



## **LANGHAM NEIGHBOURHOOD DEVELOPMENT PLAN**

### **INDEPENDENT EXAMINERS REPORT TO RUTLAND COUNTY COUNCIL**

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**8 November 2016**

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## **1.0 Introduction: Preparation of plan, legislative background and summary of findings**

1.1 Neighbourhood Planning was introduced in the Localism Act 2011. It allows local communities to prepare plans and allocate sites for housing and other uses in their own neighbourhood. The Plan once approved will guide future development and become part of the Development framework and will be taken into account when considering future development proposals.

1.2 The Neighbourhood Development Plan (the Plan) has been developed by a steering group of five local residents and three Parish Councillors under the guidance of Langham Parish Council. The County Council have assisted the process.

1.3 The Plan document is clearly presented with good use of photographs. ***Where modifications are recommended in this document they are highlighted in bold and italics.*** The introductory sections provide some background to Neighbourhood Plans, the history of Langham and outline the key stages of the Neighbourhood Plan development. This includes a description of Langham, its historical development and current features including a profile of the community. The introductory section also provides a diagram identifying the Supporting and Supplementary Documentation that has shaped the Neighbourhood Plan and confirms that the Plan needs to conform with national and local strategic planning policies. The vision and objectives of the Plan are outlined in section 2 followed by sections providing details of the Plans and Policies that are relevant in the area. A Plan identifying the key details of the village and the Proposals is provided. ***The Plan on Page 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.*** The Plan includes over fifty policies. Some of these are land use planning policies. A large number are not land use issues but are priorities for the Parish that will need to be addressed through a series of non-planning interventions. The Plan document provides a helpful colour coding

of the recommendations to distinguish those Policies that will become part of the Plan should it be approved at referendum (in blue) and those proposals that the Parish Council will use its best endeavours to encourage appropriate organisations to implement (in red). The Plan also includes a small number of Community Actions that if implemented will help to achieve the vision for Langham (in green). The Community Actions proposals may help the Parish achieve its overall objectives but they are not part of the Plan and I will make no comment on them. ***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.***

1.4 Having carried out the examination, for the reasons set out below ***and subject to all the modifications of this examination report being accepted***, I consider that the Plan meets the basic conditions in terms of:

- having appropriate regard to national planning policy
- contributing to the achievement of sustainable development
- being in general conformity with the strategic policies in the development plan for the local area
- being compatible with human rights requirements
- being compatible with European Union obligations

1.5 If the Plan becomes subject of a referendum and achieves more than 50% of votes in favour, then the Plan would be “made”. The Plan would then be used to guide and determine planning decisions in Langham Parish by Rutland County Council (RCC).

## **2.0 Role of the Independent Examiner**

2.1 I was appointed by Rutland County Council in September 2016, with the agreement of the Langham Parish Council to conduct this examination. The role is known as Independent Examiner.

2.2 Under the terms of the NP legislation I am required to make one of three determinations:

- The Plan should go forward to referendum because it meets all the legal requirements, “the Basic Conditions”
- The Plan as modified should proceed to Referendum
- The Plan should not proceed to Referendum because it does not meet all the legal requirements

2.3 In making my recommendation I must also determine whether the referendum should involve a wider area than the boundary of the Langham Neighbourhood Plan boundary, whether the Plan area has been appropriately designated and whether the Plan specifies the time period to which it relates. The Plan must not include any provision that is about excluded development.

2.4 I am a Chartered Town Planner with 40 years’ experience working in senior roles in Local Government, regeneration agencies and the private sector. I am independent of Rutland County Council and the Langham Parish Council. I am independent of residents and stakeholders in the area and have no interest in any of the land within the Neighbourhood Plan area. I am a member of the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) and have carried out the independent examination of nine Neighbourhood Plans in various parts of the country.

## **The Examination Process**

2.5 The general presumption is that most Neighbourhood Plans will be considered through written evidence. Rutland County Council has indicated that in their opinion no public hearing will be necessary for the Neighbourhood Plan and that the examination should consider written evidence only. An Examiner can ask for a public hearing if it is considered that certain aspects need to be more fully explored or to allow individuals to outline their case more fully. In view of the relatively straight forward nature of the plan proposals, the limited number of land use recommendations and the fact that there have been few representations through the recent consultation period I have informed the Local Authority that no public hearing is required. I consider that I am able to make a recommendation based on the extensive evidence that has been provided.

### **3.0 The Neighbourhood Plan Area**

3.1 The Neighbourhood Plan area consists of the whole of the Parish of Langham which is situated two miles north of Oakham. It is a predominantly rural Parish.

3.2 Langham Parish had a population of just under 1400 according to the 2011 census. Much of the village is in a Conservation area and there are over 40 listed buildings. The village is predominantly residential with older housing in the village core and further phases of housing built in the inter war and post war periods. There are also agricultural buildings, community facilities and limited, small scale industrial premises.

### **4.0 Consideration of the Basic Conditions**

4.1 There are a number of basic conditions that the Langham Neighbourhood Plan must meet in order for it to go forward to a Referendum.

These are set out in the Neighbourhood Planning (General) Regulations 2012 and paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011).

4.2 Paragraph 8 sets out the requirements for Neighbourhood Plans to meet these “**Basic Conditions**”, before they may come into force.

Neighbourhood Plans must:

- have appropriate regard for national policies and guidance issued by the Secretary of State
- contribute towards the achievement of sustainable development
- be in general conformity with the strategic policies of the development plan for the local area
- be compatible with European Union (EU) and European Convention on human rights requirements (ECHR)

I have examined the Neighbourhood Plan against all the basic conditions above. I have been assisted by a Neighbourhood Plan Basic Conditions Statement that has been prepared by the Langham Parish Council Neighbourhood Plan Steering group.

