

# **Oakham and Barleythorpe Neighbourhood Development Plan 2018 - 2036**

**A report to Rutland County Council on the Oakham  
and Barleythorpe Neighbourhood Development Plan**

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## **Executive Summary**

- 1 I was appointed by Rutland County Council in April 2021 to carry out the independent examination of the Oakham and Barleythorpe Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood plan area on 10 May 2021.
- 3 The Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on securing economic growth, maintaining the vibrancy of the town centre and safeguarding its distinctive character. The examination of the Plan was affected by the withdrawal of the emerging Rutland Local Plan by Rutland County Council.
- 4 The Plan has been underpinned by community support and engagement. It is an excellent example of two communities working jointly to produce a neighbourhood plan. It is clear that all sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Oakham and Barleythorpe Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

**Andrew Ashcroft**  
**Independent Examiner**  
**18 March 2022**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Oakham and Barleythorpe Neighbourhood Development Plan 2018-2036 ('the Plan').
- 1.2 The Plan has been submitted to Rutland County Council (RCC) by Oakham Town Council (OTC) in its capacity as the qualifying body for the preparation of a neighbourhood plan. OTC and Barleythorpe Parish Council (BPC) agreed the basis on which the neighbourhood plan would be prepared and a Steering Group was established which consisted of representatives of both councils.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF), the most recent version of which was published in 2021.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the Plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It seeks to provide a context in which the neighbourhood area can maintain its distinctiveness and identity. The examination has addressed the implications of the withdrawal of the emerging Rutland Local Plan during the examination of the neighbourhood plan.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

## **2 The Role of the Independent Examiner**

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by RCC, with the consent of OTC, to conduct the examination of the Plan and to prepare this report. I am independent of RCC and OTC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

### *Examination Process and Outcomes*

- 2.4 In my role as the independent examiner of the Plan, I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed to a referendum; or
  - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
  - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

### *Other examination matters*

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (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); and
  - the 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.
- 2.7 Having addressed the matters identified in paragraph 2.6 of this report, I am satisfied that all of the points have been met.

### **3 Procedural Matters**

3.1 In undertaking this examination I have considered the following documents:

- the submission Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the SEA/HRA Screening Statement
- the Neighbourhood Profile.
- the representations received on the submitted Plan.
- the representations received on the proposed modifications to the Plan.
- the responses to the Clarification Note.
- the adopted Rutland Core Strategy Development Plan Document.
- the adopted Site Allocations and Policies Development Plan Document.
- the National Planning Policy Framework (July 2021).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 10 May 2021. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan could be examined by way of written representations.

3.4 On 1 September 2021 RCC resolved to withdraw the submitted Local Plan from examination and to prepare a new Plan. This decision has had significant implications on the neighbourhood plan given that several of its policies were constructed around the contents of the emerging Local Plan. This particularly applied to Policy 1 of the neighbourhood plan as it incorporated the proposed housing allocations in the neighbourhood area in the emerging Local Plan. This has generated the need for significant recommended modifications to the Plan.

3.5 RCC undertook targeted consultation on the recommended modifications between November 2021 and January 2022. I have taken account of the comments made within the targeted consultation period (and as set out in paragraph 4.9) in preparing this report. Where it is appropriate to do so, I comment on the representations made at this stage of the Plan and how, where appropriate they have refined the recommended modifications.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012, OTC prepared a Consultation Statement. The Statement is proportionate to the neighbourhood area and its policies.
- 4.3 In combination the Key Community Events section of the Plan and the Statement record the various activities that were organised to engage the local community. They also provide specific details on the consultation processes that took place on the pre-submission version of the Plan (May to June 2019).
- 4.4 The Plan sets out details of the comprehensive range of consultation events that were carried out in relation to the various stages of the Plan. They include the following events and processes:
- the initial consultation meeting in Victoria Hall (April 2016);
  - the supermarket meet-ups (March 2016);
  - the Big Survey (Spring 2017);
  - the Business Forum event (January 2017);
  - the Neighbourhood Profile walkabouts (2018); and
  - the production of articles for the Rutland Times and the Rutland Mercury.
- 4.5 The details in the Statement set out the nature of the consultation on the pre-submission Plan and the responses received. Sections 2-5 of the Statement set out how the Plan took account of that consultation feedback. They do so in a proportionate and effective way. The broader analysis helps to describe how the Plan has progressed to its submission stage.

### *Regulation 15 Consultation*

- 4.6 Consultation on the submitted plan was undertaken by RCC. It ended on 23 April 2021. This exercise generated representations from the following organisations:
- Somerby Parish Council
  - Environment Agency
  - Severn Trent Water
  - National Grid
  - Natural England
  - Society of Merchant Venturers
  - de Merke Estates
  - Davidsons Development Limited

- Braunston Parish Council
- Clinical Commissioning Groups (for Leicestershire and Rutland)
- Jeakins Wear Limited
- Rutland County Council

4.7 In addition representations were received from six local residents.

4.8 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis.

*Targeted consultation on the recommended significant modifications*

4.9 Paragraphs 3.4 and 3.5 have commented about the targeted consultation which took place on significant recommended modifications to the Plan. This process generated representations from the following organisations:

- Natural England
- Environment Agency
- Rutland County Council
- Davidson Developments
- de Merke Estates
- Pigeon Developments and Burley Estate Farm Partnership
- Jenkins Weir

4.10 I have also taken account of these representations in preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis.

## **5 The Neighbourhood Area and the Development Plan Context**

### *The Neighbourhood Area*

- 5.1 The neighbourhood area is the town of Oakham, the parish of Barleythorpe and a small part of Egleton parish between the south-eastern boundary of Oakham and Burley Park Way (A6003). In 2011 10,922 persons were living in 4851 households in Oakham. The equivalent figures were 207 and 100 for Barleythorpe. There are no households in the part of Egleton parish within the neighbourhood area. The neighbourhood area was designated in April 2016.
- 5.2 Oakham is the principal settlement in the neighbourhood area. It is an attractive historic town which is Rutland's primary retail, commercial, service and administrative centre. It is situated immediately east of rising-ground on tributaries of the River Gwash, which flows into the Welland twelve miles further east, and towards the southern end of the Vale of Catmose. Oakham is encompassed on the north-east, south and west by slightly higher ground.
- 5.3 The parish of Barleythorpe lies a mile to the north-west of Oakham on the road towards Melton Mowbray. Whilst it was formerly physically separate from Oakham, the estate of Oakham Heights forms a built-up area next to housing on the town's edge which connects the two communities. Nevertheless, the historic buildings along Main Road highlight its history and separate character. The remainder of the neighbourhood area is mostly in agricultural use with the exception of a limited woodland area to the south-west of the town (known as Gorse Field Wood and Harris Grove).

### *Development Plan Context*

- 5.4 The development plan covering the neighbourhood plan area is the adopted Rutland Core Strategy Development Plan Document (adopted in July 2011) and the Rutland Site Allocations and Policies Development Plan Document (DPD) (adopted in October 2013).
- 5.5 The Core Strategy DPD provides the wider context to the Plan. Policy CS2 provides a spatial strategy. It comments that new development will be focused in the most sustainable locations, primarily in the towns and the local service centres away from areas prone to flooding and ensuring that development is accessible by other modes of transport without reliance upon the private car. Policy CS3 identifies Oakham as the main town in the settlement hierarchy. Policy CS4 comments generally about the location of development. In particular, it sets out that Oakham will be the key focus for new development mostly on land allocated to the north west of the town. This is considered to be the most sustainable location to accommodate significant levels of growth, about 69 dwellings per annum up to 2026. Based on this wider context Policy CS5 sets out a spatial strategy for Oakham.
- 5.6 The Site Allocations and Policies DPD continues the approach taken in the Core Strategy. It allocates a housing site in the neighbourhood area (H1) - Land north of Former Parks Nursery School, between Barleythorpe Road and Park Lane (1.0ha providing 40 dwellings). Paragraph 4.8 of the Plan sets the wider scene and comments:

