

Langham Neighbourhood Plan

Decision Statement

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. Summary

- 1.1 Following an independent Examination of written representations, Rutland County Council now confirms that the Langham Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum.
- 1.2 In accordance with the Examiner's recommendation, the Langham Neighbourhood Plan will proceed to a Referendum based on the whole Parish.
- 1.3 As well as being posted on Rutland County Council's web site, this Decision Statement may be inspected on the Rutland Mobile Library and at the following places and times:
 - Rutland County Council Offices, Catmose, Oakham, Rutland, LE15 6HP

Monday to Thursday 8.30am – 4.45pm, Tuesday 9.00 – 4.45pm & Friday 9.00 – 4.15pm
 - Oakham Library, Catmose Street, Oakham, Rutland, LE15 6HW

Monday to Friday 9.30am – 5pm & Saturday 9.30am – 4pm

2. Background

- 2.1 In October 2013, Langham Parish Council, as the qualifying body, submitted proposals to Rutland County Council to designate the boundary of the Langham Neighbourhood Plan Area

- 2.2 The plan area designated covers the entire Parish comprising the village of Langham and surrounding area.
- 2.3 The Neighbourhood Area application was approved by Rutland County Council (the Council) in December 2013 in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 2.4 Following the submission of the Langham Neighbourhood Plan to the Council, the Plan was publicised and representations were invited. The consultation period closed on 23rd September 2016.
- 2.5 Rutland County Council, with the agreement of Langham Parish Council, appointed an independent Examiner, Mr Angus Kennedy, to review whether the Plan met the “Basic Conditions” required by legislation and that the plan should proceed to referendum.
- 2.6 The Examiner’s report concludes that, subject to making all the modifications of the examination report, the Neighbourhood Plan meets the Basic Conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

3. Recommendations, Decision and Reasons

- 3.1 Under agreed delegation arrangements, the Council’s Director of Places, in consultation with the Council’s Portfolio holder for Places (Finance and Development) has determined that the modifications set out in the Appendix are in accordance with the Examiner’s recommendations to ensure that the Plan meets the Basic Conditions.
- 3.2 The Appendix sets out the Examiner’s recommended modifications and the action taken in respect of each of them.
- 3.3 The Examiner has concluded that, with the specified Modifications, the Plan meets the Basic Conditions and other relevant legal requirements. The Council concurs with this view. Therefore, to meet the requirements of the Localism Act 2011, a referendum will be held in the Parish of Langham which poses the question:

“Do you want Rutland County Council to use the Neighbourhood Plan for Langham to help it decide planning applications in the neighbourhood area?”

This Statement is dated 13th December 2016

Appendix 1 - Modifications made to the Langham NP to meet the basic conditions set out in NP Examiner's Report.

Policy or Section in the Neighbourhood Plan	Examiner's Recommended Amendment	Reason	Amended Wording
1. Introduction	The Plan on Page 1 (Figure 1.1) needs updating to include the recent development off Ranksborough Drive to the north west of the village and the traveller site on Oakham Road.	For clarity	Amended as Recommended
Key stages of Langham Neighbourhood Plan (LNP) project	In paragraph 1 on page 5 end the first sentence after "producing the Plan". Delete the last sentence and insert "Subject to approval by an Independent Examiner the Plan will be subject to a referendum administered by Rutland County Council".	For clarity	Amended as Recommended
4. Housing and Renewal			
HR1 Demographics and Housing Issues and options	Paragraph 12 on page 18 of the Plan should be deleted and replaced by the following: "There are two Gypsy & Traveller sites in Rutland, both of which are in Langham Parish. The extra 4 pitches recently granted consent in Langham, within the curtilage of an existing site, may well meet the immediate need. However, there is the likelihood of a small extra windfall need arising over the medium to long term."	RCC have recently published a Gypsy & Traveller Accommodation Assessment 2016 which covers the period up to 2036, which acknowledges that further windfall growth may arise through the development management process.	Amended as Recommended
Policy HR1c: Demographics & Housing – Gypsy/Traveller Sites	Policy HR1c should be deleted and replaced by the following: "The Plan supports the Gypsy & Traveller Accommodation Assessment 2016 which states that there is the likelihood of a small extra windfall need arising over the medium to long term but this will not	For clarity	Amended as Recommended

