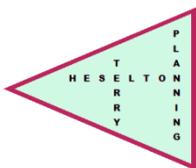


# **Edith Weston Neighbourhood Development Plan (Examination Version)**

## **Report of the Independent Examination**

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**Independent Examiner**



**Terry Heselton Planning**

**January 2014**

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## Summary

I have examined the Edith Weston Neighbourhood Plan as submitted to Rutland County Council by Edith Weston Parish Council. The examination has been undertaken by written representations during January 2014.

I conclude that the Neighbourhood Plan meets all of the statutory requirements, including those set out in paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990. However several modifications are required to ensure that the Plan meets the four 'Basic Conditions', as defined in Paragraph 8(2) of the Schedule.

Subject to making the modifications set out in my report I recommend that the Edith Weston Neighbourhood Plan proceed to referendum.

I further recommend that the voting area should be extended beyond the Edith Weston Neighbourhood Area to include all of the Ministry of Defence operational area within the security fencing at St Georges Barracks.

## 1.0 Introduction

- 1.1 I have been appointed by Rutland County Council, with the consent of Edith Weston Parish Council, to examine the Edith Weston Neighbourhood Development Plan and report my findings as an Independent Examiner.
- 1.2 The Edith Weston Neighbourhood Plan (referred to as ‘the Neighbourhood Plan’) has been produced by Edith Weston Parish Council under the provisions of the Localism Act 2011, which introduced the means for local communities to produce planning policies for their local areas. The Parish Council is a qualifying body for leading the preparation of a neighbourhood plan<sup>1</sup>.
- 1.3 The Parish Council is to be commended for taking up the challenge of neighbourhood planning. This Neighbourhood Plan is the first in Rutland to reach examination stage.
- 1.4 The Neighbourhood Plan covers a rural area adjacent to Rutland Water which comprises the main village of Edith Weston and 3 separate residential estates providing accommodation for military personnel based at the adjacent St Georges Barracks. It also includes some retail, business and community uses, and leisure facilities associated with the enjoyment of Rutland Water for sailing, cycling and walking. The Neighbourhood Plan focuses primarily on ensuring that new development protects and enhances the local environment.
- 1.5 My report provides a recommendation as to whether or not the Neighbourhood Plan should proceed to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Neighbourhood Plan would be *made* by Rutland County Council. The Plan would then be used to determine planning applications and guide planning decisions in the Edith Weston Neighbourhood Area.

## 2.0 Scope and Purpose of the Independent Examination

- 2.1 The independent examination of neighbourhood plans is intended to ensure that neighbourhood plans meet four ‘Basic Conditions’<sup>2</sup>, together with a number of legal requirements. Neighbourhood plan examinations are narrower in scope than Local Plan examinations and do not consider whether the plan is ‘sound’.
- 2.2 In order to meet the ‘Basic Conditions’, a neighbourhood plan must:
  - have regard to national policies and advice contained in guidance issued by the Secretary of State’,

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<sup>1</sup> Section 38C of the Planning and Compulsory Purchase Act 2004 and Section 61F of the Town and Country Planning Act 1990.

<sup>2</sup> Set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990

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- contribute to the achievement of sustainable development,
  - be in general conformity with the strategic policies of the development plan for the area of the authority (or any part of that area), and
  - not breach, and be otherwise compatible with EU obligations
- 2.3 In addition to reviewing the examination version of the Neighbourhood Plan I have considered a number of background documents which are listed in Appendix 1, together with seven submitted representations, as part of the examination.
- 2.4 The general rule is that examination of the issues is undertaken through consideration of written representations, unless the examiner considers that a public hearing is necessary to ensure adequate examination of an issue (or issues) or to ensure that a person has a fair chance to put a case.
- 2.5 In reviewing the Neighbourhood Plan and the accompanying background documents and submitted representations, I have not identified any issues on which I require clarification. I am also of the opinion that all parties have had full opportunity to register their views and put their case forward. Neither have I seen any requests for a hearing. I have therefore undertaken the examination through consideration of written representations, supported by an unaccompanied site visit of the Edith Weston area.
- 2.6 In undertaking the examination I am also required to check whether:
- the neighbourhood plan policies relate to the development and use of land for the designated neighbourhood area <sup>3</sup>;
  - the neighbourhood plan meets the requirement to specify the period for which it is to have effect, not to include provision relating to 'excluded development', and not to relate to more than one neighbourhood area <sup>4</sup>,
  - the neighbourhood plan has been prepared for an area that has been properly designated <sup>5</sup> and has been developed and submitted for examination by a qualifying body <sup>6</sup>, and
  - adequate arrangements for notice and publicity have been made in connection with the preparation of the neighbourhood plan <sup>7</sup>.
- 2.7 As Independent Examiner, I must make one of the following recommendations:
- that the Neighbourhood Plan is submitted to referendum, on the basis that it meets the 'Basic Conditions' and other legal requirements; or
  - that modifications (as recommended in the report) are made to the

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<sup>3</sup> Section 38A (2) Planning and Compulsory Purchase Act 2004 as amended

<sup>4</sup> Section 38B (1) Planning and Compulsory Purchase Act 2004 as amended

<sup>5</sup> Section 61G Town and Country Planning Act 1990 as amended

<sup>6</sup> Section 38C Planning and Compulsory Purchase Act 2004 and Section 61F of the Town and Country Planning Act 1990.

<sup>7</sup> Section 38A (8) Planning and Compulsory Purchase Act 2004 as applied by the Neighbourhood Planning (General) Regulations 2012

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draft Neighbourhood Plan and that the draft Neighbourhood Plan as modified is submitted to Referendum; or

- that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the 'Basic Conditions' and other relevant legal requirements <sup>8</sup>.

- 2.8 Modifications may only be recommended to ensure that the Neighbourhood Plan meets the 'basic conditions', that it is compatible with Convention Rights, or for the purpose of correcting errors <sup>9</sup>.
- 2.9 If recommending that the Neighbourhood Plan should proceed to referendum, I am required to then consider whether or not the Referendum Area should extend beyond the Edith Weston Neighbourhood Area, and if so what the extended area should be <sup>10</sup>.
- 2.10 I make my recommendations in this respect in the final section of this report.

