

Our ref Pre-Submission LDP Representation  
Your ref

14 March 2014

# MALDON DISTRICT COUNCIL

Princes Road  
Maldon  
Essex CM9 5DL



Enquiries to: Planning Policy  
Email: [policy@maldon.gov.uk](mailto:policy@maldon.gov.uk)

Dear Sir / Madam

## **Smiths Gore on behalf of MAZ Homes Representation to the Pre-Submission Local Development Plan public consultation**

The information contained within the representations listed below were made by Mark Schmull, Associate for Smiths Gore representing MAZ Homes and should be read in conjunction with the supporting evidence contained within representation: **0106-5200-S2-24**.

- 0106-5201-S7-24
- 0106-5202-PM-24
- 0106-5203-EB010-24

Kind regards,



Emily Hall  
Planning Technician



P	S	C					/		
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**Part 2 - Regulation 19 and 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012 "Pre-Submission LDP" consultation**

Please note that all comments on the Pre-Submission LDP consultation should be provided by completing Part 2 of this form. A separate completed Part 2 should be provided for each comment made within a representation.

**2.1 To which part of the Maldon District Pre-Submission Local Development Plan (LDP) does this representation relate?**

a. Paragraph number

b. Policy reference

c. Proposals map

d. Other section (please specify)

**2.2 Do you consider the Maldon District Pre-Submission LDP to be ... (✓ as appropriate)**

**a. Legally compliant**

YES ☐

NO ☐

To be legally compliant the LDP has to be prepared in accordance with the Duty to Co-operate and legal and procedural requirements. This is required by Government guidance.

**b. Sound**

YES ☐

NO ☐

To be 'sound' a Local Plan should be positively prepared, justified, effective and consistent with national policy. This is required by Government guidance.

**If you do not consider the LDP to be sound, please complete section 2.3 below**

**2.3 Do you consider the Maldon District to be unsound because it is not ... (✓ as appropriate)**

**a. Positively prepared**

☐

To be positively prepared the Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements

**b. Justified**

☐

To be justified the Plan must be:

- Founded on a robust and credible evidence base
- The most appropriate strategy when considered against the reasonable alternatives

**c. Effective**

☐

To be effective the Plan must be:

- Deliverable;
- Flexible;
- Able to be monitored

**d. Consistent with National Policy**

☐

The Plan must be consistent with Government guidance as set out within the National Planning Policy Framework

On the following pages, please explain why you think the Plan is unsound or not legally compliant, and set out any changes you feel should be made to the Plan to make the Plan sound or legally compliant.

**Please note: As there will not normally be a subsequent opportunity to make further representations, please include all the information, evidence and supporting information necessary to support/justify your representation and the suggested change(s) to the Plan. After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues the Inspector identifies for examination.**

P	S	C					/		
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**2.4 If you consider the Maldon District LDP to be unsound or not legally compliant please explain why in the box below. Please be as precise as possible. Please also use this space for any comments in support of the LDP.**

If the box is not big enough for your comments, please attach another page marked appropriately.

P	S	C					/		
---	---	---	--	--	--	--	---	--	--

**2.5 Please explain in the box below what change(s) you consider necessary to make the Maldon District LDP legally compliant and sound.**  
**Please be as precise as possible. Please explain why this change will make the Maldon District LDP legally compliant and sound. It will be helpful if you are able to put forward any suggested revised wording of the policies or supporting text.**

If the box is not big enough for your comments, please attach another page marked appropriately.

P	S	C					/		
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2.6 Do you consider it necessary to attend and give evidence at the hearing part of the examination? (✓ as appropriate)

NO, I wish to communicate through written representations

YES, I wish to speak to the Inspector at the hearing sessions

Please note: The Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the hearing part of the examination

2.7 If you wish to participate at the hearing part of the examination, please outline why you consider this to be necessary

If the box is not big enough for your comments, please attach another page marked appropriately.

This is the end of Part 2 (Regulation 19 and 20) of the response form. Please complete this form for each representation you wish to make. You only need to complete Part A once. Please submit all of your response forms together.