*'In Oakham, an assessment of the potential additional contribution to housing delivery from windfall sites has been made after taking account of housing commitments as at 1st April 2012. A one-hectare housing site allocation to the north of the former Parks Nursery School, which was previously allocated in the 2001 Rutland Local Plan, is also taken forward. No further residential development is allocated in the town as planning permission has already been granted to deliver 1,096 new dwellings on a sustainable urban extension to the north west of the town and a large site has been granted planning permission off Uppingham Road, to the south of the town for a further 102 new dwellings. These sites will more than meet the Core Strategy requirement for 1,100 dwellings at Oakham, providing some flexibility in terms of rate of delivery'*

- 5.7 The Site Allocations and Policies DPD also allocates two small parcels of land in Oakham for retail development in Policy SP3 and includes a series of development management policies.
- 5.8 The submitted Plan has been prepared within its wider adopted development plan context. In doing so, it has relied on up-to-date information and research that has underpinned existing planning policy documents in Rutland. This is good practice and reflects key elements in Planning Practice Guidance on this matter. At the time that the neighbourhood plan was submitted, RCC was well-advanced in the preparation of a local plan. It was submitted for its own examination process in February 2020. The submitted neighbourhood plan had been designed to take account of the emerging Local Plan and, where appropriate, to provide a more detailed policy approach within the neighbourhood area. However, in September 2021 RCC resolved to withdraw the submitted Local Plan from examination and to prepare a new Plan. It is anticipated that the new Local Plan would be submitted in February 2024 and adopted in July 2025. This outcome has had a significant influence on the scale and nature of recommended modifications contained in this report.

#### *Visit to the neighbourhood area*

- 5.9 I visited the neighbourhood area on 10 May 2021. I approached from Uppingham Road from the south. This helped me to understand the neighbourhood area in its wider landscape context.
- 5.10 I looked initially at the southern part of Oakham. In particular I looked in detail at the proposed important views (V11 and V13) in this part of the town.
- 5.11 I then drove around Burley Park Way to the northern part of Oakham and to Barleythorpe. I saw the way in which Burley Park Way acted as a relied road for the town itself. I saw the relatively-recent commercial developments off Land's End Way and the entrance to the Rutland Showground.
- 5.12 I then looked at Barleythorpe. I saw the way in which it had retained its distinctiveness and separation from Oakham to the south. I walked along Manor Lane to the west of Main Road. I saw that it was characterised by its interesting and detailed walls.
- 5.13 I then spent time in the town centre. I looked initially at the area around the Castle. I saw its historic importance and the current informal recreational uses in Cutts Close

Park. I also saw the attractive way in which this part of the town centre provided convenient pedestrian access to All Saints Church and into High Street. I walked through the very attractive Market Place into High Street.

- 5.14 In High Street I saw the interesting mix of independent and national retailers and other commercial uses. I looked carefully at the way in which the Plan had defined the Town Centre and the Shopping Frontages in Policy 4. I saw the attractive way in which Gaol Street connected High Street with South Street in general, and the Tesco store in particular to the south.
- 5.15 I then took the opportunity to look at the area around the railway station. I saw the way in which it sat at a concentration of roads and was conveniently located within walking distance of the town centre. I saw Hudson's Cottage and the blue plaque commenting about Jeffrey Hudson who lived in the town between 1619 and 1682. I walked back into the town centre along Northgate and saw its very different character to that of High Street.
- 5.16 I left the neighbourhood area on the A606 to the east to see its association with Rutland Water and its surrounding landscape.

## 6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and professional document.
- 6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contribute to the achievement of sustainable development;
  - be in general conformity with the strategic policies of the development plan in the area;
  - be compatible with European Union (EU) obligations and the European Convention on Human Rights (ECHR); and
  - not breach the requirements of Chapter 8 of 6 of the Conservation of Habitats and Species Regulations 2017.

I assess the Plan against the basic conditions under the following headings.

### *National Planning Policies and Guidance*

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in 2021.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Oakham and Barleythorpe Neighbourhood Development Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Rutland Core Strategy DPD and the Site Allocations and Policies Development Plan Document;
  - delivering a sufficient supply of homes;
  - building a strong, competitive economy;
  - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
  - taking account of the different roles and characters of different areas;
  - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
  - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic

needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. It includes a series of policies that address a range of housing, employment and environmental matters. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.8 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This is reinforced in Planning Practice Guidance. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted, the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

*Contributing to sustainable development*

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. I am satisfied that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, it includes a policy on windfall sites (Policy 1) and policies for the town centre and the visitor economy (Policy 4) and employment and business (Policy 5). In the social role, it includes policies on community facilities (Policy 7) and on housing affordability (Policy 3). In the environmental dimension, the Plan positively seeks to protect its natural, built and historic environment. It includes specific policies on heritage assets (Policy 6), important views (Policy 8) and the natural environment (Policy 10). This assessment overlaps with the commentary on this matter in the submitted Basic Conditions Statement.

*General conformity with the strategic policies in the development plan*

- 6.11 I have already commented in detail on the development plan context in the wider County in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Core Strategy. The Basic

Conditions Statement helpfully relates the Plan's policies to policies in the Core Strategy. Subject to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan. Other sections of this report comment about the relationship between the submitted neighbourhood plan and the complicated emerging Local Plan process.

#### *European Legislation- Strategic Environmental Assessment*

6.13 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required. In order to comply with this requirement, RCC prepared a Screening Determination on the need for a Strategic Environmental Assessment (SEA) for the Neighbourhood Plan in November 2019. The report is thorough and well-constructed. As a result of this process, RCC concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require the preparation of a SEA. It reached this conclusion for the following reasons:

- the Plan supports the implementation of higher tier policies in the existing and emerging Rutland Local Plan;
- the Plan seeks to avoid or minimise negative environmental effects through the provision of guidance on issues which should be considered when making proposals within the Neighbourhood Area. It is, therefore, likely to have an indirect positive environmental effect by setting out how proposals can avoid adverse effects on a number of environmental factors; and
- the Plan does not allocate land or buildings for specific new development.

6.14 The screening report includes the responses from the three consultation bodies. This is best practice.

#### *European Legislation - Habitat Regulations*

6.15 RCC also prepared a Habitats Regulations Assessment (HRA) of the Plan at the same time. The report is very thorough and comprehensive. It assesses the likely effects of the implementation of the Plan on the Rutland Water Special Protection Area /RAMSAR site. It is within a 15km radius of the neighbourhood area and a very small part of its overall area (0.38 hectares) falls within the neighbourhood area at the junction of the A606 and Oakham Road. It concludes that the neighbourhood plan does not go beyond the requirements set out in the Core Strategy and the Site Allocations & Policies DPD or emerging Rutland Local Plan (2016-2036). As such, it is considered that no significant 'in combination' likely effects will occur from the implementation of the Plan and that it does not require a full HRA to be undertaken.

6.16 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any

evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

*Human Rights Act*

- 6.17 In a similar fashion, I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

*Summary*

- 6.18 On the basis of my assessment of the Plan in this section of the report, I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report. Section 7 assesses each policy against the basic conditions. Where necessary, it recommends modifications on a policy-by-policy basis.

## **7 The Neighbourhood Plan policies**

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and OTC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It includes a separate series of Community Aspirations.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. The Aspirations are addressed thereafter.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies, they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

### *The initial sections of the Plan (Sections 1-4)*

- 7.8 The Plan as a whole is well-organised and includes effective maps and tables. It makes an appropriate distinction between the policies and their supporting text. Its design will ensure that it will comfortably be able to take its place as part of the development plan in the event that it is eventually 'made'. The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies. The Table of Contents is based around section numbers. However, the numbering system does not work its way into the body of the Plan. Such an approach would improve its legibility and I recommend accordingly.

