

Wickham Market Neighbourhood Plan Health Check Report

March 2019

Undertaken by Cat Loveday BSc (Hons) MSc MRTPI

Summary of Recommendations

- The Wickham Market Neighbourhood Plan (the Plan/WMNP) is on the whole well written, clear and concise, with enough local information to allow the reader to gain an understanding of the specific circumstances of the Neighbourhood Area. We consider it provides a rational and reasonable analysis of the relevant issues facing the Parish.
- The Plan has some more complex elements including the Strategic Environmental Assessment (SEA), Habitats Regulation Assessment (HRA) and site allocations, which from our reading of the evidence base are adequately justified. The identification of site allocations and consideration of alternative sites is properly explained and appears to be rational and realistic.
- There are a number of important clarifications needed throughout the Plan and these have been highlighted in the detailed notes below. These errors and inconsistencies should be addressed to avoid uncertainty and ensure the Plan is legally compliant (particularly focusing on the requirements of the Basic Conditions) for the purposes of the examination.
- The Basic Conditions Statement (BCS) is a critical document necessary to demonstrate the Neighbourhood Plan's compliance with the legal and policy requirements and must be submitted at Regulation 15¹ alongside the draft Plan.
- The Consultation Statement (CS) must pull together the timetable and key consultation work on the website to contribute to the evidence base for the WMNP. It should demonstrate that this has been carried out in a way that is proportionate to the scale and complexity of the Plan, which appears to be the case based on the documents we have reviewed. We recommend that the timeline is provided upfront in the CS document,

¹ The Neighbourhood Planning (General) Regulations 2012 (as amended).

which should include reference to the legislation, designation, consultation dates, data collected and how this has been incorporated into the iterations of the Plan.

Cat Loveday
27 March 2019

Part 1 – Process

	Criteria	Source	Response/Comments
1.1	Have the necessary statutory requirements been met in terms of the designation of the neighbourhood area?	Website and CS Statement	Yes. The Neighbourhood Area was designated on 12th January 2016. The Neighbourhood Plan Area covers the whole of Wickham Market Parish. The Plan relates to one Neighbourhood Area. The CS includes confirmation that the Plan has been prepared and submitted by a Qualifying Body (QB) and designated by Suffolk Coastal District Council (SCDC).
1.2	If the area does not have a parish council, have the necessary statutory requirements been met in terms of the designation of the neighbourhood forum?	N/A	Not applicable. Wickham Market has a Parish Council.
1.3	Has the plan been the subject of appropriate pre-submission consultation and publicity, as set out in the legislation, or is this underway?	Website and CS Statement	The information, in so far as it has been possible to review as part of this Health Check, appears to indicate that consultation has been carried out in line with the 2012 Regulations and has been appropriate in line with the scale, coverage and complexity of the Plan area, having regard to the advice in the Planning Practice Guidance (PPG). However, the consultation statement should be reviewed. A more comprehensive document is required including (as appendices to the CS) all the supporting documents on the WMNP website that detail the consultation process, literature disseminated and consultation summaries. The importance of the Consultation Statement should not be underestimated in providing a key window into the legitimacy of the process and Plan itself for the examiner. It is a requirement that this is submitted to accompany the WMNP. It is also recommended that the clear timeline produced on the website is provided upfront in the document and includes reference to the legislation, designation and consultation dates.