**Maldon DC Pre-  
Submission  
Local Plan  
2014-2029**

**Reps on behalf  
of MAZ Homes**

**Date: 12/03/2014**



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## INTRODUCTION

1. These representations are made on behalf of MAZ Homes, as a formal response to the Maldon District Council Pre-Submission Local Development Plan Consultation (PSLDP). Our client owns land at Church Road, Wickham Bishops, as identified on the attached drawing at Appendix 1 (SHLAA ref site 5002). This land has previously been submitted for the SHLAA (see Appendix 2) and previous representations are attached at Appendix 3.
2. Having reviewed the PSLDP, we consider that **Policy S2** and the approach to site allocation as currently drafted, is **unsound** in the terms of the National Planning Policy Framework (NPPF) (paragraph 182) - it is:
  - i) **not consistent with national policy**; and
  - ii) **not justified i.e.** not the most appropriate strategy when considered against the reasonable alternatives.
3. The PSLDP is not consistent in its approach to allocating growth throughout the District – allocating a specified number of dwellings to the ‘Smaller Village’ of North Fambridge which is subject to a number of identified constraints, but not to ‘Larger Villages’ such as Wickham Bishops.
4. Furthermore, the evidence base is flawed in that it does not give an accurate consideration of the various sites within Wickham Bishops, and in particular our client's land – SHLAA site 5002, Land at Church Lane, Wickham Bishops.

## RECOMMENDED CHANGES

5. In order to make the Local Plan sound, the following changes should be made:

### **Policy S2**

6. The Larger Village Wickham Bishops (and other Larger Villages) listed in Policy S8 should be added to those in Policy S2 with their own identified level of housing growth. Corresponding detailed sub-policies should be added. In the case of Wickham Bishops this would identify the land at Church Lane as the allocated site with a list of appropriate considerations as appear for sites S4 – S6.

### **Policy S7**

7. Policy S7 should then be updated to reflect the above change, with the identified settlements and their growth levels listed in the policy after bullet 5).



### **Policy Map (focussed on Wickham Bishops)**

8. A Policy Map should be added relating to Wickham Bishops, delineating the Church Lane site and revising the Settlement Boundary around its periphery.

### **Key Diagram**

9. The Key Diagram should be revised to add the above allocation.

### **PRINCIPAL REPRESENTATIONS**

10. In general the identification of Wickham Bishops as one of the Larger Villages, suitable for helping to deliver the housing and other needs of the rural areas is considered to be 'sound' under the terms of the NPPF. Wickham Bishops is a sustainable settlement, offering local retail, leisure and local facilities. Indeed, the PSLDP recognises the sports and leisure opportunities (para RG01, FB12, CP03, and GA5), whilst there are also local shops, a library, local pubs, and a regular half hourly bus service (number 90) between Maldon and Wickham Bishops.
11. The Maldon District Rural Facilities Survey February 2011 (EB038) identifies what facilities the different settlements have. Table 3 (page 8) considers parishes in the north, with Wickham Bishops having 11 of the 16 items (none of the settlements have the full 16 out of 16). Indeed, it is one of only 6 parishes with a permanent shop.
12. Given the rural nature of much of the District, Wickham Bishops is clearly one of the settlements outside of the main towns that is suitable to accommodate growth within the District, having one of the better ranges of services and facilities.

### **Objections to Policy S2 and Policy Maps**

13. Notwithstanding this general support for the role of Wickham Bishops in the settlement hierarchy, we consider that **Policy S2** and the approach to site allocation as currently drafted, is **unsound** in the terms of the NPPF (paragraph 182) - it is:
  - i) **not consistent with national policy**; and
  - iii) **not justified i.e.** not the most appropriate strategy when considered against the reasonable alternatives.

#### ***i) Not consistent with National Policy***

14. Paragraph 47 of the NPPF states that, to boost significantly the supply of housing, LPAs should '*use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for*



*market and affordable housing in the housing market area...including identifying key sites which are crucial to the delivery of the housing strategy over the plan period'* (our emphasis).

Paragraph 154 of the NPPF states that:

*'Local Plans should set out the opportunities for development and clear policies on **what will or will not be permitted and where**'* (our emphasis).

