



## **Oakham & Barleythorpe Neighbourhood Development Plan**

### **Decision Statement: 21<sup>st</sup> March 2022**

**Published pursuant to Section 38A(9) of the Planning and Compulsory Purchase Act 2004 and Regulation 18 of the Neighbourhood Planning (General) Regulations 2012**

#### **1. Introduction**

- 1.1 Under the Town and Country Planning Act 1990 (as amended), Rutland County Council (RCC) has a statutory duty to assist communities in the preparation of neighbourhood development plans and orders and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6 chapter 3) sets out the Local Planning Authority's responsibilities under Neighbourhood Planning.
- 1.2 This statement confirms that the modifications proposed by the examiner's report have been accepted, the draft Oakham & Barleythorpe Neighbourhood Development Plan has been altered as a result of it; and that this plan may now proceed to referendum.

#### **2. Background**

- 2.1 The Oakham & Barleythorpe Neighbourhood Development Plan relates to the area that was designated by Rutland County Council as a neighbourhood area April 2016 which designated the whole of the Oakham and Barleythorpe Parishes and a small part of Egleton Parish area as an Oakham Neighbourhood Area.
- 2.2 Following the submission of the Oakham and Barleythorpe Neighbourhood Development Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 14<sup>th</sup> June 2019.
- 2.3 Following significant recommended modifications put forward by the Examiner, which took account of Rutland County Council's decision to withdraw the Local Plan from Examination in September 2021, in addition, the National Planning Policy Framework was updated in July 2021 a further public consultation was undertaken by the Council from Friday 25<sup>th</sup> November until Friday 7<sup>th</sup> January 2022, for 6 weeks during which interested parties were invited to make representations on the significant modifications.
- 2.4 Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI was appointed by Rutland County Council with the agreement of Oakham Town Council and Barleythorpe Parish Council, to undertake the examination of the Oakham & Barleythorpe Neighbourhood Development Plan and to prepare a report of the independent examination.
- 2.5 The examiner's report concludes that subject to making the modifications recommended by the examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

### 3. Decision

- 3.1 The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan.
- 3.2 Having considered each of the recommendations made by the examiner's report, and the reasons for them, Rutland County Council in consultation with Oakham Town Council and Barleythorpe Parish Council have decided to accept the modifications to the draft plan. Table 1 below outlines the alterations made to the draft plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of 2004 Act) in response to each of the Examiner's recommendations. The reasons set out have in some cases been paraphrased from the Examiners report for conciseness. This statement should be read alongside the Examiner's Report on the [Oakham and Barleythorpe Neighbourhood Plan web page](#)
- 3.3 If the Authority is satisfied that, subject to the modifications being made, the Neighbourhood Plan meets the legal requirements and basic conditions then it can proceed to referendum.

**The paragraph numbering refers to the submission version of the Oakham & Barleythorpe Neighbourhood Plan:**

Modifications are recommended to policies are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

<b>Examiner's Recommended Modifications</b>		<b>Justification</b>	<b>Decision</b>
<b>Policy/Paragraph</b>	<b>Modification</b>		
<b>General Matters</b>	<p><i>Incorporate the numbering system from the Table of Contents into the body of the Plan.</i></p> <p><i>At the end of the final paragraph on page 8 add: The neighbourhood area is shown in Figure 1. The Plan period is 2018 to 2036.</i></p> <p><i>Throughout the Plan replace the Justification Text (Local Plan)' headings with 'Justification Text (Planning Policy)</i></p>	For clarity	Accept
<b>Policy 1 Residential Development Management</b>	<p><b>Replace the opening part of the policy with:</b></p> <p><b>'Development proposals for residential development within the Limits of Development of Oakham and Barleythorpe, as shown in Policy Map 1, will be supported where:'</b></p> <p><b>In the first part of the policy delete a and b</b></p> <p><b>In c delete 'or detrimental' and 'local residents are currently enjoying' and replace 'possible' with 'practicable'</b></p> <p><b>In d and e replace 'a detrimental' with 'an unacceptable'</b></p> <p><b>In f replace 'adversely' with 'unacceptably'</b></p> <p><b>At the end of the first part of the policy add as a separate paragraph:</b></p>	For clarity to take account of the adopted Local Plan	Accept