1.4	Has there been a programme of community engagement proportionate to the scale and complexity of the plan?	Website and CS Statement	Yes, it appears that a proportionate programme of consultation has been completed. The detail of this must be pulled together in a more robust CS, as discussed under point 1.3 above.
1.5	Are arrangements in place for an independent examiner to be appointed?	No evidence	There is no information provided on this. We would advise that the QB begin the process of identifying a suitable independent examiner as soon as possible. Whilst the general approach is to assess the resumes/CVs provided by prospective examiners, you may also find it very helpful in coming to a decision by reading examples of their reports on other neighbourhood plans.
1.6	Are discussions taking place with the electoral services team on holding the referendum?	No evidence	There is no information provided on this. The QB should engage with SCDC to ascertain this information.
1.7	Is there a clear project plan for bringing the plan into force and does it take account of local authority committee cycles?	No evidence	There is no information provided on this. The QB should engage with SCDC to ascertain this information.
1.8	Has a SEA screening been carried out by the LPA?	SEA Report	Yes. A SEA screening has been carried out and a scoping report completed, which appears to be compliant with the legal requirements.
1.9	Has a HRA screening been carried out by the LPA?	HRA Report	A HRA screening has been undertaken and concludes the WMNP does not require a full HRA to be undertaken. Based on review of the information submitted, the process appears to be in line with the legal requirements.

Part 2 – Content

	Criteria	Source	Response/Comments
2.1	Are policies appropriately justified with a clear rationale?	WMNP	<p>In most cases. Policies have a rationale and accompanying justification. Clearer cross referencing to the evidence base and pertinent policies from the National Planning Policy Framework (NPPF) and local development plan within the reasoned justification would add to the legitimacy of the policies. As there is no BCS submitted for review with the WMNP, it is suggested that when this document is produced, detailed reference is made to the SCDC local policies. This will aid clarity in terms of how the WMNP policies relate to the adopted and emerging local development plan strategic priorities.</p> <p>The site assessment and allocations appear justified and a clear and justified rationale presented in the evidence base, although it would be helpful if the justification provided with the policies (particularly WICK12-14) gave more information on the site allocations process to aid the examiner and reinforce the robustness of the site selection.</p>
2.2	Is it clear which parts of the draft plan form the ‘neighbourhood plan proposal’ (i.e. the neighbourhood <i>development plan</i>) under the Localism Act, subject to the independent examination, and which parts do not form part of the ‘plan proposal’, and would not be tested by the independent examination?	WMNP	<p>Yes. The Plan is well structured, and the policies are clearly distinct from the vision and objectives. The community actions are stated in a separate section, which helps with clarity. There are a couple of points where the explanatory text looks to set policy requirements which should either be included in a policy or simplified/removed (see notes below).</p>
2.3	Are there any obvious conflicts with the NPPF?	WMNP	<p>The BCS should set out how the Plan policies have regard to the NPPF in clear terms. From our assessment, without the benefit of</p>

			<p>the BCS, it appears that the Plan's content has sought to have regard to the NPPF.</p> <p>Both the SEA and HRA scoping reports make reference to policies contained in the 2012 NPPF. Revised versions of the NPPF were published in July 2018, followed by February 2019 (see link in detailed notes below). It is advised that references to policies in the 2012 NPPF be reviewed against any relevant changes contained in the revised policies of the 2019 NPPF, prior to submission.</p> <p>It is critical that in the BCS and Plan it is stated that the WMNP has regard to the revised NPPF. Notwithstanding this, from our reading of the WMNP there are no areas of major dispute and any potential conflicts can be dealt with through small changes to policy wording, which have been raised in the detailed notes below.</p>
2.4	Is there a clear explanation of the ways the plan contributes to the achievement of sustainable development?	WMNP	The Plan states the contribution it makes to sustainable development and the consideration of the environmental, social and economic factors is evident throughout. The Plan references the economic, social and environmental objectives upfront in the Plan and vision for the policy. It should be made more explicit in the introduction of the Plan that the achievement of sustainable development has guided the production of the WMNP and in setting the vision and how the Plan will contribute to this, in line with the NPPF.
2.5	Are there any issues around compatibility with human rights or EU obligations?	WMNP	The WMNP draft does not raise any discernible issues with regard to human rights or EU obligations. This should be clearly stated in the BCS.
2.6	Does the plan avoid dealing with excluded development including	WMNP	The WMNP does not deal with excluded development. This should be clearly stated in the BCS.

