



## **Maldon District Council**

### **Wickham Bishops Neighbourhood Plan Decision Statement**

#### **Summary**

1. Following an independent examination, Maldon District Council confirms that the Wickham Bishops Parish Neighbourhood Plan, as recommended to be modified by the Examiner, will proceed to a Neighbourhood Planning Referendum.
2. This 'decision statement' sets out Maldon District Council's response to each of the Examiner's recommendations.
3. The date of the referendum is yet to be determined. Due to Covid-19 the Government has passed regulations<sup>1</sup> preventing neighbourhood plan referenda from taking place before 6 May 2021.

#### **Background**

4. The Wickham Bishops Parish Neighbourhood Plan relates to the area that was designated by the Council as a Neighbourhood Area on 7 November 2016. This area is coterminous with the Wickham Bishops Parish boundary and is entirely within the Local Planning Authority area.
5. Wickham Bishops Parish Council undertook pre-submission consultation on the draft Plan in accordance with Regulation 14 (Jan-March 2019).
6. Following the submission of the Wickham Bishops Neighbourhood Plan to the Council in September 2020 the Council publicised the draft Plan for a six-week period and representations were invited in accordance with Regulation 16. The publicity period ended on 26 November 2020.
7. The Council appointed Mr Andrew Ashcroft, with the consent of Wickham Bishops Parish Council, to undertake the examination of the Wickham Bishops Neighbourhood Plan. The Examiner's Report was sent to the District Council and Wickham Bishops Parish Council on 10 February 2021,

#### **Decision and reasons**

8. The Examiner's Report concludes that subject to making the recommended modifications, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum. The Examiner also recommends that the referendum

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<sup>1</sup> Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020

area is based on the Neighbourhood Area that was designated by the Council in November 2016.

9. The Neighbourhood Planning (General) Regulations 2012 (as amended) requires in Regulation 18 for the local planning authority to outline what action to take in response to the recommendations of an Examiner in relation to a Neighbourhood Plan.
10. Having considered each of the recommendations in the Examiner's report and the reasons for them, the Council, with the agreement of Wickham Bishops Parish Council, has decided to accept the recommended modifications to the Wickham Bishops Parish Neighbourhood Plan set out in Table 1 below. This decision was made at Council on 18 March 2021.
11. The Council considers that subject to the modifications set out in Table 1 below, the Plan meets the basic conditions set out in the legislation.
12. The Council is also required to consider whether to extend the area to which the referendum is to take place under Regulation 18(1e). The Examiner recommended that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Maldon District Council as a Neighbourhood Area. The Council has considered this recommendation and the reasons for it, and has decided to accept it.
13. The referendum on the Wickham Bishops Neighbourhood Plan will be based on the designated Wickham Bishops Parish Neighbourhood Area.
14. To meet the requirements of the Localism Act 2011, a referendum which poses the question *"Do you want Maldon District Council to use the Neighbourhood Plan for Wickham Bishops to help it decide planning applications in the neighbourhood area?"*, will be held when it is safe and legal to do so.

