

Wickham Bishops Neighbourhood Development Plan

Wickham Bishop Parish Council and Maldon District Council Responses to Examiner's Clarification Note – IE-02

Key to responses:

Responses from WBPC in *purple italics*

Responses from MDC indented

Responses from Wickham Bishops Parish Council to Examiner Andrew Ashcroft. Thank you very much for the promptness of your visit to the Parish and your positive comments and feedback on the Plan in general which has been the result of many hours of work since 2016. The specific points you have raised have been addressed below:

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?

Yes, we are very happy to include a more detailed map and are seeking assistance from MDC to provide this.

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?

*The intention is only to promote the inclusion of parking space in future developments, as this space is currently very limited in the centre of the village where the businesses are located, and to try to avoid developments which would result in the loss of parking space. We are happy to amend this if it would provide further clarity on that by change of text e.g.: To promote accessibility to business and retail development **including retention of, or provision of, sufficient car parking provision and cycle parking.***

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

*This was intended to apply throughout the Parish. We are happy to amend this if it would provide further clarity on that by change of text e.g.: Proposals to provide tourist accommodation **within the Parish** will be supported where it is compatible with the scale, form and character of its surroundings and is not detrimental to neighbouring amenity.*

Policy WBE n 01

This response has been written by Maldon District Council on behalf of the Parish Council.

What is the current progress of the Essex Coast RAMS?

Maldon District Council adopted the Essex Coast RAMS SPD in August 2020. The Essex Coast RAMS will have been adopted by all the partner Councils by mid February 2021. RAMS tariff contributions are already being collected across the Essex Coast RAMS area. The recruitment of the Delivery Officer is programmed for 2021. The Delivery Officer will implement the mitigation projects, as identified in the Essex Coast Recreational avoidance and Mitigation Strategy (available at: https://www.maldon.gov.uk/info/20048/planning_policy/8114/other_local_plan_documents/9)

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

RAMS SPD does not have to be adopted for the issue to be present and need to be addressed. The core issue is that development that has the potential to impact on coastal European designated sites are required to be compliant with the Habitat Regulations.

The Essex Coast RAMS is already considered in the determination of planning applications. The lack of an agreement to provide for the tariff, and thus to demonstrate that there will not be an adverse effect on the designated sites, has been used as a reason for refusal. This approach has been supported by PINS Inspectors in their appeal decision letters. Inspectors' comments on this point are provided below. Both of these appeals were dismissed.

20/00266/OUT; Appeal Ref: APP/X1545/W/20/3256266)

“In the absence of the mitigation provided by a financial contribution therefore, the proposal would be likely to have a significant effect on the integrity of the European Sites. As such, it would conflict with LDP Policies S1 and I1 which require development to conserve the natural environment and protect and provide for green infrastructure.”

19/01326/COUPA (Appeal Ref:APP/X1545/W/20/3252627)

“...there is no evidence before me to suggest that appropriate mitigation is in place, in accordance with relevant requirements. On that basis, I cannot be confident that the development would not have a detrimental impact on the European sites. 29. Therefore, the proposed development would have an adverse impact on European designated nature conservation sites and, in that respect, be contrary to Policies S1 and I1 of the Maldon District Approved Local Development Plan (2017) and the NPPF.”

The alternative to the RAMS tariff, in order to mitigate ‘in combination effects’ on designated habitat sites, would be for the developer to undertake a project level HRA and to implement any necessary mitigation measures. This was made clear in Natural England’s response to the draft screening opinion it made to another Neighbourhood Plan in Maldon District (letter dated 13-09-2019, Annexe 1, see document IE-06).

¹If so, should this be a matter for the review of any ‘made’ neighbourhood plan?

No, Natural England expects Neighbourhood Plans within the Essex Coast RAMS SPD area to include a RAMS policy (see IE-06). The Essex Coast RAMS SPD will shortly be adopted by all the partner Councils. It would be inappropriate to leave its inclusion to future review of the WBNP.

Suggested modifications:

1. The policy could be revised, to reflect the status of the Essex Coast RAMS as an adopted SPD. The following policy is from another draft NP. If appropriate, this could be adapted for this NP:

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.

2. It is requested that a factual modification be made to para 3.2.4 as there are twelve, not ten, local authorities involved.

