

## **REPRESENTATION ON WICKHAM BISHOPS NEIGHBOURHOOD PLAN (REG 15 VERSION) ON BEHALF OF MR ALAN COLLIER**

1. This representation on the Regulation 15 Wickham Bishops Neighbourhood Plan is made on behalf of Mr Alan Collier, the owner of land to the north of Handley's Lane as shown on the attached plan.

2. In particular, the representation objects to Policies WBEEn 03 Special Views and Vistas, WBEEn 04 Open Spaces and WBEEn 05 Local Green Space as they do not meet the basic conditions and should be amended or deleted. Further details are set out below.

### **General Comments**

3. It is noted that the Plan seeks to protect and enhance those features of the village that are valued by residents. However, the Plan fails to positively address the development needs of the village and includes policies seeking to prevent development without proper evidence or justification.

4. Although the Plan is well presented and clearly written, it is unusual in that it does not include a Policies Map. Instead the Plan includes several different maps illustrating individual policies. These maps are small scale, not on an ordnance survey base and the boundaries of the notations are not clear. A single Policies Map on an ordnance survey base at a larger scale should be included in the Plan.

5. It is our client's submission that the Plan does not meet the basic conditions for neighbourhood plans and cannot proceed without modification. In particular:

- The Plan does not have regard to national policies and guidance as set out in the National Planning Policy Framework (NPPF) (February 2019)
- The Plan is not in general conformity with the strategic policies of the Maldon Local Development Plan approved in July 2017
- The Plan is not based on a robust evidence base
- The assessment and designation of Local Green Spaces is not based on a robust assessment and fails to have regard to the criteria set out in paragraph 100 of the NPPF

### **Basic Condition 1 – Regard to National Policies and Guidance**

6. The Plan must have regard to national policies and guidance including having regard to the National Planning Policy Framework (NPPF) (as updated in February 2019).

Paragraph 11 of the NPPF states:

“plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change”.

Paragraph 16 states:

Plans should “be prepared positively, in a way that is aspirational but deliverable”

Paragraph 13 states:

“The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.”

and paragraph 29 states:

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies”

7. The Neighbourhood Plan is not positively prepared. Whilst paragraph 3.6 states that the 2016 housing needs survey identified a need for an additional 42 homes over a five-year period it does not set out proposals for meeting this need. The Plan fails to consider needs beyond the first five-year period to 2029, the end date of the Plan. It should be noted that although the plan period of 2016 to 2029 appears on the cover of the Plan this is not explicitly stated in the text of the Plan. The Plan does not have regard to paragraphs 11 and 16 of the NPPF and fails to meet the first basic condition. The relationship of the Neighbourhood Plan to the Maldon Local Development Plan is dealt with below.

8. The Plan also fails to have regard to paragraphs 99 and 100 of the NPPF in respect of local green spaces and the definition of open space in the glossary of the NPPF. These issues are dealt with in more detail below.

### **Basic Condition 2 – General conformity with the strategic policies contained in the development plan for the area**

9. The Maldon District Local Development Plan approved in July 2017 sets out the strategic policies for the area. The strategic policies relevant to the Neighbourhood Plan are Policy S2 Strategic Growth, Policy S7 Prosperous Rural Communities and Policy S8 Settlement Boundaries and the Countryside.

10. Policy S8 classifies Wickham Bishops as a larger village, the second highest category of settlement in the hierarchy.

Policy S2 states:

“A proportion of new development will be directed to the rural villages to support rural housing needs, local services and facilities and the rural economy. Strategic growth in the rural villages will be related to the settlement hierarchy, reflect the size, function and physical capacity of the settlement and will not result in unsustainable spatial patterns to the detriment of the wider area.”

The Policy includes a table which makes provision for sites for 100 dwellings to be identified in neighbourhood plans

11. Paragraph 2.29 of the Plan goes on to state that “a small proportion of growth is also allocated to the District’s rural villages to help to maintain sustainable rural communities. It is important that any growth would be related to the settlement hierarchy, reflecting the size and function of the settlement. The Council will ensure that growth in the villages will not result in unsustainable spatial patterns that will be detrimental to the wider area. Policy S7 sets the parameters for growth in the villages. As set out in Policy S2, 100 units are identified for Neighbourhood Plans. The Council will proactively work with the Neighbourhood Planning groups in the preparation of their neighbourhood plans to ensure that they are able to deliver new homes.”

12. The Plan does not conform to strategic Policy S2 as it does not consider the level of growth that is appropriate for the village and contains no evidence to demonstrate how it has

worked with Maldon DC to deliver a proportion of the identified housing supply for neighbourhood plan areas. The only discussion about housing growth is set out in paragraph 6.2 of the Public Consultation Statement. This would be more appropriately included in the Plan itself.

13. Policy S7 deals with Prosperous Rural Communities. The Neighbourhood Plan does not conform to this policy as it does not consider how it will accommodate a proportion of the District's housing growth and it does not identify appropriate land to meet the needs for the area in accordance with the principles of sustainable development as required by the Policy.