### **Qualifying Body and Neighbourhood Area Designation**

4.3 In October 2013 Langham Parish Council submitted an application for the designation of Langham Parish as a **Neighbourhood Planning Area** to Rutland County Council as the relevant Planning Authority.

4.4 The Local Planning Authority publicised the application for designation as a Neighbourhood Area for a six-week consultation period from October 7 to November 18, 2013. The application was published on the Council and Parish Council website and was available at various locations throughout Langham Parish. No comments were received.

4.5 The Council assessed that there was no overlap with any other proposed neighbourhood plan area and that the proposed boundary did not overlap with any adjoining parish or designated area.

4.6 The Council considered that the Parish Council satisfied the conditions required for a Qualifying Body and Neighbourhood Forum for the purposes of Section 61G of the 1990 Town and Country Planning Act and the Neighbourhood Area was approved on 5 December 2013.

4.7 I am satisfied that the Langham Neighbourhood Development Plan meets the basic condition of having a suitable Qualifying Body, a relevant body in accordance with section 61G of the 1990 Town and Country Planning Act, the Langham Parish Council.

#### **Basic condition: Neighbourhood Plan Area**

4.8 I am satisfied that the Langham Neighbourhood Plan meets the basic condition of having a suitable Neighbourhood Plan area designated as outlined in Section 5 of Part 2 of the Neighbourhood Planning (General) Regulations 2012.

4.9 I am also satisfied that the Langham Neighbourhood Plan (the Plan), does not relate to more than one neighbourhood area and that there is no other Neighbourhood Development Plan in place within this neighbourhood area.

4.10 The Langham Neighbourhood Plan provides a clear indication of its timeframe and will cover the period 2016 – 2036.

4.11 I am, therefore, satisfied that the Plan meets the Basic Condition relating to the specific timeframe of the Plan period.

4.12 The Basic Conditions Statement confirms that the Plan does not deal with County matters, any nationally significant infrastructure or any other matters set out in S61K of the Town and Country Planning Act 1990.

## **5.0 Regard to the National Planning Policies and Guidance and the National Planning Policy Framework**

5.1 In carrying out the examination of the Proposed Plan, and deciding whether to recommend that it should be submitted to a referendum, I am required to have regard to national policies and advice contained in guidance issued by the Secretary of State. The Plan needs to meet all of them. The Neighbourhood Plan must meet the basic condition of having regard to national and local planning policies.

5.2 I therefore considered the Langham Neighbourhood Plan in line with National Planning Policy and Guidance, the Rutland County Council Core Strategy Development Plan adopted in July 2014, the Site Allocations and Policies DPD adopted in October 2014 and various Rutland County Council Strategies.

5.3 The Basic Conditions Statement outlines the key relevant strategic policies from the Core Strategy. In the section on Policies I will outline my view on whether the Plan can demonstrate that it supports these policies and recommend modifications where necessary.

5.4 A number of the Policies are of particular importance when considering this Neighbourhood Plan.

5.5 Should the Neighbourhood Plan be confirmed after a referendum it will achieve a status in the Development Plan hierarchy.

## **National Planning Policy Framework (NPPF) (2012) and Planning Practice Guidance (2014)**

5.6 The most significant piece of guidance is the National Planning Policy Framework (NPPF) issued in March 2012. Paragraphs 183 -185 outline the Government's view on Neighbourhood Plans. Government consider that neighbourhood planning gives direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need and ...neighbourhood forums can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications.

5.7 Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood needs to be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. Provided that neighbourhood plans do not promote less development than set out in the relevant Development Plans or undermine the strategic policies, neighbourhood plans may shape and direct sustainable development in their area.

5.8 More detailed guidance and advice which expands on the general policies in the NPPF has been available since March 2014. This confirms that Neighbourhood Plans should be clear, concise, and unambiguous and supported by appropriate evidence.

5.9 I am satisfied, that the Plan has adequate regard to the policies in the NPPF and Planning Guidance. In reaching this opinion I have been assisted by the Basic Conditions Statement.

5.10 The Basic Conditions statement outlines how the Langham Neighbourhood Plan objectives contribute positively to a number of the core

planning principles that underpin the NPPF (paragraphs 18 -149). Subject to the modifications that I recommend being accepted I consider the Plan will contribute positively to the following NPPF priorities: Delivering a wide choice of high quality homes; promoting good design; promoting healthy communities; meeting the challenges of climate change and conserving and enhancing the natural and historic environment and promoting sustainable transport.

5.11 I consider that the Plan will provide a framework for future development and has evolved through extensive consultation with residents and relevant organisations and agencies.

## **6.0 Contribution to Sustainable Development**

6.1 The United Nations General assembly defined sustainable development as “meeting the needs of the present without compromising the ability of future generations to meet their own needs” (Resolution 42/187).

6.2 The NPPF outlines the Government view in paragraphs 6 and 7. The purpose of the Planning system is to contribute to the achievement of sustainable development. There are three aspects of sustainability, namely economic, social and environmental.

6.3 The Rutland County Council Core Strategy adopted a positive approach in seeking to provide a clear framework to guide sustainable growth and the management of change, thereby following the Government’s presumption in favour of sustainable development.

6.4 The Neighbourhood Plan Basic Conditions Statement provides details of how the objectives and policies contained in the Langham NP support the principle of sustainable development. It outlines that the strategic objectives of the Plan comprise a balance of social, economic and environmental goals. I agree that the proposals for new housing and community facilities will

contribute to supporting strong, vibrant and healthy communities. It is clear that the recognition of the value of green spaces and the need to minimise risks from flooding will contribute to protecting and enhancing the natural, built and historic environment and mitigate and address climate change issues. I also accept that the Plan proposals regarding encouraging investment in the existing business base will contribute to building a strong, responsive economy.