**‘Development proposals for residential uses which secure a positive use of upper floors in the defined Oakham Town Centre or which take place on previously-developed land within the limits of development will be particular supported’**

**Replace 2a with:**

**‘the mix of house sizes should be based on the most up-to-date evidence at the time of the determination of the planning application concerned’**

**In 2b and 2c replace ‘will need to’ with ‘should’**

**Reconfigure 2d so that it appears as a free-standing paragraph of policy rather than one of four criteria**

**Replace the third part of the policy with:**

**‘Proposals for residential development in the countryside will be determined in accordance with national planning policies and with local planning policies where they are consistent with national planning policy for the countryside’**

*Replace the first four paragraphs of the supporting text on page 35 with:*

*‘The policies in this Plan will be used to guide the delivery of development in Oakham and Barleythorpe up to 2036. They are based on the objectives and vision and will contribute to the delivery of the growth requirements set out in adopted Core Strategy Development Plan Document and the Site Allocations and Policies Development Plan Document.*

*The Neighbourhood Plan was submitted whilst the Rutland Local Plan Review was being developed. To avoid overlapping and parallel site allocation consultations, the approach taken was not allocate specific sites and to leave the allocation process to the emerging Local Plan. The Local Plan which was submitted for examination included five sites within or on the edge of Oakham and Barleythorpe. Due to delivery issues over the St Georges Barracks site (elsewhere in the County), Rutland County Council resolved to withdraw the Local Plan in September 2021. This decision had a significant impact on the content of the submitted neighbourhood plan. As such, it now provides planning policy guidance in the neighbourhood area until such time as the Local Plan is eventually adopted by Rutland County Council. This*

	<p><i>is anticipated to be in 2025. A later section of this Plan comments about the review mechanisms that will be triggered once the Local Plan is adopted.</i></p> <p><i>The policies in the neighbourhood plan will be applied with those in the Core Strategy Development Plan Document and the Site Allocations and Policies Development Plan Document to development proposals submitted within the neighbourhood area'</i></p> <p><i>In the Justification Text (Local Plan) section of the submitted text:</i></p> <ul style="list-style-type: none"> <li><i>• replace the first bullet point with: 'is in line with the adopted Rutland Core Strategy Development Plan Document (July 2011) and the Site Allocations and Policies Development Plan Document'</i></li> <li><i>• delete the second, fourth, fifth and seventh bullet points</i></li> </ul> <p><i>Replace the final sentences of the penultimate paragraph of supporting text on page 38 with:</i></p> <p><i>'Whilst these figures generally fit the preferences expressed as part of the Big Survey, Policy 1 takes a more flexible approach. This acknowledges the current delay in the development of planning policy in the County and that housing needs may alter within the Plan period. The policy also made specific references to bungalows and houses affordable for newly-formed households.'</i></p> <p><i>On Policy Map 1 replace the limits to development with those shown in the Site Allocations and Policies DPD and delete housing sites.</i></p>		
<p><b>Policy 2 Delivering Good Design</b></p>	<p><b>In part 3 of the policy replace 'will need to' with 'should'</b></p> <p><b>Replace the opening element of part 4 of the policy with:</b></p> <p><b>'All development proposals, irrespective of their location in the neighbourhood area, should demonstrate the way in which they have addressed their impact on infrastructure provision and community facilities as follows:'</b></p> <p><b>In 4b replace 'ones' with 'services'</b></p>	<p>To ensure that the Neighbourhood Plan area's historic and architectural significance is safeguarded.</p>	<p>Accept</p>

