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Dear Sir / Madam,

RE: Wickham Bishops Neighbourhood Plan – Regulation 16 consultation

This letter provides Gladman Developments Ltd (Gladman) representations in response to the draft submission version of the Wickham Bishops Neighbourhood Plan (WBNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. Gladman has considerable experience in neighbourhood planning, having been involved in the process during the preparation and examination of numerous plans across the country, it is from this experience that these representations are prepared.

Gladman specialise in the promotion of strategic land for residential development and associated community infrastructure. From this experience, we understand the need for the planning system to deliver the homes, jobs and thriving local places that the country needs and recognise the role of neighbourhood planning as a tool for local people to help shape such development in their community.

Through these representations, Gladman provides an analysis of the WBNP and the policy choices promoted within the draft Plan. Comments made by Gladman through these representations are provided in consideration of the WBNP's suite of policies and its ability to fulfil the Neighbourhood Plan Basic Conditions as established by paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended) and supported by the Neighbourhood Plan chapter of the PPG.¹

Legal Requirements

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the WBNP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.*
- (d) The making of the order contributes to the achievement of sustainable development.*
- (e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
- (f) The making of the order does not breach, and is otherwise compatible with, EU obligations.*

¹ Section ID: 41

(g) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of part 6 of the Conservation of Habitats and Species Regulations 2017.

National Planning Policy Framework and Planning Practice Guidance

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role they play in delivering sustainable development to meet development needs.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through plan-making and decision-taking. This means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account of the most up-to-date evidence of housing needs in order to assist Maldon District Council in delivering sustainable development, thus delivering neighbourhood plan basic condition basic condition (d)).

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 13 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 15 further makes clear that neighbourhood plans should set out a succinct and positive vision for the future of the area. A neighbourhood plan should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 29 of the Framework makes clear that a neighbourhood plan must be aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

Impact of Covid-19 and Postponement of Referendums

Following the impact of COVID-19, the Government introduced new legislation through the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020. This legislation came into force on 7 April 2020. In the Planning Practice Guidance, the government explains how the legislation impacts upon Neighbourhood Plans:

“What changes have been introduced to neighbourhood planning in response to the coronavirus (COVID-19) pandemic?”

The government has been clear that all members of society are required to adhere to guidance to help combat the spread of coronavirus (COVID-19). The guidance has implications for neighbourhood planning including: the

referendum process; decision-making; oral representations for examinations; and public consultation. This planning guidance supersedes any relevant aspects of current guidance on neighbourhood planning, including in paragraphs 007, 056, 057, 061 and 081 until further notice.

Referendums: All neighbourhood planning referendums that have been recently cancelled, or are scheduled to take place, between 16 March 2020 and 5 May 2021 are postponed in line with the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 until 6 May 2021”.

A referendum for the Wickham Bishop Neighbourhood Plan therefore will not be able to happen until at least 6 May 2021 in accordance with the legislation.

Planning for the Future White Paper

On the 6th August, Government published the Planning for the Future White Paper setting out proposals for how it is seeking to ‘radically reform’ the planning system. The proposals are seeking to streamline and modernise the planning process.

Consultation recently closed on these proposals and it will be important that the Parish Council keeps abreast with the implementation of these changes and the implications this may in turn have on the preparation of the WBNP. Timescales remain uncertain however subject to the outcomes of this process the Government has signalled its intent to make rapid progress toward this new planning system through the swift introduction of new legislation to implement the changes

More importantly, a further consultation on immediate changes to the current planning system closed on the 1st October². Of significant note is a proposed revised Standard Method for calculating local housing need, which when implemented will be used as the basis for plans created prior to any changes outlined in the White Paper. Introduction of the revised methodology, which proposes to incorporate a percentage of existing stock as the baseline of the calculation, will see an increase in the housing requirement for Maldon, which in turn would logically lead to an increase in Wickham Bishop.

As noted above, a referendum for the Wickham Bishop Neighbourhood Plan will not be able to happen until at least 6 May 2021 in accordance with current legislation. At this point it is highly likely that Maldon District Council will have begun the process of reviewing the housing requirements and planning policies for the wider district. There is a strong likelihood that the housing needs for the District will be revised upwards considering the revised Standard Method. The inevitable consequence is that the neighbourhood plan’s policies may become ‘out-of-date’ shortly after they can come into effect unless they are reviewed or are sufficiently flexible. The Parish Council should be mindful of these changes and the potential impact to the WBNP as it progresses.

Relationship to Local Plan

To meet the requirements of the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan. The adopted development plan relevant to the preparation of the Wickham Bishops Neighbourhood Plan area, and the development plan which the WBNP will be tested against is the Maldon District Local Development Plan

² Ministry of Housing, Communities & Local Government: Changes to the Current Planning System Consultation. <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>

approved by the Secretary of State in July 2017. This plan provides the overarching strategic policies relevant to the preparation of the WBNP, covering the period 2014 to 2029. The adopted Local Plan identifies Wickham Bishops as one of 5 larger villages, the second tier in the settlement hierarchy where development will be supported in line with neighbourhood plans.

Wickham Bishop Neighbourhood Plan

This section highlights the key matters that Gladman would like to raise with regards to the content of the WBNP as currently proposed. It is considered that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend modifications to the Plan that should be explored through the examination process.

WBE04 Open Spaces

Policy WBE04 seeks to designate nine sites as Open Spaces where the type of development will be strictly controlled. Gladman are concerned that the policy as currently worded could be seen to be providing a blanket restriction on sustainable development opportunities in the NDP area, directly conflicting with the objectives of the Framework to significantly boost the supply of housing.

The PPG states *“A wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket policies restricting housing development in some types of settlement will need to be supported by robust evidence of their appropriateness.”*³ Taking this into account, Gladman consider the justification and evidence provided to support the designation of these sites as open spaces is lacking and does not allow for flexibility which assesses any harm to the visual and functional separation of settlements against the benefits of a development proposal. Ultimately the policy is not consistent with national policy and advice and should be deleted from the plan.

Conclusion

Gladman recognises the Government’s ongoing commitment to neighbourhood planning and the role that such Plans have as a tool for local people to shape the development of their local community. However, it is clear from national guidance that the WBNP must be consistent with national planning policy. If the Plan is found not to meet the Basic Conditions at Examination, then the Plan will be unable to progress to referendum.

Through this consultation response, Gladman has sought to clarify the relation of the Wickham Bishop Neighbourhood Plan as currently proposed with the requirements of national planning policy. We hope you have found these representations helpful and constructive. If you have any questions do not hesitate to contact the Gladman team.

Yours faithfully,
Gladman

³ Planning Practice Guidance: Paragraph: 009 Reference ID: 67-009-20190722