6.5 I consider, therefore, that the development that will be encouraged through the policies and proposals in the Plan should deliver sustainable development within the Parish of Langham.

## **7.0 Conformity with the Strategic Policies of the Local Area**

7.1 In carrying out the examination of the Proposed Plan, I am required to consider whether it is in general conformity with the strategic policies contained in the development plan for the area (basic condition (e)). The Neighbourhood Plan Basic Conditions statement confirms that the Plan has been prepared in general conformity with the strategic policies of the Development Plan. This has been confirmed by the Council. RCC in its adopted Core Strategy has an extensive vision for the future of the County. By 2026 “Rutland will have become a more sustainable, safer, healthier and more inclusive place to live, work and visit. The attractiveness, vitality and prosperity of Rutland’s towns, villages and Countryside would have been enhanced.”

7.2 The County Council vision for villages like Langham is to have diverse and thriving communities where planned and carefully managed development will have taken place to ensure that sufficient jobs and homes are provided for local people.

7.3 In section 2 there is detailed Vision for the Neighbourhood Plan: “We will continue to grow, develop and thrive as a parish, meeting the changing needs of the community whilst preserving the distinctive character, landscape and setting of the village, which has evolved over centuries”. This is in line with the RCC vision.

7.4 Having reviewed the Plan I consider that the Neighbourhood Plan will contribute positively to the achievement of a number of the strategic objectives. It should be noted that some of the objectives in the Core strategy are not relevant to the Plan area.

7.5 I am satisfied, therefore, that the Langham Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority, the adopted Rutland County Council Core Strategy.

## **8.0 European Union (EU) obligations, Habitat and Human Rights requirements**

8.1 A Neighbourhood Plan must be compatible with EU regulations in order to be legally compliant. There is no legal requirement for a Neighbourhood Plan to include a sustainability appraisal. However, in some limited cases where the Plan may have significant environmental effects it may require a Strategic Environmental Assessment. The Strategic Environmental Assessment (SEA) Directive seeks to provide high level protection of the environment by integrating environmental considerations into the processing of plans.

8.2 It is good practice for the local authority to undertake a screening assessment to decide whether any of the proposals of the Plan are significant enough for the Plan to require a full SEA. If a screening exercise identifies significant effects an environmental report must be prepared. An initial SEA

and Habitat Regulation Act screening exercise was carried out to establish whether a full SEA was required. Historic England, the Environment Agency and Natural England were consulted as part of the process.

8.3 Historic England considered that since the Plan would include policies and proposals relating to land use and development in a village with significant historical significance a full SEA was needed.

8.4 Rutland County Council therefore accepted that it would be necessary for a SEA to be undertaken in order to ensure compliance with EU obligations. The final version was published May 2016. The detailed document considered the challenges facing Langham. The Sustainability Appraisal considered each of the Plan proposals against the Plans sustainability objectives.

8.5 The report concluded that: “the Policies in the LNP will have minimal negative impact and that all due care and attention has been paid to ensure that is the case, whilst still pursuing a moderate growth strategy for Langham to 2036.” I agree with the conclusions that were reached.

8.6 None of those who submitted written representations have drawn attention to any other relevant EU obligation that I should take into account in my examination of the Proposed Plan. Taking all of the above into account I am satisfied that the Neighbourhood Plan has regard to the rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

## **9.0 Background documents and Information considered**

9.1 In order to examine and reach conclusions on the Neighbourhood Plan Proposals of the Rutland County Council I have considered the following documents:

- Rutland County Council Core Strategy
- RCC Site Allocations and Policies Development Plan Document 2014
- Rutland Local Plan 2015-2036 Local Plan Review
- Rutland Landscape Character Assessment 2003
- Summary of sites submitted through the Call for Sites and Issues and Options Consultations September 2015 - January 2016
- Town and Country Planning Act 1990 (as amended)
- National Planning Policy Framework (NPPF) (2011)
- The Localism Act (2012)
- The Neighbourhood Planning Regulations (2012)
- Planning Practice Guidance
- The detailed consultation responses to the consultation

9.2 The Local Authority and seven other individuals or organisations made representations during the final formal Regulation 16 consultation period, all of which I have considered. Points have been raised regarding site allocations and I will address these later in the report.

9.3 In addition, I visited the area unaccompanied for one day in October 2016 and explored the various sites and locations referred to in the Plan.

## **10.0 Evidence Base and Consultation**

10.1 One of the most important principles in the Neighbourhood Planning Regulations 2012 is that local communities must be given ample opportunity to help to shape the future of their area. Successful consultation will ensure that the views and priorities of the community are reflected in the Plan and the likelihood of a successful referendum vote increased. Section 15 (1) (b) of the Neighbourhood Planning Regulations 2012 requires a Consultation Statement to be produced and submitted with the Neighbourhood Plan.

10.2 Section 15 (2) specifies that this must contain: details of the persons or bodies that were consulted about the proposed Neighbourhood Plan. It must explain how they were consulted and summarise the main issues and concerns raised by the persons consulted. Furthermore, it must describe how these issues have been considered and, where relevant, addressed in the proposed Neighbourhood Development Plan. I am satisfied that the document provided to the County Council meets the requirements of the regulations.

10.3 The Langham NP Steering Group has provided extensive information regarding the public consultation that took place in preparation of the Plan in the Neighbourhood Plan Consultation report. This confirms that extensive consultation took place with residents, community groups, schools, businesses and stakeholders at the key stages of Plan development in a variety of forms and locations. A steering group was set up in June 2013 to work on the Neighbourhood Plan. Evidence gathering took place and by January 2014 a vision and set of objectives had been created. The information was circulated to every household. It is clear that subsequent events were well publicised and many people took the opportunity to participate. A questionnaire was circulated to every household in October 2014. 26% of the 1169 questionnaires were returned. This was an excellent response and in addition there was a 43% response from young people to a

children's questionnaire. It is clear that considerable discussion took place regarding the potential development sites.