	nationally significant infrastructure, waste and minerals?		
2.7	Is there consensus between the local planning authority and the qualifying body over whether the plan meets the basic conditions including conformity with strategic development plan policy and, if not, what are the areas of disagreement?	WMNP	The WMNP policies are mainly in general conformity with the existing policies and seek, where appropriate, to align with the emerging policies. Overall, the WMNP looks to take a locally distinctive approach and adds detail to the strategic policies outlined in the development plan for the area. The BCS should provide a clearer explanation to the examiner of how the policies generally conform with the adopted development plan and align with emerging local plan policies.
2.8	Are there any obvious errors in the plan?	WMNP	There are some errors in the Plan - see detailed comments below.
2.9	Are the plan's policies clear and unambiguous and do they reflect the community's aspirations?	WMNP and CS	<p>The policies are mainly clear and relate to the development and use of land. Suggestions have been made for the re-wording of policies in some cases, to ensure that the policies are not too prescriptive and do not restrict development, having regard to the NPPF.</p> <p>Overall, community land use aspirations are at the heart of the Plan and the policies appear reflective of the outcomes of the consultation process. A more detailed CS would aid the examiner and is required to support the Plan as part of the Regulation 15 submission.</p>

DETAILED FEEDBACK:

Introduction

Paragraph 1.1 - The time period 2018-2036 extends beyond the local plan time period. It is noted that this is discussed within the Plan, however it would be useful to explain this here. The Plan period should also be stated on the front page of the Plan.

Paragraph 1.2 - Reference to the commitment of the Plan to promoting sustainable development should be included here, in line with the NPPF, whilst discussing the vision and priorities of the Plan.

Paragraph 1.6 - In the final draft, this section needs to reflect the up to date position and/or be simplified.

Consider amending to: "A review of the Local Plan Core Strategy was being undertaken in 2019 at the time of writing". Delete "It is important that".

Paragraph 1.8 - Reference here to the WMNP Committee – it needs to be made clear for the purposes of examination that the Parish Council are the Qualifying Body for the production of the Neighbourhood Plan, in line with the WMNP.

Figure 1.1 needs a key and/or reference in paragraph 1.9 that the blue line delineates the Parish and Neighbourhood Area boundary for the purpose of plan making. It is useful to have the OS map base for reference here.

Paragraph 1.10 - Sentences 2 and 3 need clarifying/removing as it is unclear if the classification of the Plan as complex relates to a Local Authority assessment or other? Consider replacing with: "In support of the Neighbourhood Plan, the following evidence base is presented".

Paragraph 1.11 - The references to the timeline throughout are unclear and this needs to be clarified.

Paragraph 1.12 - With regard to monitoring of the Plan, it would be useful to set markers, for example at the publication of the new local plan and/or a period of years within which a review will be undertaken e.g. 5 or 10 years. Due to the Plan's 18 year time period, we suggest a 5 year timeframe should be considered.

Paragraph 2.3 and the following paragraph needs labelling separately. We suggest deleting final sentence and replacing with a more factual account.

Paragraph 2.4 - It would be helpful if references/links could be incorporated here to support the information provided.

Paragraph 2.8 - Delete "as well as other smaller developments" and change to "and additionally smaller developments have been consented". Sentence 4, change "These developments have also" to "New development has added".

Paragraph 2.9 - It would be helpful if references/links could be incorporated here to support the information provided.

Paragraph 3.1 - (1) Delete “accept” and change to “accommodate”.

Policy WICK 1:

Clause A - The word “focused” is ambiguous in terms of allowing for development outside the settlement boundary. As there are circumstances, such as rural exception sites, where development may be permissible outside of the settlement boundary, add “primarily” before “focused” to reflect this

This policy could be more restrictive in light of the site allocations exercise which looked at reasonable alternatives for deliverability, availability and suitability.