	necessarily be met in Langham”.		
Policy HR2a Important Green Spaces – Preservation of Green Separation Zone	The map (Figure 4.4) needs to be amended to show that two parts of the area are developed, namely the area around Hubbards Lodge, Burley Road and the Traveller site on Oakham Road.	For clarity	Amended as Recommended
HR2 Important Green Spaces Rutland County Council policy and vision for the future	Paragraph 13 on page 19 should be deleted and replaced by the wording below: The recommended landscape objectives for the Vale of Catmose identified on page 16 of the Landscape Character Assessment provide evidence and justification to support the Green Separation Zone. The report recognises that the Vale of Catmose “contributes significantly to the pastoral landscape of west Rutland” and seeks to conserve, enhance and where necessary restore the generally quiet, calm, rural, pastoral or mixed agriculture character...” and recommends safeguarding the landscape of Oakham which the green separation zone could help to achieve.	There needs to be an appropriate justification for the preferred boundary as Policy does not meet the Basic Conditions.	Amended as Recommended
Policy HR2b Important Green Spaces- Preservation of the Important Open Spaces	It is recommended that the statement is amended to confirm that the Policy relates to Site Allocations and Policies DPD Policy SP21 Important Open Space and Frontages. It is also recommended that the first bullet point is amended to state that development will only be acceptable where it does not have an adverse impact.	This Policy wrongly confirms that it is in accordance with the Core Strategy CS23.	Amended as Recommended
	Also delete second bullet point because it	For clarity	Amended as

	is not a land use policy that could guide planning applications.		Recommended
Policy HR2c Important Green Spaces – Preservation of Housing Densities	In order for this policy to meet the Basic Conditions relating to conformity with national and local strategies, it is recommended that “five” is deleted and replaced by “ten” dwellings.	For clarity	Amended as Recommended
Proposal HR2: Important Green Spaces – Preservation of Significant Views	This Proposal is more appropriately located in the Design section where a similar Policy (D1b) features. It is recommended to delete this Proposal.	Ease of reference	Amended as Recommended
Policy HR3b: Land Allocation - Planned	It is recommended that progress against this housing target is included as a specific item in the monitoring programme outlined in section 12.	Ease of reference	Amended as Recommended
	In line seven also replace “priority” with “priority”.	For clarity	Amended as Recommended
HR3 Land Allocation Issues and options	Paragraph 13 on page 22 states that a preferred site for business was identified through the site appraisal process. It is shown on the map on page 24 (Figure 4.5b) as a primary business site for development. There is, however, no reference to it in Policy HR3b or in section 9. It is recommended that reference to the support for this business site is included in Policy HR3b.	For clarity	Amended as Recommended
Policy HR3c: Land Allocation – Retrospective Planning	It is recommended that Policy HR3c is deleted and renamed a Parish Proposal.	This is not a land use planning policy that can be used to guide decision making and would be more appropriate as a Parish Proposal stating that the Parish Council will use its best endeavours to urge the County Council to take appropriate	Amended as Recommended