### **3.0 The Neighbourhood Area**

- 3.1 The Neighbourhood Plan relates to the area that was designated by Rutland County Council as a Neighbourhood Area on 9 April 2013. The neighbourhood area is coterminous with the Parish boundary except for operational MOD land contained within the security fencing of St Georges Barracks. This was excluded following discussion between the Parish Council, Rutland County Council and the Ministry of Defence (MOD) to enable operational development to take place in the MOD controlled area in accordance with the strategic policy set out in the Rutland core Strategy
- 3.2 The Neighbourhood Plan area is elongated and narrow, running approximately east west. It is bordered by Rutland Water to the north, an area of international nature conservation importance. The settlement of Edith Weston is located centrally within the Neighbourhood Plan area and is surrounded by attractive countryside, most of which is actively farmed. There are two Recreational Areas within the Neighbourhood Plan Area located immediately adjacent to Rutland Water. The site at Gibbets Lane accommodates a sailing club and a caravanning and camping site. The Normanton Recreation Area (which is located partially within the Neighbourhood Plan area) accommodates a fishing harbour, cycle hire and other low key tourism facilities.
- 3.3 I am satisfied that The Neighbourhood Plan does not relate to more than one Neighbourhood area and so complies with that legal requirement

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<sup>8</sup> Paragraph 10(2) Schedule 4B of the Town and Country Planning Act 1990 as amended

<sup>9</sup> Paragraph 10(3) Schedule 4B of the Town and Country Planning Act 1990 as amended

<sup>10</sup> Paragraph 10(5) Schedule 4B of the Town and Country Planning Act 1990 as amended

## 4.0 Representations

- 4.1 Representations were received during the publicity period from Natural England, English Heritage, the Environment Agency, the Highways Agency, the Ministry of Defence (MOD), Rutland Sailing Club, and Barratt David Wilson Homes.
- 4.2 **Natural England** considers that the Neighbourhood Plan generally covers its interests. Policy EW3 (The Environment), is supported as a positive step to ensure the future protection of Rutland Water although Natural England would like to see the policy wording strengthened to better reflect the Habitat Regulations in terms of mitigation and compensation.
- 4.3 Natural England also advises that the Parish Councils proposal to seek an extension to the boundary of the designated 'Rutland Water Area' is unlikely to be achieved as it is based on the aspiration to protect land from inappropriate development rather than on scientific evidence.
- 4.4 **English Heritage** advises that the document should comply with national policy and local conservation advice although it does not comment on the detailed content of the Plan. The representation incorporates details of local contacts and sources of information to assist identify locally important environmental assets and to help improve the environment.
- 4.5 **The Environment Agency** has submitted a lengthy letter outlining a range of considerations which should be taken into account in preparing development plans generally, in order to (inter alia) maintain water quality, protect groundwater resources, manage water resources and climate change and ensure adequate flood protection. Attention is also drawn to incorporating improved water efficiency in new developments and encouraging energy efficiency measures.
- 4.6 **The Highways Agency** has no comments to make.
- 4.7 **The Ministry of Defence (MOD)** has no objections but highlights two inaccuracies in the 'Purpose of the Plan' section relating to the description of the MOD Strategic Defence and Security Review (SDSR), and the need to clarify that the next Neighbourhood Plan Review will take place in three years time and not the next SDSR. Attention is also drawn to a typographical error in Appendix 5.
- 4.8 **Rutland sailing Club** notes that the Plan does not refer to the area controlled by the sailing club, although it does refer to the area defined as a designated Recreational Area. The Club supports the provision of low cost housing as this is often a barrier to employing part time and full time staff at the club.
- 4.9 **Barratt David Wilson Homes** has lodged a formal objection to the Neighbourhood Plan on the grounds that it is not consistent with the National Planning Policy Framework (NPPF) and will undermine the Core Strategy because it is aiming to promote less development than that set out in the Core strategy for Local Service Centres.

## **5.0 Compliance with Legal Requirements**

### **(a) Plan Area**

- 5.1 Following an application by Edith Weston Parish Council and the publication of a notice (accompanied by a map of the proposed area) the Edith Weston Neighbourhood Area was designated by Rutland County Council on 9 April 2013. The area is coterminous with the Parish boundary except for operational MOD land contained within the security fencing of St Georges Barracks which is excluded.
- 5.2 The Neighbourhood Plan relates to the Edith Weston Neighbourhood Area and there are no other neighbourhood development plans for that area.
- 5.3 This satisfies the legal requirement in line with the purposes of preparing a Neighbourhood Development Plan.
- 5.4 The Neighbourhood Plan does not relate to more than one Neighbourhood area and so complies with that legal requirement

### **(b) Policies for the Development and Use of Land**

- 5.5 The Neighbourhood Plan sets out policies in relation to the development and use of land for the defined neighbourhood area, which accords with the definition of neighbourhood plans in Section 38A of the Town and Country Planning Act 1990.

### **(c) Time Period**

- 5.6 A neighbourhood plan must specify the period during which it is to have effect. The Neighbourhood Plan clearly states on its title page that it covers the period 2012 to 2026. It therefore satisfies this legal requirement.

### **(d) Excluded Development**

- 5.7 The Neighbourhood Plan does not include policies on excluded development such as national infrastructure, mineral or waste related development.

### **(e) Publicity and Consultation**

- 5.8 Public consultation on the production of land use plans, including

neighbourhood plans, is a legislative requirement. Building effective community engagement into the plan-making process encourages public participation and raises awareness and understanding of the plan's scope and limitations.

- 5.9 A helpful summary entitled 'How We Arrived at This Plan' is provided near the beginning of the Neighbourhood Plan which documents the measures undertaken by the Parish Council to engage with the local community and other stakeholders during the preparation of the plan. The consultation statement, which is incorporated in the plan at Appendix 5, provides details of the extensive consultation undertaken on the draft Neighbourhood Plan itself, prior to submission.
- 5.10 I note that the Neighbourhood Plan underwent several stages of consultation and engagement prior to the formal six week publicity stage which can be summarised as
- Initial survey of local opinion
  - Survey of the village/questionnaire (June 2012)
  - Draft Neighbourhood Plan consultation

- 5.11 I have considered the various stages of consultation undertaken prior to and during preparation of the Neighbourhood Plan with particular regard to content, openness and transparency, as well as the extent to which the Regulatory requirements have been satisfied.

Initial survey of Local opinion

- 5.12 The three open meetings held to canvas local opinion and understand the main interests and concerns of the community appear to have been successful in raising awareness about the plan as these were attended by a high proportion of village residents. It is also noteworthy that the Parish Council sub-committee tasked with taking the Neighbourhood Plan forward included co-opted villagers, and that a dialogue has been maintained with other local stakeholders during plan preparation, notably Rutland County Council, Anglian Water, CPRE, Rutland water Partnership, Discover Rutland, the MOD and Manton Parish Council.

Survey of the village/questionnaire

- 5.13 A detailed survey of the village, devised with help from a former marketing executive, was carried out in June 2012 to identify the views and concerns of villagers about a wide range of issues and to enable new issues and concerns to be raised. I note that this was made freely available and posted on the village website.
- 5.14 A particularly important step was the hand delivery of 194 survey forms within the Neighbourhood Plan area which was rewarded with a high response rate of 44%.
- 5.15 The results of the survey were subsequently published on the village website and notice board.
- 5.16 On the advice of the commanding officer of St Georges Barracks (which is located immediately adjacent to the Neighbourhood Plan area) military

personnel and their families were not included in the survey because of the short term nature of postings. I note that the commanding officer has however been consulted on and kept informed about the plan as the regiment share concerns about issues such as the availability of local services and public transport. This is a logical and effective way of ensuring that a dialogue is maintained with the MOD and that the impact of developments within the MOD site on the adjoining neighbourhood area can be monitored and taken into account, and vice versa.

