

GREETHAM NEIGHBOURHOOD PLAN

Greetham Neighbourhood Plan Examination,
A Report to Rutland County Council

by Independent Examiner, Nigel McGurk BSc(Hons) MCD MBA MRTPI

May 2017



EST. 2011

Contents

1, Introduction

2, Basic Conditions and Development Plan Status

3, Background Documents and the Greetham Neighbourhood Area

4, Public Consultation

5, The Neighbourhood Plan: Introductory Section

6, The Neighbourhood Plan: Policies

7, The Neighbourhood Plan: Other Matters

8, Summary

9, Referendum

Introduction

The Neighbourhood Plan

- 1 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.
- 2 This Report provides the findings of the examination into the Greetham Neighbourhood Plan (referred to as the Neighbourhood Plan).
- 3 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.” (Paragraph 183, National Planning Policy Framework)

- 4 The Neighbourhood Plan was prepared by the Greetham Neighbourhood Plan Steering Group, on behalf of Greetham Parish Council.
- 5 As set out on page 2 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Greetham Parish Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).
- 6 This Examiner's Report provides a recommendation with regards whether the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Rutland County Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Greetham Neighbourhood Area.

Role of the Independent Examiner

- 7 I was appointed by Rutland County Council, with the consent of the Qualifying Body, to conduct an examination and provide this Report as an Independent Examiner. 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 Neighbourhood Plan and I possess appropriate qualifications and experience.
- 8 I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.
- 9 As the Independent Examiner, I must make one of the following recommendations:
 - that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
 - that the Neighbourhood Plan, as modified, should proceed to Referendum;
 - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 10 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Greetham Neighbourhood Area to which the Plan relates.

Neighbourhood Plan Period

- 11 A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Neighbourhood Plan clearly specifies that the document covers the period:

"2016 to 2036."

- 12 In addition, the Basic Conditions Statement submitted alongside the Neighbourhood Plan confirms, on page 2, that:

"The Plan covers the period 2016 to 2036."

- 13 Taking the above into account, the Neighbourhood Plan satisfies the relevant requirement in respect of specifying the plan period.

Public Hearing

- 14 According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 15 However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 16 Further to consideration of the information submitted, I confirmed to Rutland County Council that I was satisfied that the Greetham Neighbourhood Plan could be examined without the need for a Public Hearing.
- 17 In making the above decision I was mindful that the Neighbourhood Plan has emerged through robust consultation (see *Public Consultation*, later in this Report) and that people have been provided with significant and appropriate opportunities to have their say.

2. Basic Conditions and Development Plan Status

Basic Conditions

- 18 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*¹ following the Localism Act 2011. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.²
 - An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.³
- 19 In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:
- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;

¹ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

² Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007.

³ The Convention rights has the same meaning as in the Human Rights Act 1998.

- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

20 Subject to the content of this Report, I am satisfied that these three points have been met.

21 In line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

European Convention on Human Rights (ECHR) Obligations

- 22 I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.
- 23 In the above regard, I note that Information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. Representations have been made to the Plan, some of which have resulted in changes and the Consultation Statement submitted alongside the Neighbourhood Plan provides a summary of responses and shows the outcome of comments.

European Union (EU) Obligations

- 24 There is no legal requirement for a neighbourhood plan to have a sustainability appraisal⁴. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment.
- 25 In this regard, national advice states:
- “Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”*
(Planning Practice Guidance⁵)
- 26 National advice then goes on to state⁶ that the draft plan:
- “...must be assessed (screened) at an early stage of the plan’s preparation...”*
- 27 This process is often referred to as a screening report, determination, statement or assessment. If the screening report identifies likely significant effects, then an environmental report must be prepared.

⁴ Paragraph 026, Ref: 11-027-20150209, Planning Practice Guidance

⁵ Paragraph 027, ibid

⁶ Planning Practice Guidance Reference ID: 11-028-20150209.