3. It is requested that the final sentence of para 3.2.5 is revised as follows: “Details of the zones of influence and the necessary measures will be included in the Essex Coast RAMS Supplementary Planning Document (SPD).”

¹ Natural England did not respond to the WBNP Reg16 consultation. Natural England’s current practice is not to respond to consultations unless they have specific comments to make.

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?

This seems a sensible approach, and we understand your concerns regarding people building extensions in their garden for example. However, we would be concerned if this Policy was relaxed too far, given for example, that we have had to make representation in respect of the current development along Maypole Road, to ensure the minimum loss of hedgerows and this has occurred in other developments.

We accept that it should be based on what is reasonable depending on the scale, nature and location of development. Although the Plan does not envisage multiple housing developments, the Policy is needed in our view, for when windfall sites do come forward, to ensure the protection of hedgerows, native and veteran trees, and to prevent the potential loss of wildlife corridors, stepping-stones and habitats.

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?

The proposed viewpoints were initially identified from residents' input and were modified, as a result of the Regulation 14 consultation. In this survey, residents were asked to identify viewpoints which were considered of importance in terms of the rural character of the Parish, beauty and tranquillity, preservation of iconic views and vistas such as the view down the Blackwater valley to the river, and the spire of St. Bartholomew's Church. Those in the Plan reflect residents' views, a number having been identified by them.

Policy WBen04

How were the proposed open spaces assessed and identified?

The proposed open spaces were initially identified from local knowledge, discussions with residents at local events such as the church and village fetes, the Christmas Fayre and while the Plan has been on display in the library. Residents' input to the Regulation 14 Consultation was also part of the process, together with modification of the possible sites, as a result of the Regulation 14 Consultation and "pruned" on the basis of those with differing levels of support, by the NHP steering group. In this survey, residents were asked to identify open spaces which were considered of importance in terms of the rural character of the Parish, visual and recreational value, and the need to keep green areas for wildlife and biodiversity within the Parish, and not just at its edges. Those in the Plan overall reflect residents' suggestions, a number having been identified by them.

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?

Yes, the common principles for the assessment of suitability of each possible Open Space based on the NPPF definition:

“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.”

In our village, the (views and) Open Spaces identified in map 7 are important for either sport and recreation, or are visual amenities, or both, the latter being identified as such in terms of retention of the rural character of the Parish as set out in the Landscape Character Assessment of June 2020 which states:

Part of the Northern Thames Basin, Wickham Bishops is located within an area described as the Essex Wooded Hills and Ridges. This is described as “a varied and textured landscape characterised by undulating hills and steep ridges, which are cloaked in woodland, with clearings of arable farmland and pasture.” The undulating landform is one of the key characteristics of the area.

*Wickham Bishops lies within the Tiptree Ridge character area (LCA D4) which is one of the **Wooded Hills and Ridge Landscapes** (Landscape Type D). The Wooded Hills and Ridges are a distinctive landscape type within the south of the Parish. More specifically, Wickham Bishops lies within the Blackwater/Brain and Lower Chelmer Valleys character area (LCA C6). The key characteristics of this area are described as follows:*

*Wickham Bishops lies within the Totham Wooded Farmlands character area (LCA F3) which is one of the **Wooded Farmland Landscapes** (Landscape Type F). The lower part of the parish falls within the Blackwater River Valley Character Area (LCA A9). One of the key characteristics of this area is described as:*

Creating an overall strong sense of place and tranquillity away from the towns of Braintree, Witham and Maldon, and the A120, A12 and the railway line.

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?

All the Open Spaces identified have visual or amenity, (or both) value as defined in the NPPF.

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?

The Policy S8 of MDC’s LDP is the Settlement Boundary Policy which does cover our Policy En04. However, we feel that our Policy gives further clarity, detail and more certainty to the situation very locally in our Parish. Our Plan adds Open Spaces to connect with the District-wide policy of protection of the countryside outside of the development boundaries. We would like to add this as a reference to section 3.2.22. on Page 22 of our Plan.

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

While we understand and recognise that we can only include the part of the land within our designated neighbourhood area, for completeness we have identified the entire areas on map 7 showing our Open Spaces, as they occur geographically within the landscape, and in terms of discrete areas of land. Two of these pieces of land, have the Parish Boundary with Great Totham passing through them. Both are very close to the centre of our Parish, and in the case of Rainbow Field represent a very important recreational amenity. We will have the map 7 redrawn if that is required.