18 March 2021

# ELECTION MAPS

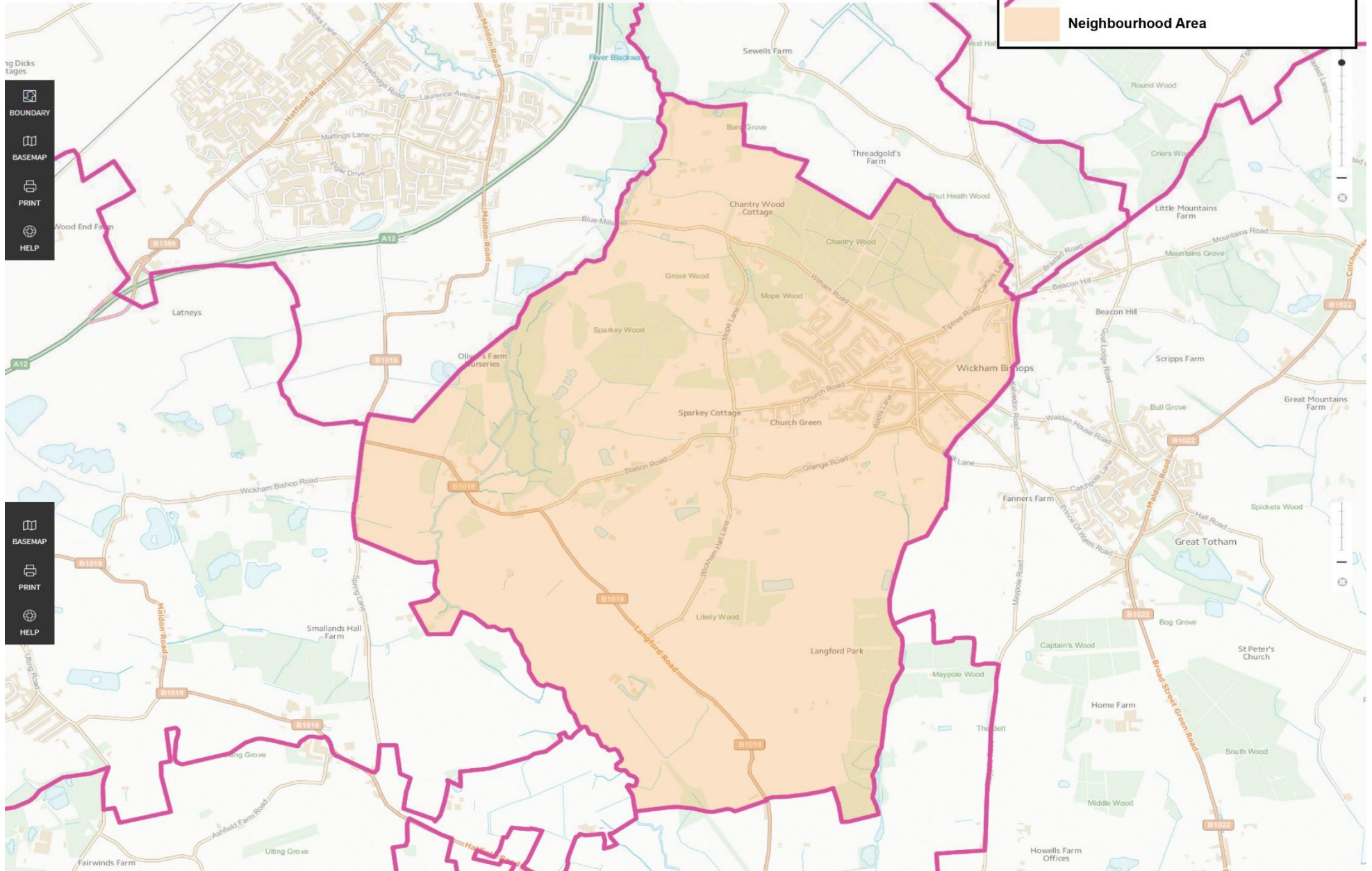
## WICKHAM BISHOPS CIVIL PARISH, ESSEX COUNTY

Civil Parishes or Communities

### Key

Parish and Neighbourhood Area Boundary

Neighbourhood Area



**Table 1 Examiner’s recommendations, reasons for change, and Maldon District Council action**

Key: Deleted text is ~~crossed out~~; New text is underlined

Examiner’s Recommended modifications	Reason for change (summarised)	Officer recommendation
<p>1.1.5 Wickham Bishops Parish Council applied for the Neighbourhood Area designation. The Wickham Bishops Neighbourhood Area includes the entire area of the Parish of Wickham Bishops (see Map 1). Following changes in the Neighbourhood Planning Regulations on 1 October 2016, consultation on the Wickham Bishops Neighbourhood Area (NA) application was not required, as the NA was proposed by the Parish Council and the NA covers the whole of the parish area. <u>The Plan period is 2016 to 2029.</u></p>	<p>The Plan defines the Plan period on its front cover. However, it does not do so within the document itself.</p>	<p>Recommendation accepted</p>
<p>WBEC 01 HOME WORKING</p> <p><u>Insofar as planning permission is required,</u> Proposed development that enables home working and is compatible with the scale, form and character of its surroundings and is not detrimental to neighbouring amenity will be supported.</p> <p>All new dwellings shall allow for the provision of ultrafast broadband connectivity and other communication networks infrastructure where possible</p>	<p>This change recognises that not all proposals for home working would constitute development.</p>	<p>Recommendation accepted</p>
<p>WBEC 02 BUSINESS <del>AND</del> <u>RETAIL AND TOURISM</u></p> <p>The Snows Corner and The Street retail and business areas <u>(as shown on Map 3)</u> will be retained. <del>Proposals to enhance retail and</del></p>	<p>The policy title is broadened to take account of its coverage of tourism issues.</p> <p>The part of the policy which offers support to the enhancement of the identified areas is</p>	<p>Recommendation accepted</p>