- 28 Rutland County Council has undertaken a “*Sustainability Appraisal/Strategic Environmental Assessment Screening Report*” (March 2016). This concludes that:

“...it is considered that there will not be any likely significant environmental effects arising from the Greetham Neighbourhood Plan...As such, the GNP does not require a full SEA to be undertaken.”

- 29 Rutland County Council has also undertaken a “*Habitats Regulations Assessment Screening Report*” (March 2016). This identified the Rutland Water Special Protection Area (SPA) / RAMSAR as the only European designated site within a 15km radius of the Neighbourhood Area boundary. Further to consideration, the Screening Report concluded that:

“The Greetham Neighbourhood Plan does not go beyond the requirements set out in the Core Strategy & the Site Allocations & Policies DPD, consequently, it is considered that no significant ‘in combination’ likely effects will occur from the implementation of the GNP. As such, the Greetham Neighbourhood Plan does not require a full HRA to be undertaken.”

- 30 The statutory bodies, English Nature, Historic England and the Environment Agency have been consulted. None of the statutory bodies disagree with the findings of the Screening Reports.

- 31 In addition to the above, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:

“It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations” (Planning Practice Guidance⁷).

- 32 In undertaking the work that it has, Rutland County Council has raised no objections or concerns with regards European obligations. Taking this and the above into account, I conclude that the Neighbourhood Plan meets the basic conditions in respect of meeting European obligations.

⁷ Planning Practice Guidance Reference ID: 11-031-20150209,

3. Background Documents and the Greetham Neighbourhood Area

Background Documents

33 In undertaking this examination, I have considered various information in addition to the Greetham Neighbourhood Plan. This has included (but is not limited to) the following main documents:

- National Planning Policy Framework (the Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Plan Regulations (2012) (as amended)
- Rutland Local Development Framework Core Strategy Development Plan Document (July 2011) (referred to below as Core Strategy)
- Rutland Local Plan Site Allocations and Policies Development Plan Document (October 2014)
- Basic Conditions Statement
- Consultation Statement
- Sustainability Appraisal/SEA and Habitats Regulations Assessment Screening Report

Also:

- Representations received

34 In addition, I spent an unaccompanied day visiting the Greetham Neighbourhood Area.

Greetham Neighbourhood Area

- 35 Greetham Neighbourhood Area coincides with the boundary of Greetham Parish.
- 36 The plan provided on page 40 of the Neighbourhood Plan confirms the location of the Neighbourhood Area and its boundary.
- 37 Rutland County Council approved the designation of Greetham as a Neighbourhood Area on 30 April 2014. This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).
- 38 The Neighbourhood Plan refers to the consultation period for the designation of the Neighbourhood Area, but not the date of designation. For clarity, I recommend:
- **Page 5, Para 3.3, add “...25th April 2014. *The Neighbourhood Area was formally designated on 30th April 2014. See map page 40.*”**

4. Public Consultation

Introduction

- 39 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 40 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Greetham Neighbourhood Plan Consultation

- 41 A Consultation Statement was submitted to Rutland County Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*⁸.
- 42 Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "*shared vision*" for the Greetham Neighbourhood Area, having regard to Paragraph 183 of the Framework.
- 43 The Greetham Neighbourhood Plan Steering Group was formed by twenty volunteers in early 2014 following a village meeting attended by more than 80 people.
- 44 Village meetings were subsequently held in June 2014, to identify issues and prepare a questionnaire, which was distributed to the 560 residents on the electoral role during the summer of that year. More than half of the recipients responded and a further, age-appropriate, questionnaire was circulated to children in the Parish.

⁸Neighbourhood Planning (General) Regulations 2012.