	<p><b>In 4c replace ‘ones’ with ‘spaces’</b></p> <p><i>Replace the second sentence of the section Justification Text (NPPF) with:</i></p> <p><i>‘In doing so, the policy has regard to Chapter 12 of the NPPF and relevant paragraphs protecting local heritage, important landscape, promoting high quality design’</i></p>		
<p><b>Policy 3 Housing affordability and Local Connection</b></p>	<p><b>Replace the first part of the policy with:</b></p> <p><b>‘All residential developments comprising 10 or more dwellings, or sites of an area of 0.5 hectares or more in Oakham should make provision for a minimum 30% of the dwellings to be affordable housing.</b></p> <p><b>All residential developments comprising 6 or more dwellings in Barleythorpe should make provision for a minimum 30% of the dwellings to be affordable housing.</b></p> <p><b>Affordable housing should deliver a combination of sizes and affordable tenure which meets the most up-to-date and proven local and affordability housing need, including the number of bedrooms, property type and floor space’</b></p> <p><b>Delete the second part of the policy.</b></p> <p><b>Delete the third part of the policy.</b></p> <p><i>After the first paragraph of supporting text add:</i></p> <p><i>‘Policy 3 is based around thresholds for the delivery of affordable housing in both Oakham and Barleythorpe. If a development scheme comes forward which is below the thresholds set out in the policy, but the scheme is followed by an obviously-linked subsequent development scheme at any point where the original permission remains in force, or up to 5 years following completion of the first scheme, then, if the combined total of dwellings/GIA provided by the first scheme and the subsequent scheme/s provides a greater number of houses or floorspace that included in the policy its provisions would then apply.</i></p> <p><i>The Town Council and the Parish Council support the opportunity for people with a local connection to have an opportunity to occupy delivered affordable housing units. In allocating</i></p>	<p>To ensure that the neighbourhood plan is consistent with RCC’s housing allocation policy throughout the Plan period</p>	<p>Accept</p>

	<p><i>affordable dwellings to applicants, Rutland County Council will apply its County local connection requirement.'</i></p> <p><i>At the end of the Justification Text (Local Plan) add: 'For the purposes of Policy 3 the definitions Oakham and Barleythorpe are their respective administrative areas.'</i></p>		
<p><b>Policy 4 Town Centre and Visitor Economy</b></p>	<p><b>Replace the first part of the policy with:</b></p> <p><b>'Development proposals in the Town Centre of Oakham, as identified on Policy Map 4, should respect and reinforce its role as the primary shopping centre in the county'.</b></p> <p><b>Replace the second part of the policy with:</b></p> <p><b>'Proposals for the change of use of premises within the identified Shopping Frontages from a use within Use Classes E(a) or E(b) to other uses will only be supported where it can be demonstrated that the proposed use will not, individually or cumulatively, detract from the vitality of the particular frontage or the contribution that it makes to the vitality and viability of the town centre as a whole'.</b></p> <p><b>Replace the third part of the policy with:</b></p> <p><b>'Elsewhere within and immediately adjacent to the Town Centre, the use of ground floor premises for the following purposes will be supported:</b></p> <ul style="list-style-type: none"> <li><b>i. uses within Use Classes C1, E and F1;</b></li> <li><b>ii. public houses, wine bars, or drinking establishments;</b></li> <li><b>iii. drinking establishments with expanded food provision;</b></li> <li><b>iv. hot food takeaways (for the sale of hot food where consumption of that food is mostly undertaken off the premises);</b></li> <li><b>v. venues for live music performance;</b></li> <li><b>vi. theatres;</b></li> <li><b>vii. cinemas.</b></li> </ul> <p><b>Within the defined Town Centre the use of upper floors for purposes within Use Classes E(g)(i), C1 and C3 will be supported, where the amenities of any nearby residential</b></p>	<p>To ensure the policy will meet the basic conditions and do much to deliver the economic dimension of sustainable development in the neighbourhood area.</p>	<p>Accept</p>

	<p>premises are not unacceptably affected by way of noise or loss of privacy that would be caused by the proposed use.'</p> <p>Replace the fifth part of the policy with:</p> <p>'Development proposals in the defined town centre which involve the alteration of a building with a period shop front should retain and/or restore that shop front. In other cases, development proposals should be designed to incorporate a 'shop-like' appearance with an active frontage which will contribute to the character and attractiveness of the street scene.'</p> <p>Replace the first sentence of the sixth part of the policy with: 'Proposals for redevelopment and/or regeneration in the Town Centre will be supported where:'</p> <p>Replace the first sentence of the eighth part of the policy with: 'Development proposals for tourism and hospitality development within the limits of development will be supported. Particular support will be given to such proposals within or close to the town centre.'</p> <p>Delete the second criteria of the eighth part of the policy.</p>		
<p><b>Policy 5 Employment and Business Development</b></p>	<p>Replace the opening element of the policy with:</p> <p>'Within the limits of development of Oakham and Barleythorpe (as shown on Policy Map 1), proposals for employment and business development (Use Classes E) will be supported provided that:'</p> <p>In 1a add at the beginning: 'where appropriate'</p> <p>In 1a delete 'and make use of.....greenfield land'</p> <p>Replace 1b with 'where practicable and viable, they provide workspaces for start-ups and micro businesses;'</p> <p>In 1c delete 'detrimental' and 'the local residents are currently enjoying' and replace 'possible' with 'practicable'</p>	<p>To ensure the policy will make a very positive contribution to commercial growth and vibrancy in the neighbourhood area and will contribute towards the delivery of the economic dimension of</p>	<p>Accept</p>