Draft Neighbourhood Plan consultation

- 5.17 Following consideration of all the information gathered during the previous stages the draft Neighbourhood Plan was produced. The Regulation 14 Pre submission consultation took place during February – April 2013 and I note the deadline for the minimum statutory six week period for receipt of representations was extended by three weeks to enable 2 stakeholders to respond. This demonstrates a positive approach to ensuring that as wide a cross section of views have been taken into account in the preparation of the Neighbourhood Plan.
- 5.18 In this respect the Parish council used a variety of methods to advertise the publication of the document and to seek views on it, including pro-actively seeking views of relevant statutory bodies and stakeholders.
- 5.19 Taking this and all of the previous stages into account, there is plenty of evidence to show that the consultation process was comprehensive and conducted in an open and transparent manner from start to finish, with lots of opportunities for engagement, involvement and feedback.
- 5.20 The draft Neighbourhood Plan, as amended in response to the consultation, was subsequently submitted to Rutland County Council, accompanied by a map and statement identifying the area covered by the Neighbourhood Plan (incorporated in the document at Appendix 1), a consultation statement, and a statement explaining how the proposed Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990. The Regulation 16 formal six week publicity stage ended on 4 November 2013.
- 5.21 In the light of the foregoing I am therefore satisfied that the Regulation 14 and 15(1) requirements for consultation and publicity have been met, and in some case exceeded.
- 5.22 However although the consultation statement accompanying the Neighbourhood Plan contains details of those consulted and explains how they were consulted I am concerned as to whether it fully satisfies the Regulation 15 (2)(c) and 15 (2)(d) requirements as the issues and concerns raised through the consultation and the changes made to the Neighbourhood Plan as a result are covered in a single paragraph. It would have been helpful for example to summarise the issues and concerns raised by individual or groups of respondents, with a commentary as to how the points raised have accommodated in the amended version of the Plan, or the reasons for rejecting them.
- 5.23 As the Regulations do not prescribe the precise manner in which the

consultation response should be analysed and recorded I accept that the Consultation Statement does (just) satisfy the Regulations.

- 5.24 As referred to above the Consultation Statement is incorporated in the draft Neighbourhood Plan at Appendix 5. There is no need for this to form part of the Neighbourhood Plan or to be the subject of the referendum.

## **6.0 Basic Conditions**

- 6.1 This section of my report considers whether the Neighbourhood Plan taken as a whole has regard to national policies and advice contained in guidance issued by the Secretary of State, whether the plan contributes to the achievement of sustainable development, and whether it is in general conformity with local strategic policy. It also addresses EU obligations. Each of the Plan policies is considered in turn in the section of my report that follows this.

### **(a) National Planning Guidance**

- 6.2 National planning Guidance is set out principally in the National Planning Policy Framework (NPPF) which was published in 2012. At the heart of the NPPF is a presumption in favour of sustainable development<sup>11</sup> which when applied to neighbourhood planning means that neighbourhoods should develop plans which support the strategic development needs set out in Local Plans, and which plan positively to support and shape local development that is outside the strategic elements of the Local Plan.<sup>12</sup>
- 6.3 Included in the 12 Core Principles in the NPPF<sup>13</sup>, which underpin both plan making and decision- taking, is a requirement to produce neighbourhood plans which set out a positive vision for the future of the area and which provide a practical framework within which decisions on planning applications can be made.
- 6.4 Taken as a whole the Neighbourhood Plan reflects the broad principles embedded in the NPPF. In those instances where individual policies and/or supporting text have been found to be inconsistent with national policy I have made specific recommendations to correct this later in the report.

### **(b) Sustainable Development**

- 6.5 The Neighbourhood Plan does not make site allocations, but does

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<sup>11</sup> National Planning Policy Framework (2012) para 14

<sup>12</sup> National Planning Policy Framework (2012) para 16

<sup>13</sup> National Planning Policy Framework (2012) para 17

recognise there will be some new development. The focus is about conserving and enhancing the natural and historic environment. These are constituents of sustainable development, as set out in the NPPF.

- 6.6 The Neighbourhood Plan also includes land use policies to manage proposals for housing, commercial and other forms of development. These are somewhat limited in scope and need to recognise that some development, including commercial development may also be appropriate outside defined development limits in line with NPPF and local strategic guidance. This includes supporting commercial enterprises, particularly those linked to enjoyment of Rutland Water, and helping maintain business uses and support local services for the community in the area. A number of modifications are recommended elsewhere in this report in this respect.
- 6.7 Subject to these modifications I am satisfied that the Neighbourhood Plan is capable of supporting the provision of sustainable development.

### **(c) Strategic Local Policy**

- 6.8 Statutory weight is given to neighbourhood development plans that are in general conformity with the strategic policies of the development plan for the local area, and have appropriate regard to national policy. This ensures neighbourhood plans cannot undermine the overall planning and development strategy for the local area set out in the development plan.
- 6.9 The current development plan comprises
- The Rutland Core Strategy DPD (adopted July 2011)
  - The Rutland Minerals Core Strategy and Development Control Policies DPD (adopted 11 October 2010), and
  - Remaining 'saved' policies in the Rutland Local Plan, the Leicestershire, Leicester and Rutland Waste Local Plan, and the Leicestershire Minerals Local Plan Review.
- 6.10 The Minerals and Waste documents would appear to have no relevance for the Edith Weston area.
- 6.11 The adopted Core Strategy sets out a number of strategic policies to guide future development in the wider local area. As it is relatively up to date the NPPF requires the Neighbourhood Plan to be closely aligned with and to be in conformity with the strategic policies and priorities in the Core Strategy and plan positively to support them.<sup>14</sup>
- 6.12 Core Strategy policies relevant to the Neighbourhood Plan area are
- CS1 Sustainable Development Principles
  - CS2 Spatial Strategy
  - CS3 Settlement Hierarchy
  - CS4 Location of Development
  - CS6 Re-use of Redundant Military Bases and Prisons

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<sup>14</sup> National Planning Policy Framework (2012) para 184