Clause B - Consider simplifying to “New developments of up to 110 dwellings will be supported within the site allocations at Land at Old School Farm (approximately 85 dwellings) and Land at Simon’s Cross (approximately 25 dwellings), in accordance with the requirements outlined in Policies WICK1 and WICK2.”

Clause C - After “requirements of the extant Suffolk Coastal Local Plan”, add “or its subsequent replacement, the emerging new Suffolk Coastal Local Plan”.

Clause D - This could be simplified and these general principles applied to all developments and/or if these requirements are specific to the site allocations, these “key matters” may be better expressed as part of Policies WICK 12 and WICK 13 to avoid repetition.

The reference to “evidence based needs” requires clarification. The Wickham Market Housing Needs Assessment is referenced in paragraph 4.4 of the Plan, so we suggest amending the first bullet point to read, “the provision of new housing which addresses evidence-based needs, as set out in the Wickham Market Housing Needs Assessment”.

Final bullet point - Change to “high quality design of buildings and layouts which include...”.

Policy WICK 2:

Clause B Bullet 1: This needs to be more specific. Consider changing to “The special landscape qualities and features of the area”. If these are identified in the Wickham Market Landscape Character Assessment, this should be referenced in the supporting text.

Clause D: Change to “Proposals should ensure that development is sensitively and effectively integrated into the landscape to secure the enhancement of the habitat and green corridors, connectivity to the surrounding green and blue infrastructure and the Public Rights of Way network.”

Policy WICK 3:

Clause A - The reference to the Assessment needs to be dated and the numbering removed so the policy can be read alone without the appendix list.

Clause B - Delete - This is outside of the remit of the Neighbourhood Plan as it seeks control of decisions outside the designated area. How the NP/Parish Council will seek to engage with neighbouring parishes on this issue can be included in the supporting text, but should not form part of the policy.

Paragraph 5.8 - Outlines examples - are these taken from the Suffolk Nature Strategy (2015)? If so, that needs to be clearly stated and borne in mind that other guidance may supersede this. If not, and these are specific to the WMNP area, then the headlines could be formed into a policy on biodiversity. If the requirements outlined are going to have appropriate status, then they need to be part of a policy. If this is not the aim and they are derived from another document, it may be useful to incorporate into WICK 4 (see comments below).

Paragraph 5.10 - The tone of this paragraph is negative. Consider changing sentences 2 and 3 to “SUDS provided on larger schemes should be made attractive and accessible to people and designed to enhance biodiversity, in line with the requirements of the NPPF. Opportunities should be sought to mitigate the growing threat of water stress through effective water capture and management”.

Policy WICK 4:

Clause A - To have regard to NPPF paragraphs 170 and 174, the first sentence should be replaced with “Development proposals must incorporate design features which both protect and enhance the ability of wildlife to thrive. Development should minimise impacts on and provide net gains for biodiversity”.

Clause B - To ensure emphasis, change to “Development is required to provide Sustainable Urban Drainage Systems (SuDS) on site, where possible. Development is encouraged to demonstrate...”. Final sentence revise to “Where it is not possible, clear reasons should be given for off site provision of SUDS, which will be accepted only where it is demonstrably unviable.”

Paragraph 5.13: Change “draft” to “emerging”.

Policy WICK 5:

Change first sentence to “All new development over x dwellings or x ha of employment land must demonstrate a 20% reduction in CO2 emissions”. Change final sentence to “All new development over x dwellings or x ha of employment land must make provision for electric vehicle charging facilities on site.”

It should be made clear the threshold at which this applies as the definition of “development” is as follows: <https://www.gov.uk/guidance/when-is-permission-required#what-is-development>

The meaning of “development” and “new development” is set out in section 55 of the Town and Country Planning Act 1990 (as amended) - the requirement for all development to provide the above is too broad. A clarification of the number of dwellings and/or ha of land would clarify the situation in regard to minor works covered by the definition of development.