10.4 A Draft Plan was prepared and subject to formal Regulation 14 public consultation between September 14 and October 26, 2015. It was widely publicised with a copy on the web site, drop in sessions, letters sent to statutory groups, local organisations and land owners. The responses were broadly favourable. The Consultation Report shows that comments were actively sought and responded to. There is an audit trail showing how the Plan was changed to incorporate the suggestions. I do not consider that any significant issues raised were not addressed.

10.5 The final version of the Plan was subject to Regulation 16 consultation which took place between August 12 and September 23, 2016. There were eight responses. Natural England welcomed the general commitment to establish a coherent, interconnected green infrastructure network. Highways England did not consider that the Plan would have any impact upon its operation. Severn Trent Water had no specific comments on the Plan. I will address the issues raised regarding Hubbards Lodge and potential development off Cold Overton Lane later in the report.

10.6 I am satisfied that considerable consultation has taken place throughout the various phases of the Plan development and that the Plan has received the overwhelming support from respondents. Where concerns have been raised it is clear that in most cases steps have been taken to respond positively to the comments.

10.7 I am satisfied, therefore, that the Neighbourhood Plan Consultation statement, meets the basic condition regarding consultation and complies with Section 15 (2) of part 5 of the 2012 Neighbourhood Planning Regulations.

## **11.0 The Langham Neighbourhood Plan Vision and Objectives**

11.1 The Langham Neighbourhood Plan has a clear vision for the future of the area. It seeks continued growth and development of the village to meet the needs of community while preserving its historic character.

11.2 The Plan outlines how the vision will be realised through six overarching policy objectives that have been derived through the consultation process. These are: Housing and Renewal, Public Safety and Services, Cultural Heritage, Natural Environment, Education and Development, Community and Economy. The objectives are clearly written and aspirational. The policies are split into sections. Each Policy includes a statement which provides the local context and an indication of what the Policy is intended to achieve. Many of these are not land use planning matters.

## **12.0 Langham Neighbourhood Plan Policies**

12.1 The Langham Plan Policies begin in Section 4. Langham is classed as one of the “Small Service Centres” in the Core Strategy. The Site Allocations and Policies Development Plan Document 2014 identifies that Langham could meet its minimum housing requirement of one or two houses per year through windfall development and therefore no additional site allocations would be required.

### **12.2 HOUSING AND RENEWAL**

#### **Policy HR1a Demographics and Housing- Number of Houses**

12.3 A core planning principle of the NPPF is encouragement for the delivery of the homes that the country needs. With allocation proposals for 28 homes the Plan has responded positively to the Governments wish that Plans should promote more development than proposed in existing policies. This is a positive land use policy and recognises that to enable moderate growth in

the parish it is important to allocate land for 28 new homes in addition to the anticipated 30 that will occur from windfall sites.

12.4 Recommendation: The Policy provides a clear context for future development. I do not recommend any changes to this Policy.

#### 12.5 **Policy HR1b Demographics and Housing- Demographic Provision**

12.6 Policy HR1b is a positive land use policy providing guidance on the type of new housing to be provided having taken account of demographic factors including the aging population and the needs of young families. It recognises and supports the provision of homes of various types and tenures to meet the needs of the over 55's, those seeking starter homes and those looking for affordable rent.

12.7 Recommendation: I do not recommend any changes to this policy.

#### 12.8 **Policy HR1c Demographics and Housing – Gypsy/Traveller sites**

12.9 This Policy states that it supports the 2013 RCC Gypsy and Traveller Accommodation study which indicated that there was no requirement for further sites in Langham. RCC have, however, recently published a Gypsy & Traveller Accommodation Assessment 2016 which covers the period up to 2036. This acknowledges that further windfall growth may arise through the development management process. This may not necessarily relate to the sites in Langham nor would any requirement necessarily have to be met in Langham. ***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.”***

12.10 In order for the Neighbourhood Plan to fulfil the Basic Conditions it needs to be in line with the Core Strategy Policy CS12 (Gypsies and travellers). The Plan cannot rule out such potential windfall growth.

12.11 ***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 necessarily be met in Langham”***

12.12 Recommendation: Subject to the above changes I do not recommend any changes to this policy.

### **12.13 HR2 Important Green Spaces**

#### **Policy HR2a Important Green Spaces – Preservation of Green Separation Zone**

12.14 The Plan seeks to safeguard green spaces and protect an area of separation from Oakham. The preferred area of separation is shown in Figure 4.4 on page 21. ***The map 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.*** It is understandable that the community should wish to protect an area of separation between the village and Oakham since Oakham has expanded north reducing the gap between the settlements. The Plan seeks to use the RCCs Review of Important Open Spaces as justification for the proposed boundary. The County Council has confirmed that this study only considers green spaces within the planned limits of development (PLD) and excludes sites outside of the PLD on the basis that they are classed as countryside and beyond the scope of the study. Therefore, the Green Separation Zone (GSZ) referred to in the Policy is not in line or supported by the Review of Open Spaces & Frontages study. ***Paragraph 13 on page 19 should be deleted and replaced by the wording below.***

12.15 In its current form, Policy HR2a which seeks to preserve a green separation zone does not meet the Basic Conditions. It is not consistent with the RCC Site Allocations & Policies DPD Policy, in accordance with the Countryside Policies SP6 - Housing in the Countryside & SP7 – Non-Residential Development in the Countryside. There needs to be an appropriate justification for the preferred boundary. I do, however, consider that this justification can be achieved by reference to the 2003 Rutland Landscape Character Assessment.

