

Greetham Neighbourhood Plan

Decision Statement

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

1. Summary

- 1.1 This document is the Decision Statement required to be prepared under section 38A(9) of the Planning and Compulsory Purchase Act 2004 (as amended) and Regulation 18 of the Neighbourhood Planning (General Regulations) 2012 (As amended).
- 1.2 Following an independent Examination of written representations, Rutland County Council now confirms that the Greetham Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum.

2. Background

- 2.1 In February 2014, Greetham Parish Council, as the qualifying body, submitted proposals to Rutland County Council to designate the boundary of the Greetham Neighbourhood Plan Area.
- 2.2 The plan area designated covers the entire Parish comprising the village of Greetham, surrounding agricultural land and land owned by the MoD which is contained behind security fencing.
- 2.3 The Neighbourhood Area application was approved by Rutland County Council (the Council) in April 2014 in accordance with the Neighbourhood Planning (General) Regulations 2012. The first draft of the Greetham Neighbourhood Plan was publicised and representations were invited. The consultation period closed on 2nd May 2016.

- 2.4 The final draft neighbourhood plan was submitted to Rutland County Council in December 2016. A final 6-week stage of publicity and consultation was undertaken over a 6-week period up to 4th April 2017 to determine if there are any unresolved objections to the plan.
- 2.5 Rutland County Council, with the agreement of Greetham Parish Council, appointed an independent Examiner, to review whether the Plan met the “Basic Conditions” required by legislation and proceed to referendum.
- 2.6 The Examiner’s report was published in May 2017. This concluded that the plan met the basic condition, and that subject to the modifications proposed in his report the plan should proceed to a Neighbourhood Planning referendum.

3. Decision and Reasons

- 3.1 With the Examiner's recommended modifications the Greetham Neighbourhood Plan meets the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with EU obligations and the Convention rights and complies with relevant provision made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004 as amended.
- 3.2 Under agreed delegation arrangements, the Council’s Director of Places, in consultation with the Council’s Portfolio holder for Growth, Trading Services and Resources (except Finance) has determined that the modifications set out in the Appendix are in accordance with the Examiner’s recommendations to ensure that the Plan meets the Basic Conditions.
- 3.3 The Appendix sets out the Examiner’s recommended modifications and the action taken in respect of each of them.
- 3.4 The Examiner has concluded that, with the specified Modifications, the Plan meets the Basic Conditions and other relevant legal requirements. The Council concurs with this view. Therefore, to meet the requirements of the Localism Act 2011, a referendum will be held in the Parish of Greetham which poses the question:

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

This Statement is dated 23rd June 2017.

Appendix 1 - Modifications made to the Greetham NP to meet NP Examiner’s recommended changes.

Policy or Section in the Neighbourhood Plan	Examiner’s Recommended Amendment	Reason	Amended Wording
The Neighbourhood Plan – Introductory Section	<p>The Neighbourhood Plan refers to the consultation period for the designation of the Neighbourhood Area, but not the date of designation. For clarity, it is recommended:</p> <ul style="list-style-type: none"> • Page 5, Para 3.3, add “...25th April 2014. The Neighbourhood Area was formally designated on 30th April 2014. See map page 40.” 	For clarity	Amended as Recommended
	<p>To keep pace with the progress of the Neighbourhood Plan it is recommended:</p> <ul style="list-style-type: none"> • 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”. 	For clarity	Amended as Recommended
	<p>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, it is recommended:</p> <ul style="list-style-type: none"> • Page 3, change first sentence to “...should develop in the future.” 	For clarity	Amended as Recommended
	<p>The latter part of the Introduction on page 1 confuses tenses and the final paragraph has been overtaken by events. It is recommended:</p> <ul style="list-style-type: none"> • Page 3 penultimate Para, change to “...to other issues and have been entitled “Community Aspirations.” These...” 	For clarity	Amended as Recommended

	<ul style="list-style-type: none"> • Page 3, delete final Para (“The final...Development Plan.”) 		
	<p>Regards progress made to date, it is recommended:</p> <ul style="list-style-type: none"> • Page 7, Para 5.7, change to “...the Plan was revised to take account...” • Delete Para 5.8 	For clarity	Amended as Recommended
Neighbourhood Plan Policies			
Protection of the Village’s Character and Heritage	<p>For clarity, it is recommended:</p> <ul style="list-style-type: none"> • 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. ” 	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.	Amended as Recommended
Policy CH1 – Built Form	<p>It is recommended:</p> <ul style="list-style-type: none"> • 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.” 	<p>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 necessarily be subject to the requirements of the development plan.</p> <p>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</p>	Amended as Recommended