- CS7 Delivering Socially Inclusive Communities
  - CS9 Provision and Distribution of New Housing
  - CS10 Housing Density and Mix
  - CS11 Affordable Housing
  - CS13 Employment and Economic Development
  - CS14 New Provision for Industrial and Office Development
  - CS15 Tourism
  - CS16 The Rural Economy
  - CS18 Sustainable Transport and Accessibility
  - CS19 Promoting Good Design
  - CS21 The Natural Environment
  - CS22 The Historic and Cultural Environment
  - CS23 Green Infrastructure, Open Space, Sport and Recreation
  - CS24 Rutland Water
- 6.13 Of less relevance is the Rutland Local Plan which was adopted as long ago as July 2001. Policies in the Plan were automatically saved for a three year period until 27 September 2007 under the provisions of the Planning and Compulsory Purchase Act 2004. A number of policies were then extended beyond that date by Direction of the Secretary of State on the 21 September 2006. These remain in force until replaced by new development plan policies and are still part of the 'development plan' for the area, although less weight may be attributed to them
- 6.14 Remaining 'Saved' Policies, of a strategic nature, that have not been replaced by Core Strategy policies and which are of relevance to the Neighbourhood Plan area are
- EN1 Location of Development
  - EN26 Development in the Countryside
  - LE7 Sports and Recreation Development
  - LE13 Caravan and Camping Sites
  - LE14 Recreation, Sport and Tourist facilities within the Rutland Water Area outside the Recreation Areas
  - LE15 Caravan and Camping Sites within the Rutland Water Area outside the Recreation Areas
  - LE16 Recreation, Sport and Tourism Development in the Recreation areas
  - LE20 Normanton Recreation Area
  - LE21 Gibbet Lane Recreation Area
- 6.15 As the Adopted Rutland Core Strategy and 'saved' policies in the Rutland Local Plan predate the NPPF, the NPPF takes precedence where there is a conflict.
- 6.16 I am also aware that Rutland County Council is preparing a Site Allocations and Policies Development Plan Document (SAPDPD) in parallel with the preparation of the Neighbourhood Plan. This has reached examination stage and the Inspectors report is awaited. When adopted the SAPDPD will form part of the development plan and will replace a number of 'saved' Rutland Local Plan policies.
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- 6.17 The fact that different elements of the development plan in any local authority area may have reached different stages of preparation is not unusual, and there is no statutory requirement for Local Plans prepared by higher tier authorities to be in place before neighbourhood plans are prepared. It is simply common sense that where documents are prepared in parallel that the one should inform the other and it my understanding that this is the case with the Edith Weston Neighbourhood Plan judging by the numerous references to emerging policies in the Neighbourhood Plan.
- 6.18 However this presents decision makers with the task of determining how much weight to give to emerging plans before they are formally adopted.
- 6.19 The NPPF addresses this issue stating that, “from the day of publication, decision takers may also give weight to relevant policies in emerging plans according to,
- The stage of preparation in the emerging plan (the more advanced the preparation, the greater the weight that may be given)
  - The extent to which there is unresolved objections to relevant policies; and
  - The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework”.
- 6.20 As there are a number of remaining unresolved objections to policies and site allocations in the SAPDPD (including representations promoting additional and alternative sites), which may potentially affect Edith Weston, until the Inspectors report following public examination of the SAPDPD is received only limited weight may be given to the policies in the SAPDPD. In any case even if the document is found to be sound it may have some way to go to reach adoption. There is therefore no certainty as to when this document may be adopted and the extent to which it may be changed.
- 6.21 In assessing whether the Neighbourhood Plan is in general conformity with strategic policies contained in the Development Plan for the area I have therefore referred to relevant adopted Core Strategy and saved Local Plan policies whilst also having regard to emerging SAPDPD policies.
- 6.22 A number of modifications are necessary for the Neighbourhood Plan to be in general conformity with the above strategic policies. These are set out in the *Comments on the Neighbourhood Plan* section of my report.

#### **(d) European Convention on Human Rights and EU Obligations**

- 6.23 A Strategic Environmental Assessment (SEA) screening statement <sup>15</sup>, and a Habitats Regulations Assessment (HRA) screening statement <sup>16</sup> have been submitted in support of the Neighbourhood Plan. The report establishes that the Neighbourhood Plan does not require either a full SEA

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<sup>15</sup> in accordance with European Directive 2001/42/EC

<sup>16</sup> in accordance with Article 6(3) of the EU Habitats Directive and with regulation 61 of the Conservation of Habitats and Species regulations 2010 (as amended).

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or a full HRA as no negative significant environmental effects will occur as a result of the implementation of policies contained in the Neighbourhood Plan.

- 6.24 The report also confirms that both the Core Strategy and the emerging SAPDPD have been subject to full SEA and HRA assessment which identified no likely significant effects. The report also concludes that the Neighbourhood Plan policies are in general conformity with the Core Strategy and emerging SAPDPD.
- 6.25 No objections in relation to any of the above matters were received during the Regulation 16 'publicity' stage.
- 6.26 Natural England has confirmed in writing that it agrees with the conclusion of the screening report that no significant effects will result from the implementation of the policies and that it is unnecessary to undertake a full SEA or HRA.
- 6.27 Although an equalities impact assessment has not been undertaken the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics. And no evidence has been put forward to suggest otherwise.
- 6.28 I am therefore satisfied that the Neighbourhood Plan does not breach, and is otherwise compatible with EU obligations and human rights requirements and therefore satisfies that 'Basic Condition'.

## 7.0 Comments on the Neighbourhood Plan

- 7.1 The Neighbourhood Plan is considered against the Basic Conditions in this section of my report, particularly whether individual policies and supporting text have regard to national policy, and whether they are in general conformity with the adopted Core Strategy, 'saved' Local Plan policies and in certain instances (Submission) draft SAPDPD policies. Where modifications are recommended, they are highlighted in **bold print**, with any proposed new wording in *italics*.

### (a) Introductory Sections

- 7.2 The introductory sections of the Neighbourhood Plan deal with the legislative background, the purpose of the plan, how the plan has been developed, village history and description. The purpose of the plan is described as "*setting out the community's views on how the village can meet the challenges of the future, which changes should or should not take place and to suggest priorities and proposals in relation to them*" I find these opening sections to be informative, they provide the background to the plan policies that follow, and they establish a strong sense of place.

- 7.3 Reference is made in the section entitled 'The Plan' on page 7 to '*positive proposals and policies to help protect .....'*. It would have been logical to develop these sentiments into an overall vision for the area, perhaps supported by objectives. However as there is no statutory requirement for this I do not make specific recommendations in this respect.
- 7.4 On a minor point the first paragraph of the 'Legislation' section is now out of date.

### **Recommendation 01**

**Delete the words 'last year' from the first paragraph on page 2.**

- 7.5 There are also two inaccuracies in the final paragraph of the 'Purpose of the Plan' section as referred to in the representation submitted by the MOD.
- 7.6 The first of these concerns an inaccurate reference to the 'Strategic Defence Review' which should be corrected.

### **Recommendation 02**

**Amend the final paragraph on page 2 after 'new information' to read ".....*the Strategic Defence and Security Review (SDSR) and 'Army 2020', which is the Army's response to the SDSR's expectations of its capabilities. The SDSR....."***

- 7.7 The second inaccuracy concerns the reference to the 'first review of the plan being likely to take place in three years time' in the final sentence, which could be interpreted as a reference to a future review undertaken by the MOD.