***12.16 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.***

12.17 Recommendation: Subject to the above I do not recommend any changes to this policy.

#### **12.18 Policy HR2b Important Green Spaces- Preservation of the Important Open Spaces**

***12.19 This Policy wrongly confirms that it is in accordance with the Core Strategy CS23. I recommend that the statement is amended to confirm that the Policy relates to Site Allocations and Policies DPD Policy SP21 Important Open Space and Frontages. I recommend that the first bullet point is amended to state that development will only be acceptable where it does not have an adverse impact. Delete second bullet point because it is not a land use policy that could guide planning applications.***

12.20 Recommendation: Subject to the above I do not recommend any changes to this policy.

**12.21 Policy HR2c Important Green Spaces – Preservation of Housing Densities**

12.22 This Policy relates to larger developments of five or more dwellings. *In order for this to meet the Basic Conditions relating to conformity with national and local strategies I recommend that “five” is deleted and replaced by “ten” dwellings.*

12.23 Recommendation: Subject to the above I do not recommend any changes to this policy.

**12.24 Proposal HR2: Important Green Spaces – Preservation of Significant Views**

12.25 *This Proposal is more appropriately located in the Design section where a similar Policy (D1b) features.*

12.26 Recommendation: I recommend deletion of this Proposal.

**12.27 Policy HR3a: Land Allocation – Windfall Sites**

12.28 This is a positive land use policy in line with RCC policy.

12.29 Recommendation: I do not recommend any changes to this Policy

**12.30 Policy HR3b: Land Allocation - Planned**

12.31 This is a positive land use policy since it is allocating sites in addition to those likely to arise through windfall developments. The Plan recognises that growth is important. A priority order is recommended with sites LNP01-03 which are situated within the PLD and LNP04 situated on the western edge of the PLD. These will provide more homes than currently planned for through windfall sites.

12.32 The Policy also identifies two reserve sites that could be considered if the 28 planned houses have not come forward. The Plan does not make clear the timescale within which these sites would be considered. ***I recommend that progress against this housing target is included as a specific item in the monitoring programme outlined in section 12. In line seven replace “priority” with “priority”.*** One response during the S16 consultation promoted the development of part of the land on Cold Overton Road for 25 -30 dwellings to provide better managed growth. The Plan has allocated more than the minimum number of homes that are required. The Cold Overton is not needed to meet the housing requirement of the Plan. The site will, however, along with five other sites, be considered by the County Council as part of its Call for Sites.

12.33 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 as a primary business site for development. There is, however, no reference to it in Policy HR3b or in section 9. ***I recommend that reference to the support for this business site is included in Policy HR3b.***

12.34 Recommendation: Subject to the above I do not recommend any changes to this Policy.

### **12.35 Policy HR3c: Land Allocation – Retrospective Planning**

12.36 This Policy urges the Council to take enforcement action where sites have been occupied without permission. ***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 enforcement action.***

12.37 ***I recommend Policy HR3c is deleted and renamed a Parish Proposal.***

### **12.38 Policy HR4a: Housing Design and Layout – Multiple New Housing**

12.39 This Policy recognises that the Village Design Statement which has guided development for 14 years will continue to guide good development decisions over the life of the Plan.

12.40 Page 26 paragraph 18 identifies relevant RCC Core Strategy policies.

***I recommend that this should also make reference to the Policy SP9 (Affordable Housing). Parish Councils cannot require local authorities to take particular courses of action. The Council already consults Parish Councils regarding planning applications. Therefore, 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”***

12.41 Recommendation: Subject to the above I do not recommend any changes to this policy.

### **12.42 Policy HR4b: Housing Design and Layout - Single New Houses and Extensions**

12.43 This Policy seeks to ensure that new single developments should reflect the density and design of the existing street scene.

12.44 Recommendation: I do not recommend any changes to this policy.

### **12.45 Policy HR5a: Developer/Community Collaboration**

12.46 The Plan seeks to define the priority list for any Community Infrastructure Levy funding. ***On page 28 paragraph 1 delete “flood defences and green infrastructure” and replace with “recreation, sport and leisure facilities”. In paragraph 14 delete “prior to laying foundations” and insert “over time”.***

12.47 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. ***Policy HR5a should, therefore, be deleted. It should 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.”***

12.48 Recommendation: Subject to the above I do not recommend any changes to this policy.

### **12.49 Policy HR5b Developer/Community Collaboration – Community Infrastructure Levy**

12.50 The Plan supports the County Council CIL policy and identifies its list of priorities. ***This is not a land use policy that can be used to guide planning decisions and should be renamed a Parish Proposal.***

12.51 ***Recommendation: I recommend deletion of this Policy and its replacement as a Parish Proposal.***

### **13.0 Public Safety and Services**

13.1 It is clear from the extensive consultation that took place in preparing the Plan that traffic issues and public transport were key issues that need to be addressed if the vision for Langham is to be realised. Some of the recommendations that are included in this section, however, are not land use planning matters that can be used in guiding planning applications. These should be considered as Parish proposals that will be taken forward by the Parish Council through negotiation with the Highways Authority and other key organisations.

### **13.2 Policy PSS1: Public Safety – Traffic A606**

13.3 This Policy “requires” the County Council to take early action to reduce speed and volume of traffic, noise, vibration and air pollution. The Parish

Council are not able to require the County Council to act in this way. This is not a planning policy that could be used to guide decision making on planning applications. ***I recommend that this Policy is deleted and retitled a Parish proposal and the first paragraph amended to outline that the Parish Council will encourage the County Council to consider the actions identified.***

13.4 Recommendation: Subject to the above changes I do not recommend any further changes to this Parish Proposal.

### **13.5 Proposal PSS1a Public Safety – Traffic A606**

13.6 This is not a land use policy and has been correctly identified as a Parish proposal.

13.7 Recommendation: I do not recommend any changes to this policy.

### **13.8 Proposal PSS1b: Public Safety- Bypass**

13.9 This proposal to support the preferred route of the bypass and encourage the County Council to keep it as a priority is not a land use policy and has been correctly identified as a Parish proposal.