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

It probably is a separate matter of avoiding coalescence, but it seemed appropriate to include it here. Two of the Open Spaces are strategic green gaps providing separation between the Parish, Beacon Hill and Great Totham.

We would be happy to separate this into a separate Policy on coalescence if that is required.

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?

Our thinking on Handleys Lane, is that it covers two issues: (a) the lane itself is an important pedestrian, horse and cycle route linking the two development areas, particularly the retail area to the detached Kelvedon Road development area. The open green nature of the area surrounding the lane emphasises the rural village feel of the area. (b) Because it has open land and green space surrounding it, Handley's Lane is a beautiful and tranquil walk through a rich wildlife area, which has been in existence for more than two centuries. Thus, the general open nature of the area provides views across the countryside to both sides. Both issues are important, hence both are covered in sections 3.2.23 – 3.2.25 of the Plan.

I attach the document, Local Green Spaces Nov 2018 (updated Jan 2021)(IE-04), which sets out, using the NPPF criteria, the rationale and evidence for identifying two Local Green Spaces. Following the Regulation 14 and 15 Consultations, and consultant feedback, the decision was made by the NP steering group, not to include Space 1, but we felt that there was sufficient evidence to include Space 2 – Handleys Lane (now the only LGS included). This document indicates our consideration of the views of landowners, and our understanding of the need to identify only areas of land that meet the NPPF criteria for LGS designation.

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?

As the NPPF states:

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.

The Consultation Statement says:

7.1 Residents valued very highly the open and green spaces within the rural setting of the village. In particular, the open spaces on both sides of the Handley's Lane by-way were specifically mentioned and the by-way was seen as a calm and relaxing haven, linking the main settlement area with the Kelvedon Road settlement. The other open green space identified by residents was the land behind the graveyard in Church Road. The NHPSG has considered the designation of both areas as Local Green Spaces.

7.2 Parts of the areas referred to in paragraph 7.1 (two fields in different ownership on the north-west side of Handley's Lane and the area behind Church Road) have been the subject of planning applications by their respective owners for housing development. All have been refused by MDC, with two of the sites having also been refused on appeal. The landowners of the fields have registered their objections to the proposed designations of the spaces as Local Green Spaces. All have suggested that the proposed designations are merely a device to ensure there would be no development in the respective fields. The NHPSG is clear that the areas concerned were appreciated by residents for their current merits. Prevention of development was not the reason for their proposed designation. The sites are outside the approved settlement area, albeit on the edge of the area, and are, therefore, additionally protected from development by the policies of the Maldon District Local Development Plan.

7.3 The proposed designation as a Local Green Space of the Handley's Lane by-way is of particular importance to residents (shown on Map 8, Page 25 of the Plan). The by-way provides a link between the main settlement of the village and the Kelvedon Road settlement. On one side are the sports fields and on the other are two open fields. The sports fields are held in trust by the Beacon Hill Sports Association, a registered charity, for the benefit of Wickham Bishops and the adjoining villages of Little Braxted and Great Totham. The by-way has trees and shrubs either side but there are views to both sides across the fields and beyond. The rural feel of the by-way would be adversely affected by close boarded fencing which would likely delineate the boundary of any development or by housing itself.

7.4 The benefits of Handley's Lane are supported by data used by runners and cyclists. STRAVA is an app used by runners and cyclists to record and share performance data. A comparison of the use of Handley's Lane and a nearby public footpath of similar length over the 10 years in which the app has been available shows that Handley's Lane had 6 times more runners with 10 times more runs than the other footpath. Whilst the data may not be conclusive, it is indicative of the merits of this by-way to local people.

7.5 Old maps of the village show Handley's Lane as a route connecting the Beacon Hill settlement (mostly in Gt Totham) and the newer part of the village and, at least anecdotally, it formed part of the route across Tiptree Heath, of which this area of the village formed a part. A photograph taken in 1918 showed one of the two properties backing on to the by-way at its northern end as the village workhouse. The property is largely unchanged now.

7.6 It is clear, therefore, that it is not only the by-way of Handley's Lane itself but its open nature which is highly regarded by residents. From the point where the built-up part of the highway ends just past Poney's Chase and it becomes a track, there are extensive views across both sides. Any development of any nature on either side would inevitably detract from the intrinsically peaceful and open character of the area. It is also significant historically. For these reasons the NHPSG believe that its designation as a Local Green Space can be justified.

