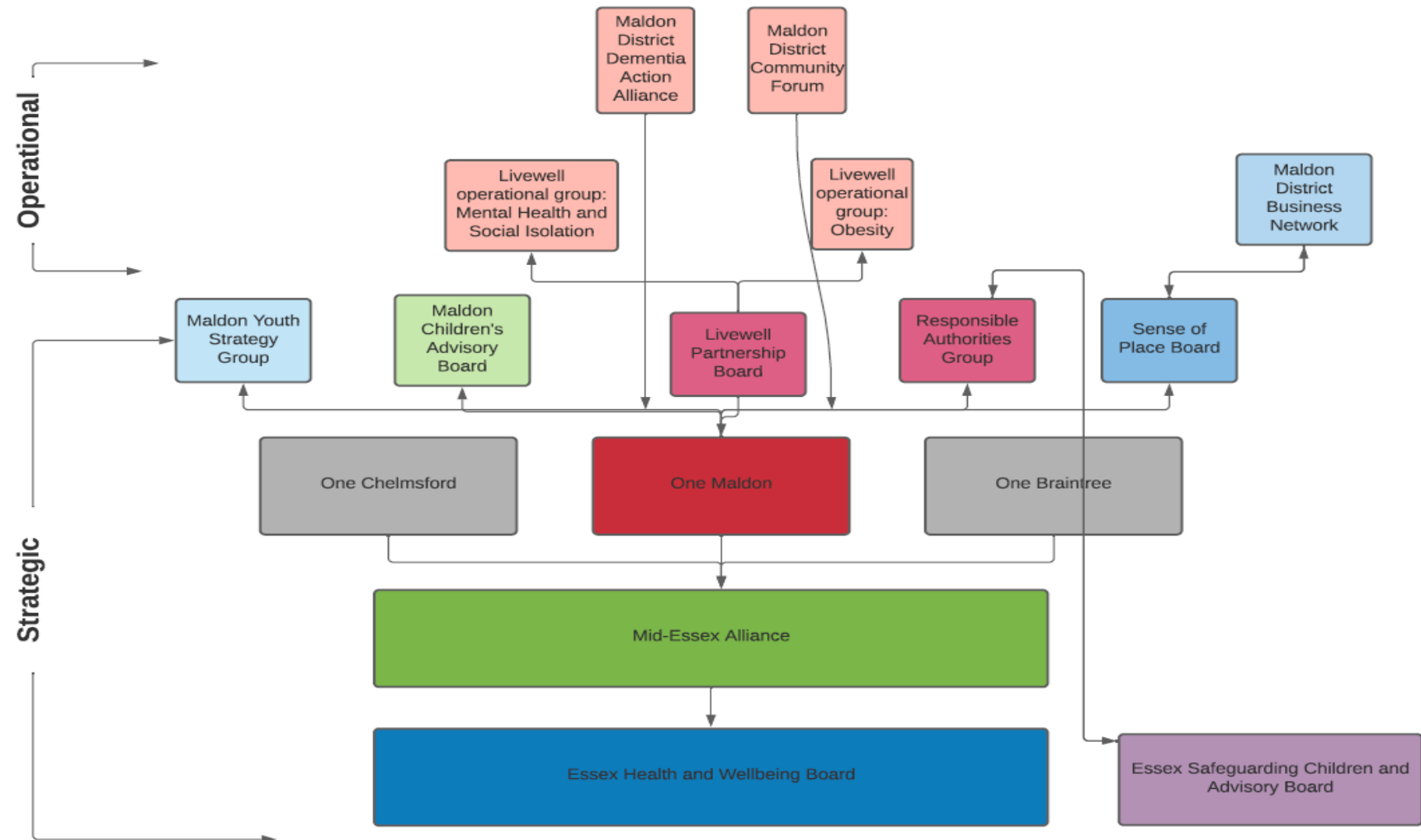


**Figure 2.** Proposed One Maldon District Membership List

Cllr Wendy Stamp	Leader of Maldon District Council
Cllr Penny Channer	Leader of the Opposition Maldon District Council
Paul Dodson	Maldon District Council
Richard Holmes	Maldon District Council
Georgina Button	Maldon District Council
Spencer Clarke	Maldon District Council
Damien Ghela	Maldon District Council
Sue Green	Maldon District Council
Mike Gogarty	Essex County Council
Sarah Troop-Laskar	Maldon and District Community Voluntary Service
Charlie Fillingham	Maldon Sense of Place

Jane Gardner	Police, Fire and Crime Commissioner
Stephen Scott-Hayes	Essex Police
David Messam	National Probation Service
Sukriti Sen	Essex County Council
John Whittingdale MP	MP for Maldon
Rt Hon Priti Patel MP	MP for Whitham
Carl Wakefield	Plume Academy
Chris Barton	Plume Academy
TBC	Ormiston Rivers Academy
TBC	Ormiston Rivers Academy
Rob Sefton	Churches Together Maldon
TBC	Maldon Muslim Association
Daniel Doherty	NHS CCG/Mid-Essex Alliance
Jason Fergus	Active Essex
Simon King	Active Essex
TBC	Housing Representative
TBC	Youth and Young People Representative
TBC	Essex County Council Culture Representative

**Figure 3.** Existing strategic boards and groups that will support and be supported by One Maldon District



## **5. Nature and frequency of meetings**

The One Maldon District board shall meet quarterly (MINIMUM OF THREE MEETING PER YEAR) to develop its strategic plan and to review progress towards achieving the priorities within the plan.