13.10 The County Council has indicated that the bypass is not in the current Corporate Plan and future funding for such schemes will be directed via the Local Enterprise Partnership (LEP). ***I recommend that reference to the LEP is included in this proposal.***

13.11 Recommendation: Subject to the above I do not recommend any changes to this Parish Proposal.

### **13.12 Proposal PSS2 Public Safety – Traffic within the village**

13.13 This is not a land use policy and has been correctly identified as a Parish proposal. It addresses community concerns regarding a range of transport and parking issues affecting the village and outlines that the Parish Council will support the County Council in order to improve the situation.

13.14 Recommendation: I do not recommend any changes to this Parish proposal.

### **13.15 Policy PSS3 Public Services – Public Transport**

13.16 The Plan seeks an improvement in the frequency and accessibility of the local bus service. ***This is a worthy aspiration but it 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.***

13.17 Recommendation: Subject to the above change I do not recommend any changes to this Policy.

### **13.18 Policy PSS4 Public Services – Communication Technology**

13.19 The Plan supports the enhancement of high speed broadband to Langham. ***This is a worthy aspiration but 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.***

13.20 Recommendation: Subject to the above changes I do not recommend any changes to this Policy.

### **13.21 Policy PSS5 Public Services – Essential Utilities Provision**

13.22 This Plan seeks to ensure that before development takes place in future various checks are made. The Policy does not clarify the scale of development that it would apply to. ***I do not consider that this principle is appropriate for small scale infill developments and recommend that should only be applied to schemes of 10 units or more. In order to make it specific I recommend that the first sentence is amended to read “...any new development of over 10 units, the following checks..”***

13.23 **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. In the third bullet point add “in line with government guidance” after “where appropriate”.**

13.24 Recommendation: Subject to the above changes I do not recommend any changes to this policy.

#### **14.0 Policy CH1 Village Conservation status**

14.1 This Policy seeks to ensure that future development within the conservation area is appropriate in scale, form, siting and materials. This is in line with the County Council policy.

14.2 Recommendation: This is a positive policy. I do not recommend any changes to this policy.

#### **14.3 Proposal CH1 Village Conservation Status**

14.4 This proposal to ensure that conservation area status is retained is not a land use policy and has been correctly identified as a Parish proposal.

14.5 Recommendation: I do not recommend any changes to this Parish proposal.

#### **14.6 Policy CH2 Sites of Historical Importance**

14.7 This Policy seeks to ensure that areas for development are assessed for historical and cultural importance. This is particularly important in an area with so many listed buildings and conservation area status. ***I recommend adding after the first sentence: “in particular listed buildings and scheduled ancient monuments”.***

14.8 Recommendation: Subject to the above change I do not recommend any changes to this policy.

#### **14.9 Policy CH3 Ancient Parish Boundary**

14.10 This Policy seeks to maintain the southern boundary of the parish and ensure new developments do not compromise any aspect of the integrity of the ancient parish boundary. There is no definition of what “integrity” means in this context. ***I recommend including part of the wording in Parish Proposal CH3 below.***

14.11 Recommendation: This Policy is confusing and unclear and I recommend that it is deleted.

#### **14.12 Proposal CH3 Ancient Parish Boundary**

14.13 This is not a land use policy and has been correctly identified as a Parish proposal. ***I recommend 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”.***

14.14 Recommendation: Subject to the above I do not recommend any changes to this Parish Proposal.

#### **15.0 Natural Environment Policy NE1 Rights of Way**

15.1 The Natural Environment policies and proposals which seek to maintain the quality of life in the Parish start at Chapter 7. The Plan fully endorses the County Council policy on Public Rights of Way.

15.2 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.

15.3 Recommendation: I recommend that this policy is deleted and replaced with a Parish proposal.

#### **15.4 Proposal NE1a and NE1b Rights of Way**

15.5 These are not land use policies and have been correctly identified as Parish proposals. They recommend that the Parish Council should

encourage the County Council or other appropriate organisations to undertake a series of actions that would be beneficial to the environment such as clearing seasonal vegetation, safety improvements to roads and changes and potential reclassification to various Bridleways and Rights or Way.

15.6 Recommendation: I do not recommend any changes to these Parish Proposals.

### **15.7 Policy NE2a: Flooding**

15.8 This Policy relates to the fact that a number of properties within the area are located in flood risk areas and seeks to ensure future developments take this into account. The Policy endorses both the NPPF and County Council policy.

***This issue has already been adequately covered by Policy PSS5. 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.***

15.9 I recommend deletion of this Policy

### **15.10 Policy NE2b: Flooding**

15.11 This Policy relates to sewerage capacity not flooding. It is not clear from the information provided whether there is an issue of sewerage capacity in Langham. Without supporting evidence from a sewerage survey this policy requirement for further development proposals to be accompanied by a suitably robust determination of the sewerage capacity is not achievable through planning.

***15.12 I recommend therefore 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.***

### **15.13 Policy NE3 Green Spaces**

15.14 This Policy seeks to protect and enhance areas of green space throughout the parish. As currently presented this is not a planning Policy that could be used in decision making. The opportunity to designate any of the areas Local Green Space which would have afforded them additional protection has not been taken.

15.15 ***I recommend that Policy NE3 be deleted and renamed a Parish proposal.***

### **15.16 Policies NE4a and NE4b Biodiversity**

15.17 The Plan recognises the importance attached by the community to wildlife and biodiversity and seeks to protect and enhance wildlife havens and green infrastructure. It seeks protection for an area of 25m from the brook but provides no justification for the proposal. It is too restrictive. It also proposes that various areas of woodland and hedgerow should be protected from any development. These are worthy parish aspirations but not land use planning policies that could be used in decision making in planning applications.