### **Recommendation 03**

**The final two paragraphs on page 2 should be amended to clarify that the first review of the Neighbourhood Plan is likely to take place in 3 years time, rather than the SDSR.**

## **(b) Neighbourhood Plan Policies**

### **General Comments**

#### Presentation of Policies

- 7.8 The policies section of the plan incorporates 6 policies (highlighted in green boxes) concerning housing development; industrial and commercial development (including tourism and recreation); the environment;
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countryside, open spaces recreation and tourism; transport; and village heritage and character. Each is accompanied by supporting text explaining the background and providing a context for each of the policies.

- 7.9 The supporting text also includes a number of aspirational statements and proposed future actions which are highlighted in bold print. I recognise that plan making at the local level will inevitably focus on wide ranging aspirations of the community, some of which may be non land-use based. Where neighbourhood plans incorporate non land use policies and aspirations it is important that these are clearly distinguishable from the land use and development policies that will be used to inform the decision making process.
- 7.10 This could be achieved by placing the non land use aspirations and actions into a separate section. However subject to incorporating an explanatory statement in the pre amble to the policies which highlights the difference between the Neighbourhood Plan land use policies (which are highlighted in green boxes) and the non land use policies and proposed actions (which are identified in bold type) I am satisfied that the Neighbourhood Plan land use policies are presented in a manner which distinguishes them from non land use matters.
- 7.11 In the interests of absolute clarity phrases such as ‘This plan also proposes that’, and ‘This plan further proposes that’ should be deleted from the supporting text which refer to community aspirations and/or proposed actions to avoid being mistaken for land use policies. A number of consequential changes will also be necessary as a result of this recommendation to ensure that proposed actions which will be undertaken by the Parish Council (or other organisations) are written in the correct tense, for example ‘This plan further proposes that should it be necessary the situation should be monitored.....’ should be amended to ‘The situation will be monitored.....’.

#### **Recommendation 04**

- a) Incorporate a statement in the pre amble before the individual policy topics (after the first paragraph on page 7), explaining how the land-use policies are identified and clarifying that these policies will be used to inform future decision making on planning applications and that where the supporting text (to the policy) is highlighted in bold print this relates to non land-use policies, aspirations and proposed actions, which will not be used for decision making, and**
- b) Delete phrases such as ‘This Plan proposes that’ from the proposed non land use actions/aspirations (which are identified in bold type) throughout the Plan, and make any further consequential changes to ensure that the resultant text is grammatically correct.**

#### Cross Referencing

- 7.12 Numerous references are made throughout the plan to ‘higher tier’ planning
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policies contained in both the adopted Core Strategy and the Submission SAPDPD which is being prepared in parallel with the Neighbourhood Plan by Rutland County Council. It is clearly in the interests of joined up plan making that different tiers of plan making, which may have reached different stages in the process, should inform one another, and the regard that has been given to both extant and emerging policy in the Neighbourhood Plan is to be welcomed.

- 7.13 While it is helpful to identify relevant policies which form part of the current development plan for the area this is not strictly necessary as decision makers will be aware that applications for development should be judged against all relevant extant policies (across a range of documents)
- 7.14 While it is good practice in plan making for policies to 'stand on their own merits' and not to rely on other policies there are occasions when some cross referencing can be helpful. On balance I find that the policies in the Neighbourhood Plan are strengthened by the references to Core Strategy policies.
- 7.15 However in order to 'future proof' the Neighbourhood Plan against changes to Core Strategy policy or other changes in circumstance I consider that reference to specific policies should be removed from the detailed policy wording and replaced with a general reference that refers to proposals also being required to satisfy other relevant development plan policies.

#### **Recommendation 05**

**Delete reference to individual Core Strategy and SAPDPD policies in all policies and replace with reference to "*meet the requirements of relevant Core Strategy and other development plan policies.*"**

- 7.16 In contrast as the SAPDPD is an emerging plan, which is still subject to unresolved objections until it is found to be 'sound', and the Inspectors report has been published, only limited weight may be attached to the policies in it. In any case even if the plan is found to be sound submitted policies and allocations may be subject to Modification. It would clearly be inappropriate to speculate on whether that plan will ultimately be adopted, and if so whether it will be adopted in its 'Submitted' form.
- 7.17 Any future modification to the SAPDPD policies and allocations would of course have implications for the Neighbourhood Plan as drafted.
- 7.18 One way around this problem would be to wait until the SAPDPD Inspectors report has been received and the plan formally adopted before proceeding with the Neighbourhood Plan. However there is no legal requirement for neighbourhood plans to wait for the adoption of higher tier plans and this would tend to defeat the spirit of Localism which creates the opportunity for local communities to take the initiative in preparing planning policy for their area.
- 7.19 For example, one of the benefits of neighbourhood planning is the relative speed at which neighbourhood plans may be prepared, in comparison with

Local Plans, making them highly relevant to local circumstances at the time of preparation. I am also conscious of the considerable time and effort already put into preparing the Neighbourhood Plan by the Parish Council and the local community. And even if the Inspectors report were to be received in the relatively near future, the SAPDPD would still be subject to adoption procedures before it may be adopted and the policies brought into force.

- 7.20 I therefore conclude, assuming the Neighbourhood Plan process is completed before adoption of the SAPDPD, that it would be unsafe for Neighbourhood Plan policies to rely on proposals for development having to comply with emerging SAPDPD policies, as those policies do not yet have, and may not secure, statutory status.
- 7.21 That is not to say that some reference to emerging SAPDPD policies would not be appropriate as this would help demonstrate an awareness of higher tier policy and how this has been taken into account in developing the Neighbourhood Plan. While it may be helpful to refer to specific SAPDPD policies in the supporting text this should be accompanied by a general explanation that these are emerging policies, which may be subject to change, and that until the SAPDPD is finalised the weight that may be attached to individual policies will be dependant of the nature of unresolved objections to them.

#### **Recommendation 06**

- a) Delete references to specific SAPDPD policies in individual Neighbourhood Plan policies, and**
- b) Incorporate a general explanation in the pre amble before the individual policy topics (after the first paragraph on page 7) to the effect that the Neighbourhood Plan takes the emerging SAPDPD into account and that when adopted, relevant policies in it, will also be used to guide and shape future development, together with relevant Core Strategy and other higher level policies. The supporting text should also explain that the SAPDPD policies are emerging policies which may be subject to change and that until the SAPDPD is finalised the weight that may be attached to individual policies will be dependant of the nature of unresolved objections to them.**
- c) Delete draft SAPDPD policies from Appendix 3 as a consequential change.**

#### Scope of Policies

- 7.22 The Neighbourhood Plan relies on a comprehensive village survey/questionnaire as part of its evidence base, which provides detailed information about the community's views on particular topics and local issues. However the evidence base is generally very limited and this was initially of some concern to me in examining the justification for individual policies and identifying the link between the evidence and policies.
- 7.23 In reviewing individual policies it is apparent that the absence of evidence

is reflected in the limited scope of the policies which do not add significantly to established higher tier policy. I suspect this reflects a reluctance to tackle more contentious issues such as the scale of future development and the long term vision for leisure and tourism related development. For this reason, other than in those instances identified in the analysis below, the policies are generally compliant with national and local strategic policy, or can be made to be compliant through recommended modifications.