15. Further, at para 157 the NPPF states:  
*"Crucially, Local Plans should...  
'**Allocate sites** to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate'* (our emphasis)
16. The Council clearly recognises that sites of the scale we propose at Wickham Bishops are strategic and should be allocated – both larger and smaller sites are allocated. For example, 75 dwellings have been specifically allocated to the settlement of North Fambridge - a 'Smaller Village'.
17. The rationale for North Fambridge to be identified is at paragraph 2.91, stating that it is due to its proximity to services in other settlements. However, paragraph 2.97 and 2.98 state that settlements are put into the hierarchy based upon their status and function. North Fambridge is not considered in the hierarchy to have a 'higher' status or function, despite its proximity to services in other settlements (which are in a different District).
18. When North Fambridge is considered in the Rural Facilities Survey (EB038) it does not even provide half of the 16 facilities. Meanwhile, the Landscape Character Assessment (EB009a) highlights in Section 6 (p.215) that the potential impact of development at North Fambridge must be considered, due to this Character Area having "high sensitivity to change". Furthermore, there are foul and surface water constraints identified in North Fambridge with a joint position statement being produced (EB063).
19. This high sensitivity and water constraints could result in an allocation of 75 dwellings being at the very least delayed (due to full Landscape Character Assessments being necessary), and in the worst case, non-deliverable (particularly due to viability or capacity issues). Other settlements (such as Wickham Bishops) do not fall within such sensitive or constrained areas and thus should be identified instead as a priority.
20. It is thus questionable why North Fambridge has been identified for a specific number of dwellings, whilst better served settlements, specifically ones whose services lie within the District, have not been allocated a specific number of dwellings.

21. It is clearly not a scale issue, with other sites of 100+ houses at Maldon, Heybridge and Burnham-on-Crouch being identified. In order to comply with the NPPF, the PSLDP needs to be consistent and should allocate the level of growth (and in some cases sites) for the settlements listed as larger villages, including at Wickham Bishops.
22. The NPPF states at para 184 that Neighbourhood Plans can be used for *'local people to ensure that they get the right type of development'* but that, to enable this to happen, Local Planning Authorities should set out clearly *'their strategic policies for the area.'*
23. Proposed **Policy S7** of the DLDP sets out the approach which the Council will take to rural allocations, with the criteria that allocations should meet. However, both **Policy S2** and **Policy S7** distinguish the 'Smaller Village' North Fambridge from the remainder of the rural area, which is an inconsistent approach.
24. To accord with paragraphs 154 and 157 of the NPPF, the Local Plan should set out the specific amounts of development the villages should take, which would allow for more precise definition through master-planning via neighbourhood plans. This process requires the evidence base and the Local Plan itself to identify constraints to development at relevant settlements (which it currently does not). It should not allocate one site or growth level at one village at a lower scale, and then leave other sites for a later document.
25. Allocating growth at smaller settlements and not at larger, more sustainable settlements is an inconsistent approach, for which no justification is given within the PSLDP. Policies **S2** and **S7** should therefore be amended to allocate the level of growth to each Larger Village and make the document sound.

#### ***ii) Not Justified***

26. The PSLDP is not considered justified because it has not identified the most appropriate strategy when considered against the reasonable alternatives (NPPF paragraph 182).
  - *Evidence Base*
27. Part of the evidence base for the PSLDP is the Strategic Housing Land Availability Assessment (SHLAA) – the most recent being May 2012. The report considers a number of sites at Wickham Bishops, and in particular our client's land – site 5002. It correctly identifies the land as adjoining the settlement boundary and being suitable, available, viable and deliverable, without constraint. It



should be noted however, that the site is listed as being available for years 6-10. In actual fact, the land is available now, and could provide a contribution to the immediate housing need, delivering within years 1 to 5.

28. The document is also inaccurate in that it makes reference to possible “informal recreation” use of the site. However the site is private land, and has never been, nor is currently, in use for informal recreation. It is not open for local residents or members of the public to use, and anyone utilising it would have been trespassing, without the landowner’s permission. This is thus an incorrect description of the site and the SHLAA should be amended to reflect this. These points were made in response to the Draft Local Plan consultation in September 2013, but the document has not been updated to reflect this fact.
29. Site 5002 is the only site listed at Wickham Bishops that does not have any particular constraint identified. Site 1827b is identified as having to address the sensitivity of Chantry Wood, and thus has a reduced developable area. Site 4290 is stated as being a “rural site with ecological sensitivities and limited services”. Site 4467 is in an area of landscape sensitivity and below the viability threshold, whilst Site 4514 is also within an area of landscape sensitivity and unviable. Both Sites 3671 and 4397 are stated to be an “isolated site in rural location”.
30. The evidence base has thus identified Site 5002 as being the only site suitable to accommodate growth in Wickham Bishops that can meet the needs of the area, and which would not have harmful impacts upon the surrounding landscape, ecology or sensitive areas.
  - *Not the most appropriate strategy*
31. It is contended that the above clearly demonstrates that, without clear identification of our client’s site on Church Lane as the major allocation in Wickham Bishops, it cannot be shown that the most appropriate strategy has been (nor ensure that it will be) arrived at. **Policy S7** simply states that ‘Each Parish will be invited to work with the Council to identify appropriate land to meet the needs for their area.’ However, the Parishes do not know the level of growth they are expected to deliver. They cannot be expected to identify land to meet their needs; the Local Plan should state what level of growth would be appropriate to meet their needs based on the information contained in the evidence base. Indeed, the document has sought fit to do this at North Fambridge, and so should as a minimum identify the other settlements, including Wickham Bishops.
32. No justification has been given for this inconsistency and the PSLDP is therefore not justified as required by the NPPF paragraph 182.