### *Incorporate the numbering system from the Table of Contents into the body of the Plan.*

- 7.9 Section 1 comments about the background to neighbourhood planning. It explains the concept of the basic conditions. It also sets out the reasoning behind the local decision to prepare a neighbourhood plan. It includes a map of the neighbourhood area. (Figure 1). Whilst the front cover indicates that the Plan period is up to 2036, I recommend that this issue is captured in the Plan itself

### *At the end of the final paragraph on page 8 add: 'The neighbourhood area is shown in Figure 1. The Plan period is 2018 to 2036.'*

7.10 Section 2 comments about the process of preparing the Plan. It includes a series of key dates. Figure 2 helpfully sets of a flow chart of the process. It also sets out key community events. This overlaps helpfully with the submitted Consultation Statement.

7.11 Section 3 summarises key features of the neighbourhood area. It includes proportionate information on the following matters:

- its location;
- its built heritage;
- demographic and socio-economic information;
- housing tenure and need;
- health and healthcare facilities;
- education facilities;
- recreation facilities;
- transport; and
- flood risk.

Overall, the various elements of information provide a very helpful context for the remainder of the Plan. It concludes with a table of key issues in the neighbourhood area. They are arranged under the three dimensions of sustainable development. It is a particularly successful part of the Plan.

7.12 Section 4 sets out the Plan's Vision and Objectives. In their own ways, they are well-developed and distinctive to the neighbourhood area and reflect the issues identified in Section 3.

7.13 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

#### *Policies and their evidence*

7.14 A key element of the Plan is the way in which the various policies are underpinned by the supporting text under the following heading:

- the NPPF;
- the Local Plan (at the time the neighbourhood plan was submitted); and
- the outcome of community consultation as the Plan was prepared.

This approach results in three major outcomes. The first is that the policies are inherently related to national and local policies and to specific public consultation which took place within the Plan production period. The second is that there is a clear audit trail between the consultation exercises and the submitted Plan. The third is that the evidence base is presented in a logical and consistent fashion. Whilst I will not necessarily comment on each of these matters on a policy-by-policy basis, I make specific references to elements of the evidence base in some of the policies.

7.15 To take account of the withdrawal of the Local Plan since the neighbourhood plan was submitted for examination, I recommend that the various headings relating to the Justification Text (Local Plan) are replaced with a more general heading. Whilst the

Local Plan has been withdrawn, its evidence base remains up-to-date and has underpinned elements of the submitted neighbourhood plan.

*Throughout the Plan replace the ‘Justification Text (Local Plan)’ headings with ‘Justification Text (Planning Policy)’*

#### Policy 1 Residential Development Management

7.16 This policy is an important part of the overall Plan. In effect, it provides a broader spatial strategy for the Plan. It comments about the following matters:

- infill development within the planned limits of development;
- the identification within the planned limits of development of the five housing sites proposed in what was the emerging Local Plan;
- the range and mix of housing development; and
- development in the countryside (outside the planned limits of development).

7.17 The general supporting text on the Plan’s policies explains the proposed relationship between the submitted neighbourhood plan and the submitted Local Plan which existed at that time. It comments that:

*‘to avoid overlapping and parallel (hence potentially conflicting) site allocation consultations, this Neighbourhood Plan does not allocate specific sites, but leaves allocation to the Local Plan Review. The policies contained in this Neighbourhood Plan, setting requirements in terms of development design and standards, will apply to such allocations, together with other requirements contained in the Local Plan Review.*

*Together, the allocations that will be made in the Local Plan Review and this Neighbourhood Plan’s provisions to regulate windfall development will work in synergy to meet the local residential and employment development needs’*

7.18 In traditional circumstances, this approach would have been entirely appropriate. Indeed, it had regard to Planning Practice Guidance 41-009-20190509 which advises about the importance of the local planning authority working with the qualifying body so that complementary neighbourhood and local plan policies are produced. It also highlights that it is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies.

7.19 However the withdrawal of the submitted Local Plan from examination and the decision of RCC to begin work on a new local plan (see paragraph 3.4 and 3.5 of this report), have fundamentally altered the intended strategic connection between the two documents. This is heightened as the submitted Plan had deferred to the Local Plan on housing provision. Moreover, OTC and BPC have not undertaken any separate analysis of the sites proposed in the Local Plan or of any others.

7.20 I comment separately on the component elements of the policy below:

### *Infill Development*

- 7.21 This part of the policy sets out a series of criteria against which ‘small scale’ development proposals will be assessed within the planned limits of development. Whilst it does not identify what constitutes small scale development, the following part of the policy comments that developments of 10 or more houses will not be supported other than where they are allocated separately in the Local Plan.
- 7.22 In its response to the clarification note, OTC commented that there was no empirical basis for limiting the number of dwellings to nine and that a less numerically-precise definition of ‘small scale’ may be better. I recommend this approach by way of a modification.
- 7.23 The package of criteria associated with the policy are extensive. In general, their approach has regard to national policy. However, I recommend two specific modifications. The first is the deletion of the first criterion on the preference for the development of brownfield sites above greenfield sites. Whilst Section 11 of the NPPF supports the development of brownfield sites (and indeed comments that planning decisions and policies should give substantial weight to the use of such land), it does not do so on a sequential basis. In any event, the type of approach anticipated by the policy would be impracticable for RCC to apply through the development management process. Nevertheless, I recommend that the policy offers particular support for infill development on brownfield sites.
- 7.24 The second is the approach towards the use of upper floors. Plainly such an approach would be highly desirable. However, it will represent somewhat specialised housing which should not realistically be identified as a priority for infill development. As with the first matter, I recommend that the policy offers particular support for such development.

### *Planned Limits of Development and the Local Plan proposed housing allocations*

- 7.25 The planned limits of development largely correspond with the existing extent of built development in the neighbourhood area. They also incorporate the five sites proposed to be allocated for housing development in the withdrawn Local Plan as follows:

H1.1 Land south of Brooke Road (former allotments)	(1.90ha - 40 homes)
H1.2 Land off Uppingham Road	(4.13ha - 73 homes)
H1.3 Land off Burley Road	(14.21ha - 200 homes)
H1.4 Land south of Braunston Road	(3.40 ha - 61homes)
H1.5 Land off Main Street Barleythorpe	(0.55ha - 8homes)

- 7.26 The representations to the Plan promote the following additional and/or reserve sites in the neighbourhood area:
- Society of Merchant Venturers (Representation 12) - Land off Stamford Road, Oakham (80 homes) and land at Stamford Road/Uppingham Road (80 homes);

- de Merke Estates (Representation 13) – Land off Main Street (B640) Barleythorpe (200 homes); and
- Jeakins Weir Limited (Representation 17/18) - Land east of Uppingham Road (79 homes).

7.27 The withdrawal of the Local Plan has had a significant effect on this part of the policy. In effect, its foundations no longer exist. This is reinforced as the submitted Plan has not undertaken any specific work on the five sites concerned or assessed them more broadly in the context of a strategic environmental assessment. In any event, this wider issue has obvious strategic implications – RCC is now preparing a new local plan and Oakham is the largest settlement in the County.

7.28 In these circumstances I recommend that this element of the policy is reconfigured so that the housing sites in the now-withdrawn Local Plan are deleted from Policies Map 1 and the supporting text. I also recommend that the planned limits of development are modified to revert back to the position that existed in the Site Allocations and Policies DPD. I also recommend consequential modifications to the supporting text including the initial element of text on the way in which the policies in the Plan relate to strategic policies.

7.29 Given the circumstances which RCC is now addressing on the Local Plan, I am not satisfied that it would be either appropriate or practicable to identify reserve sites in the neighbourhood area. Plainly the need or otherwise for reserve sites will only arise once the package of housing sites has been identified in the emerging Local Plan and their delivery and trajectories have been assessed and monitored. In this context, I have taken account of the representation from Jenkins Weir Limited on the proposed modifications to the Plan. However, I am not convinced that it would be either appropriate or necessary for OTC and BPC to identify housing sites in the neighbourhood area in the current circumstances or to undertake a housing needs assessment. The content of a neighbourhood plan is ultimately a matter of judgement for the qualifying body. In addition, the premise of the preparation of the neighbourhood plan has been to underpin the strategic decisions which RCC had made on the allocation of housing sites in the neighbourhood area as part of its delivery of what was the emerging Local Plan.