- 7.24 However I hope the Parish Council will take the above comments on board when undertaking the first review of the Neighbourhood Plan as in my view an opportunity has been missed to shape the evolution of the plan area in a more positive way and put a more local stamp on policies and proposals that will guide and shape future development.
- 7.25 That said the policies do provide a framework for future decision making in combination with existing and emerging higher tier policies. I comment on their individual merits in relation to the 'Basic Conditions' below.

### **Individual Policies and Supporting Text**

#### **Policy EW1 Housing Development**

- 7.26 The Neighbourhood Plan does not attempt to establish an appropriate level of future housing growth or identify specific sites to accommodate that growth. Rather it focuses on how new housing will be delivered, with particular emphasis on conserving and enhancing the character of the village, and relying primarily on infill development to cater for future needs.
- 7.27 It is apparent that while accepting the need for additional housing to support village services there is strong local opposition to significant growth through the allocation of additional land (paragraph five on page 7 refers). Reference is made to the fact that the SAPDPD supports the Neighbourhood Plan in this respect by not allocating land in Edith Weston.
- 7.28 An objection has been received regarding the absence of an overall housing figure from David Wilson Homes (DWH). DWH is also promoting a site in Edith Weston as a suitable location for future housing development through the emerging SAPDPD. It is suggested that insufficient land has been identified through the Neighbourhood Plan and the SAPDPD, and that the Neighbourhood Plan is at odds with the Core Strategy because it ignores Core Strategy Policy CS9 and relies on housing need being met elsewhere in the County.
- 7.29 I note that Edith Weston is one of seven Local Service Centres identified in the Core Strategy as sustainable locations capable of accommodating planned growth through 'small scale allocated sites, affordable housing sites, infill developments and conversion of redundant suitable buildings' (Policy CS4). However while Policy CS9 (of the Core Strategy) establishes broad quantum of housing development to be spread across the settlement hierarchy, including a minimum of 20% of new housing to Local Service Centres (equivalent to 24 dwellings per annum) over the plan

period up to 2026, it does not direct specific amounts of growth to individual Local Service Centres.

- 7.30 While there is no legislative requirement for neighbourhood plans to set their own housing numbers or to allocate land for development that can only be an acceptable approach when there is a reasonably up to date development plan or an emerging plan to rely on which does establish the level of housing growth. Otherwise this would create a policy vacuum in the development plan with regard to the need for additional housing. I am satisfied that in this instance the emerging SAPDPD is seeking to allocate land to meet identified need, and that this does not necessarily mean land must be allocated in every Local Service Centre.
- 7.31 However for the reasons previously stated there is no certainty as to when the SAPDPD will be adopted and whether it will be adopted in its present form. Nor can it be assumed that land will not be allocated for development in Edith Weston in the final adopted version.
- 7.32 As the Neighbourhood Plan is not intended to set the agenda for housing numbers and growth it should be made absolutely clear that the Plan will manage future housing growth in accordance with the provisions of the emerging development plan (whether or not that includes an allocation). In this respect I note that the third bullet point on page 8 recognises that development may come forward through allocated sites, and this should be made more explicit in the text.
- 7.33 In the event that the adopted SAPDPD includes an allocation in Edith Weston the Modification I am recommending will ensure that the Neighbourhood Plan is future proofed. References to future housing growth must also be more positively worded to reflect the spirit of the NPPF guidelines.
- 7.34 In order to bring the policy in line with the adopted Core Strategy and emerging SAPDPD policies, Policy EW1 should also recognise the circumstances in which limited forms of residential development might be acceptable in the countryside, (outside planned limits to built development), as no justification has been put forward to the contrary. This includes the re-use and adaptation of rural buildings, extensions to existing dwellings, replacement dwellings, small scale affordable housing and new dwellings to meet essential operational needs.
- 7.35 I have looked carefully at criteria EW1c) which aims to prevent the development of sites larger than 9 dwellings by prohibiting future permissions on adjacent sites. This approach reflects the broad intentions set out in paragraph 2.18 of the Core Strategy, providing a mechanism to ensure that the character and form of Edith Weston is not adversely affected by the cumulative impacts of development on adjacent sites. It is also consistent with 'saved' Local plan policy EN1.
- 7.36 In addition I note that the text supporting the policy includes a number of bullet points which are introduced as 'criteria'. To avoid confusion with the policy criteria I suggest that these are converted to 'objectives'. Further consideration could also be given as to whether any of the points are of

such critical importance that they should be promoted to policy criteria.

**Recommendation 07**

- a) **Delete the first sentence of paragraph 5 on page 7 and replace it with a reference to the fact that provision for future housing growth is being established through the SAPDPD and that the Neighbourhood Plan will manage future housing growth in accordance with the Core Strategy and the SAPDPD, when adopted.**
- b) **Substitute the first paragraph on page 8 with the following “Managed housing growth will be accommodated in accordance with established development plan policies to satisfy the following objectives”**
- c) **Replace the first line of Policy EW1 with “*In managing future housing growth new development will be expected to*”**
- d) **In Policy EW1a) delete text after ‘for the village and,’ and substitute “*unless it relates to a small scale allocated site, small scale affordable housing, the re-use and adaptation of a rural building, an extension to an existing dwelling, a replacement dwelling, or a new dwelling to meet an essential operational need, or there are proven exceptional circumstances*”**
- e) **In Policy EW1b) insert “*on unallocated sites*” after ‘development site’**

7.37 As a rider to the above considerations I find it surprising that there is no reference in the housing section to the role of Edith Weston as a Local Service Centre within the settlement hierarchy. This contrasts with the approach taken in the next section (Commercial and Industrial Development ) which does recognise its Local Service Centre status. It also misses an opportunity to demonstrate that the plan is closely aligned with the Core Strategy.

7.38 Service centre status is something to be embraced rather than ignored as it reflects the role of a settlement within the settlement hierarchy in terms of its function, catchment area and level of services available. In my experience service centre status may be used as a lever to secure future investment and improve services and I note that there is strong community support for the provision of a bus service to Oakham which has helped to persuade Rutland County Council to fund a service. This may not have been the case had Edith Weston not enjoyed Local Service Centre status.