15.18 ***I recommend that Policies NE4a and NE4b be deleted and renamed Parish Proposals NE4a and NE4b.***

### **15.19 Proposal NE4a and PolicyNE4b Biodiversity**

15.20 These are not land use policies and have been correctly identified as Parish proposals. They recommend that the Parish Council should undertake regular maintenance of Munday's Close and encourage the County Council to extend its verge maintenance programme.

15.21 ***I recommend Policies NE4a and NE4b be renamed Parish Proposals NE4c and NE4d.***

### **15.22 Policy NE5a, b and c: Renewable Energy**

15.23 The Plan supports the County Council Core Strategy Policies. It seeks to ensure that energy efficient design and affordable renewable energy sources that minimise the impact on the environment and landscape. This is a worthy

aspiration. ***The Government no longer use the Code for Sustainable Homes so this reference should be deleted.*** In Policy NE5c it should be noted that the impact on food production is not a planning consideration. Policies 5a,5b and 5c are not planning policies that could be used to guide decision making on planning applications.

**15.24 *I recommend that Policies NE5a, NE5b and NE5c are deleted and renamed Parish Proposals.***

## **16.0 Education and Development**

### **16.1 Proposals ED1a, ED1b, ED2a, ED2b**

Section 8 considers education. These are not land use policies and have been correctly identified as Parish proposals. The section provides details of existing educational provision in Langham. It highlights issues that were raised during the consultation process relating to safety, car parking and future sustainability. It correctly identifies that recommendations it makes are not land use planning matters but will be Parish Proposals. The Parish Council will use its best endeavours to ensure the long-term sustainability of the parish school encouraging increased usage out of school hours. The Parish Council will also seek to ensure that parish children have priority access to their most accessible secondary school. The Parish Council cannot force the County Council to implement Proposal ED2b. ***I recommend that it 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”***

16.2 Recommendation: Subject to the above I do not recommend any changes to these Parish Proposals.

## **17.0 Community and Economy**

17.1 Section 9 covers a wide range of services and facilities. It outlines the extensive leisure opportunities that are available but the decline of retail services in Langham. It provides details of the employment trends and health care needs

and accessibility. It also highlights the low levels of crime and the range of communication methods available.

17.2 It is clear from the consultation that a key priority for the community is provision of a shop. The section provides a series of Parish proposals and Community actions that if implemented may improve communications, widen the service offer and encourage promotion of businesses in the area.

### **17.3 Policy CE1: Community Needs – Shop**

17.4 This Policy proposes that CIL money should be made available to support the establishment of a shop and business hub. ***This is not a land use policy that could be used to guide decision making.***

**17.5 I recommend that Policy CE1 is deleted and renamed a Parish Proposal and the subsequent Community Needs Parish proposals renumbered accordingly.**

17.6 Recommendation: Subject to the above I do not recommend any changes to Parish Proposals CE1-CE5.

### **17.7 Policy CE 4: Health and Well-Being**

17.8 This Policy seeks to support the County Council in improving provision of and access to medical services in Oakham. ***This is not a land use policy that could be used to guide decision making.***

**17.9 I recommend that Policy CE4 is deleted and renamed a Parish Proposal.**

## **18.0 Design**

18.1 The Design Policies begin in Section 10. Langham has many attractive features. This has been recognised through, listed buildings, conservation area

status and tree preservation orders. The Village Design Statement has informed decision making since 2002.

## **18.2 Policy D1a – Green Spaces**

18.3 This Policy proposes support for the Planned Limits of Development for Langham in the Rutland Core Strategy. ***I recommend that in paragraph i Core Strategy should be replaced by RCC Site Allocations and Policies DPD Policy SP5.***

18.4 Recommendation: Subject to the above I do not recommend any changes to this Policy.

## **18.5 Policy D1b: Views**

18.6 This Policy proposes that three key views from the village should be protected wherever possible.

18.7 Recommendation: I do not recommend any changes to this Policy.

## **18.8 Policy D1c: The Brook and Bridges**

18.9 This Policy seeks to retain the Brook and bridge on Church Street in their existing state and other bridges refurbished. ***These are worthy aspirations but not land use policies that can be used to guide planning applications.***

18.10 Recommendation: ***I recommend that Policy Dc1 is deleted and replaced by Parish Proposal D1c and subsequent proposals renumbered.***

## **18.11 Policy D2a: Areas of Housing**

18.12 This Policy specifies the range and tenure of housing that should be built in future in the area. Future development should reflect the needs of various categories of people. This is a positive land use Policy and should ensure that the range of needs are catered for in new development over the lifetime of the Plan.

18.13 Recommendation: I do not recommend any changes to this policy.

**18.14 Policy D2b: Character of Streets**

18.15 This Policy relates to maintenance of grass verges. It is not a land use policy that could be used to guide planning policy decisions.

**18.16 I recommend that Policy D2b is deleted and replaced by Parish Proposal.**

**18.17 Policy D2c: Trees**

18.18 This Policy seeks to retain mature trees where possible including Ranksborough Hall Park. It is not a land use policy that could be used to guide planning policy decisions.

**18.19 I recommend that Policy D2c is deleted and replaced as a Parish Proposal.**

**18.20 Policy D3a: Buildings**

18.21 This land use Policy relates to building design. The Policy seeks to ensure that new development takes into account and protects the existing character of the village, much of which is within a conservation area. The Policy supports the County Council policies. ***In i the reference needs to be updated. I recommend that the reference to the Rutland Core Strategy is changed to the RCC Site Allocation and Policies DPD.***

18.22 Recommendation: Subject to the above I do not recommend any changes to this policy.

**18.23 Policy D3b: Layout**

18.24 This Policy seeks to ensure that where possible new development is constructed around small enclosed spaces and reflects the characteristics of the village wherever possible. This is a positive land use Policy.