7.30 Plainly work had continued on the promotion of the five proposed allocated sites in the now-withdrawn Local Plan since it was initially submitted. An application on land to the south of Braunston Road (Site H1.4 in the Local Plan) for the construction of 62 dwellings was granted outline consent in June 2021 subject to the conclusion of a Section 106 agreement.

*The range and mix of housing*

7.31 This part of the policy comments in general terms that new housing developments of 10 or more dwellings, or sites of an area of 0.5 hectares or more, will be expected to provide a range of housing types, sizes and tenures, having regard to the identified needs of older people and young families. It then identifies a series of particular issues which should be addressed in the housing mix. The first criterion is that 5% of the

dwellings should be 4-bedroom dwellings, 35% of the dwellings should be 3-bedroom dwellings, 45% should be 2-bedroom dwellings, and 15% 1-bedroom dwellings.

- 7.32 The evidence underpinning this statistical approach is set out in the supporting text (under the Community Consultation section). It comments that:

*'Within households that completed the survey, 24% had one or more members looking for 2-bedroom houses and 31% for either a 2-bedroom or a 3-bedroom house. Moreover, although size is not specified, 33% of the respondents mentioned that one or more members of the household would look to move to a bungalow, and 27% to sheltered/retirement housing. Based on these responses, it seems clear that there is a need both for starter homes affordable for young families and for homes for retired single people/couples.'*

*As part of the Regulation 14 Consultation, RCC's Housing Officer suggested the following indicative mix: 1 bed 15%, 2 bed 45%, 3 bed 35% and four bed 5%, depending on the character of the area and the type and size of housing provided in that area, and based on local housing need at the time when a potential development site is submitted. As these figures generally fit the preferences expressed as part of the Big Survey, Policy 1 Residential Development Management drew on the percentage range presented in the recommendation. It also made specific references to bungalows and houses affordable for newly-formed households.'*

- 7.33 The Society of Merchant Venturers comment that the criterion should be less prescriptive and address the required broad housing mix for both market and affordable housing. It suggests that the criterion is re-worded to be more flexible and instead simply require a housing mix that is based on the most up to date evidence (for example the SHMA and/or any other local evidence) at the time of considering any planning application.

- 7.34 I have considered this approach very carefully. On the one hand, the Plan has taken account of the comments of RCC's Housing Officer and feedback from the Big Survey. On the other hand, the Plan has not undertaken any direct research on this matter or the effect of the proposed housing mix on the deliverability or viability of proposed developments. Similarly, a very prescriptive approach may not necessarily be appropriate throughout the Plan period.

- 7.35 On the balance of the evidence, I recommend that this element of the policy is replaced with a more general approach linked to the application of a housing mix based on the most up-to-date evidence at the time any planning application is determined. This will be particularly important given the delay which now exists in identification and delivery of strategic housing allocations in the Local Plan. Nevertheless, I recommend that the figures included in the submitted policy are retained in the supporting text as an indicative figure and with a broader explanation about how this part of the policy has been reconfigured.

- 7.36 The other component parts of the second part of the policy meet the basic conditions in general terms. In order to bring the clarity required by the NPPF, I recommend detailed modifications to the wording of parts 2b and 2c of the policy. I also recommend that Part 2d becomes a free-standing element of the wider policy.

*Development in the countryside*

- 7.37 This part of the policy completes the spatial strategy for the Plan. It comments that residential development in the countryside will be strictly limited to that which has an essential need to be located in such a location to support the rural economy. In this context it echoes the approach taken both in national policy and in local policies.
- 7.38 Planning Practice Guidance is clear that neighbourhood plan policies should not repeat or restate national or local policies. In the circumstances presented by this part of the policy, and the current development of an up-to-date planning policy for the County, I recommend that this part of the policy is modified so that it simply draws attention to current national and local planning policies. In doing so, I have refined the recommended modification to take account of the helpful comments from Jenkins Weir Limited on the dated nature of local planning policy.

**Replace the opening part of the policy with: ‘Development proposals for residential development within the Limits of Development of Oakham and Barleythorpe, as shown in Policy Map 1, will be supported where:’**

**In the first part of the policy delete a and b**

**In c delete ‘or detrimental’ and ‘local residents are currently enjoying’ and replace ‘possible’ with ‘practicable’**

**In d and e replace ‘a detrimental’ with ‘an unacceptable’**

**In f replace ‘adversely’ with ‘unacceptably’**

**At the end of the first part of the policy add as a separate paragraph: ‘Development proposals for residential uses which secure a positive use of upper floors in the defined Oakham Town Centre or which take place on previously-developed land within the limits of development will be particular supported’**

**Replace 2a with: ‘the mix of house sizes should be based on the most up-to-date evidence at the time of the determination of the planning application concerned’**

**In 2b and 2c replace ‘will need to’ with ‘should’**

**Reconfigure 2d so that it appears as a free-standing paragraph of policy rather than one of four criteria**

**Replace the third part of the policy with: ‘Proposals for residential development in the countryside will be determined in accordance with national planning policies and with local planning policies where they are consistent with national planning policy for the countryside’**

*Replace the first four paragraphs of the supporting text on page 35 with:*

*‘The policies in this Plan will be used to guide the delivery of development in Oakham and Barleythorpe up to 2036. They are based on the objectives and vision and will contribute to the delivery of the growth requirements set out in adopted Core Strategy*

*Development Plan Document and the Site Allocations and Policies Development Plan Document.*

*The Neighbourhood Plan was submitted whilst the Rutland Local Plan Review was being developed. To avoid overlapping and parallel site allocation consultations, the approach taken was not allocate specific sites and to leave the allocation process to the emerging Local Plan. The Local Plan which was submitted for examination included five sites within or on the edge of Oakham and Barleythorpe. Due to delivery issues over the St Georges Barracks site (elsewhere in the County), Rutland County Council resolved to withdraw the Local Plan in September 2021. This decision had a significant impact on the content of the submitted neighbourhood plan. As such, it now provides planning policy guidance in the neighbourhood area until such time as the Local Plan is eventually adopted by Rutland County Council. This is anticipated to be in 2025. A later section of this Plan comments about the review mechanisms that will be triggered once the Local Plan is adopted.*

*The policies in the neighbourhood plan will be applied with those in the Core Strategy Development Plan Document and the Site Allocations and Policies Development Plan Document to development proposals submitted within the neighbourhood area'*

*In the Justification Text (Local Plan) section of the submitted text:*

- *replace the first bullet point with: 'is in line with the adopted Rutland Core Strategy Development Plan Document (July 2011) and the Site Allocations and Policies Development Plan Document'*
- *delete the second, fourth, fifth and seventh bullet points*

*Replace the final sentences of the penultimate paragraph of supporting text on page 38 with: 'Whilst these figures generally fit the preferences expressed as part of the Big Survey, Policy 1 takes a more flexible approach. This acknowledges the current delay in the development of planning policy in the County and that housing needs may alter within the Plan period. The policy also made specific references to bungalows and houses affordable for newly-formed households.'*

*On Policy Map 1 replace the limits to development with those shown in the Site Allocations and Policies DPD and delete housing sites.*

#### **Policy 2 Delivering Good Design**

7.39 This policy takes a very positive approach towards design. It is underpinned by the work undertaken on the Neighbourhood Profile (and its associated Character Areas). It has the following related components:

- the expected relationship between new development and the relevant character area;
- the identification of a series of design principles with which development should comply; and
- the impact of development proposals on community facilities and infrastructure.