- 45 Information from the 280 completed questionnaires was collated and formed the basis of the document, "*Greetham Neighbourhood Plan Summaries of Questionnaires Responses 13 October 2014.*" The document was made widely available.
- 46 A business workshop was then held in January 2015; and a workshop for older residents, young people and parents was held in April 2015. A consultation plan was then prepared and consulted on. The plan was circulated to all residents on the electoral register, along with various organisations.
- 47 All comments received were recorded and considered, resulting in revisions and the production of the Neighbourhood Plan submitted for examination.
- 48 Evidence has been provided to demonstrate that the plan-making process was widely publicised via posters, flyers, meetings, e-mails, through dedicated pages on the village website and via the monthly Parish magazine.
- 49 The Consultation Report provides evidence to show that the Neighbourhood Plan was supported by public consultation. Community engagement was encouraged throughout the plan-making process. Matters raised were considered and the reporting process was transparent.
- 50 Taking all of the above into account, I am satisfied that the consultation process was robust.

5. The Neighbourhood Plan – Introductory Section

51 To keep pace with the progress of the Neighbourhood Plan, I recommend:

- **Cover page, delete references to “Submission Document” and delete “Issued 5/12/2016 Submission Document” in the footer.**
- **Contents page, change bullet point 5 to “*The Consultation Process*”**

52 The Neighbourhood Plan has a plan period covering twenty years. This in mind and taking account of the fact that the duration of the plan period is determined by plan-makers rather than legislation, I recommend,

- **Page 3, change first sentence to “...should develop *in the future.*”**

53 The latter part of the Introduction on page 1 confuses tenses and the final paragraph has been overtaken by events. I recommend:

- **Page 3 penultimate Para, change to “...to other issues *and have been entitled “Community Aspirations.”* These...”**
- **Page 3, delete final Para (“The final...Development Plan.”)**

54 I have recommended a change to Para 3.3 earlier in this Report.

55 Again, with regards progress made to date, I recommend:

- **Page 7, Para 5.7, change to “...the Plan *was revised* to take account...”**
- **Delete Para 5.8**

6. The Neighbourhood Plan – Neighbourhood Plan Policies

Protection of the Village's Character and Heritage

56 Paragraph 7.3 of the Neighbourhood Plan reads as though it comprises a Policy, which it does not. It also includes repetition and minor grammatical errors. For clarity, I recommend:

- **Page 11, change Para 7.3 to “...of this Plan, it is considered important that development: a) preserves the character of this historic core whereby the design of houses is in keeping with that of older houses in the village; b) ensures that any...historic core and does not detract from the charm of the village; (delete “For example...location.”) c) provides for compatibility with its immediate surroundings. The Neighbourhood Plan provides land use planning Policies to address these matters. ”**

Policy CH1 – Built Form

57 Good design is recognised by the National Planning Policy Framework (the Framework) as comprising:

“a key aspect of sustainable development...indivisible from good planning.”
(Paragraph 56)

58 In addition, national policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework). Paragraph 58 of the Framework goes on to require development to:

“...respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;”

59 Further to the above, Core Strategy Policy CS19 (“Promoting good design”) requires all new development to contribute positively to local distinctiveness and sense of place and to meet high standards of design.

- 60 Policy CH1 seeks to ensure that development makes a positive contribution to local character and in this way, it has regard to national policy and is in general conformity with Core Strategy Policy CS19.
- 61 There is no need to include the words “*All future*” when referring to development. Development requiring planning permission needs to be considered against the Policies of the development plan. The made Neighbourhood Plan would form part of the development plan.
- 62 The first sentence of the Policy is not as precise as it could be. In this regard, Planning Practice Guidance⁹ states:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

- 63 It is unclear why “*new development*” and “*boundary treatments*” are distinguished as two separate things. If boundary treatments form part of development requiring planning permission they will necessary be subject to the requirements of the development plan. However, I note that appropriate reference to boundary treatments in the Policy can serve to emphasise their importance and this is addressed in the recommendations below.
- 64 Nowhere does national or local strategic planning policy require all development to enhance its surroundings. No substantive evidence is provided to demonstrate that it would be viable in all circumstances for all development to do so. Consequently, this part of Policy CH1 conflicts with Paragraph 173 of the Framework, which states that:

“Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.”

