

Responses to Wickham Market Neighbourhood Plan

Additional consultation in relation to the Site Assessment Report

Publicity period: 9 May 2023 to 30 May 2023

Published June 2023



Responses

Berlain Ltd (Consilium Land Ltd)	3
East Suffolk Water Management Board (Water Management Alliance)	29
Michael Hughes.....	34
Natural England.....	35

What is the purpose of this document?

This document contains all representations received to the additional consultation in relation to the Site Assessment Report which was held from the 9th May 2023 to 30th May 2023.

Berlain Ltd (Consilium Land Ltd)

Introduction

Section 4.1 of the AECOM Neighbourhood Plan Site Assessment Report 2018 erroneously stated that the Neighbourhood Plan Steering Group (NPSG) had undertaken a Call for Sites exercise. The NPSG considered that this was not considered necessary “In light of the extensive number of sites identified by ‘other processes’.

This error was acknowledged footnote 3 (page 36) in the Sustainability Report incorporating Strategic Environmental Assessment (July 2022). The submitted version of the Site Assessment Report did not show this error which means the document was inconsistent with the Sustainability Report incorporating Strategic Environmental Assessment footnote 3.

The Inspector has invited consultees to review the version of the Site Assessment Report that was intended to be submitted (and which contained the incorrect statement in section 4.1) and to provide an opportunity to comment.

The following are comments made on behalf of Berlain Ltd.

Comments

In preparing any plan it is an essential requirement that the evidence upon which it is based is robust and consistent throughout all documents and supporting evidence.

The Call for Sites exercise is a core discipline in plan making and many Councils go through a rigorous and time-consuming process in this regard before they produce any options for consultation. This is for good reason. The information gathered in a Call for Sites exercise enables a plan making body to have current knowledge of the aspirations of a landowner, potential site constraints and provides that body with the ability to judge for themselves whether there is a realistic prospect of any site being developed and to determine its contribution to the development needs of the community being planned if it is taken forward for development.

There is a good deal of investment (not least in terms of time) that is made by every consultee to the plan making process. The very least that can be expected by such participants is that the sites that they comment on are available for development. This is not the case with the emerging WMNP sites due to the inconsistency in the supporting reports upon which it is based.

The two sites that have emerged as potential residential allocations both have deficiencies WICK13 is subject to a ransom which raises viability issues and WICK12 is, by admission of its landowner, potentially unavailable at all, only possibly towards the end of the plan period.

The plan is for the period 2018 to 2036. Why should meeting the needs of the village be put off for another 13 years or possibly never? It is entirely plausible that neither site will be developed in this time. I spoke with the family that owns WICK12 about two years ago and it was quite clear at that time that there was little interest if any, in developing their land. There are a number of family members who have an interest in WICK12 all of whom would need to agree to sell the land in order for it to be available.

A Call for Sites exercise would at least have created the opportunity to interrogate whether these and other potential sites were truly available. The fact that this stage has been omitted is, I suggest, a fundamental flaw that goes to the heart of this plan.

I fully appreciate that the Inspector does not wish to hear a repeat of comments made on the submitted Plan during the earlier consultation process (in November/December 2022). I have however attached a copy of my response to the pre-submission version of the plan dated 29th March 2019 which provides clear evidence as to why the WMNP did not undertake a robust Call for Sites.

It is my contention, based on the evidence in my response to the pre-submission version, that the NPSG were not interested in a Call for Sites exercise which objectively assessed the potential sites in all supporting documents. The NPSG were, by admission of its Chairman (See Note 1) mainly interested in trying to prevent two sites (previously favoured by the District Council) from being considered for development.

The lack of consistency in the reports is symptomatic of the underlying negative basis upon which the plan has been prepared. The inability to demonstrate that the plan has been positively prepared is a fundamental problem and it is my contention that it would be to the detriment of the planning system to permit this Neighbourhood plan to continue.

In making this submission I would like to request that I am notified of East Suffolk Council's decision whether to accept the Examiners' recommendation and future progress with the plan.

Note 1 - On the 26th March 2015 (three months before the NP Committee first met) The Chairman of the Parish Council (who was also the Chairman of the Neighbourhood Plan Committee) demonstrated bias in his statement to the East Anglian Daily Times;
"In essence we are trying everything we can to stop Suffolk Coastal building on the Glebe Allotments,"

**Response to the Wickham Market Neighbourhood
Plan
(Pre-Submission Version)
29th March 2019**

**Public Consultation 18th February 2019 – 1st April
2019**

Respondent : Andrew Dutton
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Agent for : Berlain Ltd

Introduction

The content of any draft Neighbourhood Plan, is legally required to comply with the basic conditions, and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

I recognise that the independent examiner is not fully testing the soundness of the plan or examining other material considerations consequently I shall limit my comments to my contention that;

The WMNP fails to meet basic condition a) of the Act.

As a result of this deficiency the WMNP should not proceed to a referendum until it is in full compliance with basic condition a).

In its current form a decision to proceed without amendment exposes the Neighbourhood Plan to a legal challenge by way of judicial review.

The Basic Conditions

The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by Section 38A of the Planning and Compulsory Purchase Act 2004.

Basic condition a) states that a draft order meets the basic conditions if—

"having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order"
(my emphasis)

Guidance issued by the Secretary of State

I now wish to turn to examining one part of the guidance (first published on 6th March 2014 and last updated on 13th September 2018) issued by the Secretary of State in relation to the Neighbourhood Planning system (and its key stages and considerations).

Under the section dealing with the extent of evidence that is needed to support a Neighbourhood Plan it states that whilst nothing is prescribed in terms of the evidence that is needed;

"Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan"

For evidence to be robust a neighbourhood plan needs to demonstrate that it is "imbued with common sense" and that it follows an understandable rationale.