- 7.40 The policy will do much to assist in securing high-quality development which respects the character of the neighbourhood area in general terms, and the details of the character area within which it is located in particular. In general terms it meets the basic conditions. I recommend detailed modifications to ensure that it has the clarity required by the NPPF.
- 7.41 The policy was formulated around the details of the NPPF 2019. Since the Plan was submitted the NPPF 2021 was published. The principal difference between the two documents is on design. Nevertheless, the details of the submitted policy had anticipated the approach taken in the update to the NPPF. As such I am satisfied that it continues to meet the basic conditions. Nevertheless, I recommend modifications to the supporting text to ensure that the policy's relationship with the most recent version of the NPPF is clear.
- 7.42 The policy will contribute significantly to the delivery of the environmental dimension of sustainable development in the neighbourhood area. In particular, it will ensure that its historic and architectural significance is safeguarded.

**In part 3 of the policy replace 'will need to' with 'should'**

**Replace the opening element of part 4 of the policy with: 'All development proposals, irrespective of their location in the neighbourhood area, should demonstrate the way in which they have addressed their impact on infrastructure provision and community facilities as follows:'**

**In 4b replace 'ones' with 'services'**

**In 4c replace 'ones' with 'spaces'**

*Replace the second sentence of the section Justification Text (NPPF) with: 'In doing so, the policy has regard to Chapter 12 of the NPPF and relevant paragraphs protecting local heritage, important landscape, promoting high quality design'*

**Policy 3 Housing affordability and Local Connection**

- 7.43 This policy sets out to support the development of affordable housing in Oakham and Barleythorpe. It also requires that affordable housing should meet the needs of local people with a strong local connection to the local area. The Plan comments that this approach will achieve sustainability and balance of the community in Oakham and Barleythorpe and preserve and sustain the local population for future generations. In this context the policy has three related parts:
- a requirement for affordable homes in developments of 10 or more homes;
  - a requirement for affordable homes in smaller developments which may expand over time; and
  - specific requirements on the allocation of delivered affordable housing units.
- 7.44 Some of the details of the policy are underpinned by the work which has been undertaken in the emerging Local Plan. In particular the work on the Whole Plan Viability Study (2019) has identified the need for the delivery of a 30% yield of

affordable housing on sites of ten or more houses in Oakham and Uppingham. The incorporation of this figure into the neighbourhood plan has not been challenged.

- 7.45 The supporting text of the policy acknowledges that Barleythorpe is considered a designated Rural Area within the context of what was Policy H9 of the emerging Local Plan. On this basis smaller development units (6-9 dwellings) in such locations will be required to provide affordable accommodation or an equivalent financial contribution. The Plan then comments that 'however, to avoid a double standard that risks steering development away from Barleythorpe Parish toward Oakham Town, Policy 3 applies to both Oakham and Barleythorpe'.
- 7.46 I have considered this approach very carefully. I am not satisfied that the status of Barleythorpe can be changed by way of its incorporation into a neighbourhood area which includes Oakham. Similarly, the Whole Plan Viability Study was undertaken on the basis of the policy constraints in place at that time, and which remain. In these circumstances I recommend that the thresholds for the delivery of affordable housing in Barleythorpe should recognise its status as a designated Rural Area.
- 7.47 The Society of Merchant Venturers comments about the very specific tenure split for affordable housing as set out in the policy (60% for affordable home ownership and a minimum 40% for rented affordable housing). It suggests that the required tenure split is deleted or re-worded to be more flexible. It comments that such an approach would ensure that affected developments deliver a combination of affordable tenure which meets the proven local housing need at the time of any planning application during the plan period.
- 7.48 I have considered this matter very carefully. On the one hand, the proposed approach is not dissimilar to the approach taken in other neighbourhood plans elsewhere and has been identified as a result of local knowledge and experience. On the other hand, it is not directly underpinned by any specific local evidence. In any event, no equivalent tenure split figures were included in Policy H9 of the submitted Local Plan. Having considered all the information available to me, I recommend that this part of the policy is modified to take on a more flexible format. This will ensure that affordable housing delivers a combination of sizes and affordable tenure to meets the most up to date and proven local and affordability housing need, including the number of bedrooms, property type and floor space. I also recommend that the supporting text clarifies that the definitions of both Oakham and Barleythorpe as set out in this policy are their respective administrative areas.
- 7.49 The second part of the policy seeks to ensure that the policy can apply to a development scheme comes forward which is below this threshold, but where that scheme is followed by an obviously-linked subsequent development scheme at any point where the original permission remains in force, or up to five years following completion of the first scheme. Plainly this is an important matter, especially in an urban context where adjacent developments may be proposed. However, it is supporting text (as an explanation of the application of the policy) rather than policy in its own right. I recommend that it is deleted and repositioned into the supporting text.

7.50 The third part of the policy sets out considerable detail about how delivered affordable housing should be allocated. It has a clear focus about such homes being provided to local people. Plainly this is an important matter. However, whilst the delivery of affordable housing is a land use planning matter, the allocation of the affordable housing is a matter for RCC in its capacity as the housing authority (and under the provisions of the Housing Acts). As such I recommend that it is deleted from the policy. However given its obvious importance to local people, I recommend that the wider matter is repositioned into the supporting text. In its response on the proposed modifications to the Plan, RCC provided specific comment about the way in which the neighbourhood area should have the flexibility to contribute to the housing needs throughout the County. In particular, it comments that:

*‘Oakham is the main town in the local plan’s settlement hierarchy and the major town in the County. Only around half of Rutland’s population lives in towns and there is an imperative that Oakham and Barleythorpe should cater for countywide housing needs. Therefore, the provision to meet housing needs from across Rutland, including from villages where the supply of affordable housing or local services would be limited.’*

7.51 I have considered this matter very carefully. On the one hand, the Plan has an important ambition that the allocation of affordable houses responds to the needs of local people. However, on the other hand, Oakham (together with Barleythorpe) is the largest urban area in the County and has a wider social housing role to play. In addition, the opportunities for the delivery of affordable housing in rural areas in the County is much more limited. Taking account of all the information, I recommend that the supporting text addresses this matter in a more general fashion. This approach will also ensure that the neighbourhood plan is consistent with RCC’s housing allocation policy throughout the Plan period

**Replace the first part of the policy with:**

**‘All residential developments comprising 10 or more dwellings, or sites of an area of 0.5 hectares or more in Oakham should make provision for a minimum 30% of the dwellings to be affordable housing.**

**All residential developments comprising 6 or more dwellings in Barleythorpe should make provision for a minimum 30% of the dwellings to be affordable housing.**

**Affordable housing should deliver a combination of sizes and affordable tenure which meets the most up-to-date and proven local and affordability housing need, including the number of bedrooms, property type and floor space’**

**Delete the second part of the policy.**

**Delete the third part of the policy.**

*After the first paragraph of supporting text add:*

*‘Policy 3 is based around thresholds for the delivery of affordable housing in both Oakham and Barleythorpe. If a development scheme comes forward which is below the thresholds set out in the policy, but the scheme is followed by an obviously-linked*

*subsequent development scheme at any point where the original permission remains in force, or up to 5 years following completion of the first scheme, then, if the combined total of dwellings/GIA provided by the first scheme and the subsequent scheme/s provides a greater number of houses or floorspace that included in the policy its provisions would then apply.*

*The Town Council and the Parish Council support the opportunity for people with a local connection to have an opportunity to occupy delivered affordable housing units. In allocating affordable dwellings to applicants, Rutland County Council will apply its County local connection requirement.'*

*At the end of the Justification Text (Local Plan) add: 'For the purposes of Policy 3 the definitions Oakham and Barleythorpe are their respective administrative areas.'*

#### Policy 4 Town Centre and Visitor Economy

- 7.52 The main objective of the policy is to promote vitality and prosperity through future development of the town centre as a key retail and social hub for visitors and residents. I looked at the town centre carefully during the visit. I saw its range of services, the mix of independent and national traders, its overall attractiveness and the way in which it related to car parks and the railway station.
- 7.53 The policy sets out a comprehensive package of measures as follows:
- identifying a defined town centre;
  - identifying appropriate uses within the town centre in general, and in defined Shopping Frontages in particular;
  - identifying appropriate uses for upper floors;
  - setting out an approach to shopfronts;
  - setting out a policy for proposals for wider regeneration and redevelopment in the town centre;
  - setting out a policy for proposals for surface car parking and public transport improvements; and
  - establishing an approach towards tourism and hospitality proposals.
- 7.54 The policy has been well-developed and researched. It will do much to deliver the economic dimension of sustainable development in the neighbourhood area. However as submitted, it has a complicated format. In particular, its first part adds little to the details of the following parts of the policy and fails to act as an overarching context. I recommend modifications to the first part of the policy to remedy this issue.
- 7.55 I am satisfied that the town centre area as defined in the Plan is a good reflection of the current circumstances that exist in the town centre. Similarly, I am satisfied that the Plan's identification of Shopping Frontages is both appropriate in general terms, and measured in the way in which they have been defined. In addition, both approaches are in general conformity with the approach to the town centre as set out in the adopted Site Allocations and Policies DPD. In addition, the policy has successfully taken account of the changes to the Use Classes Order in 2020 which have had significant implications on the ability of the planning system to control town centre uses.