⁹ Paragraph: 042 Reference ID: 41-042-20140306

- 65 In respect of heritage assets, national policy is established in Chapter 12 of the Framework, *“Conserving and enhancing the historic environment.”* This requires development to conserve heritage assets in a manner appropriate to their significance. It does not require all development to enhance Conservation Areas and their setting. No evidence is provided to justify the onerous approach set out in the second part of Policy CH1, which, as set out, does not meet the basic conditions.
- 66 Taking all of the above into account, I recommend:
- **Policy CH1, change first sentence to *“Development within the Parish should be of a scale and density in keeping with the built form of the character area within which it is located, taking account of surrounding buildings, streets and spaces.”***
 - **Change second sentence to *“Development should integrate with the street scene, through particular attention to boundary treatments; and where appropriate, conserve the character and appearance of the Conservation Area and its setting.”***
- 67 In the above way, Policy CH1 contributes to the achievement of sustainable development and meets the basic conditions.

Policy CH2 – Green Infrastructure

- 68 The Framework requires the planning system to contribute to and enhance the natural and local environment by:

“...minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, by establishing coherent ecological networks that are more resilient to current and future pressures.” (Paragraph 109)

- 69 In general terms, the first part of Policy CH2 seeks to establish a positive approach to the promotion of biodiversity, having regard to national policy. However, as set out, it applies to all forms of development, regardless of relevance, viability or deliverability. Such an approach fails to have regard to Paragraph 173 of the Framework, referred to earlier. Also, the first sentence of the Policy is unclear, as it begins with the aim of promoting biodiversity, but ends with the aim of respecting local character – a matter that is already covered by the preceding Policy.

- 70 Further, the Policy seeks to impose a requirement *“around the development site.”* A development site is simply that. Policy CH2 does not provide any indication of how, or why, land not forming part of a development site can be controlled and consequently, fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to the requirements of Paragraph 154 of the Framework.

- 71 The second part of the Policy refers to *“Important Open Spaces.”* However, whilst the Neighbourhood Plan includes a map indicating the general location of Important Open Spaces, this is a reproduction of the existing map in the Core Strategy Site Allocations and Policies Development Plan Document (2014). Further, the reference to *“Important Open Spaces”* in Policy CH2 is considerably less detailed than Policy SP21 of Rutland County Council’s Site Allocations and Policies DPD. It is not the role of the Neighbourhood Plan to repeat abbreviated versions of development plan policies that already exist.

- 72 In this regard, I note that national planning policy does provide for the identification and protection of areas of Local Green Space within Neighbourhood Plans, whereby local communities can identify areas of green space of particular importance to them for special protection. Paragraph 76 of the Framework states that:

“By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.”

- 73 The Local Green Space designation is significant, as it provides protection that is comparable to that for Green Belt land. However, as it is such a restrictive designation, national policy establishes that:

“The Local Green Space designation will not be appropriate for most green areas or open space.” (Paragraph 77)

- 74 When identifying Local Green Space, plan-makers need to demonstrate that the requirements for its designation are met in full. These requirements are set out in Paragraphs 76 and 77 of the Framework and are: that the green space is in reasonably close proximity to the community it serves; that it is demonstrably special to a local community and holds a particular local significance; and that it is local in character and is not an extensive tract of land.

- 75 Furthermore, the identification of Local Green Space must be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.

- 76 However, the *“Important Open Spaces”* designation is not the same as that for areas of Local Green Space and there is no indication that the Neighbourhood Plan is seeking to designate Local Green Space, or that the *“Important Open Spaces”* referred to meet the necessary Local Green Space tests.

- 77 Policy CH2 goes on to require development to *“have regard”* to the *“key defining characteristics and natural features”* of *“green infrastructure.”* No definitions of key defining characteristics, natural features or green infrastructure are provided. This imprecision results in a lack of clarity and means that the Policy fails to provide a decision maker with a clear indication of how to react to a development proposal.