There is therefore a legal requirement for there to be no deficiencies in the quantum or quality of the information that has been gathered in producing a neighbourhood plan. If such deficiencies can be demonstrated to exist then the reasoning for the decisions that have been reached cannot be adequately explained and that part of the NP to which it relates may be regarded as fundamentally flawed.

It is my contention that in producing the WMNP "robust evidence" has not been obtained. There is clear proof that;

1. important information that has been provided has been deliberately ignored.
2. Some of the key choices proposed in the plan are inadequately supported
3. important information has not been collected

Consequently the plan should be considered unlawful and flawed.

Structure of this Submission

- Sections 1 to 3 - I discuss each of the above numbered points in turn.
- Section 4 - I comment on the 'Pettistree Proposal' – a remarkable example of disrespect by Suffolk Coastal District Council to the fundamental principle of Neighbourhood Planning.
- Section 5 - I consider 6 General Comments as a) to f) below;

Section 1. Ignoring Evidence

On 31st March 2014 Suffolk Coastal District Council first published its Strategic Housing Land Availability Assessment (SHLAA). In Appendix C three sites were identified as 'Deliverable and Developable' for the Woodbridge Housing Market Sub Area of which Wickham Market is

considered to be a part. Several other alternative sites were discounted as unsuitable. Apart from one site for 6 homes the other two sites were;

776i	Land to the West of Spring Lane	71 homes
776L	Land rear of New Vicarage Crown Lane	31 homes

The 2014 SHLAA assessments for these two sites are replicated below. In the 2018 SHELAA the sites were renumbered as 881 and 878 respectively. For ease of reference both numbers are referred to in this submission.

The Parish Council objected to both of these sites in a letter to SCDC on 24th February 2015 because site 776L/881 was occupied by an allotment (known as the Glebe Allotment Site).

The Parish Council do not have any security of tenure to occupy the Glebe Allotment site as they only hold an annual renewable licence. The adjacent site (776i/878) is however occupied by a tenant farmer on a standard Farm Business Tenancy which can be terminated if required for development.

It is not possible to develop site 776i/776i/878 without providing an access to it over the Glebe Allotment site. The preferred access is noted in the SCDC 2014 SHLAA as over Yew Tree Rise, which is owned by my clients (Berlain Ltd).

Berlain Ltd put forward a scheme for retaining nearly all of the Glebe Allotments and accessing site 776i/878 by a roadway, which ran along the northern boundary of 776L/881. This is shown more clearly in Fig 1 of the 'Submission to Wickham Market Parish Council Neighbourhood Plan Team and Community Pub Project' dated 20th Dec 2016 (see attached).

The Berlain proposal also made provision for a car park to serve the Glebe allotments (there is none at present), the village centre and The George - a derelict PH (the only PH in the Village which the Parish Council wish to

acquire and restore). I shall return to the NP Committee's lack of robust information gathering in relation to the proposed new car park in Section 2.2

The proposal by Bertain Ltd would also see the replacement of the displaced allotments, an increase in their number, further investment in raised beds for the disabled, provision of a water supply, funding for the youth facility and highway improvements.

Four months before the first meeting of the NP Committee (on 10th August 2015) and many months even before any assessments had been commissioned by the NP Committee to inform their work the minutes confirm that there had;

"... already been a public meeting at which the community determined that the Glebe allotment and the adjacent field are unsuitable for development"

Furthermore the minutes state that the Parish Council had notified SCDC of this view on 24th February 2015. A decision had therefore been reached on the apparent unsuitability of both sites even though no information had been collected upon which to make that decision. This prejudiced view was in reaction to and contrary to the professional opinion of the officers from SCDC who had favourably assessed the sites as suitable for development (against many others that had been put before them in their Call for Sites assessment) if the allotments could be relocated.

On the 26th March 2015 (three months before the NP Committee first met) The Chairman of the Parish Council (who was also the Chairman of the Neighbourhood Plan Committee) further promoted this bias in a statement to the East Anglian Daily Times;

"In essence we are trying everything we can to stop Suffolk Coastal building on the Glebe Allotments," (Ref Note 1).

At the first NP Committee the Chairman stated that he had attended a working group at SCDC, which had concluded that the Glebe allotment site was;

"possibly not suitable for future development and SCDC had stated these sites should be deleted" (Note the use of plural 'sites')

I have spoken with the planning case officer of SCDC (Stephen Brown) who informed me that this was not the case. In an email dated 27th March 2019 Mr Brown stated;

" ... the 2015 document was a draft of the then emerging Site Allocations and Area Specific Policies Development Plan Document. This was subsequently iterated, consulted on and adopted by the Council as part of the existing Local Plan in January 2017. An unpublished draft 2015 of ongoing supporting SHELAA work would not have any status in planning application or adopted development plan documents".

I enclose below an extract of the plan accompanying the 2018 SHELAA that clearly shows the site adjacent to the Glebe Allotments as Site 878 (previously 776i) and as a 'SHELAA Potential Site'. In addition the potential trajectory, which accompanies the 2018 SHELAA, shows Site 878 as capable of delivering 80 dwellings commencing in 2022/23. The 2015 SHELAA (shown below) identifies the same Site 878 (with the earlier reference of 776i) and with an assumed capacity of 71 units.

Contrary to the WMNPC Chairman's prejudiced statement that site 776i/878 was "possibly not suitable" it not only remained "suitable" its assumed contribution to the housing supply was assessed actually increased from 71 to 80 homes.

The Chairman of the NP Committee also gave this misinformation to AECOM when they undertook their Site Assessment Report in February 2018.