Examiner's Recommended modifications	Reason for change (summarised)	Officer recommendation
<p><del>business areas will be supported including modernisation, expansion and relocation. <u>Proposals to enhance individual premises within the retail and business areas will be supported</u></del></p> <p><del>Proposals resulting in loss of local retail and business provision will be required to demonstrate that:</del></p> <p><u>Development proposals which would result in the loss of business uses (Class E) or of local community uses (Class F2) will only be supported where:</u></p> <ul style="list-style-type: none"> <li>• The existing business/service is not and cannot be viable.</li> <li>• Effective marketing has been undertaken to demonstrate there is no viable alternative community use.</li> <li>• <del>To promote accessibility to business and retail development</del> <u>sufficient car parking provision and cycle parking must be retained and provided. Development proposals within the identified business and retail areas should safeguard the existing car parking and cycle parking provision. Proposals which would involve the loss of some or all of the existing parking facilities in the relevant business and retail area will only be supported where it can be demonstrated that the spaces concerned are not used on a regular basis and/or that alternative and accessible parking facilities are incorporated within the wider development</u></li> </ul> <p><del>Proposals to provide tourist accommodation will be supported where it is compatible with the scale, form and character of its surroundings and is not detrimental to neighbouring amenity.</del></p> <p><u>Development proposals for tourist accommodation will be supported where they are compatible with the scale, form and character of their surroundings and would not have an unacceptable impact on the amenity of residential properties in the immediate locality of the site concerned</u></p>	<p>clearer in its scope and relates to individual properties.</p> <p>Modifications made to take account of the 2020 update to the Use Classes Order which introduced important changes to retail/business categories within the Order.</p> <p>Modifications to the part of the policy on car parking so that its applicability relates to the existing car parking areas – there is nothing in the substantive policy to suggest that there is scope for the extension of the retail/business areas and as such the policy does not need to comment about the provision of car parking.</p> <p>The part of the policy on tourism clarifies its general applicability throughout the parish.</p> <p>Map 3 is replaced by a map at a scale which shows the buildings within the identified business areas.</p>	

Examiner's Recommended modifications	Reason for change (summarised)	Officer recommendation
<p>3.1.7 Tourism is an important component of the Maldon District economy. The Maldon District has an excellent reputation for hospitality and there is a host of restaurants, inns, and cafes, together with a range of quality assured accommodation providers. In the Parish, the former public house, The Chequers has recently been converted to a restaurant and bar. A former public house, The Mitre has been converted to a bar / tearoom and to a spa/beauty parlour. <u>The final part of Policy WBEc 02 offers support to further such uses. This part of the policy applies throughout the neighbourhood area.</u></p> <p>Replace Map 3 with a map at a scale which show the buildings within identified business areas.</p>		
<p>WBEN 01 RECREATIONAL DISTURBANCE Replace policy with:</p> <p><u>All residential development within the zones of influence of European Sites should make an appropriate financial contribution towards mitigation measures, as detailed in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document, to avoid adverse in-combination recreational disturbance effects on European Sites.</u></p> <p><u>All residential development within the zones of influence should 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.</u></p>	<p>Given the wider progress that is being made both on the RAMS SPD and the wider collaborative approach being taken by local authorities the strategic context is likely to be established by the time that the neighbourhood plan will reach its final procedural stages and, subject to a successful referendum, be made.</p> <p>Modifications to the policy are based on a suggested revised approach as suggested by MDC. The modifications shift the policy to one which addresses the broader habitats mitigation in general, and the effects of the Essex Coast RAMS SPD in particular. The indirect advantage of this approach is that it</p>	<p>Recommendation accepted</p>

Examiner's Recommended modifications	Reason for change (summarised)	Officer recommendation
<p>3.2.4 In view of that, Maldon District Council is working with <del>ten</del> <u>twelve</u> other Greater Essex local planning authorities, and Natural England, on a RAMS for the Essex Coast....</p>	<p>will future-proof the policy within the Plan period.</p> <p>Technical correction made to the Justification (para 3.2.4).</p>	
<p>WBEN 02 BIODIVERSITY AND NATURAL HABITATS</p> <p>All development proposals should protect, retain and enhance existing trees, including veteran trees <u>and ancient woodlands</u> which are identified as irreplaceable habitat (<del>NPPF</del>), <del>ancient woodlands</del>, new woodlands, hedgerows and habitats which are important for their historic, visual or biodiversity value.</p> <p><del>New development should seek to:</del>  <u>As appropriate to their scale, nature and location development proposals should:</u></p> <ul style="list-style-type: none"> <li>• retain existing (including veteran) trees, woodlands and hedgerows of good arboricultural and amenity value;</li> <li>• retain existing natural boundary treatments;</li> <li>• have regard to and respect the character of the landscape and its sensitivity to change;</li> <li>• enhance the Arcadian green nature of the Parish through appropriate landscaping;</li> <li>• maintain and enhance green corridors through additional planting of locally native species of trees and hedgerows to improve ecological networks across the Parish;</li> <li>• create opportunities for habitats.</li> </ul> <p>If in exceptional circumstances there is loss of trees, hedgerows, ancient woodlands, new woodlands, hedgerows and habitats as part</p>	<p>The first modification incorporates a series of detailed word changes as suggested by Essex County Council insofar as they are necessary to ensure that the Plan meets the basic conditions.</p> <p>The second applies the development principles in a proportionate fashion to the development concerned and presents the principles as a series of bullet points.</p> <p>The third repositions the final three principles as separate elements of the policy.</p>	<p>Recommendation accepted</p>