**Recommendation 08**

**Incorporate reference to the status of Edith Weston as a Local Service Centre, in the supporting text, and explain the significance.**

Affordable Housing

7.39 The approach to affordable housing is inconsistent with Core Strategy Policy CS11. Neighbourhood Plan Policy EW1 requires proposals permitted outside planned limits of development to prove exceptional circumstances, which is not the same as the approach in CS11 which does

not require exceptional circumstances, but enables affordable housing to be permitted as an exception to normal policies provided certain criteria are met. This point is addressed through Recommendation 07 above.

- 7.40 In addition in paragraph 4 on page 7 reference is made in bold text to 'low cost housing and/or rented housing' which differs from the definition of affordable housing in the Core Strategy (paragraph 3.29 refers). Reference is also made to restricting affordable housing to within the planned limits of development and to the future turnover of the housing stock which is inconsistent with both the 'higher tier' policy and with Neighbourhood Plan Policy EW1. There is no justification for adopting a different stance and no evidence is put forward supporting this.
- 7.41 The above points can be rectified by amending the policy wording and supporting text.

### **Recommendation 09**

**Amend emboldened text in the fourth paragraph on page 7 to reflect the Core Strategy definition of affordable housing and Criteria a) in Policy EW1 (as amended through Recommendation 07d) above)**

- 7.42 In all other respects I am satisfied that Policy EW1 has regard to national policy, and is in general conformity with the adopted Core Strategy, 'saved' Local Plan policies EN1 and EN26, and (Submission) draft SAPDPD policies.

### **Policy EW2 Commercial and Industrial Development**

- 7.43 The Neighbourhood Plan adopts a fairly restrictive stance with regard to commercial and industrial development, which I find to be at odds with the Core Strategy which generally supports economic growth (Core Strategy policy CS13), and promotes new provision across the settlement hierarchy. This includes new provision in Local Service Centres (Policy CS14), in line with locational Policy CS4, although it is not prescriptive about the amount of employment land (if any) to be identified in individual Local Service Centres. Specific support is also given to the rural economy through Policy CS16.
- 7.44 Similar considerations therefore apply to the location and scale of new employment growth as described previously for housing.
- 7.45 In particular I have to say the negative approach to economic growth outlined in the fourth paragraph on page 7 is not supported by adequate evidence. The Neighbourhood Plan needs to balance the local desire to resist additional industrial/commercial development with the positive approach to economic growth embodied in national policy and the Core Strategy, including support for leisure and tourism.
- 7.46 The text supporting the policy includes a number of bullet points which are introduced as 'criteria'. To avoid confusion with the policy criteria I suggest that these are converted to 'objectives'. Further consideration could also be

given as to whether any of the points (for example bullet point 4 on page 10 concerning the impact of vehicular traffic) are of such critical importance that they should be promoted to policy criteria.

### **Recommendation 10**

- a) **Delete the second sentence of paragraph 4 on page 9 and replace it with a reference to the fact that any additional employment sites to meet identified requirements will be identified through the SAPDPD and that the Neighbourhood Plan will seek to manage proposals for commercial and industrial development in accordance with established and emerging development plan policy**
- b) **Substitute the first paragraph on page 8 with the following “Additional economic growth will be supported in accordance with established development plan policies to satisfy the following objectives”**
- c) **Replace the first line of Policy EW2 with “In supporting additional economic growth new development will be expected to”**
- d) **In Policy EW2a) delete text after ‘for the village and,’ and substitute “unless it relates to small scale leisure or tourism activities, or other forms of commercial/employment related development appropriate to a countryside location or there are proven exceptional circumstances”.**

7.47 There are also two minor factual points to note. In the first paragraph on page 9 Edith Weston should be referred to as a Local Service Centre not a Service Centre. Bullet point 1 and bullet point 3 on page 9 also tend to duplicate each other.

### **Recommendation 11**

**Add the word ‘Local’ before ‘Service Centre’ in the first paragraph on page 9.**

### **Policy EW3 The Environment**

- 7.48 The Neighbourhood Plan area falls partly within the defined Rutland Water Area (RWA) which in recognition of its international importance for nature conservation, and its popularity as a destination for leisure activities, is afforded special protection through Core Strategy Policy CS24. The boundary of the RWA adjoins the western and northern boundary of the main body of the village.
- 7.49 It is apparent that a high proportion of the local community are strongly supportive of policies aimed at protecting the RWA and the Parish Council state their intention to continue to seek an extension to the boundary.
- 7.50 I note that Natural England do not support this proposal on the grounds
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that there is no scientific evidence for it. I agree with this conclusion particularly as there is no justification to extend the boundary of a designation intended to protect an area for ecological reasons in order to increase the restraint on development in the adjacent area.

- 7.51 However as this 'proposed action' is outside the scope of Policy EW3 I do not a specific recommendation in this respect.
- 7.52 Although limited in scope Policy EW3 is generally consistent with the adopted Core Strategy, 'saved' Local Plan policies, and (Submission) draft SAPDPD policies.
- 7.53 On a minor point as this section relates to the natural environment the heading should be changed to 'Natural Environment'.

### **Recommendation 12**

#### **Amend the heading on page 11 to read '*The Natural Environment*'**

- 7.54 Comments submitted by the Environment Agency are also relevant to the Environment section although the Agency do not say how they would like the Neighbourhood Plan to be changed. As the advice provided is of a detailed development management nature and appears to be aimed at applicants and decision makers I am satisfied that these considerations are either already or will be addressed in higher tier plans.

### **Policy EW4 Countryside, Open Spaces, Recreation and Tourism**

- 7.55 This section contains an excellent summary of leisure and recreation activities that take place in the area, the views of the local community and the justification for providing a high level of protection to the countryside and other open areas.
- 7.56 For consistency with other Neighbourhood Plan policies and higher tier policies (Core Strategy, 'saved Local Plan and emerging SAPDPD) the policy should recognise the scope for some development in the countryside, including leisure and tourism related development, other than in 'exceptional circumstances'. This is also necessary to facilitate development in the designated Recreation Areas and the Rutland Water Area.

### **Recommendation 13**

- a) **In Policy EW4 insert "*in accordance with other Neighbourhood Plan and development plan policies or*" after 'will only be acceptable' in lines 2/3**
- b) **Incorporate reference in the supporting text to the types of leisure and tourism, and other forms of development, that may appropriately take place in the countryside, including development in the designated Recreation Areas and the Rutland Water Area.**

- 7.57 The policy in other respects has regard to national policy, and is in general conformity with the adopted Core Strategy, 'saved' Local Plan policies EN1, EN26, and LE7, and (Submission) draft SAPDPD policies.

#### **Policy EW5 Roads and Road Safety**

- 7.58 Concern about the impact of vehicular traffic, including HGVs, on local roads and the environment in general, is a major issue in the area and the Parish Council has adopted a very pro-active stance.
- 7.59 Unfortunately the three proposed actions in the first part of the policy that the Parish Council intends to undertake must be removed as these do not relate to land use or development matters.