On 8th August 2017 the NP Committee minutes state that it was agreed that;

"a note could be put to AECOM informing them that the community had stated the Glebe Allotment Site should be discounted from the list of sites to be possibly future developed" further that "It was agreed that AECOM should carry this work out and that all land within Wickham Market excluding the areas to be excluded should be included within this assessment".

Further attempts by the WMNPC to influence the AECOM consideration of sites were made at the 19th September 2017 NP Committee meeting.

When assessing both 776i/878 and 776L/881 AECOM commented in each case that;

"Site was assessed in the SCDC 2014 SHLAA as suitable for development subject to suitable relocation of allotments, however information provided by WMPC (SCDC Site Allocation DPD – Preferred Options October 2015 - unpublished) shows this was subsequently changed to unsuitable due to a number of significant negative sustainability impacts and the loss of allotments"

AECOM therefore 'marked down' their assessment of both sites on simple prejudiced and erroneous hearsay from the Chairman. There was no 'evidence' of any SCDC assessment as it was unpublished (and clearly untested in a public arena) and clearly untrue given the comments from Mr Brown. There is however evidence that proves beyond any doubt that site 776i/878 should have been positively assessed by AECOM.

AECOM also state in relation to 776i/878 that it has a *"high sensitivity to residential development"*. The AECOM report predates the Landscape Sensitivity Assessment by two months and the latter report does not preclude development on the basis of its assessment. In relation to site 776i/878 it states (Ref Note 2) that *"on balance the land parcel is also judged to have MODERATE landscape value"* and that the landscape value is *"... slightly reduced due to its proximity to the A12, which provides a background hum,*

and other modern elements in the surrounding landscape such as modern housing stock to the north and power lines". Furthermore under "guidelines for development" it states (page 37)

"In order to somewhat reduce the visual impact of additional housing in this location, substantial planting (outside private curtilages) would have to be provided throughout the whole scheme".

In order for evidence to be robust the reports forming the information base to the NP should be consistent and they are not in this case.

There are further examples where the evidence provided has been blatantly ignored. In particular the proposals contained in the 29th June 2015 Thompson Elphick letter to SCDC and the Parish Council for SHLAA site 776L/881 to not be taken forward as a preferred site but 777i/878 to be taken forward with a requirement to ensure;

- No net loss of allotment pitches
- An access from Yew Tree Rise
- Replacement Youth Facility
- Investment in the allotments
- Greater security of tenure for the allotments

The minutes of the 10th August 2015 NP Committee stated that consideration of the potential S.106 benefits of developing site 777i/878 were effectively blocked where it states;

"It was agreed that to return to the public now that 'inducements' are being offered is seen as totally inappropriate and reflect on the integrity of the PC and the public. It was agreed that the Chairman would write to Mark Edgerley at SCDC to make the position clear on the unsuitability of these sites"

This is the exact opposite of 'robust evidence' being collected and it is all the more remarkable that the proposal was blocked from consideration as the policy now being proposed in WICK6 does not preclude proposals for built development in areas such as Glebe allotment of the sort envisaged in the Berlain proposal as it;

"... is limited in nature and it can be clearly demonstrated that it is required to enhance the role and function of the identified Local Green Space"

Section 2) Key Choices Inadequately Supported

2.1 Old School Farm Site

The site assessment criteria within the AECOM report itself have also not been consistently applied. In relation to both site 776i/878 and 776L/881 the adverse comment is made that there is *"no safe pedestrian route to school"*. The school in question is the Wickham Market Primary School on Dallinghoo Road.

In relation to one of the two NP Selected sites "Land West of Old School Farm, High Street' (a site previously rejected in the SCDC's 'published not hearsay' SHLAA) the statement is made that there is *"potentially a pedestrian route to the school along Walnuts Lane"*.

Walnuts Lane is a single-track unlit vehicular highway that has no footpaths of any description and no safe places of refuge for pedestrians. Much of its length to the school has direct vehicular access for existing residents, which precludes it being downgraded to a footpath. This is a highly dangerous route to the school. The only alternative for residents from the Old School Farm site is via the same route that would serve site 776i/878 which has been stated to be unsafe. If the route is really unsafe then it is unsafe for both sites.

An apparent advantage to the Old School Farm site is that it *"would minimise additional traffic onto Dallinghoo road"* solely because traffic would exit onto the High Street. The prime traffic generator to the use of Dallinghoo road is

the primary school, which would be the same outcome for both 776i/878 or the Old School Farm site.

As stated above the Old School Farm site had been assessed by SCDC as *"unsuitable for development due to poor access, poorly related to existing settlement and back land"*. Given this assessment the selection of this site as one going forward because it now *"includes the Old School Farm buildings"* really requires a fuller explanation to explain the rationale. The Old School farm buildings are to be retained in situ and do not add any further development opportunities within their curtilage so what has actually changed to so radically reverse the assessment made by the professional assessors of SCDC?

2.2 Lack of Robust information gathering in relation to the proposed new Car Park

There is an acknowledged pressing need in the NP to provide more car parking to serve the village. The reliance on a single site at Mill Lane to provide this is not based on robust evidence.

On the 10th January 2017 it was first noted that a positive meeting had been held with the owner of the Mill Lane site – Mr Hayward who was reported as being *"generally in favour of providing this land for car parking"*. However, four months later it was reported that Mr Hayward had *"refrained from going ahead"* due to the *"cost of developing being in excess of what he would recoup from any income"*. The deliverability of this key policy must be considered to be unreliable at the very least and is not a good basis upon which to seek the views of the public. In any event there are further factors that need to be taken into account;

In the minutes of the 15th May 2018 NP Committee the Chairman reported that *"comments had been received that the site for the proposed new car park was also seen as unsuitable due to the width of Mill Lane"*.