The board will have the ability to meet more often if required.

## **6. Chair and Vice-Chair**

The One Maldon District Chair shall be elected annually and shall Chair for no more than 2 consecutive years. The Chair shall also be supported by a Vice-Chair.

Characteristics of the Chair suggested are:

- Integrity
- Clear vision and passion for One Maldon District
- Emotional intelligence
- Decisiveness
- Ability to chair meetings
- Personal strength and courage

## **7. Quorum**

The minimum number of partners who must be present at any meeting must include 5 partners. If there are less than 5 partners present, it can be recommended to seek ratification through e-mail of decisions to keep processes fluid and action focused.

- Min no. of MDC reps 2

## **8. Reporting and communication**

The Chair of this board will agree and distribute an agenda at least 7 working days in advance of the meeting along with any reports or updates.

Any reports or agenda items for presentation to the group must be lodged with the Chair for agreement with a minimum of 10 days prior to the meeting date.

Meeting summary and action points will be provided to the membership within 10 working days of the meeting.

It is to be agreed by the board that a minute taker is supplied by one organisation (for consistency) and that the board reimburses the designated organisation for minute taker time. It would be preferred if the minute taker was sourced from the same organisation as the Chair to improve fluidity and speed of issuing minutes.

**9. Accountability**

The One Maldon District is accountable to the people of the Maldon District, this accountability is through the existing accountability structures of the participant partner organisations. This can include direct accountability to voters for some public sector agencies, accountability to communities and members for third sector organisations, and to local customers and to shareholders for businesses.



## **REPORT of DIRECTOR OF RESOURCES**

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**to  
COUNCIL  
4 NOVEMBER 2021**

### **COUNCIL TAX BASE 2022 / 23**

#### **1. PURPOSE OF THE REPORT**

- 1.1 The Council is required to set the tax base for Council Tax by the 31 January in the financial year preceding that to which the tax base applies.
- 1.2 The Council has to notify its tax base calculations to Essex County Council, Essex Fire Authority and the Police and Crime Commissioner for Essex and Parish/Town Councils by 31 January.

#### **2. RECOMMENDATION**

That in accordance with the Local Authorities (Calculation of Tax Base) Regulations 2012 the amount calculated by Maldon District Council as its council tax base for the 2022/23 year shall be set at 25,524.3.

#### **3. SUMMARY OF KEY ISSUES**

- 3.1 The Local Government Finance Act 1992 amended by s84 of the Local Government Act 2003 set out the requirements allowing each local authority to make its arrangements for adopting the Council Tax base. The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 (SI 2012:2914) provides amended statutory guidance to incorporate the changes resulting from the introduction of the Local Council Tax Support Scheme (LCTSS).
- 3.2 The Council Tax varies between the different bands according to proportions laid down in legislation. These proportions are based around Band D and are fixed so that the bill for a dwelling in Band A will be a third of the bill for a dwelling in Band H. Applying the relevant proportion to each band's net property base produces the number of Band D equivalent properties for the area.
- 3.3 The Council is required to approve the Council Tax Base figure for 2022 / 23 by 31 January 2022. The Council Tax Base figure is an integral part of the calculations for setting the level of Council Tax, and is the number of chargeable properties adjusted for certain factors, e.g. single persons' discounts, local council tax support, exemptions etc.
- 3.4 The tax base is calculated as determined in The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, with Local Council Tax Support information as at 13 September 2021, and discounts and exemptions as at 4 October 2021. **APPENDIX A** shows the calculation of the tax base whilst **APPENDIX B** sets out the tax base for each Parish/Town Council.

- 3.5 The Parish / Town Councils will be notified of their individual estimated tax base so that they can set their Parish / Town precepts that they wish to and calculate their Band D Council Tax for 2022 / 23. The deadline for the receipt of Parish / Town Council precepts is 7 January 2022.
- 3.6 It should be noted that whilst calculated and shown separately in **APPENDIX B** the following Parishes tax bases are combined to set their precept and therefore their Band D Council Tax.
- Asheldham and Dengie
  - Hazeleigh and Woodham Mortimer
  - Langford and Ulting
- 3.7 The collection rate used in the tax base calculation for 2022 / 23 is 97.3%; which is higher than the budgeted collection rate of 97.0% set for the current year, due to a trend of small improvement in collection since the lifting of restrictions caused by the Coronavirus pandemic.
- 3.8 Local council tax support has improved slightly from last year by 44 band D equivalents.
- 3.9 The Council Tax Base figure set for the current year (2021 / 22) is 24,959.1, so the new figure for the forthcoming year represents an increase of 565.2 or 2.26%. The key reason for the increase is a rise in the number of chargeable properties, with an improved collection rate and decrease in LCTS also contributing. An annualised estimate of the number of new dwellings that are expected will be added to the valuation list and becoming chargeable during 2022 / 23 has also been included (165.7 band D equivalents).