## CONCLUSIONS

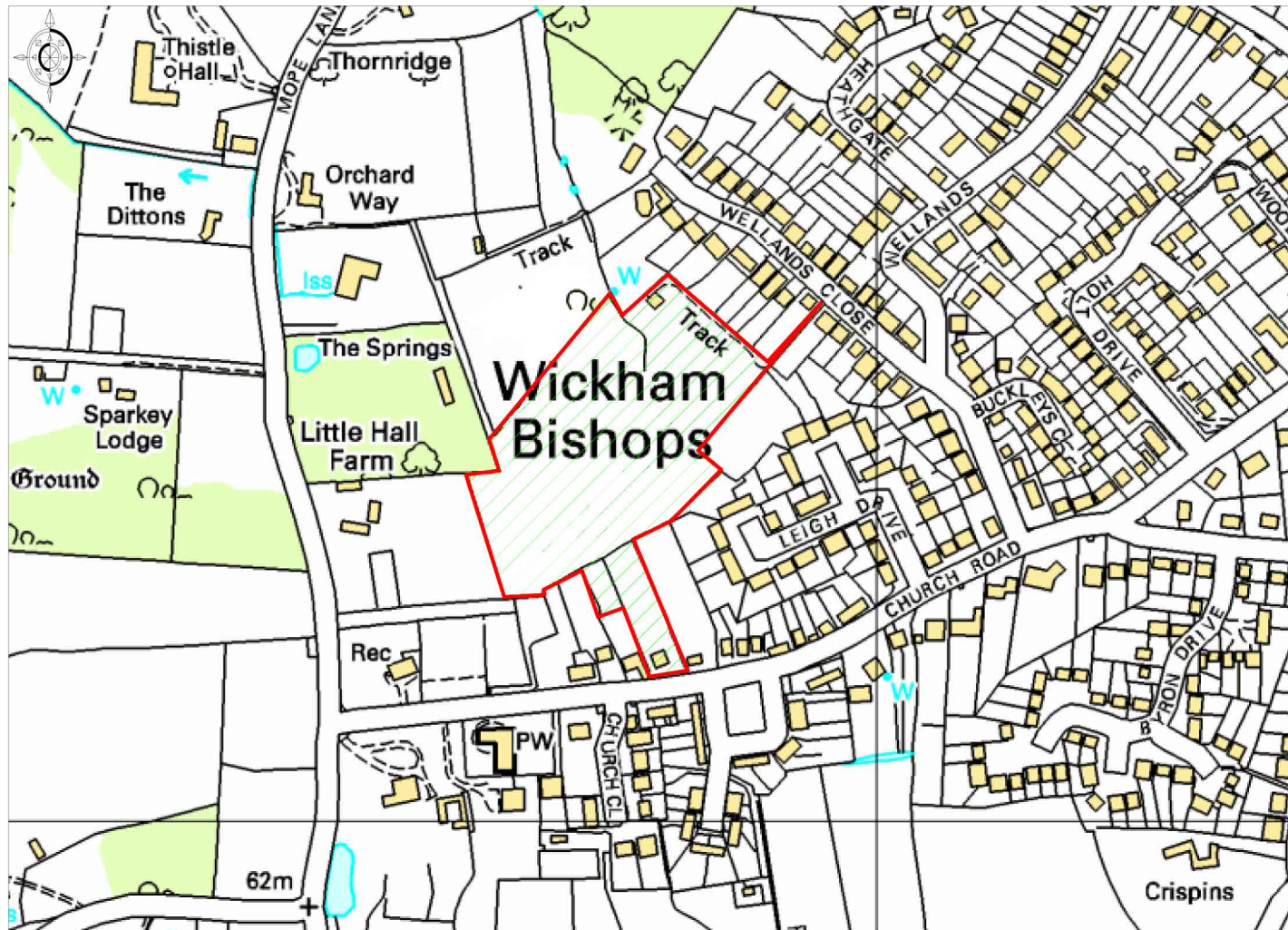
33. For the reasons set out above, the PSLDP is not sound as it is not consistent with national policy, nor is it justified. The PSLDP does not have a fully up to date considered evidence base, fails to respond to that evidence base, and is inconsistent in its approach to allocating growth throughout the District, and in particular at the Larger and Smaller Villages.
34. In order to make the PSLDP sound, sites including the land at Church Lane, Wickham Bishops, should be allocated within **Policy S2**, have a new proposals map prepared identifying them, and be shown on the key diagram. **Policy S7** should be updated to reflect these changes, with the allocated level of growth for the Larger Villages identified in the text after bullet 5).