- 78 The final paragraph of the supporting text, Para 7.10, includes general references to the Core Strategy. It is the role of examination to test the Neighbourhood Plan against the basic conditions and the inclusion of a small number of references to the Core Strategy are unnecessary.
- 79 In making the recommendations below, I note that "*Important Open Space*" is protected by Policy SP21 of Rutland County Council's Site Allocations and Policies DPD.
- 80 I recommend:
- **Policy CH2, change first sentence to "*Development should minimise impacts on biodiversity and provide net gains in biodiversity where possible. Planting of indigenous trees and shrubs to enhance biodiversity, soften the impact of development and/or enhance local character, will be supported.*"**
 - **Delete "Development should also...green infrastructure network."**
 - **Delete Paras 7.9 and 7.10**

Housing Development

- 81 There is no requirement for the Neighbourhood Plan to allocate land for development and it does not do so. There is no evidence to demonstrate that the Neighbourhood Plan promotes less development than set out in the Core Strategy, or undermines that document's strategic policies, having regard to Paragraph 185 of the Framework.
- 82 In the above regard, the supporting text provides relevant information relating to the Core Strategy housing requirement, as well as recent planning decisions. The supporting text also notes that part of Greetham Quarry is being promoted for development. Whilst, as above, there is no reason for part of the Quarry to be allocated for development, the text in Paragraph 8.9 may not be entirely correct, as there is some support – from the landowner/agents – for development at the Quarry.
- 83 In the above regard, I recommend:
- **Para 8.9, change last sentence to *“The Neighbourhood Plan does not seek to allocate any land for development and it is the consideration of the Parish Council that the results of the Neighbourhood Plan Questionnaire showed little, if any, support for large scale development on this site.”***

Policy HD1 – Housing Numbers

- 84 In general terms, Policy HD1 supports small scale residential development within Greetham's planned limits of development, as defined by the Core Strategy. In this way, the Neighbourhood Plan provides for sustainable growth in keeping with Greetham's role as a Local Service Centre.
- 85 However, as worded, Policy HD1 states that *“one or two houses per year will be permitted.”* Firstly, use of the phrase *“will be permitted”* runs the risk of pre-determining the planning application process. This could serve to place an obstacle in the way of ensuring that a proposal for development is considered on its merits, such that both harm and benefits can be taken into account.

- 86 Secondly, no substantive evidence has been provided to demonstrate that Policy HD1 is deliverable, having regard to Paragraph 173 of the Framework. There is nothing to indicate that viable, deliverable applications for the development of one or two dwellings will come forward during each year of the plan period.
- 87 Further, the Policy wording implies that development would be limited to one or two dwellings in any one year. In this regard, there is no evidence to demonstrate that an application for, say, three or more dwellings would, in all cases, fail to comprise sustainable development. I find that this runs the risk of placing an unnecessary obstacle in the way of development that may be sustainable, contrary to the basic conditions.
- 88 Further to the above, it is not clear why all development, including conversions, should be located within *"the planned limits to development."* Neither national policy nor the Core Strategy seeks to prevent any form of residential development taking place in the countryside. Rather, there are specific circumstances – which might include the conversion of redundant rural buildings in the countryside - where residential development is supported and may even comprise permitted development, not requiring planning permission.
- 89 Taking the above into account, I recommend:
- **Change first sentence of Policy HD1 to *"Small scale residential development will be supported within the existing limits of development, shown on the Greetham Boundary Map on page 40."***
 - **Delete the rest of the Policy**
 - **Change title of Policy (which makes little sense) to *"Housing Development in Greetham Village"***