We believe that our Consultation Statement 7.1-7.6 sets out the Handleys Lane LGS as an area of particular importance to the village community. We also believe that this LGS meets the requirements of NPPF 100, as it is very central to the community it serves being close to the settlement and retail areas; it is demonstrably important to the local community in terms of beauty, historic significance, recreational value (including as a playing field), tranquillity and richness of its wildlife (see below); it is local in character and not an extensive area. Its designation would not be inconsistent with "the local planning of sustainable development" nor would it detract from "investment in sufficient homes, jobs and other essential services" in the Parish as a whole.

I attach the document, Local Green Spaces Nov 2018 (updated Jan 2021), which sets out, using the NPPF criteria, the rationale and evidence for identifying two Local green Spaces. Following the Regulation 14 and 15 Consultations, and consultant feedback, the decision was made by the NP steering group, not to include Space 1, but we felt that there was sufficient evidence to include Space 2 – Handleys Lane (now the only LGS included). This document indicates our consideration of the views of landowners, and our understanding of the need to identify only areas of land that meet the NPPF criteria for LGS designation.

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?

It is accepted that the Cricket Pitch and Sports Field is covered by the NPPF and MDC's LDP, but we believed it important that they were included in the Local Green Space proposal because they form an integral part of the whole area which collectively as a geographical area is that required to maintain the beauty and tranquillity of the lane, stretching from Tiptree Road across Handleys Lane to Kelvedon Road and Gt Totham Road. The rationale for including the area as a coherent whole, includes the recreational and tranquillity value of the site which would be lost without green space on either side of the

lane. In addition, at the western end of the lane, there is a narrow area of woodland, forming a protective barrier to the lane, on the recreational sports side to the south, which is essential to its overall feel as a country lane as you enter from Poneys Chase end. Inclusion of the recreational sports areas in our proposal gives them added protection and takes into account local issues such as a proposal for a croquet club on that site which would have included vehicle access and hard standing adjacent to Handleys Lane.

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

The size of the LGS in total and its component parts are:

Component parts of the proposed LGS	Area hectares
Total Area	7.8
Land east of Handleys Lane (Beacon Hill Sports Association)	4.6
Land to north of Handleys Lane (Collier)	1.7
Land to north west of Handleys Lane (Elliott)	1.0
Remainder	0.5

Approximate measurements

Please see attached document for details (IE-05 WBNP Handleys Lane LGS Area Map)

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)?

The various landowners who might be affected by the proposed LGS have been consulted in the following ways:

- 1. Through open public access to Parish Council Meetings and Neighbourhood Plan Steering Group Meetings throughout the Plan development process. One landowner (Mrs. Elliott) attended a WBNPSG meeting to express her views, which were fully considered and our thinking explained to her regarding the Handley's Lane LGS.*
- 2. Through public consultation events within the village such as fetes, fayres, church events, library displays.*
- 3. Through the Parish magazine, the Parish Council web site, the Facebook page.*
- 4. "All landowners potentially affected by the identified local green space areas have now been contacted (Sue Elliott, Mark Tentori, Alan Collier, the BHSA, the church)." (This was done directly by letter/email – as recorded in the WBNP Steering Group minutes of 11 December 2018).*
- 5. The Parish Council has a representative on the board of Trustees of the BHSA, one of the landowners, as another route of communication regarding this site.*

6. *The Regulation 14 Consultation resulted in objections from all concerned landowners and from some developers not directly involved in the village.*
7. *The Regulation 16 Consultation resulted in objections from all concerned landowners and from some developers not directly involved in the village.*

Policy WBF02

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

Some improvements to the footpath network will not be linked to new developments e.g. footpath and walkable verge maintenance.

Where necessary, new and larger developments can be used to improve the safety of existing walking options.

In the event of there being some development adjacent to a footpath whereby some linking could be provided, the opportunity would exist to ask developers so to do. We have done this with the new footpath being provided between Gt Totham Road and Maypole Road with the development there. Larger developments should include non-vehicular access and footpaths through and around said developments.

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

In response we would say that there are national and LDP policies for this, so we accept that we either need to make this part of the Policy more local in nature or to remove it.

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?

We have no objection to this reversal and see why it makes sense.