Mill Lane is a very narrow highway with no footpaths, lighting or passing places with a tight bend to access the proposed site WICK.9.

The selection of WICK 9 as a public car park cannot satisfy proposed Policy WICK 9 A c) or WICK 9 A d) as safe pedestrian access to the village centre for the able bodied and disabled and associated lighting cannot be secured particularly as there is a requirement to meet proposed Policy WICK 11 A.

This should be deleted from the plan and alternative sites assessed for before a referendum is sought.

2.3 Simons Cross Allotment Site

This site was not presented as a potential opportunity to the NP Committee until 10th October 2017 when Chairman reported that James Holland had recently attended a meeting with Simons Cross allotment holders in order to present proposals to them to move the current allotments and provide like for like with benefits. This is a similar proposal to the Glebe Allotment site which (as can be seen from the above) was blocked by the Chairman.

One of the members of the NP Committee (Colin Owens) raised concerns about the late arrival of this opportunity at that meeting as this site had not been included within the recent Call out for Sites.

On the 14th November 2017 the NP Committee minutes report;

"Simons Cross Allotments - The Chairman gave details regarding an informal meeting held with James Holland on 13th November 2017. He reported this was the first time the Parish Council had been formally briefed in respect of his proposals to move the Simons Cross allotment site to enable the existing site to be developed with up to possibly 20 homes. The Chairman confirmed that James Holland is quite happy to carry this development out over a two year period and stated that in principle all Parish Councillors in attendance at this meeting felt it would be beneficial for the allotments to be moved in order

to gain better long term security. The Chairman provided details regarding the possible development and access to the site. He reported that James Holland had suggested that an enhancement of the Simons Cross Play Area could be carried out and this area could possibly be transferred to the Parish Council. The Chairman advised that it was felt it would be preferred if the Parish Council continued to manage both allotment sites and it had been agreed that the E & L Committee would meet with James Holland and representatives from Wickham Market Allotment Association. Finally, the Chairman reported that James Holland would be willing to work closely with the Parish Council and the Neighbourhood Plan Committee in respect of the Affordable Housing element of the proposed development"

There is a remarkable contrast between the favour bestowed upon the consideration of this 'late' allotment site proposal and the lack of ANY consideration given to the proposals for sites 776i/878 and 776L/881.

On the 15th May 2018 the Chairman of the NP Committee advised *"discussions with James Holland regarding development at Simons Cross have been ongoing."* It was not until the 9th October 2018 (nearly a year after this 'late' site had been introduced to the NP Committee) that the Chairman declared a Non-Pecuniary Interest as he is a friend of James Holland (son of Simons Cross allotment site landowner) and plays golf with him.

In any settlement of the scale of Wickham Market it would be unusual for members of the NP Committee to not have such connections. In itself this is not remarkable. What is remarkable though is why this experienced local representative chose to advocate this late appearing opportunity so strongly and why it took a year (after the site had been selected) to declare to the other members of the NP Committee and the public that he had an interest.

This is of relevance in considering whether the assessment criteria have been fairly applied to each opportunity or whether there have been any deficiencies in evidence gathering.

Section 3) Deficiencies in Collected Evidence

There has not been any Land Registry Data collected or any assessment of viability of its selected sites by the NP Committee. This is a potential severe difficulty in relying upon policy Wick 13.

This Policy restricts access to between 57 and 59 Simons Cross. There is a ransom strip at the end of this road (see below) that will result in a substantial payment being required to a third party, in this case Suffolk Coastal District Council. Whilst the ownership of this land by SCDC can by no means be considered to potentially prevent development they are obliged to obtain 'best value' for any access that they provide.

The principle upon which this 'best value' will be assessed has been established since 1961 (Stokes vs Cambridge Corporation) which will entitle SCDC to receive 50% of the value of Wick 13. The case is often misquoted as a payment of 33% however the higher rate applies to sites where there is no alternative means of access. Policy WICK 13 c) is highly specific in requiring the access to be from the area of land "between 57 and 59 Simons Cross" i.e. the ransom area.

Is it really feasible that a land value generated from the development of only 9 private homes (allowing for 30% affordable and 50% payment to SCDC) could ever pay for half the cost of the relocation of the allotments, other infrastructure requirements required and still provide the landowner with a reasonable return?

The WICK 13 site measures 1.4 Hectares (3.45 acres) and can accommodate around 40 homes not the "*approximately 25 dwellings*" that are mentioned in the policy. This is of significance as part of the assessment that has been made in proposing to allocate the site has been the "*manageable*" impact on the recognised choke points in the village. There is again no evidence produced nor any analysis given against which this conclusion could have been reached.

Any increase in the size of the allocation (to say compensate for the ransom payment) would increase the traffic impact from this site on the recognised choke points and render the impacts correspondingly less "manageable".

A more thorough assessment of viability is required to establish the true scale of development on this site and the traffic impact that might result from this proposal.

The requirement for financial viability to be considered was brought to the WMNPC's attention by AECOM on 19th September however this was disregarded.



Ransom Strip at Simon's Cross

Section 4) The 'Pettistree Proposal'

Despite my criticism of the process that has been followed by WMNPC I am supportive of the principles behind the localism agenda. The intention for important planning decisions to be taken locally at Wickham Market has

already been accepted by SCDC through its Local Plan and its acceptance of the designation of the NP area for Wickham Market itself.