**APPENDIX 1: SITE LOCATION PLAN**



## Land at Wickham Bishops





**APPENDIX 2: SHLAA SUBMISSION**



# MALDON DISTRICT COUNCIL LOCAL DEVELOPMENT FRAMEWORK CALL FOR SITES PROFORMA



To propose a site please fill in this form with as much information as possible. Please include a map that clearly identifies the **LOCATION** and **BOUNDARY** of the site you are submitting, we would be unable to process your submission otherwise. A downloadable map is available now at [www.maldon.gov.uk](http://www.maldon.gov.uk) and if you require any help please contact the Spatial Planning and Implementation Team on 01621 876202 or via email [policy@maldon.gov.uk](mailto:policy@maldon.gov.uk).

Please note that submitting a site does not guarantee its inclusion in any Maldon District Development Plans or that planning permission will be granted. The outcome of the assessment will be made publicly available and we intend to review the assessment annually.

Completed forms together with an attached map should be sent to:  
Spatial Planning and Implementation, Maldon District Council, Princes Road, Maldon, CM9 5DL or  
[policy@maldon.gov.uk](mailto:policy@maldon.gov.uk).

## Your Contact Details

Name: Mr Mark Tentori		Tel: 07770 394175		Email: mark@tentori.co.uk	
Name of Company (if relevant): N/A					
Address: Holly Hedges, Tingrith Road, Eversholt, Beds.					
Postcode: MK17 9EF					
Are you a (please tick box)	<input checked="" type="checkbox"/> Landowner	<input type="checkbox"/> Agent	<input type="checkbox"/> Registered Social Landlord		
	<input type="checkbox"/> Planning consultant	<input type="checkbox"/> Developer	<input type="checkbox"/> Other (please specify): _____		

## Sites Ownership (If there is a multiple/joint ownership please continue on a separate sheet and mark on site plan)

Name: Mr Mark Tentori		Tel: 07770 394175		Email: mark@tentori.co.uk	
Address: As above					
Postcode:					

## Site Details

Site Address:	
Land located to the rear of Church Road and Wellands Close, Wickham Bishops	
Postcode:	
Site Size (ha): 3.15ha	Grid reference: Easting _583809_ Northing _212286_
Current use(s):	
The site is a vacant site with a small barn structure located in the north-east corner.	
Relevant planning history (please give the planning application number where possible):	
There is no relevant planning history for this site.	

**Proposed Future Use of Site** (Please tick more than one box if necessary)

Proposed landuse(s):	Proposed number of units or floorspace or pitches (for gypsy sites)
<input checked="" type="checkbox"/> Residential	The site could accommodate up to 94 dwellings (assuming an average density of 30 dph) to include an appropriate percentage of affordable housing (to be determined at the application stage).
<input type="checkbox"/> Affordable/ Social Housing	
<input type="checkbox"/> Employment (please specify type)	
<input type="checkbox"/> Retail	
<input type="checkbox"/> Utilities (please specify)	
<input type="checkbox"/> Community Facilities (please specify)	
<input type="checkbox"/> Gypsy and traveller site	
<input type="checkbox"/> Other (please specify)	

If your site is located outside the existing development boundary as indicated in the Replacement Local Plan, please briefly explain the reason(s) why your site is suitable for development?

