

Wickham Bishops Neighbourhood Development Plan

Examiner's Clarification Note

This Note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

Initial Comments

The Plan provides a clear and concise vision for the neighbourhood area.

The presentation of the Plan is very good. The difference between the policies and the supporting text is very clear. The Plan makes good use of various high-quality photographs.

The Landscape Character Assessment (LCA) is a first-class supporting document.

A key element of the Plan is the way in which its policies are justified against national and local policy and other relevant documents. This provides assurance to all concerned that the Plan has taken account of its wider context.

Points for Clarification

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now in a position to raise issues for clarification with the Parish Council. There is also a specific question for the District Council.

The comments made on the points in this Note will be used to assist in the preparation of my report and in recommending any modifications that may be necessary to ensure that the Plan meets the basic conditions.

I set out specific clarification points below in the order in which they appear in the submitted Plan.

Questions for the Parish Council

Policy WBEc02

I saw the importance of the retail and business areas as part of my visit.

For clarity in the development management process could they be shown on a map of sufficient scale to identify the properties concerned?

The section on car parking is unclear. Is its intention to resist proposals which would result in the loss of existing car parking facilities associated with the retail/business facilities?

Is the section on tourism accommodation intended to apply throughout the parish or only within the retail and business area?

Policy WBE n 01

What is the current progress of the Essex Coast RAMS?

Is the approach practicable and enforceable if the RAMS is not yet designated?

If so, should this be a matter for the review of any 'made' neighbourhood plan?

Policy WBen 02

As submitted the first section of the policy would apply to all development. Given that the majority of development in the Plan period will be of a minor /domestic scale I am minded to recommend that the policy is modified so that it would apply as appropriate to the scale, nature and location of the development concerned. Does the Parish Council have any comments on this proposition?

Otherwise, it is an excellent policy underpinned by the LCA.

Policy WBen03

I can see the linkage between the policy and the LCA.

However how were the proposed viewpoints identified?

Policy WBen04

How were the proposed open spaces assessed and identified?

Were common principles used for the assessment process and, if so, do they overlap with the definition for Open Spaces in the Glossary of the NPPF?

The second part of the policy appears to relate more to agricultural land surrounding the village rather than to open spaces as defined in the NPPF. Is this correct? If so, is its intention to safeguard the parcels of land concerned from built development?

In addition to what extent does this part of the policy add distinctive local value to the approach included in Policy SP08 of the adopted Maldon District Local Development Plan?

Is there any reason why some of the 'open spaces' are partly inside the neighbourhood area and partly outside?

Is the third part of the policy addressing a separate matter of the avoidance of coalescence of settlements rather than open spaces?

Policy WBen05

Paragraphs 3.2.23 to 3.2.25 of the Plan set out the justification for the policy. However their focus appears to be as much on the use and importance of Handley's Lane as on the nature of the proposed local green space (LGS) itself. Please can the Parish Council clarify its thinking on this matter?

I can see the connection between the approach taken and the LCA. However, has the Parish Council undertaken a separate analysis of the extent to which the proposed designation of the LGS meets the requirements of paragraphs 99 and 100 of the NPPF beyond that included in paragraphs 7.1 to 7.6 of the Consultation Statement? If not does it wish to do so?

Given that the Cricket Pitch (CP03) and the Sports Field (FB12/RG01) are already protected by policies in the Maldon Local Development Plan is their inclusion within the proposed LGS necessary?

What is the size of the proposed LGS as a whole and of its component parts?

What discussions took place with the various landowners of the proposed LGS in the earlier stages of the production of the Plan (see Planning Practice Guidance 37-019-20140306)?

Policy WBF02

In the second part of the policy is the first sentence effectively a community action rather than a land use planning policy?

Does the second sentence add any distinctive value to local and national planning policy?

Policy WBF04

This is a well-considered policy. In particular the facilities identified have been carefully selected.

I am minded to reverse the order of the two components of the policy. Does the Parish Council have any observations on this proposition?

In the (submitted) first part of the policy should there be a consideration of viability matters given that several of the identified facilities are commercial in their nature?

Policy WBF06

Is the approach taken a land use policy?

In any event is it reasonable to apply the approach to all development?

Should the policy be a community action which sets out how developer contributions will be applied in the parish?

Policy WBH01

This policy takes a positive approach towards design matters.

Is paragraph 3.4.3 necessary given that it looks backwards rather than seeking to influence forthcoming development?

Policy WBH03

I can see that the policy makes specific reference to St Peter's Church and the Trestle Bridge. However, does its approach add any distinctive value to local and national planning policy on heritage matters?

Question for the District Council

Is there any further update on the potential roll out of a Community Infrastructure Levy in the District beyond that available on the website?

Representations

Does the Parish Council wish to comment on any of the representations made to the Plan?

In particular does it wish to comment on the representations from:

- Mr and Mrs Elliott;
- Mazdev Limited; and
- Mr Alan Collier?

Protocol for responses

I would be grateful for responses and the information requested by 25 January 2021. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

In the event that certain responses are available before others I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please could it come to me directly from the District Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

Andrew Ashcroft

Independent Examiner

Wickham Bishops Neighbourhood Development Plan.

12 January 2021