### **Policy WBen 03 Special Views and Vistas**

14. Policy WBen 03 seeks to protect and enhance special views and vistas identified on Map 5 and listed in the table attached to the Policy. The reference to Map 5 in the Policy is assumed to be an error as Map 5 of the Plan shows Local Wildlife Sites. The views are identified on Map 6. Objection is made to View G Tiptree Ridge View from Handley's Lane as this is not supported by robust evidence and therefore does not meet the basic condition. It is acknowledged that Handley's Lane is a well-used and appreciated public right of way. However, other than stating that the views identified are those that residents were particularly valuable, the Plan contains no comprehensive analysis of views around the Parish nor does it set out criteria to determine their importance. Because Handley's Lane is bordered on both sides by a dense tree screen there are very limited views from it across adjoining land. There are no extensive views from it of the Tiptree Ridge.

15. View G should therefore be deleted from the table attached to Policy WBen 03 and Map 6.

### **Policy WBen 04 Open Spaces**

16. Policy WBen 04 states:

"New development should retain and enhance open spaces (Map 7) to maintain the Arcadian and rural nature of the Parish."

It states that Map 7 identifies the open spaces referred to in the 2018 NHP Survey. The justification for the policy refers to NPPF paragraph 170 and Maldon Local Plan policy N3 Open Space, Sport and Recreation.

17. Many of the areas shown on Map 7, including land to the north of Handley's Lane, are not open space accessible to the public. The areas include private undeveloped land and extensive areas of countryside. For example, the area south of Station Road and east of Langford Road contains several residential properties and large houses in grounds.

18. Policy WBen 04 is mistakenly using an open space policy as a countryside protection policy. This is unnecessary as the countryside is adequately protected by Policy S8 of the adopted Maldon Local Plan. Duplication of policy in the Neighbourhood Plan is not necessary.

19. The Glossary to the NPPF defines open space as:

"All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity."

Paragraph 170 of the NPPF is not relevant as this deals primarily with the natural environment and biodiversity rather than open spaces.

20. Policy N3 of the Maldon Local Plan is a policy that relates to open space (including district parks, local parks, children's play areas, cycle ways, bridleways, footpaths and allotments), sports and recreational buildings and land, including playing fields.

21. The land north of Handley's Lane and many of the other areas identified on Map 7 do not comply with paragraph 170 of the NPPF, the definition of Open Space in the Glossary of the NPPF or Policy N3 of the Maldon Local Plan. As a result they do not meet the basic conditions.

22. Policy WBen 04 and Map 7 should therefore be deleted or modified so that they refer only to those open spaces which meet the NPPF definition.

### **Local Green Spaces**

23. Policy WBen 05 states that Local Green Space designation will apply to the area identified on Map 8, Land Surrounding Handley's Lane. The justification for this refers mainly to the use of Handley's Lane as a public right of way.

24. No reference is made to paragraphs 99 and 100 of the NPPF which set out the basis for the designation of Local Green Spaces as follows:

"99. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.

100. The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land."

25. It is also clear from the NPPF that the designation of local green spaces should not be used as a mechanism to try to block or resist development on agricultural land immediately adjacent to village development boundaries and that a successful designation must meet the criteria outlined in paragraph 100.

26. Whilst it is accepted that criteria a) and c) of paragraph 100 of the NPPF are met, the land north of Handley's Lane does not meet criterion b). It is a meadow in private ownership. It has no special qualities in terms of beauty, historic significance, tranquillity, or wildlife, has no public access and is not used for recreation.

27. Further guidance on the allocation of local green spaces is set out in the Locality publication "Making local green space designations in your neighbourhood plan". The designation of the land north of Handley's Lane is contrary to this guidance.

28. The fifth paragraph of Section 2 on page 7 states:

"Care is required to ensure that green space policies are not being misused, for example, through making designations to stop development, rather than ensure proper green space provision."

The checklist of green infrastructure on page 10 of the guidance sets out the types of green infrastructure to be included in an audit. These are:

- informal green spaces
- village greens
- allotments
- cemeteries
- highway verges
- parks and gardens
- footpaths and cycle routes
- country parks
- rural footpaths and nature trails
- canal towpaths and river courses
- sports pitches, golf courses and bowling greens

The land north of Handley's Lane does not fall into any of these categories.

29. Section 5 on community and stakeholder engagement advises that where local green spaces are being considered, it is also advisable to engage with those controlling the land. This is reinforced on page 19 which states "It is also important to engage with any owners of the land in question." National Planning Practice Guidance also states that the local qualifying body should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space (Paragraph 019 Reference ID: 37-019-20140306). No such engagement has taken place.

30. In considering criterion b) of paragraph 100 of the NPPF the guidance states (page 21) that this should describe the ways in which the space is used or enjoyed by the community. This includes consideration of beauty, historic significance, recreational value, tranquillity, wildlife, or other values. The land north of Handley's Lane is not used by the community and does not possess any of the values suggested. It does not therefore meet criterion b) of paragraph 100 of the NPPF.