The site is adjacent to the eastern development boundary of Wickham Bishops, abutting the existing residential developments on Church Road and Wellands Close. The site is easily accessible and there are no known constraints which would restrict development. The site's location makes it a logical extension to the existing settlement boundary and therefore represents a natural 'rounding off' of Wickham Bishops without significantly extending the settlement.

**Marketing Interest** (please choose the most appropriate category below to indicate what level of market interest there is in the site)

	Comments
<input checked="" type="checkbox"/> Site is owned by a developer	
<input checked="" type="checkbox"/> Site is under option to a developer	
<input type="checkbox"/> Enquiries received	
<input type="checkbox"/> Site is being marketed	
<input type="checkbox"/> None	
<input type="checkbox"/> Not Known	

**Site Constraints**

Are there any physical constraints? (e.g. topography, trees, contaminated land etc.) (please specify)		NO
Are there any ransom strips?		NO
Are there any covenants?		NO
Does the site require relocation of current uses?		NO
Are there any access constraints (please specify)		NO
Other (please specify):		NO

**Utility Constraints** (Please tick where you do NOT have access to these utilities)

<input type="checkbox"/> Electricity Mains	<input type="checkbox"/> Water	<input type="checkbox"/> Sewerage Mains
<input type="checkbox"/> Gas Mains	<input type="checkbox"/> Telephone	<input type="checkbox"/> Broadband Internet
<input type="checkbox"/> Other (please specify) _____		

**Timescale for availability** (Please only indicate immediately if the site is cleared)

What is the estimated timescale for development?	<input checked="" type="checkbox"/> Immediately	<input type="checkbox"/> up to 5 years	<input type="checkbox"/> 5-10 years
	<input type="checkbox"/> 10-15 years	<input type="checkbox"/> 15 years and beyond	

0106-5200-S2-24

**END**

Thank you for taking the time to complete this form. Please return the form to the Maldon District Council.



**APPENDIX 3: PREVIOUS REPRESENTATIONS**



**hivesplanning**

46 Queen's Road, Reading RG1 4AU

telephone 0118 958 7331 fax 0118 939 4119

email [admin@hivesplanning.co.uk](mailto:admin@hivesplanning.co.uk) web [www.hivesplanning.co.uk](http://www.hivesplanning.co.uk)

Our Ref: TP/1150/MS

9<sup>th</sup> December 2012

LDF Team  
Planning Department  
Maldon District Council  
Princes Road  
Maldon  
Essex  
CM9 5DL

Dear Sirs

**Re: Local Development Framework and Land at Wickham Bishops, Maldon**

We write further to the Preferred Options Core Strategy consultation which took place in the summer of this year.

Our client has previously submitted land to the SHLAA for consideration by Maldon District Council. Unfortunately, they were not able to respond to the consultation this summer due to being out of the country. It is their intention to make representations in response to the Pre-Submission consultation when that takes place in 2013. However, in the interim, we would be grateful if you could take the following comments into consideration when preparing the draft Local Development Plan.

**General Strategy and Housing Numbers**

The duration of the plan period through to 2029 is welcomed as a forward thinking strategy. However, the overall level of housing growth proposed, at 3,200 dwellings remains too low in our opinion. It is considered that further housing numbers should be planned for in Maldon District because it is our view that the 3,200 dwelling number (including existing commitments) does not represent the full objectively assessed need for Maldon DC. Instead, it appears to represent a level of development that, we have presumed Maldon DC considers as the level of growth which could be satisfactorily accommodated in the District without detriment to other policy constraints as set out in the National Planning Policy Framework (NPPF).

It is our view that such an approach is not consistent with the NPPF, which states in paragraph 47 that the full objectively assessed need must be met. The proposed growth of 3,000 does not meet the full objectively assessed need. As reported in the Plan, the Sub National Population Projections suggest 397 dwellings per annum, which equates to 5,955 dwellings – nearly double the amount proposed. The proposed strategy, of some 200 dwellings per annum, only meets half the projected need. Paragraph 159 of the NPPF provides advice regarding meeting household and population projections, and the 200 dwellings per annum target does not accord with that advice.

The plan is thus considered unsound in its current form, and should be revised to the 5,955 dwellings target.





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## Distribution of Development and Settlement Hierarchy

We welcome the recognition of the role of Wickham Bishops in the settlement hierarchy, being categorised as a second tier settlement (having been a third tier in the previous version of the document). However, we are disappointed to note that, despite the high sustainability credentials of Wickham Bishops, the settlement has not been allocated any growth within the draft Plan.