Policy HD2 – Housing Mix

- 90 Chapter 6 of the Framework supports the delivery of a wide choice of quality homes and requires planning for:
- 91 *“...a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.”*
(Paragraph 50)
- 92 Policy HD2 seeks to provide for a mix of housing suitable for Greetham, based on the results of consultation and the plan-making process. This approach has regard to national policy.
- 93 Use of the word *“Further”* at the beginning of the Policy is unnecessary and the final sentence of Policy HD2 is not a land use planning policy, but is a general statement relating to what the Parish Council might do at some stage in the future.
- 94 Taking the above into account, I recommend:
- **Policy HD2, delete “Further” and begin Policy “Development should...”**
 - **Delete last sentence**

Policy HD3 – Car Parking

- 95 Policy HD3 requires the provision of two car parking spaces for each new dwelling, regardless of size. Such a broad-brush approach would fail to be in general conformity with Rutland County Council's published car parking standards, which links the provision of car parking spaces to dwelling size.
- 96 In the absence of any substantive evidence, it is not clear why requiring all dwellings to provide two car parking spaces regardless of their size would *"not exacerbate existing parking pressures within the village."*
- 97 Paragraph 39 of the Framework provides relevant detail in respect of the setting of local parking standards:
- "If setting local parking standards for residential and non-residential development, local planning authorities should take into account: the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles."*
- 98 The Neighbourhood Plan fails to demonstrate that account has been taken of these matters and does not, therefore, have regard to national policy.
- 99 I recommend:
- **Delete Policy HD3**

Policy HD4

100 Policy HD4 sets out a local aspiration – whereby the Parish Council will actively pursue “*grant monies.*” It is not a land use planning policy.

101 Rather than lose sight of the things the Parish Council would like to see Community Infrastructure Levy payable to the Parish Council, should it arise, be spent on, I recommend:

- **Delete Policy HD4**
- **Move the text of the deleted Policy to the Community Aspirations section of the Neighbourhood Plan**
- **Provide new Community Aspiration “*Community Infrastructure Levy*”**
- **Change opening sentence to “*The Parish Council will actively pursue grant...The Parish Council would like to see monies spent on the following areas of...allotments.*”**
- **Move Para 8.17 and the associated Table on page 20 to the Community Aspirations Section, to follow on from the new Community Aspiration, as above.**
- **Para 8.17, change to “...as detailed in *the Community Aspiration above* is based on...”**

Policy HD5 – Locations to avoid for future development

102 Paragraph 103 of the Framework requires development proposals to ensure that flood risk is not increased elsewhere. That part of Policy HD5 which relates to the risk of flooding has regard to this and meets the basic conditions.

103 However, no clarity is provided with regards “*supercharged drains*.” No definition of what a “*supercharged drain*” comprises, who will determine this, or on what basis, is given. This element of the Policy is imprecise. Furthermore, there is no evidence that this part of the Policy has regard to national policy, or is in general conformity with the strategic policies of the development plan.

104 I recommend:

- **Change Policy HD5 to: “*Development should not exacerbate the risk of flooding.*”**
- **Change Policy title (which does not relate directly to the Policy) to “*Flood Risk*”**

Policy HD6 – Monitoring and Review

105 Policy HD6 is not a land use planning policy. In any case, monitoring and review is covered on page 38 of the Neighbourhood Plan.

106 I recommend:

- **Delete Policy HD6**

107 Further to the above recommendations, I recommend the following associated changes to the supporting text to the "*Housing Development*" section of the Neighbourhood Plan:

- **Page 14, Para 8.2, change to "...of new housing in the Plan *period and supports* the development..."**
- **Page 16, Para 8.7, change to "...35 houses. *The Parish Council is keen to ensure that the housing...*"**
- **Page 18, Para 8.15, change to "...localised parking *pressures. The Parish Council is keen to ensure that sufficient off-street parking is provided.*" (delete rest of sentence)**
- **Page 19, Figure 1, delete "New development will increase parking issues in the Main Street" (which is not evidenced)**
- **Page 19, Para 8.16, change to "...at the west end. *It is therefore important that future development does not exacerbate the situation.*"**
- **Page 21, delete Para 8.18, which is unnecessary**
- **Page 21, delete Para 8.19 (monitoring is covered on page 38)**