		enforcement action.	
HR4 Housing Design and Layout Rutland County Council policy and vision for the future	Page 26 paragraph 18 identifies relevant RCC Core Strategy policies. It is recommended that this should also make reference to the Policy SP9 (Affordable Housing).	Ease of reference	Amended as Recommended
Policy HR4a: Housing Design and Layout – Multiple New Housing	The second paragraph of the Policy should be deleted and replaced with a Parish Proposal: “Langham Parish Council will proactively contact applicants to review and comment on Design and Access Statements”.	Parish Councils cannot require local authorities to take particular courses of action. The Council already consults Parish Councils regarding planning applications.	Amended as Recommended
HR5 Developer/Community Collaboration Rutland County Council policy and vision for the future	On page 28 paragraph 1 delete “flood defences and green infrastructure” and replace with “recreation, sport and leisure facilities”.	For clarity	Amended as Recommended
	In paragraph 14 delete “prior to laying foundations” and insert “over time”.	For clarity	Amended as Recommended
Policy HR5a: Developer/Community Collaboration	Policy HR5a should be deleted and be replaced with a Parish Proposal which states “Where a Design and Access Statement is required the Parish Council will use its best endeavours to urge the Council to ensure that the development reinforces Langham’s character and heritage.”	Design and Access Statements are only required for major planning applications. As outlined earlier it is not possible for a Parish Council to instruct Local Authorities about procedures.	Amended as Recommended
Policy HR5b Developer/Community Collaboration – Community Infrastructure Levy	This is not a land use policy that can be used to guide planning decisions and should be renamed a Parish Proposal.	For clarity	Amended as Recommended
5. Public Safety and Services			
Policy PSS1: Public Safety – Traffic A606	It is recommended that this Policy is deleted and retitled a Parish proposal and the first paragraph amended to outline that the Parish Council will encourage the	For clarity	Amended as Recommended

	County Council to consider the actions identified.		
Proposal PSS1b: Public Safety- Bypass	It is recommended that reference to the LEP is included in this proposal.	For clarity	Amended as Recommended
Policy PSS3 Public Services – Public Transport	This is not a land use planning Policy that can be used to guide decision making on planning applications and should be retitled a Parish Proposal.	For clarity	Amended as Recommended
Policy PSS4 Public Services – Communication Technology	This is not a land use planning Policy that can be used to guide decision making on planning applications and should be retitled a Parish Proposal.	For clarity	Amended as Recommended
Policy PSS5 Public Services – Essential Utilities Provision	In order to make it specific it is recommended that the first sentence is amended to read “...any new development of over 10 units, the following checks..”	It is not considered that this principle is appropriate for small scale infill developments and it is recommended that this should only be applied to schemes of 10 units or more.	Amended as Recommended
	Add “if specified in government guidance” at the end of the first bullet point. Delete the second bullet point since it is not a planning policy that can be used to guide decision making.	For clarity	Amended as Recommended
	In the third bullet point also add “in line with government guidance” after “where appropriate”.	For clarity	Amended as Recommended
6. Cultural Heritage			
Policy CH2 Sites of Historical Importance	It is recommended to add after the first sentence: “in particular listed buildings and scheduled ancient monuments”.	For clarity	Amended as Recommended
Policy CH3 Ancient Parish Boundary	This Policy is confusing and unclear and it is recommended that it is deleted, and also including part of the wording in	This Policy seeks to maintain the southern boundary of the parish and ensure new developments do	Amended as Recommended

	Parish Proposal CH3 below.	not compromise any aspect of the integrity of the ancient parish boundary. There is no definition of what “integrity” means in this context.	
Proposal CH3 Ancient Parish Boundary	It is recommended to add an additional sentence at the end of the proposal: “The Plan urges the Parish Council to ensure that the integrity of the ancient parish boundary or green corridor is maintained”.	For clarity	Amended as Recommended
7. Natural Environment			
Policy NE1 Rights of Way	It is recommended that this policy is deleted and replaced with a Parish proposal.	Policy NE1 is not a land use policy that can be used to guide planning application decision making. The issue it seeks to address is covered in RCC Site Allocations and Policies DPD SP15.	Amended as Recommended
Policy NE2a: Flooding	This issue has already been adequately covered by Policy PSS5 and deletion of this Policy is recommended.	Although the use of Sustainable Urban Drainage Systems is to be welcomed it is not realistic to expect it to be employed for all new developments.	Delete as Recommended
Policy NE2b: Flooding	It is recommended that this Policy is deleted and renamed a Parish Proposal and includes a sentence stating that the Parish Council will urge the appropriate authority to undertake a sewerage capacity study of Langham.	For clarity	Amended as Recommended
Policy NE3 Green Spaces	It is recommended that Policy NE3 be deleted and renamed a Parish proposal.	For clarity	Amended as Recommended
Policies NE4a and NE4b Biodiversity	It is recommended that Policies NE4a and NE4b be deleted and renamed Parish Proposals NE4a and NE4b.	For clarity	Amended as Recommended