The NP Committee first met on the 25th June 2015 to consider where to allocate around 100 homes. Nearly three years later (as the minutes of the 15th May 2018 Committee state);

“Stephen Brown confirmed sites put forward as a result of the Call out for Sites were being looked into during the summer. He stated that he anticipated Wickham Market would be required to provide more housing but he could not provide a figure at this stage”

and that

“... a submission to develop the land next to Wickham Place in Pettistree had been received by SCDC on behalf of Hopkins Homes as a result of the Call for Sites”.

The Pettistree Site is a very significant additional area accommodating circa 150 homes on the southernmost boundary of the village – 50% more homes than the WNPC has been looking to allocate over its entire 3 years of investment and work in the NP. Early in its establishment the WNP Committee sought the involvement of the adjacent Parishes who declined the invitation.

The Pettistree announcement was made 9 months before the publication of the NP Reg 14 Version and it should have been possible to enable a consideration of this site to be brought through the NP Committee and to establish if there were any other sites that the NP preferred.

Allocating site SCLP12.61 is fundamentally against the principle of localism and if the deficiencies in the NP process identified in this submission are to be addressed the opportunity still exists to extend the NP area and to bring this proposed allocation back to the WMNP Committee to consider.

Section 5) General Points

a) Policy WICK1 C is not a local policy. It is a SCDC Policy that does not address the local situation. The local situation is described in the AECOM Housing Needs Assessment which states at para 97 that;

"... the proportions of people in the 65 – 84 and over age groups have undergone a considerable increase in Wickham Market between 2001 and 2011. The steep declines in the 0-15 and 25-44 age groups, and low growth in the 16-24 age group are different from the trends in Suffolk Coastal and England".

Under WICK1 C the reference to the 'extant' Suffolk Coastal Local Plan is to the July 2013 DPD 'Core Strategy and Development Management Policies'. Table 3.6 – Target Proportions of house sizes states that 3 and 4 bed homes of the open market housing should make up over 60% of the mix of dwellings. In terms of the application of the target proportion for affordable housing the policy seeks 43% being 1 bed dwellings. This is directly opposed to the AECOM recommendation for affordable homes, which states (Table 26. P47 of the July 2016 Housing Needs Assessment);

"If smaller units are to be encouraged, they should be in the form of 2 bed semi detached or terraces houses"

If the housing allocations in the NP are to make any headway into redressing the significant ageing population imbalance then a much higher proportion of the proposed homes should be targeted towards smaller dwellings more suited to attracting a younger demographic.

An ageing population will be less able and less well equipped to maintain local services, facilities and activities and the NP's lack of addressing this in a policy that is locally based is a serious flaw in its ability to demonstrate that it has been prepared with the principles of sustainability in mind.

On the 14th August 2018 the NP committee noted that;

"It was agreed the only people who could afford properties at Hopkins Place were those who were downsizing/retiring from London/Essex"

The AECOM report also references the mismatch between the type of homes needed and those being provided.

It is entirely illogical for the NP to rest on the provisions of a Local Plan that is not only already 6 years out of date but also has been acknowledged as deficient in producing the desired outcome by the same body making the plan.

b) The NP is not compliant with para 68 of the NPPF 2019 which states;

"Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;*

The NP does not give any consideration (let alone 'strong reasons') to this requirement. Neither of the two sites selected by the NP are below the 1 hectare figure.

c) The NP is not compliant with para 35 of the NPPF 2019 which states plans must be;

"Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs"

The approach proposed in the consultation draft of the revised NPPF was that a plan should meet its needs “as much as possible”. This was rejected in favour of the above wording. There is therefore a strong expectation that there should be a provision of housing that is above the objective assessment

The July 2016 AECOM Housing Need Assessment states (para 17) that the Government’s 2012 based household projections show a need in the plan period for 211 dwellings. Any dwellings completed or with outstanding permission in the plan area since the start of 2016 dwellings would count towards this total but it is not clear from the report what this figure is. There must be some doubt that the 110 dwellings provided for in the NP do not reflect a positive approach and will be insufficient.

- d) Wickham Market is one of the few ‘Key Service Centres’ in Suffolk Coastal but there is no public house. At clause 2.6 there is mention of The George which burnt down in 2013 and there is a local hope that it can be acquired by the community and restored. The George is a listed building that occupies a prominent frontage that helps define the core of Wickham Market but there are no policies in the NP that help to achieve this.

There is only one site that is capable of providing a car park and improving the garden area to the George (thereby increasing its future viability) and that is Site 776L/881 yet (as seen from the above) the NP Committee has denied the opportunity for the whole community considering this.

- e) Under clause 3.1 ‘Housing for all’ there is a stated desire for new homes to be sited “ ... so that any increase in traffic congestion is kept to a minimum”. In my conversations with the NP committee it has become clear that a very narrow view is being taken of trip generation. In part the justification for the selection of WICK 12 is that;

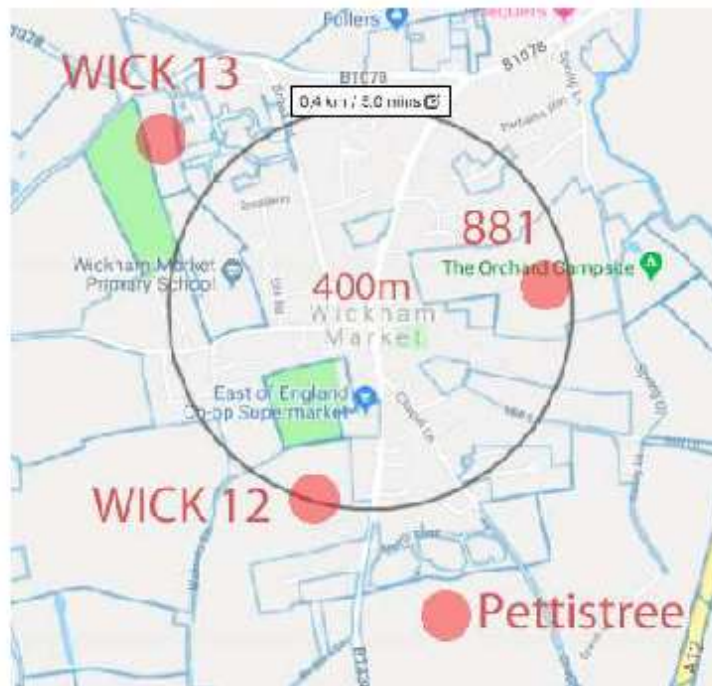
“ the site is located such that traffic does not have to go through the village centre for access”