Wickham Bishops has previously experienced growth in the centre, with the new parish facilities being created alongside new housing. The settlement is well served with local shops, pubs, recreation areas, a local library and bus services to the local schools and is a highly sustainable location. It is therefore a sustainable settlement with a variety of local services and facilities, a point further emphasised by the recognition of Wickham Bishops as a second tier settlement in the hierarchy.

The settlement is thus considered suitable and appropriate as a location for further growth within the Plan Period. It has a wide range of facilities which serve the local population and could be further enhanced with additional residents who would further enhance the viability of these facilities.

Our client has previously submitted the attached plan to the SHLAA call for sites (Appendix 1). Our client's representations to the SHLAA showed that the land at Wickham Bishops, shown on the attached, could comfortably accommodate some 94 dwellings, at an average density of 30 dwellings per hectare. The site is readily accessible from the south through Church Road, and is surrounded by development on 3 out of the 4 sides. It would therefore be a logical infill site which could be easily incorporated into the fabric of the settlement without harming its character and appearance or form. The site is not readily visible from public viewpoints and does not provide any public benefit in its current form. However, a development of circa 94 dwellings would benefit the local community in the following ways:

1. The delivery of a variety of sizes of market homes;
2. The potential to deliver a proportion of affordable homes in an area with high housing prices, meaning local housing need can be met which otherwise would not;
3. The potential to contribute to local services and facilities through both S106 contributions (as appropriate) and from an increase in population utilising these shops and facilities;
4. The potential to create landscaping and biodiversity opportunities as part of the development.

## Summary

In brief, the recognition of Wickham Bishops as a second tier settlement is welcomed and supported. However, the low level of housing growth and lack of allocation in Wickham Bishops is not supported. The identified need has not been met, and only half the level of dwellings required are proposed. The Plan should allocate 5,955 dwellings across the 15 year period. The settlement of Wickham Bishops is highly sustainable with a range of local services and facilities. It has a level of local housing need that will otherwise go unmet, and we believe that the land at Wickham Bishops represents an ideal in-fill site to address this need.





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We would be grateful if these representations could be taken into consideration in the next stages of preparing the plan. We will be making comments in accordance with the future stages of the Strategy when the respective consultation periods commence.

Best regards

Yours faithfully

**HIVES PLANNING**

*Mark Schmull*

Mark Schmull

Cc

**Appendix 1** - SHLAA Site Plan





## **REPRESENTATIONS TO**

Maldon District Council  
Draft Local Development Plan  
Consultation

Prepared on behalf of

MAZ Homes

Hives Planning Ltd,  
46 Queens Road,  
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Berkshire,  
RG1 4AU

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Ref: TP/1150  
Date: October 2013

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## INTRODUCTION

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## RECOMMENDED CHANGES

5. In order to make the Local Plan sound, the following changes should be made:

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**PRINCIPAL REPRESENTATIONS**

9. In general the identification of Wickham Bishops as one of the larger villages, suitable for helping to deliver the housing and other needs of the rural areas is considered to be 'sound' under the terms of the NPPF. Wickham Bishops is a sustainable settlement, offering local retail, leisure and local facilities. Indeed, the DLDP recognises the sports and leisure opportunities (para RG01, FB12, CP03, and GA5), whilst there are also local shops, a library, local pubs, and a regular half hourly bus services (number 90) between Maldon and Wickham Bishops.
10. Given the rural nature of much of the District, Wickham Bishops is clearly one of the settlements outside of the main towns that is suitable to accommodate growth within the District.

**Objections to Policy S2 and Policy Maps**

11. Notwithstanding this general support for the role of Wickham Bishops in the settlement hierarchy, we consider that **Policy S2** and the approach to site allocation as currently drafted, is **unsound** in the terms of the NPPF (paragraph 182) - it is:
- i) **not consistent with national policy**; and
  - iii) **not justified i.e.** not the most appropriate strategy when considered against the reasonable alternatives.

***i) Not consistent with National Policy***

12. Paragraph 47 of the NPPF states that, to boost significantly the supply of housing, LPAs should *'use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area...including identifying key sites which are crucial to the delivery of the housing strategy over the plan period'* (our emphasis).

Paragraph 154 of the NPPF states that:

*'Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where'* (our emphasis).