	<p>In 1e and 1f replace ‘a detrimental’ with ‘an unacceptable’</p> <p>In part 2b replace ‘The development proposals’ with ‘they’</p> <p>At the beginning of the third part of the policy add: ‘Insofar as planning permission is required’</p>	sustainable development.	
<p><b>Policy 6 Built and Cultural Heritage and Character</b></p>	<p>In the first part of the policy delete b (and re-letter accordingly).</p> <p>In the second part of the policy replace ‘locally listed non designated heritage assets with ‘assets identified in the Oakham Neighbourhood Profile’</p> <p><i>List the non-designated heritage assets as identified in the Oakham Neighbourhood profile either in the supporting text or in a separate schedule/appendix.</i></p>	<p>To ensure that the second part of the policy has a consistent effect and coverage</p> <p>To bring the clarity required by the NPPF</p>	Accept
<p><b>Policy 7 Community Facilities</b></p>	<p>Reverse the order of the first two parts of the policy.</p> <p>Replace the (submitted) second part of the policy with: ‘Development proposals that would protect, retain and/or enhance the provision, quality or accessibility of an existing community, education, leisure or cultural facility will be supported.’</p> <p>Replace the third part of the policy with: ‘Development proposals within or adjacent to the Planned Limit of Barleythorpe which incorporate the delivery of a primary school and other educational facilities will be supported.’</p> <p>Delete the fourth part of the policy.</p> <p><i>At the end of the first paragraph of supporting text on page 64 of the Plan add: ‘Developers are encouraged to engage with the Oakham Town Council and Barleythorpe Parish Council prior to the preparation of any planning application to confirm the nature of the local priorities for community facilities to ensure that, where appropriate and viable, they complement any</i></p>	<p>Modified to acknowledge that the submitted Plan does not allocate land for this use.</p> <p>Deleted from the policy because it is a process matter rather than a land use policy.</p>	Accept

	<p><i>development proposals. Oakham Town Council and Barleythorpe Parish Council would find it helpful if developers advised them of negotiations with the County Council on new developments in the neighbourhood area.'</i></p>		
<p><b>Policy 8 Important Views</b></p>	<p><b>Replace the policy with:</b></p> <p><b>'The scale, layout, and massing of development proposals should be designed to respect and, where practicable, to enhance an affected Important View as shown on Policy Map 8.</b></p> <p><b>Development proposals which would have an unacceptable impact on an identified Important View will not be supported unless the public benefits arising from the development would outweigh the harm to the Important View concerned.'</b></p> <p><i>Delete view 11 from Policy Map 8.</i></p> <p><i>At the end of the supporting text add:</i></p> <p><i>'Policy 8 establishes a context for the determination of planning applications which would have an impact on one or more of the identified Important Views. As appropriate to their scale, nature and location, proposals that would have an impact on an Important View will be assessed against their relationship with an affected important view on the following matters:</i></p> <ul style="list-style-type: none"> <li><i>• the contribution of development to enhancing the attractiveness of the setting when viewed from a particular vantage point;</i></li> <li><i>• the impact of the development proposed on the vantage point and opportunity to enjoy the view;</i></li> <li><i>• the intrinsic environmental value of the site by virtue of its landform, vegetation or tree cover, or the presence of any special natural features within the panorama;</i></li> </ul>	<p>To bring clarity to its policy element.</p> <p>To reflect its role in identifying a series of matters which would be considered as applications are determined rather than operating as a policy element in its own right.</p>	<p>Accept</p>