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?

We understand that this means you can't force any given business to stay open if it goes bankrupt, but we would try and ensure replacement is similar type of business where appropriate. We agree with this.

Policy WBF06

Is the approach taken a land use policy?

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

We understand that this would be difficult to apply to extensions of properties and that it refers to developer contributions.

We believe this should refer to new residential or commercial development. We would be concerned if this was not the Plan, as we would want to use it to assess new proposals.

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

If this was only in community actions, we would have no means of getting developer contributions specific to local needs. The Policy in the LDP dealing with this but residents identified it as a need locally.

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?

Although this is in the LDP it does not actually happen, in many instances and would like to see this strengthened in our Plan.

Section 3.4.3 seeks to provide some background and shows largely that the PC and MDC are in agreement on planning applications.

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?

We take your point here and would suggest that section 3.4.10 is moved to the Introduction and agree that this Policy could be removed as there is adequate coverage in National and LDP policies.

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?

The Council is currently considering its position with regard to the Community Infrastructure Levy (CIL), having obtained at the end of 2020 updated evidence via a Viability Study and updated Infrastructure Delivery Plan. The decision as to whether the Council will be pursuing CIL will most likely be made in the late spring 2021.

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?

Representations received are either in support of the plan, are neutral, or raise objections. The objections are from very few sources, as you have identified. Residents and other stakeholders are very supportive of the Plan or have no comment to make, in the case of a number of the stakeholders for whom the Plan has no impact. Objections are all from landowners and developers, which is to be expected, despite us having taken into consideration their objections and made modifications at the Regulation 14 and 15 stages. Each of the landowners who are also potential developers (or simply developers in the case of Gladman) are of course very motivated to suggest that the Plan does not meet Basic Conditions. We believe that it does, and have provided our evidence of having gone through the required processes of identification, consultation, assessment and review to ensure that the Plan has been developed based on the views of local residents, through our biodiversity audits, landscape character assessment, surveys, (including those on housing needs), and reviews and that it has responded to representations made during the consultation stages.

Our Policies on Open Spaces and Local Green Spaces are the only areas of concern to these objectors, so they have no interest (as evidenced from their consultation responses and returns) in the future of the village from a holistic perspective, or from a community or resident perspective. They are simply interested in financial gain from the residential development of their land. Once they carry out their developments they will have no further interest in the village or its community, and cannot actually therefor be considered stakeholders in any meaningful sense. They have merely short-term interest in one “project”. This is perfectly understandable, but is an extreme minority viewpoint (4 people or organisations), compared to the many other supporters of the Plan, including 99% of residents. Their view also takes no account of our related Policies on sustaining the natural environment, wildlife therein, the rural character of the village and its value to residents, particularly in the light of the current restrictions in force due to the pandemic, which make our local environment even more important to each of us.

Our Policies on Open Spaces and Local Green Spaces do conform to the NPPF as we have set out in our Plan and in our responses here. We believe that the detailed evidence provided, and the very detailed objections made, have provided sufficient information for a decision to be made on the OS and LGS proposals, and are confident of the Examiner’s ability to do this in a fair and just manner.

The Parish Council is not against all development, as evidenced by a number of its Planning recommendations, such as the development at Snow’s Corner of 28 dwellings. Indeed, the Council understands the need for sustainable and suitable development, to ensure the future of the village community.

We are not required to identify sites for development, and in Wickham Bishops there is absolutely no need for us to do so, as there are a number of other parties doing that, as the evidence and objections show. In addition, from consultations with residents throughout this process, it has been perfectly clear to us, that any Plan which included sites for development would never pass the referendum, such is the strength of feeling in the village that it has been subject to many unwanted, large scale, poorly sited and inappropriate developments in recent years. Hence our policies on housing and development have attempted to set out good practice and high standards in any future developments.

Specific Responses to MazDev:

In Section 2.2 they state that the area of grassland is adjacent to the settlement boundary on three sides. This is not so. Mope Lane (south/west) is outside the settlement boundary, the boundary to the north/west is outside and the boundary to the north/east is against another field which is also outside the settlement boundary. One example of inaccuracy in their information which is heavily biased towards development.

In Section 4 there are frequent references to the desire to prevent development. This is not so. Section 4.14 refers to land further south of Church Road not being included but the main point of the Open Space is that they are in or near the settlement boundary. They are not designed to go out into open countryside to protect huge swathes of land away from settlements.