Examiner's Recommended modifications	Reason for change (summarised)	Officer recommendation
<p>of development, then appropriate new provision (planting of native species) as mitigation shall be provided.</p> <p>Proposals to develop a network of wildlife corridors alongside public rights of way and through links between ancient woodlands, local wildlife sites and the Blackwater Rail Trail will be supported and encouraged. Proposals that include appropriately designed and surfaced footpaths through landscaped areas will be supported.</p> <p>Proposals to reinstate or manage orchards will be supported.</p>		
<p>WBen 03 SPECIAL VIEWS AND VISTAS</p> <p>Development should protect, or <u>where practicable</u>, enhance special views and vistas (as identified within the Parish shown on Map 6 5) which provided the landscape setting of the village.</p> <p>Any proposed development should respect the key landscape features of the views identified on Map 6</p>	<p>The 'protect or enhance' element of the policy is modified to bring the clarity required by the NPPF. Plainly in some cases it will be impracticable for new development to enhance the identified views or vistas.</p> <p>Map number error corrected.</p>	<p>Recommendation accepted</p>
<p>WBen 04 OPEN SPACES</p> <p>Proposed development that provides and enhances open spaces, community woodland and provides opportunities to connect these spaces and provide defined areas for public access will be supported.</p> <p><del>New development should retain and enhance open spaces (Map 7) to maintain the Arcadian and rural nature of the Parish.</del></p> <p>Proposed development on the settlement edge of the village should maintain the open character and appearance of its setting and</p>	<p>The protection of the countryside is already fully and properly safeguarded by Policy S8 of the Local Development Plan. That policy follows the approach in national policy, and in doing so identifies the limited types of development which would be supported in such locations.</p> <p>The Plan has misinterpreted the definition of Open Space in the NPPF. National policy considers open spaces in a very specific fashion in its reference to 'open space of</p>	<p>Recommendation accepted</p>

Examiner's Recommended modifications	Reason for change (summarised)	Officer recommendation
<p><del>minimise coalescence with adjoining villages</del> <u>do not result in the coalescence of Wickham Bishops with any other settlement.</u></p> <p>Delete map 7</p> <p>Justification: Replace paragraphs 3.2.19 to 3.2.22 with:</p> <p><u>3.2.19 The Village Design Statement (2010) showed overwhelming support for open spaces, greens and verges retaining their rural character. It emphasised the importance of the open agricultural land around the village.</u></p> <p><u>3.2.20 The first part of the policy offers support to proposals which would provide or enhance open spaces or community woodland in the neighbourhood area.</u></p> <p><u>3.2.21 The second part of the policy seeks to ensure that built development on the edge of Wickham Bishops does not result in its coalescence with surrounding settlements. This is particularly important given its proximity to both Beacon Hill and Great Totham.</u></p> <p><u>3.2.22 This policy generally conforms to Maldon Local Development Plan 2014 – 2029 – Policy S8. It is supported by The Landscape Character Analysis (The Landscape Partnership 2019) and has regard to National Planning Policy Framework.</u></p>	<p>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.'</p> <p>The selection of open spaces has arisen directly from the Plan preparation process and the associated community engagement processes. However, the Plan has not produced any specific evidence to support the identification of Open Spaces either in their own right and/or to demonstrate that the general approach in Policy S8 of the Local Development Plan is insufficient to achieve the safeguarding of the parcels of land concerned.</p> <p>The final section of the policy preventing the coalescence of settlements has been strengthened.</p> <p>Consequential modifications are made to the justification text.</p> <p>Subsequent maps will be renumbered.</p>	
<p>WBen 05 LOCAL GREEN SPACE</p> <p>Replace policy with</p> <p><u>The recreation areas off Great Totham Road and Handleys Lane (as shown on Map 8) are designated as a local green space</u></p>	<p>Handleys Lane and the two recreation areas to the east of Handleys Lane meet the criteria for LGS designation. In combination, they are an attractive open recreational area intersected by footpaths and provide access to and from Handleys Lane. The proposed LGS designation</p>	<p>Recommendation accepted</p>