31. The Audit Log of changes post Regulation 14 states that the Landscape Character Assessment supports designation of Handley's Lane as a Local Green Space. Nowhere in the Landscape Character Assessment is there an assessment of green spaces using the NPPF criteria. This statement is therefore misleading.

32. The land to the south-east of Handley's Lane is an extensive tract of land laid to sports fields and would be more appropriately allocated for outdoor recreation.

33. Policy WBen 05 and the designation of land surrounding Handley's Lane as a local green space are not compliant with the NPPF, do not meet the basic conditions and should be deleted from the Neighbourhood Plan.

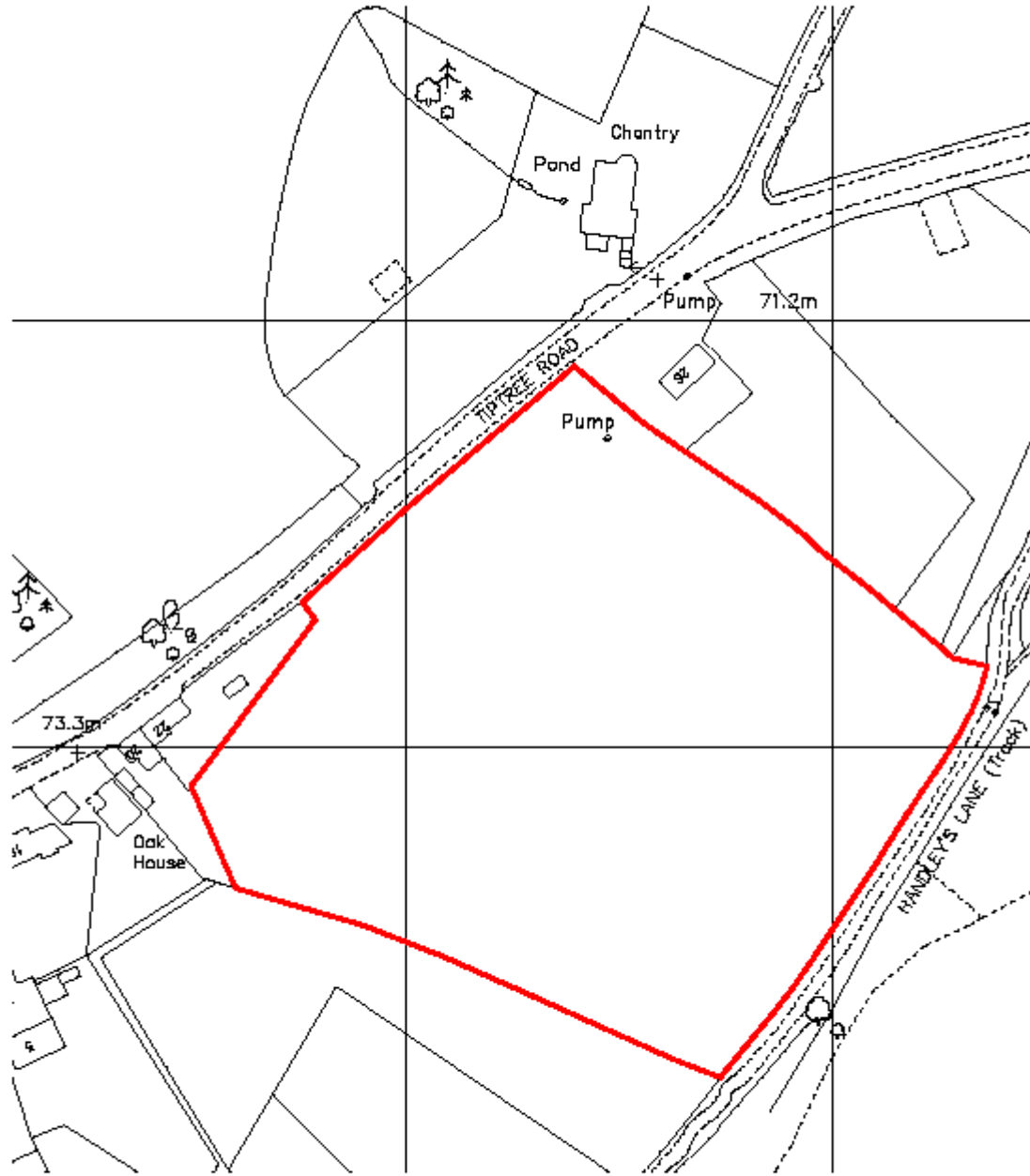
## **Conclusion**

34. The submitted Plan fails to take the opportunity to plan positively for the future of the village. It fails to meet the basic conditions in relation to national guidance and the strategic policies of the Local Plan. To meet basic conditions the Plan should be modified as follows:

- View G should be deleted from Policy WBEEn 03 and Map 6
- Policy WBEEn 04 and Map 7 should be deleted or refer only to those open spaces which meet the NPPF definition
- Policy WBEEn 05 should be deleted

**End of Submission**

**Site Plan Attached**



1:1250 Scale Bar in Metres



Title: Location Plan - Land South of Tiptree Road, Wickham Bishops, Essex.  
DWG No: 1523-P100  
Scale: 1:1250 @ A4

  
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