#### **4. CONCLUSION**

- 4.1 The annual setting of the Council's tax base is a prerequisite to the setting of the council tax for the following year.

#### **5. IMPACT ON CORPORATE GOALS**

- 5.1 Declaration of the Councils tax base is a technical exercise necessary to meet statutory obligations rather than corporate goals. The generation of additional income through the maximisation of the Council's tax base indirectly supports all corporate goals.

#### **6. IMPLICATIONS**

- (i) **Impact on Customers** – None identified.
- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – There are no risks associated with this report.
- (iv) **Impact on Resources (financial)** – The increase in tax base will increase the Council's council tax revenue for 2022 / 23.



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

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

Background Papers: None.

Enquiries to: Lance Porteous, Lead Finance Specialist.

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## MALDON DISTRICT COUNCIL - COUNCIL TAX BASE 2022/23

			Band A Disabled Reduction	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total
Line 1	Total Chargeable Dwellings			2,413.0	3,830.0	8,275.0	5,456.0	4,522.0	2,954.0	1,598.0	182.0	29,230.0
Lines 2+3	Less Exempt Dwellings			144.0	54.0	78.0	46.0	36.0	11.0	9.0	0.0	378.0
Line 4	Chargeable Dwellings			2,269.0	3,776.0	8,197.0	5,410.0	4,486.0	2,943.0	1,589.0	182.0	28,852.0
Line 5	Less Disabled Reductions			4.0	15.0	34.0	24.0	29.0	18.0	11.0	8.0	143.0
Line 6	Plus Revised Bands due to Disabled Reductions Chargeable Dwellings - Revised		4.0	15.0	34.0	24.0	29.0	18.0	11.0	8.0	0.0	143.0
Calc	Less Number of dwelling equivalents where discounts and premiums apply		0.5	349.5	436.1	650.0	335.1	191.5	89.0	48.0	0.0	2,099.8
Line 27	Number of dwellings equivalents after applying discounts and premiums to calculate tax base		3.5	1,930.5	3,358.9	7,537.0	5,079.9	4,283.5	2,847.0	1,538.0	174.0	26,752.2
Line 28	Less Local Council Tax Support Scheme		1.4	513.9	556.3	802.2	221.2	81.5	28.3	8.3	0.0	2,213.1
Line 29	Equivalent of Chargeable Dwellings		2.1	1,416.6	2,802.6	6,734.8	4,858.7	4,202.0	2,818.7	1,529.7	174.0	24,539.2
Line 30	Ratio to Band D		<b>5/9</b>	<b>6/9</b>	<b>7/9</b>	<b>8/9</b>	<b>9/9</b>	<b>11/9</b>	<b>13/9</b>	<b>15/9</b>	<b>18/9</b>	
Line 31	Band D Equivalents		1.2	944.4	2,179.8	5,986.5	4,858.7	5,135.8	4,071.5	2,549.5	348.0	26,075.4
	Adjustment for Parish-level roundings											-8.5
	Add Estimated Growth	165.7										165.7
	Band D Equivalents											26,232.6
	Non-Collection Rate	2.7%										-708.3
	<b>Estimated Council Tax Base for 2022/23</b>	97.3%										<b>25,524.3</b>

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**Maldon District Council****2022/23 Council Tax Base by Parish/Town Council**

<b>Parish Council</b>	<b>2022/23 Estimated Tax Base with Growth</b>
Althorne	511.5
Asheldham	64.3
Bradwell	340.7
Burnham-on-Crouch	3,465.4
Cold Norton	504.3
Dengie	49.1
Goldhanger	313.9
Great Braxted	175.2
Great Totham	1,276.5
Hazeleigh	60.6
Heybridge	2,813.3
Heybridge Basin	272.0
Langford	90.8
Latchingdon	470.1
Little Braxted	82.2
Little Totham	196.1
Maldon	5,541.6
Mayland	1,493.9
Mundon	149.0
North Fambridge	435.5
Purleigh	578.3
Southminster	1,618.8
St. Lawrence	591.7
Steeple	189.9
Stow Maries	86.2
Tillingham	395.7
Tollesbury	998.9
Tolleshunt D'Arcy	450.7
Tolleshunt Knights	421.8
Tolleshunt Major	276.1
Ulting	74.2
Wickham Bishops	1,004.4
Woodham Mortimer	259.6
Woodham Walter	271.9
<b>TOTAL</b>	<b>25,524.3</b>

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