Table 1.1 of the 'Suggested acceptable walking distances' (IHT 2000 Table 3.2) recommends that a desirable walking distance (for people without mobility impairment) is no more than 400m.

The plan below shows this 400m contour relative to the proposed sites to be allocated in the NP (WICK 12 and WICK 13), in the Local Plan (Pettistree) and in relation to Site 776L/881.

The centre of the Pettistree site is nearly a 1,000m walk to the centre of Wickham Market. The centre of WICK 13 is nearly 550m and involves an incline. Site 776L/881 and WICK 12 are almost identical being mainly within the 400m contour.

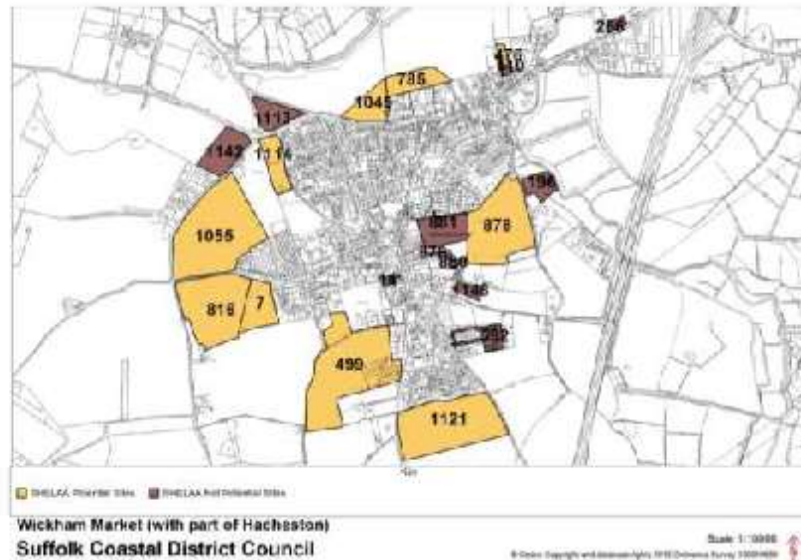
In terms of all trips being generated from the respective sites (not just assumed peak vehicular movements as the NP Committee emphasise) it is reasonable to assume that the closer a site is to the centre of a settlement (particularly within 400m) the larger the number of sustainable trip movements on foot will be made to that centre.



400m walking distances to proposed development sites and Site 776L/881.

A rational assessment of potential sites based on a desire to see a sustainable modal shift for all trips would not consider WICK 13 or the Pettistree site to be better candidates than Site 776L/881. Even less so when the infirmities of the ageing population of Wickham Market was factored into the decision making which would reduce the desirable walking distance to less than 400m.

Consequently, the NP fails the basic condition a) as evidence does not *"support the choices made and the approach taken"* and the flawed logic cannot *"explain ... the intention and rationale of the policies"*.



Extract from the SCDL SHELAA 2018

Key;

Dark Brown = Not Potential Sites

Yellow = Potential Sites

- f) There is also a glaring omission in the NP.

The NP does not address the future employment needs arising from a growing population. It has nothing to say on this important matter. It appears from the minutes from the WNPC that this is solely because the owner of the employment site expressed a view that he was not interested in expanding.

As can be seen from 2.2 above WMNPC's consideration of the location for another asset - the proposed car park - was not discouraged by a similar rejection by its landowner. This did not discourage them from still proposing to include it in the NP. There is a clear illogicality here. In both cases WNPC

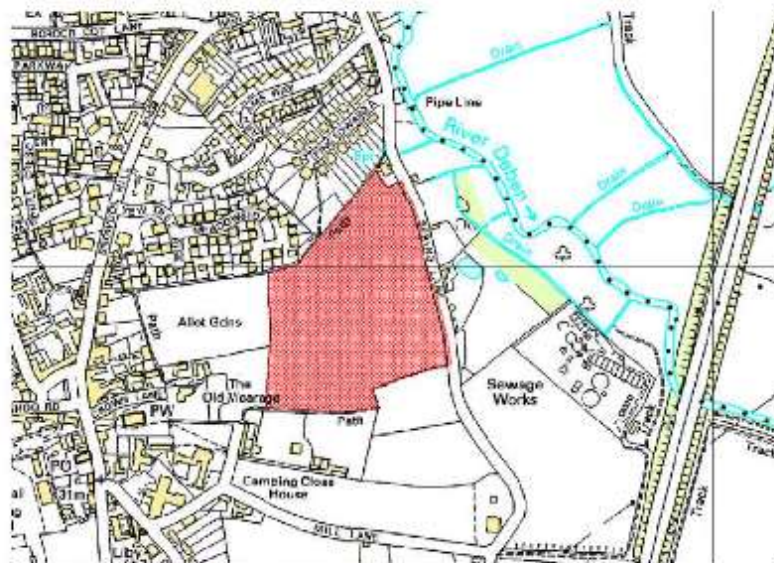
should have evaluated the scale of the provision that was needed and examined the alternative sites available that were deliverable.