Examiner's Recommended modifications	Reason for change (summarised)	Officer recommendation
<p><u>Development proposals within the designated local green spaces will only be supported in very special circumstances.</u></p> <p>Revise Map 8 to show the recommended extent of the Local Green Space and to show its boundaries at an appropriate scale.</p> <p>Replace paragraphs 3.2.23 to 3.2.25 with:</p> <p><u>3.2.23 The quiet, peaceful, friendly nature of the village, combined with its rural character, surrounded by beautiful countryside and green open spaces was cited by many residents in the 2018 survey as an important characteristic of the village. Policy WBen05 seeks to capture this character by designating the recreation areas to the north of Great Totham Road as Local Green Space.</u></p> <p><u>3.2.24 Its designation meets the various criteria for such designations in the NPPF. In particular the land is an attractive open green space on the edge of the village and provides for a range of formal recreational activities. The land is also well-used for informal recreation. There is a well-used footpath running through the southern parcel of land in a SW-NE direction from Great Totham Road to Kelvedon Road. Handleys Lane is an attractive footpath in its own right and provides direct connections to the adjacent recreation areas. It is well-used by local people</u></p> <p><u>3.2.25 The policy follows the matter-of-fact approach in national planning policy (NPPF paragraph 101). In the event that development proposals come forward on the local green space within the Plan period, they can be assessed on a case-by-case basis by the District Council. In particular it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the</u></p>	<p>adds value to the existing protection for these sites in the Local Development Plan. Collectively they form an important green space on the eastern side of the village and provide for both formal and informal recreational activities.</p> <p>Their proposed designation as a LGS accords with the more general elements of paragraph 99 of the NPPF: the approach is consistent with the local planning of sustainable development. The designation does not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. The LGS (as modified) is capable of enduring beyond the end of the Plan period. It is an established element of the local environment and has existed in its current format for many years. No evidence was brought forward during the examination that would suggest that the local green space (as modified) would not endure beyond the end of the Plan period.</p> <p>The two parcels of land to the west of Handley's Lane are removed from the proposed LGS designation. Their character, appearance and land uses do not meet the 'demonstrably special' criterion for LGS designation in the NPPF. They are similar to other agricultural parcels of land on the edge</p>	

Examiner's Recommended modifications	Reason for change (summarised)	Officer recommendation
<p><u>policy. This may be particularly relevant as the local green space actively in sport and recreational use'</u> Renumber map 8 as map 7</p>	<p>of the village. They are located in the countryside beyond the settlement boundary where countryside policies apply.</p> <p>The policy initially takes the matter-of-fact approach towards LGSs as set out in the NPPF that development will not be supported within a LGS other than in very special circumstances. Thereafter it adopts more of a balancing act in attempting to identify a limited number of circumstances where development might be supported on designated LGSs. Given the location of the proposed LGS (as included in the submitted Plan) I can understand the circumstances which have caused WBPC to design the policy in this way. Nevertheless, I recommend a modification so that the policy takes the matter-of-fact approach in the NPPF. The recommended modification also takes account of the recent case in the Court of Appeal on the designation of local green spaces and the policy relationship with areas designated as Green Belts (2020 EWCA Civ 1259).</p> <p>If development proposals affecting the designated LGS come forward within the Plan period, they can be assessed on a case-by-case basis by MDC. MDC will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the</p>	

Examiner's Recommended modifications	Reason for change (summarised)	Officer recommendation
	policy. This may be particularly relevant as the local green space is actively in sport and recreational use	
<p>WBE06 NEW DEVELOPMENT AND FLOOD RISK</p> <p>Replace policy with</p> <p><u>Development proposals should take account of the relationship between the site concerned and the drainage and water disposal profile of the neighbourhood area taking into account the current and future impacts of climate change so as to avoid, where possible, flood risk to people and property.</u></p> <p><u>Development proposals will not be supported in areas at highest risk from surface water flooding. As appropriate to their scale, nature and location, development proposals should incorporate sustainable drainage principles to ensure that flood risk will not be increased either on or off site.</u></p> <p><u>All new development proposals should be safe and flood resilient for their lifetime. In addition to their role in providing water management measure, and where practicable, sustainable drainage systems should be designed to be multi-functional and deliver benefits for wildlife, amenity and landscape. Surface water runoff from new developments should be discharged in a self-contained fashion and to appropriate standards in place at the time of the determination of the planning application concerned.</u></p>	<p>The policy is replaced with one which relates more closely to the NPPF and to the development management process. Whilst its format and purpose remain largely unchanged it incorporates the following modifications:</p> <ul style="list-style-type: none"> <li>• an initial section which captures its approach in a more general fashion;</li> <li>• a closer relationship with Section 14 of the NPPF</li> <li>• a more nuanced relationship between the policy and the scale and the location of the development concerned – as submitted the policy applies to all development when many minor/domestic proposals would not necessarily have any direct impact on the policy.</li> </ul>	<p>Recommendation accepted.</p> <p>Para 3.2.29 - References to Essex SuDS Design Guide are updated to Sustainable Drainage Systems Design Guide for Essex.</p>
<p>WBF 01 BURIAL GROUND</p> <p>Replace policy with:</p> <p><u>Development proposals for the extension of burial grounds/cemeteries will be supported subject to the following criteria:</u></p>	<p>The Justification helpfully comments about the current provision and clarifies that the policy's focus is on the potential extension of such facilities rather than the development of new facilities. On this basis the criterion about a</p>	<p>Recommendation accepted.</p>