7.56 Within the context set by the recommended modifications to the first part of the policy I recommend a series of modifications to the detailed elements of the policy as follows:

- a simplification of the structure of several of its detailed elements;
- the application of the policy approach to upper floors throughout the town centre to achieve both consistency and to make the best use and occupation of such floorspace;
- clarifying the approach to both historic shopfronts and other shop fronts to bring the clarity required by the NPPF; and
- the deletion of the second criterion in the eighth part of the policy as the development anticipated is permitted development.

7.57 With the package of recommended modifications, the policy will meet the basic conditions. It will do much to deliver the economic dimension of sustainable development in the neighbourhood area.

**Replace the first part of the policy with: ‘Development proposals in the Town Centre of Oakham, as identified on Policy Map 4, should respect and reinforce its role as the primary shopping centre in the county’.**

**Replace the second part of the policy with: ‘Proposals for the change of use of premises within the identified Shopping Frontages from a use within Use Classes E(a) or E(b) to other uses will only be supported where it can be demonstrated that the proposed use will not, individually or cumulatively, detract from the vitality of the particular frontage or the contribution that it makes to the vitality and viability of the town centre as a whole’.**

**Replace the third part of the policy with: ‘Elsewhere within and immediately adjacent to the Town Centre, the use of ground floor premises for the following purposes will be supported:**

- i. uses within Use Classes C1, E and F1;
- ii. public houses, wine bars, or drinking establishments;
- iii. drinking establishments with expanded food provision;
- iv. hot food takeaways (for the sale of hot food where consumption of that food is mostly undertaken off the premises);
- v. venues for live music performance;
- vi. theatres;
- vii. cinemas.

**Within the defined Town Centre the use of upper floors for purposes within Use Classes E(g)(i), C1 and C3 will be supported, where the amenities of any nearby residential premises are not unacceptably affected by way of noise or loss of privacy that would be caused by the proposed use.’**

**Replace the fifth part of the policy with: ‘Development proposals in the defined town centre which involve the alteration of a building with a period shop front should retain and/or restore that shop front. In other cases, development proposals should be designed to incorporate a ‘shop-like’ appearance with an**

**active frontage which will contribute to the character and attractiveness of the street scene.'**

**Replace the first sentence of the sixth part of the policy with: 'Proposals for redevelopment and/or regeneration in the Town Centre will be supported where:'**

**Replace the first sentence of the eighth part of the policy with: 'Development proposals for tourism and hospitality development within the limits of development will be supported. Particular support will be given to such proposals within or close to the town centre.'**

**Delete the second criteria of the eighth part of the policy.**

#### Policy 5 Employment and Business Development

- 7.58 The policy has been designed to identify appropriate land and locations for development opportunities in the planned limits of development. It also comments about proposals for employments opportunities in the countryside and about proposals for home working.
- 7.59 The first part of the policy takes a positive approach towards new employment and business development. As submitted, it was intended to relate to the planned (extended) limits of development as shown in Policy Map 1. Based on the recommended modifications to Policy 1, I recommend that the policy applies to the limits of development as included in the adopted development plan (and as shown on the revised Policy Map 1).
- 7.60 I also recommend a series of modification to the various criteria in the policy as follows:
- 1a – the deletion of the part of the policy which comments about on the preference for brownfield sites above greenfield sites. Whilst national policy supports the development of brownfield sites it does not do so on a sequential basis. In any event the type of approach anticipated by the policy would be impracticable for RCC to apply through the development management process.
- 1b – to ensure that the details relate to the opening part of the policy.
- 1c/1f/1f – to bring the clarity for a development plan policy required by the NPPF.
- 7.61 The second part of the policy sets an appropriate approach to employment proposals in the countryside (outside the limits of development). I recommend a modification to ensure that one of the component elements relates to the opening element.
- 7.62 The third part of the policy sets a very positive approach towards proposals for home working. Plainly this has become more important in recent years. However, based on an assessment of their individual scale and nature not all such proposals will need planning permission. I recommend that the policy is modified to acknowledge this matter.
- 7.63 In the round, the policy will make a very positive contribution to commercial growth and vibrancy in the neighbourhood area. It will contribute towards the delivery of the economic dimension of sustainable development.

**Replace the opening element of the policy with: ‘Within the limits of development of Oakham and Barleythorpe (as shown on Policy Map 1), proposals for employment and business development (Use Classes E) will be supported provided that:’**

**In 1a add at the beginning: ‘where appropriate’**

**In 1a delete ‘and make use of.....greenfield land’**

**Replace 1b with ‘where practicable and viable, they provide workspaces for start-ups and micro businesses;’**

**In 1c delete ‘detrimental’ and ‘the local residents are currently enjoying’ and replace ‘possible’ with ‘practicable’**

**In 1e and 1f replace ‘a detrimental’ with ‘an unacceptable’**

**In part 2b replace ‘The development proposals’ with ‘they’**

**At the beginning of the third part of the policy add: ‘Insofar as planning permission is required’**

**Policy 6 Built and Cultural Heritage and Character**

- 7.64 This policy comments about development proposals affecting heritage assets. The second part of the policy comments specifically about proposals for the demolition or substantial alteration of designated and non-designated assets.
- 7.65 The policy takes an approach which overlaps with Section 16 of the NPPF. In its response to the clarification note, OTC advised that the added value provided by the policy was the identification of the designated and the non-designated heritage assets. On the balance of the evidence, I am satisfied that it is appropriate for the Plan to include a policy of this nature. As OTC comment it provides clarity on the heritage assets in the neighbourhood area. It also reflects the historic nature of the neighbourhood area and celebrates the importance of its built heritage to its character, appearance and commercial vibrancy.
- 7.66 The first part of the policy includes locally-listed non-heritage assets in the schedule of buildings affected by the policy. However, it then identifies that it ‘supports the creation and maintenance of a formal list of locally listed non-designated heritage assets, potentially prepared by Oakham Town Council and Barleythorpe Parish Council in collaboration with Rutland County Council, and sets provisions to protect any heritage assets that will be included in such list in the future’. This approach overlaps with the representation from RCC which confirms that a local list of buildings in the neighbourhood area does not exist.
- 7.67 I have considered this element of the policy carefully. On the one hand, its structure is intended to future-proof the policy pending the preparation of a local list. On the other hand, a policy cannot apply to a schedule of buildings which has not been prepared. In addition, there are no specific proposals to undertake such work. On this basis, I recommend that this element of the policy is deleted. In the event that such a list is

prepared, it could be incorporated into the policy by way of a formal review of the Plan (either in its own right or part of a wider process for the full or partial review of the Plan).