#### **Recommendation 14**

**Remove the first part of Policy EW5 that begins 'The Parish council will.....' and ends with '.....parking in the village', and incorporate this within the text accompanying the policy.**

- 7.60 The policy in other respects has regard to national policy, and is in general conformity with the adopted Core Strategy, 'saved' Local Plan policies, and (Submission) draft SAPDPD policies.

#### **Policy EW6 Village Heritage and Character**

- 7.61 This policy and the supporting text is intended to safeguard local heritage and the character of the area. However it carries with it a perception of resistance to change which is not consistent with national policy which has at its heart a presumption in favour of sustainable development.
- 7.62 The first paragraph on page 15 is in unduly negative as arguably any development will have an adverse on the existing character of a settlement. The text should be reworded in a more positive way in accord with national and Core Strategy policy to reflect the fact that development proposals should respect the historic environment and character of the area.
- 7.63 I also have concerns about the first part of Policy EW6 which could be interpreted as an aspiration rather than a firm policy proposal and because it is not clear who will be responsible for its delivery. In contrast the second part of the policy is clearly intended to be applied to proposals for development when considered by decision makers.
- 7.64 As the policy echoes the wording in Core Strategy Policy CS22 I consider that, on balance, it is not necessary to modify the plan as the objective to maintain and enhance important historic features is supported by the second part of the policy.
- 7.65 It would also be helpful to clarify the status of the document (The Village in the Landscape – Edith Weston) referred to in the final paragraph on page 14 as it is not clear how this document is intended to be used to influence

the design and layout of development. Reference should be made to the fact that this is a background document providing guidance on design matters, although it does not form part of the policy.

- 7.66 There is also a minor grammatical error in the second part of the policy which should read “All development should protect....”

### **Recommendation 15**

- a) **Substitute the following for the first paragraph on page 15 “*All development should respect the history, architecture and character of the village and conform with Core Strategy policies and SAPDPD policies*”**
- b) **Substitute “*should*” for ‘will’ in the first line of the second part of Policy EW6**
- c) **Clarify the status of the document entitled ‘Village in the Landscape – Edith Weston’ which is referred to in the supporting text.**

### **Local facilities, Community and Village events**

- 7.67 A useful analysis of local facilities, community and village events is presented at the end of the plan. As this is not directly related to the land use policies it would fit better either as an appendix to the Neighbourhood Plan or perhaps combined with the ‘village description’ section as part of the analysis of the plan area..

### **Appendix 3**

- 7.68 As a consequence of previously recommended modifications to the Neighbourhood Plan it would be appropriate to incorporate some additional Core Strategy policies in the Appendix as these are relevant to the Edith Weston area, and to cross reference these policies in the Plan.

### **Recommendation 16**

**Add details of the following additional Core Strategy policies to policies identified in Appendix 3: CS3, CS4, CS7, CS13, CS14, CS16, CS18, CS19, and CS23, and incorporate cross reference to these policies in individual policies and supporting text where appropriate.**

### **Appendix 5**

- 7.69 There is typographical error in Appendix 5.

### **Recommendation 17**

**Change ‘Defense’ to ‘Defence’ in column 1 row 5 in the schedule at the end of Appendix 5.**

## 8.0 Conclusions and Formal Recommendations

### Referendum

- 8.1 I consider the Neighbourhood Plan meets the relevant legal requirements and subject to the modifications recommended in my report it is capable of satisfying the four 'Basic Conditions'.
- 8.2 Although there are a significant number of modifications the essence of the policies would remain, providing a framework, albeit limited in scope, for managing future growth and protecting and enhancing the local environment.

**I therefore recommend that the Neighbourhood Plan should, subject to the recommended modifications, proceed to referendum.**

### Voting Area

- 8.3 The scope and policies of the Neighbourhood Plan are localised in terms of their impacts and will not impact significantly on surrounding areas.
- 8.4 The Neighbourhood Plan area coincides with the Parish boundary except for the exclusion of MOD land at St Georges Barracks. I agree that the exclusion of the MOD land is appropriate as this provides scope for short term changes to meet operational requirements. In the event that the Barracks were to close Core Strategy Policy CS6 and emerging SAPDPD Policy SP10 provide a framework for securing an appropriate future use which would not impact on the local community to an unacceptable degree.
- 8.5 While the MOD has been kept informed of progress with the Neighbourhood Plan and has had plenty of opportunity to put forward its views the same opportunity has not been extended to military personnel at the request of the Commanding Officer owing to the short term nature of postings.
- 8.6 This now creates a dilemma as anyone living within the Neighbourhood area, including army families living in accommodation outside the Barracks (for example on any one of three separate housing estates), will be entitled to vote in the referendum, whereas those living in barracks within the MOD operational area will not. As it has been acknowledged that many of the issues identified by villagers, such as the availability of public transport and local services are also experienced by military personnel, it seems to me that it would be unfair and discriminatory to include some of the military personnel in the referendum, but to exclude others.
- 8.7 I am also aware that the operational area of the Barracks extends into an adjoining Parish and for the reasons stated above it is equally important that all those living on the base, who are eligible to vote, are given the opportunity to do so.

**I therefore recommend that the voting area should be extended beyond the Edith Weston Neighbourhood area, as defined by Rutland County Council on 9 April 2013, to include all of the MOD operational area within the security fencing at St Georges Barracks.**

## **Declaration**

In submitting this report I confirm that

- I am independent of the qualifying body and the local authority.
- I do not have any interest in any land that may be affected by the Plan and
- I possess appropriate qualifications and planning and development experience, comprising 40 years experience in development management, planning policy, conservation and implementation gained across the public, private, and community sectors.

Examiner     Terry Raymond Heselton BA (Hons), DiP TP, MRTPI

Dated            2 February 2014

**Appendix 1 :**

**List of Documents referred to in connection with the examination of the Edith Weston Neighbourhood Development Plan**

- Examination Version of the Edith Weston Neighbourhood Plan
- National Planning Policy Framework (2012)
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning (General ) Regulations (2012)
- Rutland County Council adopted Core Strategy (July 2011)
- Rutland Local Plan remaining 'saved' policies
- Rutland County Council Site Allocations and Policies DPD Submission Version (April 2013)
- Basic Conditions Statement
- Consultation Statement (Appendix 5 of the Neighbourhood Plan)
- Sustainability Appraisal/Strategic Environmental Assessment/Habitat Regulations Assessment - Screening Report
- Neighbourhood Area (map)
- Seven representations received during the publicity period
- The Village in the Landscape – Edith Weston (one of a series of background studies prepared for the former Rutland District Council by the Urban Design Group at Leicestershire County Council)
- Analysis of Responses to the Parish Survey (2012)

I also accessed Rutland County Council's website pages relating to planning policy week commencing 13 January 2014