Examiner's Recommended modifications	Reason for change (summarised)	Officer recommendation
<ul style="list-style-type: none"> <li>• <u>they are designed to improve and/or create new biodiversity, habitats and green infrastructure; and</u></li> <li>• <u>they will not have an unacceptable impact on controlled waters including groundwater and surface water</u></li> </ul>	<p>sustainable location is unnecessary and is deleted.</p> <p>The second and third sentences of the policy are restructured so that they would appear as criteria of the main part of the policy.</p>	
<p>WBF 02 SUSTAINABLE MEANS OF TRAVEL Replace policy with:</p> <p><u>Development proposals should give priority to cycle and pedestrian movements and access to public transport.</u></p> <p><u>Development proposals should deliver safe pedestrian and cycle connections within development sites and to the wider area, including key destinations. To ensure a comprehensive approach to movement, connections to both public transport and bridleway connections should also be incorporated where it is practicable to do so.</u></p> <p><u>Development proposals which incorporate improvements to the existing footpath network (as shown on Map 8) will be supported.</u></p> <p><u>As appropriate to their scale and nature new development proposals should incorporate Travel Plans, Transport Assessments and/or Statements in accordance with the Essex County Council Development Plan Policies (2011) or any successor document.</u></p> <p>Map 9 renumber to map 8</p>	<p>The policy takes an appropriate approach to these important matters. Subject to detailed word changes to ensure that the policy has the clarity required by the NPPF (and which incorporate comments received from Essex County Council as the highways authority) the policy meets the basic conditions. The replacement policy breaks the policy into distinct sections which relate more closely to the development management process.</p>	<p>Recommendation accepted</p>

Examiner's Recommended modifications	Reason for change (summarised)	Officer recommendation
<p>WBF 03 HIGHWAYS SAFETY Replace the policy with:</p> <p><u>Development proposals should take account of the capacity of the local highways network.</u></p> <p><u>Development proposals which would have an unacceptable impact on the efficiency of the local highways network in general, and on its safety in particular will not be supported.</u></p>	<p>The Justification provides significant detail about the specific safety issues which exist in the parish.</p> <p>Plainly these matters are of great importance to the local community. However as submitted the initial part of the policy largely restates national and local policy. The second part of the policy potentially conflicts with national policy in the way in which it may encourage new development to come forward to resolve pre-existing traffic and safety issues or where the proposed improvements to the highways network were not directly related to the development itself.</p> <p>Modifications to the policy to address these matters. The revised policy has a more positive policy format rather than one which is process-driven. In addition, it identifies the outcome of development proposals which would unacceptably impact on the capacity, efficiency and safety of the local highways network.</p>	<p>Recommendation accepted.</p>
<p>WBF 04 COMMUNITY FACILITIES Replace policy with:</p> <p><u>The Plan identifies the following community facilities:</u></p> <ul style="list-style-type: none"> <li>• <u>Olio at The Chequers</u></li> <li>• <u>The Mitre</u></li> </ul>	<p>The policy is well-developed. In particular the range of facilities has been carefully selected.</p> <p>The community facilities are listed in the Justification. For clarity these are to be listed in the policy itself.</p>	<p>Recommendation accepted</p>

Examiner's Recommended modifications	Reason for change (summarised)	Officer recommendation
<ul style="list-style-type: none"> <li>• <u>Library</u></li> <li>• <u>St Bartholomew's Church</u></li> <li>• <u>St Peter's Church</u></li> <li>• <u>Blackwater Rail Trail.</u></li> <li>• <u>The Air Raid Shelter</u></li> <li>• <u>Playing Fields</u></li> <li>• <u>Village hall</u></li> <li>• <u>Play area</u></li> <li>• <u>Doctors surgery</u></li> </ul> <p><u>Development proposals which would enhance the community use of the identified community facilities or help to secure their viability will be supported.</u></p> <p><u>Proposals that would result in the loss of the identified community facilities will not be supported unless:</u></p> <ul style="list-style-type: none"> <li>• <u>suitable alternate provision exists in the immediate area to serve the community; or</u></li> <li>• <u>suitable alternative provision is included in the development proposal itself; or</u></li> <li>• <u>the facility concerned is no longer commercially-viable.</u></li> </ul> <p>3.3.13 The village is well served with sports and community facilities and these should be retained. <del>Residents valued local assets in particular</del> <u>Local residents particularly value the following community facilities:</u></p>	<p>Commercial viability is included within that part of the policy which comments about proposals which would involve the loss of community facilities. This is particularly important to those facilities which, whilst offering important services to the community, are effectively commercial operations. Such an approach would have regard to national policy (NPPF paragraph 57).</p> <p>The order of the two elements of the policy is reversed. This will result in a more positive policy.</p> <p>The wording used in the Justification is modified, to avoid any confusion between the identified facilities and the two assets of community value (as addressed in Policy WBF 05).</p>	
<p>WBF 05 COMMUNITY ASSETS</p> <p>Replace the policy with:</p> <p><u>Development proposals to retain and/or to encourage extended local use of the Assets of Community Value will be supported.</u></p>	<p>The approach taken is both appropriate and distinctive. It will assist in delivering the social dimension of SD in the parish. The order of the elements is reversed, and other detailed</p>	