18.25 I do not recommend any changes to this Policy.

**18.26 Policy D3c: Boundaries**

18.27 This Policy seeks to ensure that existing boundary walls should be safeguarded and new walls and frontages should reflect the materials and proportions of nearby walls. This is a positive land use Policy.

18.28 I do not recommend any changes to this Policy.

**18.29 Policy D3d: Roofs and Chimneys**

18.30 This Policy seeks to ensure that the roofline of groups of new buildings reflects nearby buildings and be constructed of natural or sympathetic replica materials. This is a positive land use Policy.

18.31 Recommendation: I do not recommend any changes to this Policy.

**18.32 Policy D3e: Windows and Doors**

18.33 This Policy seeks to ensure that windows and doors on new developments should reflect the existing proportions and wherever possible should be constructed in wood. This is a positive land use Policy.

18.34 Recommendation: I do not recommend any changes to this Policy.

**18.35 Policy D3f: Gardens**

18.36 This Policy recognises that the gardens surrounding three of the main properties in the village have contributed to its character and should be safeguarded wherever possible. This is a positive land use Policy.

18.37 Recommendation: I do not recommend any changes to this Policy.

**18.38 Policy D3g: Driveways**

18.39 This Policy encourages use of traditional materials such as gravel for driveways. This is a positive land use Policy.

18.40 Recommendation: I do not recommend any changes to this Policy.

**18.41 Policy D3h: Building Materials**

18.42 This Policy seeks to ensure that new developments use materials that reflect those already in the vicinity. This is a positive land use Policy.

18.43 Recommendation: I do not recommend any changes to this Policy.

**18.44 Policy D4a: Traffic and Signage**

18.45 This Policy relates to traffic calming and road signs. ***This is not a land use policy that could be used to guide decision making.***

18.46 I recommend that Policy D4a is deleted and renamed a Parish Proposal.

**18.47 Policy D4b: Lighting**

18.48 This Policy relates to street lighting. ***This is not a land use policy that could be used to guide decision making.***

18.49 Recommendation: I recommend that Policy D4b is renamed a Parish Proposal.

**18.50 Policy D4c: Street Furniture**

18.51 This Policy seeks to ensure that the materials used in street furniture should be in keeping with the existing. ***This is not a land use policy that could be used to guide decision making.***

18.52 Recommendation: I recommend that Policy D4c is deleted and renamed a Parish Proposal.

### **18.53 Policy D5 Footpaths**

18.54 This Policy seeks to safeguard the position of existing footpaths and recommends post and rail fencing as an alternative to close board fencing. ***This is not a land use policy that could be used to guide decision making.***

18.55 **I recommend that Policy D5 be deleted and renamed a Parish Proposal.**

18.56 Section 11 is the summary of Policies. ***I recommend that all of the Policies that have been amended to Parish Proposals are excluded from this section.***

## **19.0 Summary and Recommendation**

19.1 I am satisfied that the Neighbourhood Plan meets the Basic Conditions and would like to congratulate the Langham Parish Council and the Neighbourhood Planning team for the considerable amount of work that they have undertaken to produce the Plan. The Plan positively promotes housing while seeking to protect the many fine features of Langham. It demonstrates the clear vision and aspiration of the community to maintain and improve the physical environment and the life chances of the residents.

19.2 It is evident that the County Council have supported the process.

19.3 In accordance with Schedule 4B to the Town and Country Planning Act 1990, outlined below is a summary of my findings.

I am satisfied that Langham Parish Council is an appropriate Qualifying Body and is therefore able to produce and submit a Neighbourhood Development Plan for the Parish of Langham. I am satisfied that the area included in the Langham Neighbourhood Plan is appropriate and was designated accordingly by Rutland County Council. I am also satisfied that the Langham Neighbourhood Plan does not relate to more than one neighbourhood area and that there is no other Neighbourhood Development Plan in place within this neighbourhood area.

19.4 The Plan covers the period from 2016 to 2036.

19.5 I am satisfied that the Langham Neighbourhood Plan takes sufficient regard to National Planning Policies and guidance and that the Plan does not make any provision for any excluded development.

19.6 I consider that the Langham Neighbourhood Plan policies, subject to minor modifications, will make a positive contribution to sustainable development. The policies could promote economic growth and serve to maintain and enhance the physical appearance of the area. The production of the Plan should provide confidence to the community.

19.7 I understand that Rutland County Council undertook an SEA and Habitat Regulation Act screening exercise to establish whether a full SEA was required and concluded that there were policies included in the Neighbourhood Plan that had meant an SEA was required. I consider therefore that the legal requirements of the EU's SEA Directive have been met. The Neighbourhood Plan proposals will have no significant effects on the environment or any European sites.

19.8 I consider that the Plan complies with the rights outlined in the Human Rights Act.

19.9 I consider that extensive public consultation has taken place, led by the Parish Council but supported by the Local Authority. I am satisfied that the public consultation meets the requirements of Section 15 (2) of Part 5 of the Neighbourhood Planning Regulations 2012.

19.10 I conclude that the Plan meets the Basic Conditions as defined in the Localism Act 2011, Schedule 10 and Schedule 4B, 8 (2) of the Town and Country Planning Act 1990.

19.11 In accordance with the Town and Country Planning Act 1990, Schedule 10 (2) (b) I recommend the modifications specified in this report are made and that the draft Neighbourhood Plan for Langham is submitted for a Referendum.

Dr Angus Kennedy OBE  
Community Regeneration Partnership  
8 November 2016