Policy WICK 6:

The evidence to support the designation of Local Green Spaces (LGSs) as set out in the WMNP Local Green Space document is insufficient, in that it does not identify how each of the 9 sites meets the criteria of points a-c of NPPF paragraph 100.

This is a weakness of the policy that an Examiner may alight upon, and he/she is likely to query the suitability of the designations. We would advise going through the 9 sites in turn within the supporting document, and giving a supporting commentary under each point (a-c) to ensure the proposed sites properly address the NPPF criteria.

Additionally, the extent of the proposed sites in hectares should be provided. Furthermore, it is not clear whether ownership issues have been addressed. Although LGS does not need to be in public ownership (see PPG Reference ID: 37-019-20140306), it is clear that there is an expectation that the QB should contact landowners at an early stage about proposals to designate any part of their land as LGS. Has this been done?

Paragraph 6.1 This reads negatively. In the final sentence delete “on them is likely” and change to “may”.

Policy WICK 7:

Clause A - The Important Green Spaces need to be identified within the Plan.

Change final sentence to “Development on these Local Green Spaces will not generally be supported”.

Clause B - Change to “Within the conservation area, development within residential gardens that is not ancillary to a residential property and will harm the character of the area will not be supported”. Taking the policy to the point of resisting all garden development as a starting point gives this policy a negative tone and does not allow for planning applications to be considered on their own merits with regard to harms and benefits.

Paragraph 6.9 - The inclusion of a list of non-designated heritage assets is a good way of affording protection. The link between the list in paragraph 6.9 and the Heritage and Character Assessment needs to be stated and the list needs to identify the specifics, for example 8, 10 and 11 appear to be very broad categories unless these relate to a specific collection of buildings. A planning officer will be required to enforce these requirements and they are not specific enough to do so at present. The Non-Designated Heritage Assets supporting document needs to provide more information in relation to the designations, and the WMNP should reference where the information is provided. However, I note that whilst this paragraph lists 18 assets, the Non-Designated Heritage Asset document lists only 16. I assume that to rectify this, locations 17. Home Covert and 18. Potsford Wood need to be removed from paragraph 6.9 as they are not **built** heritage assets.

Policy WICK 8:

Clause A - Ideally the Non Designated Heritage Assets should be listed in the policy itself.

Clause B - Reword second sentence to “Development proposals relating to non-designated heritage assets will not be supported where harm is caused to the physical structure or setting of the asset that cannot be mitigated”. The requirement to cause no harm to the setting is a very high bar and does not have sufficient regard to the approach outlined in the NPPF.

Overall, this policy as written is very restrictive and we would advise ensuring that what is included in the list of non-designated heritage assets is fully evidenced, so that this policy may stand up scrutiny at the examination.

Policy WICK 9:

Clause A - It needs to be made clear that this is being allocated by the WMNP. Have alternative locations been considered for the car park? It would be useful to reference the decision making process for deciding on this location. It is noted also that the site is within an area defined by SCDC as a Special Landscape Area? Have discussions taken place with SCDC about the suitability of this allocation?

Policy WICK 10:

Clause A - The reference to “significant numbers” is too vague. We suggest revising this to include a threshold of development size e.g. “Development proposals of over x units or x ha that will create additional vehicle movements...”. Delete “in Wickham Market Traffic and Parking Report 2014 which are” since this can be referenced in the text below if the list is provided in the policy.

Clause B - Suggest deleting and including in the explanatory text as this mechanism exists separately to the WMNP.

Policy WICK 11:

Clause B - This needs rewording for clarity – change to “New developments should ensure safe pedestrian access and disabled access that link into the existing network, ensuring links to the village centre, retail facilities, primary school and high street are retained and enhanced where possible”.

Clause D - Reword to “Proposals that will have an unacceptable impact on the walking and cycling infrastructure along the High Street will not be supported. Mitigation measures will be sought in relation to highway safety and pedestrian access where harm is identified as a result of additional traffic movements”. The terms of the policy set out in the NPPF (paragraph 109) with regard to highway safety would require an unacceptable impact on highway safety to be identified for an application to be refused.