Examiner's Recommended modifications	Reason for change (summarised)	Officer recommendation
<p><u>Development proposals that will result in the loss of, or unacceptable harm to, an Asset of Community Value will not be supported.</u></p>	<p>modification to the wording used so that it has the clarity required by the NPPF. Otherwise, it meets the basic conditions.</p>	
<p>WBF 06 DEVELOPER CONTRIBUTIONS Delete the policy.</p> <p>Delete paragraphs 3.3.17 and 3.3.18</p> <p>Introduce an additional section into the Plan after Section 3, as follows.</p> <p><u>4. Community Aspirations</u></p> <p><u>4.1.1 This section of the Plan addresses a particular Community Action. It arose during the wider preparation of the Plan. Whilst it is not directly a land use matter it has the potential to be delivered within the Plan period.</u></p> <p><u>Community Action WBCA1: Local Application of Community Infrastructure Levy Funding</u></p> <p><u>In the event that MDC implements a Community Infrastructure Levy (CIL) within the Plan period the Parish Council will apply the local element of CIL funding to the following projects:</u></p> <ul style="list-style-type: none"> <li>• <u>wildlife and habitat corridors;</u></li> <li>• <u>accessible wildlife conservation areas;</u></li> <li>• <u>increased footpath and footway provision;</u></li> <li>• <u>highways safety improvements;</u></li> </ul>	<p>The approach takes no account of the Community Infrastructure Levy Regulations (2010 as amended). Regulation 122 requires that planning obligations should only be sought where they meet each of the three following tests – they are necessary to make the development acceptable in planning terms; they would be directly related to the development; and, they would be fairly and reasonably related in scale and kind to the development. As submitted the policy starts from the opposite premise that any development proposal should demonstrate how it could contribute towards the delivery of community infrastructure.</p> <p>MDC has yet to implement a Community Infrastructure Levy (CIL). In these circumstances it is inappropriate for a neighbourhood plan to speculate about the outcome of this process. In addition, in the absence of a CIL WBPC would not benefit from any local element of CIL monies generated within the neighbourhood area (at either the standard rate in the absence of a neighbourhood plan or at the higher rate in</p>	<p>Recommendation accepted</p>

Examiner's Recommended modifications	Reason for change (summarised)	Officer recommendation
<ul style="list-style-type: none"> <li>• <u>the delivery of a village pond, community gardens and/or allotments; and</u></li> <li>• <u>the delivery of information boards showing the location of footpaths</u></li> </ul> <p><u>Justification</u></p> <p><u>4.1.2 WBCA1 sets out the Parish Council's approach towards the local use of Community Infrastructure Levy funding in the event that Maldon District Council adopts such an approach.</u></p> <p><u>4.1.3 Residents and the Parish Council have identified the need for information boards and a map of the local numbered footpaths for ease of use of local people and visitors. Identification board locations could include the village hall, the church, the playing fields area. In the Residents' Survey (Autumn 2017) there was comment on the lack of infrastructure generally to support any significant increase in housing.</u></p> <p><u>4.1.4 The Parish Council will monitor the use and effectiveness of the local application of CIL funding both in general, and as it may overlap with the District Council's strategic application of CIL funding. New priorities may arise within the Plan period.</u></p>	<p>the event that the Plan was eventually 'made').</p> <p>Given the obvious importance of this matter to the local community, it is recommended that a non-land use community action is included within the Plan which sets out the local priorities for the application of the local element of CIL funding in the event that MDC adopts such an approach within the Plan period.</p>	
<p>WBH 01 DESIGN AND CHARACTER</p> <p>Proposed development will be supported where it adheres to the design principles laid out by the Wickham Bishops Village Design Statement (2010) and the Maldon District Design Guide (2017).</p> <p><u>Development must As appropriate to their scale, nature and location development proposals should:</u></p>	<p>Modifications are needed to bring the clarity required by the NPPF. The first ensures that the design principles are applied to development proposals on a proportionate basis. Plainly in some cases all the principles will apply to some developments whereas for others only some will be applicable.</p>	<p>Recommendation accepted</p>