- 7.68 The list the non-designated heritage assets as identified in the Neighbourhood profile reflects important work undertaken by the community as the Plan was prepared. Its outcomes have not been challenged in the representations. Nevertheless, the identified assets are not immediately obvious by reading the policy. In addition, any interested party and/or property owner would need to work their way through the relevant Character Area Profile. In order to remedy this issue and bring the clarity required by the NPPF, I recommend that the identified assets are listed in either in the supporting text or in a separate schedule/appendix.
- 7.69 I also recommend modifications to the second part of the policy so that it has a consistent effect and coverage.

**In the first part of the policy delete b (and re-letter accordingly).**

**In the second part of the policy replace ‘locally listed non designated heritage assets with ‘assets identified in the Oakham Neighbourhood Profile’**

*List the non-designated heritage assets as identified in the Oakham Neighbourhood profile either in the supporting text or in a separate schedule/appendix.*

#### Policy 7 Community Facilities

- 7.70 This policy identifies locally important community facilities, and safeguards them from the effects of development proposals. It also promotes the provision of additional community facilities as part of the development of large-scale residential sites
- 7.71 The policy has four related parts as follows:
- identifying those proposals which would result in the loss of an existing community facilities will only be supported in identified circumstances;
  - offering support for proposal which would retain or enhance existing community facilities;
  - offering support to proposals which would deliver a primary school and other related facilities in Barleythorpe; and
  - encouraging developers to engage with OTC and BPC in preparing development proposals for community facilities.
- 7.72 I recommend that the order of the first and second elements of the policy are reversed. This will ensure that the policy has the positive focus required by the NPPF.
- 7.73 I recommend that the approach taken in the second part of the policy (as submitted), is simplified so that it concentrates on proposals to retain or enhance community facilities. As submitted, its latter part overlaps with the first part of the policy and this approach detracts from its clarity.
- 7.74 OTC provided a significant degree of detail in its response to the clarification note on the third part of the policy. Plainly the strategic delivery of educational facilities in both the neighbourhood area and the wider county will be a matter for the judgement of

RCC in its capacity as the education authority. Nevertheless, a policy of the type proposed would provide a context for such development in the event that it would assist in meeting strategic education needs. I recommend that the wording of the policy is modified to acknowledge that the submitted Plan does not allocate land for this use.

- 7.75 The final part of the policy touches on the important matter of the way in which developers engage with OTC and BPC as part of their promotion of community facilities. Clearly early engagement would be very appropriate in general, and could refine the design and delivery of specific proposals. However, it is a process matter rather than a land use policy. As such, I recommend that this element of the policy is deleted and repositioned into the supporting text. In reaching this conclusion, I have taken account of the representation made by de Merke Estates about its willingness to engage with OTC and BPC on its ambitions to promote the development of its landholding in the neighbourhood area.

**Reverse the order of the first two parts of the policy.**

**Replace the (submitted) second part of the policy with: ‘Development proposals that would protect, retain and/or enhance the provision, quality or accessibility of an existing community, education, leisure or cultural facility will be supported.’**

**Replace the third part of the policy with: ‘Development proposals within or adjacent to the Planned Limit of Barleythorpe which incorporate the delivery of a primary school and other educational facilities will be supported.’**

**Delete the fourth part of the policy.**

*At the end of the first paragraph of supporting text on page 64 of the Plan add: ‘Developers are encouraged to engage with the Oakham Town Council and Barleythorpe Parish Council prior to the preparation of any planning application to confirm the nature of the local priorities for community facilities to ensure that, where appropriate and viable, they complement any development proposals. Oakham Town Council and Barleythorpe Parish Council would find it helpful if developers advised them of negotiations with the County Council on new developments in the neighbourhood area.’*

#### Policy 8 Important Views

- 7.76 The policy proposes the protection of a number of views and vistas over natural and historic assets or important landscapes. The Plan comments that they are key elements in defining the character of the settlement. The views involve both the countryside surrounding the settlement and views towards or within the built environment. They are listed in the Important Views Assessment and are shown on Policy Map 8.
- 7.77 I looked at the identified views during the visit to the neighbourhood area. In their different ways, they capture Oakham’s historic nature and character and the relationship between the built-up area and the surrounding countryside.

- 7.78 The representation from Davidsons Developments Limited comments about proposed Important View 11. It is located to the south of the town and looks west from Uppingham Road. The view is over one of the sites which was proposed to be allocated for residential development in the now-withdrawn Local Plan. The representation has two parts. The first consists of the comments of a landscape architect. The second consists of the comments of a planning consultant.

The first part of the representation contends that:

*'this view is taken from the public highway. It comprises an open view across farmland towards the modern settlement edge. The view is not identified on the ground, or on maps and there is no provision made for its enjoyment. The quality of the view is not considered special in its attributes and is a view that can be replicated in its content (i.e an open view towards the settlement edge) from a number of other locations around Oakham. The view does not look across a designated landscape and does not include any designated features. It does not take account of a landscape or features of particular note that would be considered of any particular value or note.'*

The second part of the representation contends that:

*'the inclusion of Viewpoint 11 as part of the Policy fails the basic conditions as it is not in general conformity with the Local Plan and is also inconsistent with the inclusion of the land west of Uppingham Road in the limits to development under Policy 1 of the neighbourhood plan, reflecting its allocation in the submission version of the Rutland Local Plan. In addition, the proposed inclusion of Viewpoint 11 has not been adequately justified or evidenced'*

- 7.79 I have considered these comments very carefully. Plainly the point about the inconsistency of the view with the proposed allocation of land off Uppingham Road is no longer relevant given the withdrawal of the Local Plan. I looked at this part of the neighbourhood area in detail during my visit. I saw the way in which View 11 provided a wider view of the southern part of the town in general, and of the modern residential development off Spinney Hill in particular. On the balance of the evidence, I have concluded that the view is not evidence-based or of sufficient importance to be identified as an important view in a development plan. As the representation comments, it is a view which can be replicated in its content from a number of other locations around the southern extent of Oakham. In reaching this conclusion I compared view 11 with view 13. I saw that there were significant differences between the two views in general terms, and that view 13 offered much wider views across the southern extent of the town. As such, I recommend that View 11 is deleted from the policy.

- 7.80 The policy itself is hybrid in its nature. The first part comments that development proposals should not have an adverse impact on an identified key view. The second part of the policy sets out a series of matters which the policy anticipates that the decision-maker would consider in determining any such planning applications. This results in an approach which is both non-prescriptive and which provides a degree of judgement and discretion for the decision-maker.

7.81 Nevertheless, I recommend that the policy is modified in two ways. The first brings clarity to its policy element. In particular, it will identify the way in which a development proposal should respond towards an identified view. It also sets out the implications of a development proposal which would have an unacceptable impact on an identified view. In doing so it establishes a relationship with the public benefits which may arise from any such development.

7.82 The second repositions the second part of the policy into the supporting text. This reflects its role in identifying a series of matters which would be considered as applications are determined rather than operating as a policy element in its own right.

**Replace the policy with:**

**‘The scale, layout, and massing of development proposals should be designed to respect and, where practicable, to enhance an affected Important View as shown on Policy Map 8.**

**Development proposals which would have an unacceptable impact on an identified Important View will not be supported unless the public benefits arising from the development would outweigh the harm to the Important View concerned.’**

*Delete view 11 from Policy Map 8.*

*At the end of the supporting text add:*

*‘Policy 8 establishes a context for the determination of planning applications which would have an impact on one or more of the identified Important Views. As appropriate to their scale, nature and location, proposals that would have an impact on an Important View will be assessed against their relationship with an affected important view on the following matters:*

- *the contribution of development to enhancing the attractiveness of the setting when viewed from a particular vantage point;*
- *the impact of the development proposed on the vantage point and opportunity to enjoy the view;*
- *the intrinsic environmental value of the site by virtue of its landform, vegetation or tree cover, or the presence of any special natural features within the panorama;*
- *the peripheral or transitional open character of the development in contributing to the preservation of the form and character of the settlement within the panorama;*
- *the contribution of the view concerned in creating the overall character and attractiveness of the settlement within the panorama and the effect of the proposed development on the existing circumstances;*
- *the contribution of the view to the form and character of the settlement within the panorama in terms of the relationship of buildings and structures one to another, to other open spaces or natural features and the effect of the proposed development on the existing circumstances; and*