	<ul style="list-style-type: none"> <li>• <i>the peripheral or transitional open character of the development in contributing to the preservation of the form and character of the settlement within the panorama;</i></li> <li>• <i>the contribution of the view concerned in creating the overall character and attractiveness of the settlement within the panorama and the effect of the proposed development on the existing circumstances;</i></li> <li>• <i>the contribution of the view to the form and character of the settlement within the panorama in terms of the relationship of buildings and structures one to another, to other open spaces or natural features and the effect of the proposed development on the existing circumstances; and</i></li> <li>• <i>the contribution of the view to the setting of a building or group of buildings or important natural features within the view and the effect of the proposed development on the existing circumstances'</i></li> </ul>		
<p><b>Policy 9 Green Infrastructure and Recreational Facilities</b></p>	<p><b>Replace the first part of the policy with:</b></p> <p><b>'Development proposals which would safeguard, improve or enhance the existing green infrastructure network as shown on Policy Maps 9.1, 9.2, 9.3 and 9.4 will be supported.'</b></p> <p><b>Replace the second part of the policy with:</b></p> <p><b>'Development proposals which would safeguard, improve or enhance the existing indoor sport, recreational and gathering facilities as shown on Policy Map 9 will be supported. The provision of new indoor sport, recreational and gathering facilities will be supported.'</b></p> <p><b>Replace the third part of the policy with:</b></p> <p><b>'As appropriate to their scale and nature, development proposals which would have an impact on existing green infrastructure and recreational facilities will be supported where.'</b></p>	<p>To ensure they have a functional relationship with the development management process</p> <p>To ensure that it has the clarity required by the NPPF</p> <p>To acknowledge that not all such works to the Oakham to Melton canal</p>	<p>Accept</p>

	<p>In b) of the third part of the policy delete ‘such as Oakham in Bloom’</p> <p>In the fourth part of the policy replace ‘a detrimental’ with ‘an unacceptable’</p> <p>At the beginning of the fifth part of the policy add: ‘Insofar as planning permission is required’. After Canal add: ‘in the neighbourhood area’</p>	<p>corridor would need planning permission and that the policy can only apply in the neighbourhood area.</p>	
<p><b>Policy 10 Protection of the Natural Environment</b></p>	<p>Replace the first part of the policy with:</p> <p>‘Insofar as planning permission is required development proposals whose primary objectives are to conserve or enhance biodiversity or geodiversity of the environment will be supported’</p> <p>In the initial element of the second part of the policy replace ‘will be expected to’ with ‘should’</p> <p>Delete 2f</p> <p>At the end of the policy as a separate paragraph add:</p> <p>‘Where a proposed development is otherwise acceptable and has an impact on biodiversity it should incorporate mitigation measures to address identified impacts through appropriate habitat creation, restoration or enhancement either on the development site or elsewhere.’</p>	<p>To acknowledge that some projects designed to conserve and enhance biodiversity may not constitute development and as such would not require planning permission.</p> <p>Sixth criterion is repositioned so that it acts as a free-standing element of the policy to ensure that it applies in a universal fashion rather</p>	<p>Accept</p>

		than as one of six criteria.	
<b>Other Matters – General</b>	<i>Modification of general text (where necessary) to achieve consistency with the modified policies.</i>	To ensure RCC, OTC and BPC to have the flexibility to make any necessary consequential changes to the general text	Accept
<b>Implementation and Review</b>	<p><i>Replace the first paragraph of the Monitoring and Implementation Section with:</i></p> <p><i>‘The neighbourhood plan has always sought to ensure a seamless relationship with the emerging Rutland Local Plan. It was submitted for examination in November 2020 on the basis of the contents of the emerging Local Plan at that time. In particular Policy 1 set out an approach towards the delivery of new housing which incorporated the proposed housing allocations in the neighbourhood area at that time. The Local Plan was withdrawn from its own examination in September 2021. Rutland County Council has resolved to prepare a new Local Plan. It is anticipated that the new Local Plan would be submitted in February 2024 and adopted in July 2025.</i></p> <p><i>In this context the Town Council and the Parish Council will consider the need for a review of the neighbourhood plan. This task will be heavily influenced by the content of the Local Plan and the scale and significance of development proposed in the neighbourhood area. In the event that the two councils conclude that there is a need for a full or a partial review of the Plan that process will commence within six months of the adoption of the Local Plan.’</i></p>	To take account of the potential impact of the relationship between the emerging local plan and any ‘made’ neighbourhood plan at that time	Accept