776i**Woodbridge housing market sub area**

Site ref	Parish	Address	Size (ha)	Proportion suitable (%)	Indicative capacity: units	Delivery period	Constraints
776i	Wickham Market	Land to the west of Spring Lane	0.28	75	71	1-5	<ul style="list-style-type: none"> SLA MCA

Additional information:

To include relocated allotments. Access via adjacent site 776L and Yew Tree Rise to west. Spring Lane not suitable to serve further development.



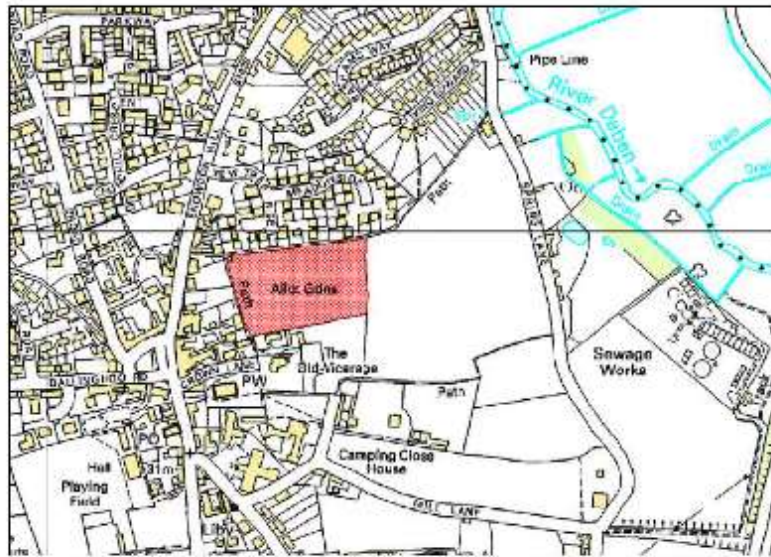
776L

Woodbridge housing market sub area

Site ref	Parish	Address	Size (ha)	Proportion suitable (%)	Indicative capacity: units	Delivery period	Constraints
776L	Wickham Market	Land rear of New Vicarage, Crown Lane	1.70	100	31	1-5	<ul style="list-style-type: none"> SLA MCA

Additional information:

Subject to acceptable relocation of allotments. Access via Yew Tree Rise. Crown Lane not suitable to serve further development.



References

Note 1 <https://www.eadt.co.uk/property/wickham-market-seeks-to-protect-glebe-allotments-from-housing-1-4008551>

East Suffolk Water Management Board (Water Management Alliance)

Thank you for reconsulting the East Suffolk Water Management Board. After reviewing the new information submitted, the Board has no further comments to make since our letter submitted under the reference 23_07727_P (dated 21/02/2023 and attached for your reference).

Please note that on the initial letter it refers to 'East Suffolk Internal Drainage Board'. The Board has been reconstituted since our previous comments and therefore is now the East Suffolk Water Management Board.



East Suffolk Internal Drainage Board
Pierpoint House
28 Horsley's Fields
KING'S LYNN
Norfolk PE30 5DD

01553 819800
planning@wlma.org.uk

Our Ref: 23_07727_P

21/02/2023

Dear Sir/Madam

RE: Wickham Market Neighbourhood Plan - Submission Consultation

Thank you for consulting the East Suffolk Internal Drainage Board on the Wickham Market Neighbourhood Plan.

Wickham Market falls partially within the Internal Drainage District (IDD) of the East Suffolk Internal Drainage Board (IDB) and therefore the Board's Byelaws apply to any development within the IDD.

The principal function of IDBs is to provide flood protection within the Board's area, and certain watercourses within the IDD receive maintenance by the Board. The maintenance of a watercourse by the IDB is an acknowledgement by the Board that the watercourse is of arterial importance to the IDD. Main Rivers within the IDB are regulated by the Environment Agency. Therefore, I recommend that an applicant proposing a discharge or any other works affecting a main river to contact the Environment Agency.

The area outside the Board's IDD falls within the Board's watershed catchments (meaning water from the site will eventually enter the IDD). The Board will comment on planning for all major developments (10 or more properties) within the IDD watershed that are likely to discharge surface water into a watercourse within the IDD. Under certain circumstances, some major developments outside the IDD boundary may also be regulated by the Board's byelaws. We request that the Board is consulted as any planning application comes forward relating to any of the identified allocation sites. For any development site, we recommend that a drainage strategy is supplied which has been considered in line with the Planning Practice Guidance [SuDS discharge location hierarchy](#).

Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents.

Please see the list overleaf of the proposed sites for development which we consider may impact the Board's area. The Board would seek to comment on these sites should they come forward for planning permission, alongside an explanation of any potentially required consents should these sites be developed. Please note that this list is not exhaustive and the Board may or may not choose to comment on these and additional site allocations if and when more information is presented.



Jane Marson (Chairman) Michael Paul (Vice-Chairman)
Phil Cammille (Chief Executive)

Constituted by The East Suffolk Internal Drainage Board Order 2008
Statutory Instrument 2008 No 750



DEFENDERS OF THE LOWLAND ENVIRONMENT
www.wlma.org.uk

Site reference	Within IDB / Watershed	Comments
WICK12 WICK13	Within ESIDB watershed catchment	Major residential developments. Whilst outside the Board's IDD, the Board would comment to promote sustainable drainage as any runoff will enter the Board's district indirectly.