Specific responses to Mr and Miss Elliott:

Section 2.4 specifies that designating an LGS it must comply with the 3 criteria of Section 100 of the NPPF as laid out in preceding paragraph. This site does so as stated above in the Basic Conditions Statement, and in the Plan; this having been reviewed many times.

Section 4.4 suggests that because the site is outside the settlement boundary it cannot be 'local'. Handleys Lane is clearly 'local' given its proximity to the centre of the village.

Sections 4.11 and 4.16 say that site 1 (Church Road) is within the settlement boundary and could be justified therefore as an Open Space whereas the Handleys Lane site is outside the boundary. This is not correct - the Church Road site, apart from the actual property at Number 9 Church Road, which is a tiny proportion of the total area, is outside the settlement boundary.

Section 4.16 also says that Handleys Lane cannot be said to be in the centre of the village. It extends from the centre and links the two settlement areas. As previously stated Handleys Lane is very close to the centre of the village in terms of the retail area at one end.

Specific Responses to Mr Alan Collier

Section 5 states:

“The Plan does not have regard to national policies and guidance as set out in the National Planning Policy Framework (NPPF) (February 2019).” Our Policies on Open Spaces and Local green Spaces do conform to the NPPF as we have set out in our Plan and in our responses here.

“The Plan is not in general conformity with the strategic policies of the Maldon Local Development Plan approved in July 2017.” Our Plan does confirm to the Maldon Local Development Plan.

“The Plan is not based on a robust evidence base.” The evidence base is very robust based on numerous surveys, consultations and input from residents, local businesses and stakeholders.

“The assessment and designation of Local Green Spaces is not based on a robust assessment.”

Section 6 states: “plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change”. (NPPF 11). The Plan does aim to be positive in encouraging the right types of development, by setting out the characteristics of such development and to be flexible as required.

Plans should “be prepared positively, in a way that is aspirational but deliverable” (NPPF 16). The Plan has been developed positively and in the interests of local residents as expressed through consultation and survey, to promote the type of rural village community so valued by those living in the Parish.

Section 8 states that the Plan does not have regard for NPPF Policies 99 and 100. We believe that our Consultation Statement 7.1-7.6 sets out the Handleys Lane LGS as an area of particular importance to the village community. We also believe that this LGS meets the requirements of NPPF 100, as it is very central to the community it serves being close to the settlement and retail areas; it is demonstrably important to the local community in terms of beauty, historic significance, recreational value (including as a playing field), tranquillity and richness of its wildlife (see below); it is local in character and not an extensive area.

Section 7 states: 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. This is not the case, the Plan is written for coverage of the stated period – hence our question to you at the end of this response document.

Section 14: “The reference to Map 5 in the Policy is assumed to be an error” indeed it is and thank you for pointing it out. Clearly the views map is number 6.

Section 15. View G should therefore be deleted from the table attached to Policy WBen 03 and Map 6, because it does not have views within Tiptree Ridge. This is not true, there are views across open green areas towards Tiptree Road and Beacon Hill.

Section 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. If this is the case and the countryside is adequately protected as suggested it would surely therefore be immaterial as to whether it is included in a Neighbourhood Plan.

Section 19: The NPPF definition of Open Spaces includes those acting as a visual amenity, which indeed in part the reason for the identification of Open Spaces within the Plan, as identified by local residents.

Sections 23, 30 and 33: The justification for an LGS in map 8 refers mainly to the use of Handley’s Lane as a public right of way. This is not the case, as identified in the accompanying document, the features of the identified LGS include, the beauty, historical significance, recreational value, tranquillity and richness of wildlife of the area as required by the criteria.

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.

In addition, we would request that we can update the acknowledgements list to include residents Janet James and Judith Wilson for their historic photographs and information. We would like to add further photographs, including in the introduction, to include historical photographs.

We also note that having been consulted by the Great Totham Parish Council on their NP, the life of their Plan runs to 2035. Given that this Plan has taken five years in the development, we wonder if we can extend the life of our Plan to 2035, without significant consequence to the proposed timescale for referendum and would appreciate your view. Wickham Bishops Parish Council 21 January 2021.

Andrew Ashcroft
Independent Examiner
Wickham Bishops Neighbourhood Development Plan.
12 January 2021