Examiner's Recommended modifications	Reason for change (summarised)	Officer recommendation
<ul style="list-style-type: none"> <li>• Respect the local character, historic setting and natural assets of the surrounding area</li> <li>• Reinforce local distinctiveness and create a strong sense of place through design and materials</li> <li>• Retain open plan frontages and/or original hedging where this already exists</li> <li>• Use materials on driveways and hard standings which minimise problems of surface water run-off</li> <li>• <u>Design new boundary treatments to be sympathetic to the surrounding area in their size, height, character, materials and design;</u></li> <li>• <u>Where practicable and viable, incorporate features including both energy efficiency measures and green energy generation that improve the environmental performance of the development;</u></li> <li>• <u>Avoid the incorporation of street lighting in order to maintain the village character and protect dark skies;</u></li> <li>• <u>Use low level lighting on buildings to reduce impact on dark skies;</u></li> <li>• <u>Incorporate Building for a Healthy Life 12 principles (or similar such schemes) to allow people to stay in their homes throughout their lifetime</u></li> <li>• <del>Where new boundary treatments are built, be sympathetic to the surrounding area in their size, height, character, materials and design</del></li> <li>• <del>Where practicable and viable, to incorporate features that improve its environmental performance thereby reducing carbon emissions. These can include both energy efficiency measures and green energy generation</del></li> <li>• <del>Not include street lighting in order to maintain the village character and protect our dark skies</del></li> </ul>	<p>The second introduces bullet points before the principles so that their relationship to the wider policy is clearer.</p> <p>The third revises the language used in some of the design principles so that they flow more naturally from the revised wording at the beginning of the second part of the policy. Their effect remains unaltered. Otherwise, the policy meets the basic conditions. It will assist in delivering the environmental dimension of sustainable development in the parish.</p> <p>Building for Life has been updated to Building for a Healthy Life.</p>	

Examiner's Recommended modifications	Reason for change (summarised)	Officer recommendation
<ul style="list-style-type: none"> <li>● <del>Low level lighting on buildings to reduce impact on dark skies</del></li> <li>● <del>Informed by Building for Life 12 allowing people to stay in their homes throughout their lifetime</del></li> </ul>		
<p>WBH 02 LIFETIME HOMES Replace the policy with: <u>New housing developments should address the local need for older persons' housing allowing people to stay in their homes throughout their lifetime.</u></p> <p>3.4.8 Respondents were strongly (92% of responses) in favour of the need for housing that would suit older persons by way of provision of bungalows or other suitable housing types incorporating Building for Life 12 standards. <del>Any new development should also be informed by Building for Life 12 standards to enable people to stay in their homes for life (86% of responses in favour).</del> <u>New development can address the requirements of Policy WBH 02 by being informed by Building for a Healthy Life 12 standards (or equivalent standards which emerge within the Plan period) to enable people to stay in their homes for life (86% of responses in favour).</u> New development should provide a mix of housing types including smaller, two bedroom and starter homes (84% of responses in support) and should be small in scale with a density lower than 10 per hectare (85% in support).</p>	<p>The policy is part policy and part a statement of fact (to the extent that meeting housing needs can be accommodated by the application of Lifetime Homes standards). The statement of fact element is repositioned into the supporting text. The specific standard mentioned has been carefully developed. However, within the Plan period it may be updated and/or other similar standards which would have the same benefits may be introduced. Modifications remedy these matters.</p>	<p>Recommendation accepted</p>
<p>WBH 03 HERITAGE Delete the policy</p> <p>Reposition paragraph 3.4.10 to the introduction of the Plan. In doing so add the following sentence at the end of the paragraph: <u>'National and local planning policies safeguard the historic environment of the parish'</u></p>	<p>The policy largely repeated national and local planning policies on heritage and is deleted.</p> <p>Paragraph 3.4.10 is repositioned to the Introduction of the Plan in order to identify the significance of the built heritage in the parish. For clarity, an additional sentence is included at the end of the paragraph to highlight that</p>	<p>Recommendation accepted</p>

Examiner's Recommended modifications	Reason for change (summarised)	Officer recommendation
Delete paragraph 3.4.11	heritage matters are already addressed fully by both national and local planning policies.	
<p>Modification of general text (where necessary) to achieve consistency with the modified policies.</p> <p>Additional acknowledgements and village photographs</p>	<p>Where consequential changes to the text are required directly as a result of the recommended modifications, they have been highlighted in the Examiner's report. However, other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for MDC and the WBPC to have the flexibility to make any necessary consequential changes to the general text.</p> <p>In its response to the clarification note WBPC proposed additional persons should be included in the Acknowledgements section. To do so would be entirely appropriate and would be in the spirit of IE Report paragraph 7.87. This would also extend to any additional photographs which the Parish Council might wish to include in the Plan insofar as they are relevant to the approach taken in the Plan itself.</p>	<p>Consequential changes have been made to the text and maps.</p> <p>Additional acknowledgements and suitable photographs will be added to the referendum version of the plan.</p>