In order to avoid conflict between the planning process and the Board's regulatory regimes and consenting processes where developments are proposed within or partially within a Board's IDD, please be aware of the following:

Byelaw 3- Discharge of Surface Water into the Board's District

- If a development proposes to dispose of surface water via infiltration, we would recommend that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency.
- If (following testing) a strategy wholly reliant on infiltration is not viable and/or a development proposes to discharge surface water to a watercourse, the proposed development will require consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy (available at https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf).
- If a development proposes to discharge surface water to a sewer, I recommend that you satisfy yourselves that this proposal is in line with the drainage hierarchy (as per best practice) and is viable in this location.

Byelaw 3- Discharge of Treated Foul Water into the Board's District

- If a development proposes to discharge treated foul water to a watercourse, this proposal will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Byelaw 10- Work's within 9m of Board Maintained Watercourse/s

- Should any development include works within 9 metres of a Board maintained watercourse, consent would be required to relax Byelaw 10 (no obstructions within 9 metres of the edge of drainage or flood risk management infrastructure).

Section 23 of the Land Drainage Act (1991) and Byelaw 4- Alterations Proposed to a Watercourse

- Should any development include works to alter a Board maintained watercourse, consent will be required under Section 23 of the Land Drainage Act 1991 (and byelaw 4).
- Should and works be proposed to alter a riparian watercourse, consent would be required under Section 23 of the Land Drainage Act 1991 (and byelaw 4).

Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such I strongly recommend that the required consent is sought prior to determination of the planning application.

For developments outside a Board's IDD but within its watershed catchment, where surface water discharges have the potential to indirectly affect the Board's IDD, we would offer the following advice:

- If it is proposed that a site disposes of surface water via infiltration, we recommend that the viability of this proposal is evidenced. As such we would recommend that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency.
- If it is proposed to discharge surface water to a watercourse within the watershed catchment of the Board's IDD, we request that this discharge is facilitated in line with the [Non-Statutory technical standards for sustainable drainage systems](#) (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible.

The reason for our recommendation is to promote sustainable development within the Board's Watershed Catchment therefore ensuring that flood risk is not increased within the Internal Drainage District (required as per paragraph 163 of the [National Planning Policy Framework](#)). For further information regarding the Board's involvement in the planning process please see our [Planning and Byelaw Strategy](#), available online.

I recommend that the Neighbourhood Plan includes reference to the relevant regulators for drainage and flood risk (such as the Internal Drainage Boards, the Environment Agency and the Lead Local Flood Authority). These agencies are in place to support the provision of sustainable development and reducing flood risk. As outlined above, works to watercourses (such as surface water discharges and/or any alterations of said watercourses) will require consent from the relevant regulatory body, therefore it would be beneficial for the regulators to be included in the plan.

If you require any further information or would like to discuss the Board's regulation in more detail, please do not hesitate to contact us.

Kind Regards,

Ellen

Ellen Moore
Sustainable Development Officer
Water Management Alliance

How to Apply for Land Drainage Consent
<p>To apply for Land Drainage Consent please complete an application form.</p> <p>Application forms, application fees and 'Frequently Asked Questions' can be found on the 'Development' section of the Board's website, here: https://www.wfma.org.uk/east-suffolk-idb/development/</p> <p>For any additional help please call us on 01553 819600 or email planning@wfma.org.uk.</p>
Byelaws
<p>East Suffolk IDB Byelaws can be found via the following link: https://www.wfma.org.uk/uploads/ESIDB_Byelaws.pdf</p>
Mapping
<p>Mapping of the district can be viewed via the following link: https://www.wfma.org.uk/uploads/ESIDB_Index_plan.pdf</p>
Planning and Byelaw Strategy
<p>The Board's Planning and Byelaw Strategy seeks to provide:</p> <ul style="list-style-type: none"> • Guidance on how (and why) the Board will review and comment on planning applications. • Information on the policies against which the Board will assess and determine applications. • Guidance to riparian (waterside) landowners regarding watercourse maintenance. <p>The Planning and Byelaw Strategy can be found via the following link: https://www.wfma.org.uk/uploads/WMA_Planning_and_Byelaw_Policy.pdf</p>
Arterial Watercourses
<p>Maps on the Board's website show which watercourses are designated as Arterial Watercourses by the Board. You may also have heard these watercourses referred to as 'Main Drains' or 'Maintained Watercourses'. The designation is an acknowledgement by the Board that the watercourse is of arterial importance to the Internal Drainage District and as such will normally receive maintenance from the IDB using the Board's Permissive Powers. Although the Board opts to proactively maintain this arterial network, there is no change in the ownership or liability associated with the watercourse resulting from this designation.</p>
Why we comment on planning applications:
<p>By engaging with the planning process the Board is seeking to:</p> <ul style="list-style-type: none"> • Reduce flood risk to communities within the Internal Drainage District • Promote sustainable development in sustainable locations by supporting sound planning decisions in accordance with the National Planning Policy Framework (especially Paragraph 167) and the Non-standard technical standards for SuDS. • Reduce the potential for conflict between the planning process and the Board's regulatory process. <p>For further information please refer to the Board's Planning and Byelaw Strategy.</p>

Michael Hughes

As so often is the case, East Suffolk District Council documents are completely impenetrable to ordinary council tax payers.

In this case the reference is to "footnote 3 on page 36", with an error in section 4.1.

Yet, click on the link provided and up comes page 37.

I have attempted every way I can to find page 36 without success - while section 4.1 on page 37 is nothing more than a statement of fact.

I am not stupid and quite computer savvy. But I have to admit that once again East Suffolk council has defeated me.

MH.

Natural England

Thank you for your consultation on the above dated 09 May 2023.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

Natural England does not have any specific comments on the Wickham Market Neighbourhood Plan Additional Consultation.

For any further consultations on your plan, please contact:
consultations@naturalengland.org.uk.