Proposal NE4a and Policy NE4b Biodiversity	It is recommended that Policies NE4a and NE4b be renamed Parish Proposals NE4c and NE4d.	For clarity	Amended as Recommended
Policy NE5a, b and c: Renewable Energy	The Government no longer use the Code for Sustainable Homes and this reference should be deleted. It is recommended that Policies NE5a, NE5b and NE5c are deleted and renamed Parish Proposals	For clarity	Amended as Recommended
8. Education and Development			
Proposal ED2b: 16+ Education	It is recommended that this policy should be amended to read: "The Parish Council will use its best endeavours to ensure that RCC's options for 16+ education are clearly defined and communicated"	For clarity	Amended as Recommended
9. Community and Economy			
Policy CE1: Community Needs – Shop	It is recommended that Policy CE1 is deleted and renamed a Parish Proposal and the subsequent Community Needs Parish proposals renumbered accordingly.	This is not a land use policy that could be used to guide decision making.	Amended as Recommended
Policy CE 4: Health and Well-Being	It is recommended that Policy CE4 is deleted and renamed a Parish Proposal.	This is not a land use policy that could be used to guide decision making.	Amended as Recommended
10. Design			
Policy D1a – Green Spaces	It is recommended that in paragraph i Core Strategy should be replaced by RCC Site Allocations and Policies DPD Policy SP5.	Ease of reference	Amended as Recommended
Policy D1c: The Brook and Bridges	It is recommended that Policy Dc1 is deleted and replaced by Parish Proposal D1c and subsequent proposals renumbered.	These are worthy aspirations but not land use policies that can be used to guide planning applications.	Amended as Recommended
Policy D2b: Character of Streets	It is recommended that Policy D2b is	For clarity	Amended as

	deleted and replaced by Parish Proposal.		Recommended
Policy D2c: Trees	It is recommended that Policy D2c is deleted and replaced as a Parish Proposal.	For clarity	Amended as Recommended
Policy D3a: Buildings	In i the reference needs to be updated. It is recommended that the reference to the Rutland Core Strategy is changed to the RCC Site Allocation and Policies DPD.	Ease of reference	Amended as Recommended
Policy D4a: Traffic and Signage	It is recommended that Policy D4a is deleted and renamed a Parish Proposal.	This is not a land use policy that could be used to guide decision making.	Amended as Recommended
Policy D4b: Lighting	It is recommended that Policy D4b is renamed a Parish Proposal.	This is not a land use policy that could be used to guide decision making.	Amended as Recommended
Policy D4c: Street Furniture	It is recommended that Policy D4c is deleted and renamed a Parish Proposal.	This is not a land use policy that could be used to guide decision making.	Amended as Recommended
Policy D5 Footpaths	It is recommended that Policy D5 be deleted and renamed a Parish Proposal.	This is not a land use policy that could be used to guide decision making.	Amended as Recommended
11. Summary of Policies	It is recommended that all of the Policies that have been amended to Parish Proposals are excluded from this section.	Ease of reference	Amended as Recommended
12. Monitoring, Evaluation and Review	Examiner recommends that progress against the housing target n Policy HR3b is included as a specific item in the monitoring section.	Wording put forward by Langham Neighbourhood Plan Steering Group: “With reference to Policy HR3b that looks at the preferred location of housing to 2036, the number of new houses will be regularly counted and progress against target assessed though the formal monitoring process. This will inform the decision whether to use sites LNP06 and LNP14.”	Amended as Recommended