13. Further, at para 157 the NPPF states:
- "Crucially, Local Plans should..."*

*‘Allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate’ (our emphasis)*

14. The Council clearly recognises that sites of the scale we propose at Wickham Bishops are strategic and should be allocated – both larger and smaller sites are allocated. For example, the site for 75 dwellings at North Farmbridge (a ‘Smaller Village’) is identified and their boundaries delineated, as are sites of from 100+ houses at Maldon, Heybridge and Burnham-on-Crouch. In order to comply with the NPPF, it is necessary for the DLDP to allocate sites for the settlements listed as larger villages, including at Wickham Bishops.
15. The NPPF states at para 184 that Neighbourhood Plans can be used for *‘local people to ensure that they get the right type of development’* but that, to enable this to happen, Local Planning Authorities should set out clearly *‘their strategic policies for the area.’*
16. Proposed **Policy S7** of the DLDP sets out the approach which the Council will take to rural allocations, with the criteria that allocations should meet. However, both **Policy S2** and **Policy S7** distinguish the ‘Smaller Village’ North Farmbridge from the remainder of the rural area, which is an inconsistent approach.
17. To accord with paragraphs 154 and 157 of the NPPF, the Local Plan should set out the specific location and criteria which would allow for more precise definition through masterplanning via neighbourhood plans. This process requires the evidence base and the Local Plan itself to identify constraints to development at relevant settlements (which it currently does not). It should not allocate one site at that scale, and then leave other sites for a later document.
18. Allocating sites at some settlements and not at others is an inconsistent approach, for which no justification is given within the DLDP.

***ii) Not Justified***

19. The DLDP is not considered justified because it has not identified the most appropriate strategy when considered against the reasonable alternatives (NPPF paragraph 182).

- *Evidence Base*

20. Part of the evidence base for the DLDP is the Strategic Housing Land Availability Assessment (SHLAA) – the most recent being May 2012. The report considers a number of sites at Wickham Bishops, and in particular our client's land – site 5002. It correctly identifies the land as adjoining the settlement boundary and being suitable, available, viable and deliverable, without constraint. It should be noted however, that the site is listed as being available for years 6-10. In actual fact, the land is available now, and could provide a contribution to the immediate housing need, delivering within years 1 to 5.
21. The document is also inaccurate in that it makes reference to possible "informal recreation" use of the site. However the site is private land, and has never been, nor is currently, in use for informal recreation. It is not open for local residents or members of the public to use, and any utilising it would have been trespassing, without the landowner's permission. This is thus an incorrect description of the site and the SHLAA should be amended to reflect this.
22. Site 5002 is the only site listed at Wickham Bishops that does not have any particular constraint identified. Site 1827b is identified as having to address the sensitivity of Chantry Wood, and thus has a reduced developable area. Site 4290 is stated as being a "rural site with ecological sensitivities and limited services". Site 4467 is in an area of landscape sensitivity and below the viability threshold, whilst Site 4514 is also within an area of landscape sensitivity and unviable. Both Sites 3671 and 4397 are stated to be an "isolated site in rural location".
23. The evidence base has thus identified Site 5002 as being the only site suitable to accommodate growth in Wickham Bishops that can meet the needs of the area, and which would not have harmful impacts upon the surrounding landscape, ecology or sensitive areas.
- *Not the most appropriate strategy*
24. It is contended that the above clearly demonstrates that, without clear identification of our client's site on Church Lane as the major allocation in Wickham Bishops, it cannot be shown that the most appropriate strategy has been (nor ensure that it will be) arrived at. **Policy S7** simply states that '*Each Parish will be invited to work with the Council to identify appropriate land to meet the needs for their area.*' It will be noted that, strangely and inconsistently, this 'invitation' does not apply to the lower ranked settlement of North Farmbridge within the same Rural Areas Policy, where a site of a smaller size is already allocated on the Policy Maps which are part of the DLDP – i.e.

the correct approach has been applied to North Farmbridge but not Wickham Bishops.

25. No justification has been given for this inconsistency and the DLDP is therefore not justified as required by the NPPF paragraph 182.

## CONCLUSIONS

26. For the reasons set out above, the DLDP is not sound as it is not consistent with national policy, nor is it justified. The DLDP does not have a fully up to date considered evidence base, fails to respond to that evidence base, and is inconsistent in its approach to site allocations.
27. In order to make the DLDP sound, sites including the land at Church Lane, Wickham Bishops, should be allocated within **Policy S2**, have a new proposals map prepared identifying them, and be shown on the key diagram.