- *the contribution of the view to the setting of a building or group of buildings or important natural features within the view and the effect of the proposed development on the existing circumstances'*

#### Policy 9 Green Infrastructure and Recreational Facilities

- 7.83 The policy comments that the existing green infrastructure network as presented in Policy Maps 9.1, 9.2, 9.3 and 9.4 will be safeguarded, improved and enhanced by further provision to ensure accessible multi-functional green spaces by linking existing areas of open space. Similarly, it also comments that the existing indoor sport, recreational and gathering facilities presented will be safeguarded, improved and enhanced, and the provision of new facilities will be supported.
- 7.84 The policy also comments that development proposals that will result in a detrimental impact on the purpose or function of existing green infrastructure and outdoor or indoor sport, recreational and gathering facilities will not be supported. Finally, the policy comments that proposals for the maintenance and restoration of the existing Oakham to Melton Canal as a green corridor will be supported.
- 7.85 In general terms the policy takes a positive approach to this important matter. I recommend modifications to the wording of the first and second parts of the policy so that they have a functional relationship with the development management process. As submitted these parts of the policy comment that green infrastructure will be safeguarded, improved and enhanced without identifying by what means this would be achieved.
- 7.86 I also recommend a modification to the third part of the policy so that it has the clarity required by the NPPF. In doing so I recommend that it applies in a proportionate way. Plainly the circumstances presented by different applications, and their impacts on green infrastructure in particular, will vary on case-by-case basis.
- 7.87 I also recommend detailed modifications to the fourth part of the policy so that it has the clarity required by the NPPF.
- 7.88 Finally I recommend a modification to the fifth part of the policy which relates to works on the Oakham to Melton canal corridor. This is an exciting policy which will enhance its role as a green corridor. However, the modifications acknowledge that not all such works would need planning permission and that the policy can only apply in the neighbourhood area.

**Replace the first part of the policy with: 'Development proposals which would safeguard, improve or enhance the existing green infrastructure network as shown on Policy Maps 9.1, 9.2, 9.3 and 9.4 will be supported.'**

**Replace the second part of the policy with: 'Development proposals which would safeguard, improve or enhance the existing indoor sport, recreational and gathering facilities as shown on Policy Map 9 will be supported. The provision of new indoor sport, recreational and gathering facilities will be supported.'**

**Replace the third part of the policy with: ‘As appropriate to their scale and nature, development proposals which would have an impact on existing green infrastructure and recreational facilities will be supported where:’**

**In b) of the third part of the policy delete ‘such as Oakham in Bloom’**

**In the fourth part of the policy replace ‘a detrimental’ with ‘an unacceptable’**

**At the beginning of the fifth part of the policy add: ‘Insofar as planning permission is required’. After Canal add: ‘in the neighbourhood area’**

Policy 10 Protection of the Natural Environment

- 7.89 This policy proposes an approach which puts environmental protection at the heart of every major development. It requires that the impact on existing ecosystems as well as individual natural features and assets is considered, avoided and, if avoidance is not possible, adequately mitigated.
- 7.90 In general terms, I am satisfied that the policy has regard to Section 15 of the NPPF. It attaches significant importance to the protection of biodiversity resources. In addition, it acknowledges that in some cases mitigation measures may be necessary to make the proposed development acceptable.
- 7.91 I recommend that the first part of the policy is reworded so that it acknowledges that some projects designed to conserve and enhance biodiversity may not constitute development and as such would not require planning permission.
- 7.92 In the second part of the policy, I recommend that the sixth criterion is repositioned so that it acts as a free-standing element of the policy. This will ensure that it applies in a universal fashion rather than as one of six criteria. This approach would also address the helpful representation made by Jeakins Weir Limited. This approach is reflected in the comments from Jenkins Weir Limited on the proposed modifications to the Plan.

**Replace the first part of the policy with: ‘Insofar as planning permission is required development proposals whose primary objectives are to conserve or enhance biodiversity or geodiversity of the environment will be supported’**

**In the initial element of the second part of the policy replace ‘will be expected to’ with ‘should’**

**Delete 2f**

**At the end of the policy as a separate paragraph add: ‘Where a proposed development is otherwise acceptable and has an impact on biodiversity it should incorporate mitigation measures to address identified impacts through appropriate habitat creation, restoration or enhancement either on the development site or elsewhere.’**

## Community Aspirations

7.93 The Plan includes a series of community aspirations arranged under the following topic headings:

- the creation of new facilities and infrastructures;
- the improvement of opportunities for sport and recreation;
- supporting existing community groups and community activities;
- improving walkability, accessibility and legibility;
- promoting greening and protection of the natural environment; and
- the promotion of culture within Oakham.

7.94 I am satisfied that the various aspirations are both appropriate and distinctive to the neighbourhood area. In several cases they complement the relevant land use policies. Their incorporation in a separate part of the Plan takes account of best practice.

## Other Matters – General

7.95 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However, other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for RCC, OTC and BPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly. This may apply in particular to consequential modifications which arise from the withdrawal of the Local Plan.

*Modification of general text (where necessary) to achieve consistency with the modified policies.*

## Implementation and Review

7.96 The Monitoring and Implementation Section of Plan properly comments about the need for monitoring of any 'made' neighbourhood plan. It also recognises that a review of the Plan may be required at some point within the Plan period.

7.97 This Plan has been designed to operate until 2036. This corresponds with the intended timescales of the Rutland County Council Local Plan. The neighbourhood plan was submitted for examination in November 2020 on the basis of the contents of the emerging Local Plan at that time. In particular, Policy 1 set out an approach towards the delivery of new housing which incorporated the proposed housing allocations in the neighbourhood area at that time. As described earlier in this report, that Plan was recently withdrawn from its own examination

7.98 In these circumstances, I recommend that the submitted neighbourhood plan includes commentary about the potential impact of the relationship between the emerging local plan and any 'made' neighbourhood plan at that time. Plainly OTC and BPC will need

to consider the potential impact at that time and reach its own view on the need or otherwise for a review of the Plan.

*Replace the first paragraph of the Monitoring and Implementation Section with:*

*'The neighbourhood plan has always sought to ensure a seamless relationship with the emerging Rutland Local Plan. It was submitted for examination in November 2020 on the basis of the contents of the emerging Local Plan at that time. In particular Policy 1 set out an approach towards the delivery of new housing which incorporated the proposed housing allocations in the neighbourhood area at that time. The Local Plan was withdrawn from its own examination in September 2021. Rutland County Council has resolved to prepare a new Local Plan. It is anticipated that the new Local Plan would be submitted in February 2024 and adopted in July 2025.*

*In this context the Town Council and the Parish Council will consider the need for a review of the neighbourhood plan. This task will be heavily influenced by the content of the Local Plan and the scale and significance of development proposed in the neighbourhood area. In the event that the two councils conclude that there is a need for a full or a partial review of the Plan that process will commence within six months of the adoption of the Local Plan.'*

## **8 Summary and Conclusions**

### *Summary*

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2036. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character and setting of the neighbourhood area and its community facilities and to promote sensitive new development.
- 8.2 Following my independent examination of the Plan, I have concluded that the Oakham and Barleythorpe Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

### *Conclusion*

- 8.3 On the basis of the findings in this report, I recommend to Rutland County Council that, subject to the incorporation of the modifications set out in this report, the Oakham and Barleythorpe Neighbourhood Development Plan should proceed to referendum.

### *Other Matters*

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. In particular, I am satisfied that there is no need to extend the referendum area to encompass the bulk of Egleton parish to the south-east of the neighbourhood area. It is unaffected by the policies in the Plan. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by Rutland County Council in April 2016.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner both generally and following the withdrawal of the emerging Local Plan in particular.

**Andrew Ashcroft**  
**Independent Examiner**  
**18 March 2022**