7. The Neighbourhood Plan: Other Matters

- 108 The Community Aspirations section is an excellent way of capturing non-land use planning issues that have emerged during the consultation and plan-making process.
- 109 As set out, the use of numbers and "*Proposal Titles*" when combined with the blue presentational boxes is confusing. It results in Community Aspirations that appear very similar to Policies – which they are not. The effect of this is exacerbated by the frequent references in this section to "*the Plan supports...*" etc.
- 110 The Community Aspirations relate to things that the Parish Council will seek to do on behalf of the community. Unlike land use planning Policies, they are not things that the Neighbourhood Plan can control. This is an important distinction.
- 111 Taking this above into account, I recommend:
- **Page 22, change title to "*Community Aspirations (Non-Policy Section)*"**
 - **Page 25 change title in box to "*Transport, Traffic Management and Road Safety Community Aspirations*"**
 - **In the same way, change the title in all of the boxes by deleting "*Proposals*" and adding "*...Community Aspirations*"**
 - **Page 25, delete "*Proposal T1*" leaving just the title "*Improving road safety*"**
 - **In the same way as above, delete "*Proposal T2, T3 and T4*"**
 - **In the same way, delete all references to *Proposals* and related *Proposal Numbers* (eg, *Proposal B1, B2, Proposal LW1, LW2* etc)**
 - **Page 25, blue box, delete "*The Plan supports*" and replace with "*The Parish Council supports*"**
 - **Page 25, blue box, delete "*The Plan proposes*" and replace with "*The Parish Council proposes*"**

- In the same way, delete all blue box reference to “The Plan...” and replace with “*The Parish Council...*” (NB, Community Aspirations are exactly that, they are not something that “*the Plan will (or can) do*”)
- Page 27, Para 9.2.5, change last line to “...supported by *Policy CS16.*”
- Page 28, change last sentence to “...and tourists alike, *the Parish Council would like to see interpretation signage installed at...*”
- Page 32, Para 9.4, last para, change to “...as a business, *the Parish Council is keen to explore other alternatives such as a community shop.*” (end para here as final sentence reads as though it is a Policy, which it is not)
- Page 35, delete “Rutland County Council...generation” (which appears out of place)
- Page 36, Para 9.6.5, change to “*The Parish Council is committed...*”
- Page 38, delete first sentence, which has been overtaken by events
- Page 38, box, delete “Policy MR1” (this is not a Policy)
- Page 41. Whilst the map provided is useful, the Neighbourhood Plan does not allocate land for development. It is therefore unclear why the reproduction of Inset 23 from the Rutland County Council Site Allocations DPD is entitled “Current Site Allocations Map.” Delete this title and replace with “*14 Annotated Map of Greetham, taken from Rutland County Council Site Allocations DPD (2014)*”

112 The recommendations made in this Report will have a subsequent impact on Policy, page, plan and paragraph numbering.

113 I recommend:

- Update the Policy, page, plan and paragraph numbering, taking account of the recommendations contained in this Report.

8. Summary

114 Having regard to all of the above, a number of modifications are recommended in order to enable the Neighbourhood Plan to meet the basic conditions.

115 Subject to these modifications, I confirm that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

116 Taking the above into account, I find that the Greetham Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

9. Referendum

117 I recommend to Rutland County Council that, subject to the modifications proposed, **the Greetham Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

118 I am required to consider whether the Referendum Area should be extended beyond the Greetham Neighbourhood Area.

119 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

120 Consequently, I recommend that the Plan should proceed to a Referendum based on the Greetham Neighbourhood Area approved by Rutland County Council on 30 April 2014.

Nigel McGurk, May 2017
Erimax – Land, Planning and Communities



EST. 2011