Policy WICK 12:

Clause c - This is not clear and could not be enforced. It introduces an element of uncertainty through the use of “an approximate line”, so is the clause actually needed?

Clause g - The reference to informal green space should be removed and replaced with “public open space”.

Clause h - The Penny Field is proposed for LGS designation in WICK 6 – therefore the designation of the site in this policy as informal green space appears contradictory.

Clause i - If the cemetery land is within the site, then this can be specified, but it may be useful to be more specific about this requirement.

Policy WICK 13:

Clause d - Delete “high standard of aesthetic and safety design” and replace with “high quality design, in terms of safety and aesthetics”.

Clause e - Delete and replace with “Provision of a Locally Equipped Area of Play (LEAP) shall be made within the development”.

Policy WICK 14:

Consider renumbering the policy as 2 sets of letters is potentially confusing.

Clause a - If it is the case that the allotments will only be relocated if the site allocated under WICK 13 comes forward for development, then this needs to be made clearer here. Delete “Subject to the requirements of” and replace with “Policy WICK 13 allocates the Land at Simons Cross. If development comes forward Land off Thong Hall Road, adjacent to Gelham Road, is allocated for re-provision of the allotments”.

Clause g - Change to “Provision is for x ha of allotment land with plots of a scale and quality commensurate with the replaced allotment site and has appropriate access to serve the allotments”.

Table 9.1 - This is really useful. Separating the community actions from the Plan policies is very helpful to the examiner and this approach allows for the concerns of the community that cannot be directly addressed by strictly land use planning/in policy form to be voiced in the Plan.

SEA Scoping Report

Paragraph 2.4 / Page 15 - This section relates to the 2012 NPPF. This may need to be reviewed in light of the revised 2019 NPPF:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

References to NPPF 2012 Paragraph 17 (Core Planning Principles) have been changed and paragraph 132 has been altered, now forming paragraph 195 of the 2019 NPPF.

HRA Screening Report

Paragraph 2.4 The HRA Screening Report states a different period for the WMNP e.g. 2017-2037. As the Plan period is within this time i.e. 2018-2036, this does not present a significant issue for the WMNP.

The HRA Screening Report appears fit for purpose based on the information provided (subject to any minor review needed in the light of the 2019 NPPF).

Consultation Statement

The CS covers some of the main information required. The final paragraph should be revised to report the findings of the consultation in a more factual way. For example, delete “Unfortunately” from second to last sentence. Consultation Statements often include reference to the comments received by way of a table and provide evidence of the events held by appending the documents used to advertise and photographs of the events. The material on the website needs to be pulled together in the appendices of the CS to ensure that the examiner can review the information as one document.

A Consultation Statement should include the following:

- details of who was consulted on the proposed neighbourhood plan (including any of the consultation bodies)
- an explanation of how they were consulted
- a summary of the main issues and concerns raised through consultation
- a description of how these issues were considered, and where relevant, addressed in the neighbourhood plan proposal.

Detailed guidance on the contents of a consultation statement can be found here:

https://www.rtpi.org.uk/media/1282948/how_to_write_a_consultation_statement.pdf

Basic Conditions Statement

A BCS will also be required as part of the Regulation 15 submission. Further guidance on Basic Conditions Statements can be found here:

https://www.rtpi.org.uk/media/1282954/approaches_to_writing_a_basic_conditions_statement.pdf

Concluding Remarks

We recognise that the above comments will involve some amendments to the Plan and its contents. However, we commend the time and effort that has clearly been put into the Plan to date and we consider that if the Plan can be amended to incorporate our suggestions, then it will have a very good prospect of being submitted in due course for a successful examination. We have also sought, where appropriate, to make suggestions which will improve the document for future users of the Plan.