		<p>part of Policy CH1 conflicts with Paragraph 173 of the NPPF, 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.”</p>	
<p>Policy CH2 – Green Infrastructure</p>	<p>It is recommended:</p> <ul style="list-style-type: none"> • 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 	<p>Policy CH2 applies to all forms of development, regardless of relevance, viability or deliverability. Such an approach fails to have regard to Paragraph 173 of the NPPF. 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.</p> <p>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 NPPF.</p> <p>Policy CH2 requires development to “have regard” to the “key defining characteristics</p>	<p>Amended as Recommended</p>

		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.	
Housing Development	<p>It is recommended:</p> <ul style="list-style-type: none"> • 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.” 	The supporting text 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.	Amended as Recommended
Policy HD1 – Housing Numbers	<p>It is recommended:</p> <ul style="list-style-type: none"> • 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” 	<p>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.</p> <p>Secondly, no substantive evidence has been provided to demonstrate that Policy HD1 is deliverable, having regard to Paragraph 173 of the NPPF.</p> <p>There is nothing to indicate that viable, deliverable applications for the</p>	Amended as Recommended

		<p>development of one or two dwellings will come forward during each year of the plan period.</p> <p>Further, the Policy wording implies that development would be limited to one or two dwellings in any one year. There is no evidence to demonstrate that an application for, say, three or more dwellings would, in all cases, fail to comprise sustainable development. This runs the risk of placing an unnecessary obstacle in the way of development that may be sustainable, contrary to the basic conditions.</p> <p>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.</p>	
<p>Policy HD2 – Housing Mix</p>	<p>It is recommended:</p> <ul style="list-style-type: none"> • Policy HD2, delete “Further” and begin Policy “Development should...” 	<p>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</p>	<p>Amended as Recommended</p>

	<ul style="list-style-type: none"> • Delete last sentence 	do at some stage in the future.	
Policy HD3 – Car Parking	<p>It is recommended:</p> <ul style="list-style-type: none"> • Delete Policy HD3 	<p>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 RCC’s published car parking standards, which links the provision of car parking spaces to dwelling size.</p> <p>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.”</p>	Amended as Recommended
Policy HD4 – Community Infrastructure Levy	<p>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, it is recommended:</p> <ul style="list-style-type: none"> • 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.” 	Policy HD4 sets out a local aspiration – whereby the Parish Council will actively pursue “grant monies.” It is not a land use planning policy.	Amended as Recommended

	<ul style="list-style-type: none"> • 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	<p>It is recommended:</p> <ul style="list-style-type: none"> • 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". 	<p>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.</p> <p>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.</p>	Amended as Recommended
Policy HD6 – Monitoring and Review	<p>It is recommended:</p> <ul style="list-style-type: none"> • Delete Policy HD6 	Policy HD6 is not a land use planning policy and monitoring and review is covered on page 38 of the Neighbourhood Plan.	Amended as Recommended
	<p>The following associated changes to the supporting text to the "Housing Development" section of the Neighbourhood Plan are recommended:</p> <ul style="list-style-type: none"> • 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 	For clarity	Amended as Recommended

	<p>parking pressures. The Parish Council is keen to ensure that sufficient off-street parking is provided.” (delete rest of sentence)</p> <ul style="list-style-type: none"> • 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) 		
<p>The Neighbourhood Plan: Other Matters</p>	<p>It is recommended:</p> <ul style="list-style-type: none"> • 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” 	<p>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.</p> <p>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.</p>	<p>Amended as Recommended</p>

	<ul style="list-style-type: none"> • 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...” 		
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	<ul style="list-style-type: none"> • 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 RCC Site Allocations DPD is entitled “Current Site Allocations Map.” Delete this title and replace with “14 Annotated Map of Greetham, taken from RCC Site Allocations DPD (2014)” 		
	<p>The recommendations will have a subsequent impact on Policy, page, plan and paragraph numbering.</p> <p>It is recommended:</p> <ul style="list-style-type: none"> • Update the Policy, page, plan and paragraph numbering, taking account of the recommendations contained in this Report. 	Ease of reference.	Amended as Recommended