

# **UPPINGHAM NEIGHBOURHOOD PLAN 2013-2026**

## **EXAMINATION VERSION**

A Report to Rutland County Council  
of the Examination into the  
Uppingham Neighbourhood Plan

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## **Contents:**

- 1. Introduction**
- 2. Basic Conditions and Development Plan Status**
- 3. Background Documents and Uppingham Neighbourhood Area**
- 4. Public Consultation**
- 5. The Neighbourhood Plan, Introductory Sections**
  - **Background to the Neighbourhood Plan**
  - **History of Uppingham**
- 6. The Plan, Neighbourhood Plan Proposals and Policies**
  - **Character and Heritage**
  - **Community Facilities and Services**
  - **Public Information Signage**
  - **Technology and Infrastructure**
  - **Tourism**
  - **Housing**
  - **Industry and Employment**
  - **Transport**
  - **Retail**
  - **Design and Access**
  - **Environment and Open Space**
- 7. Development Orders, CIL and Summary**
- 8. Summary**
- 9. Referendum**

## 1. Introduction

### The Neighbourhood Plan

This Report provides the findings of the Examination into the Uppingham Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

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

Uppingham Town Council is the *qualifying body*<sup>1</sup> responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

Notably, community and business groups in Uppingham worked together to prepare the Neighbourhood Plan. Much of the work was undertaken by the Neighbourhood Plan Task Group, a working group established by Uppingham Town Council in 2011 and chaired by a local businessman. The Neighbourhood Plan is a “front runner” and is one of the first tranche of neighbourhood plans to come forward in the country.

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Rutland County Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Uppingham Neighbourhood Area.

### Role of the Independent Examiner

I was appointed by Rutland County Council, with the consent of Uppingham Town Council, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience. I am a chartered town planner and have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

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<sup>1</sup>The qualifying body is responsible for the production of the Plan.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Uppingham Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

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

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

#### Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Neighbourhood Plan clearly states that it covers the period 2013 to 2026. I therefore confirm that the Neighbourhood Plan satisfies this requirement.

## Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of the written representations submitted, I confirmed to Rutland County Council that I was satisfied that the Uppingham Neighbourhood Plan could be examined without the need for a Public Hearing.

## 2. Basic Conditions and Development Plan Status

### Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “Basic Conditions.” These were *set out in law*<sup>2</sup> following the Localism Act 2011. In order to meet 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 for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the Neighbourhood Plan against all of the Basic Conditions above.

### EU and ECHR Obligations

The Basic Conditions Statement submitted with the Neighbourhood Plan states that the proposals and policies in it are compatible with the requirements of European law and human rights legislation.

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

The Neighbourhood Plan allocates land for development. I am mindful that the allocation of development land comprises one of the circumstances, referred to by the National Planning Practice Guidance, whereby a strategic environmental assessment (SEA) *may* be required.

In addition to the above, I also note that the Rutland Water Special Protection Area (SPA)/Ramsar<sup>3</sup> is within 15 km of the Neighbourhood Area. As such, it is protected by European legislation and forms a sensitive natural asset that *may* be affected by proposals in the Neighbourhood Plan. According to European legislation, a Habitats Regulations Assessment (HRA) is required when it is considered that likely negative, significant effects could occur on protected sites as a result of the implementation of a plan or project.

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

<sup>3</sup> The name “Ramsar” comes from the Ramsar Convention, an international agreement signed in Ramsar, Iran, which provides for the conservation and good use of wetlands.

Taking the above into account, it is reasonable to conclude that there are circumstances relating to the Uppingham Neighbourhood Plan whereby there *may* be a need for an SEA. Planning Practice Guidance states that where a neighbourhood plan *could* have significant effects, it *may* fall within the scope of European legislation, whereby an SEA is required.

Planning Practice Guidance also provides clarity on whether or not a neighbourhood plan requires an SEA and/or a sustainability appraisal. It states that the local planning authority should put in place a process to provide a screening opinion to the qualifying body on whether the proposed plan will require an SEA. It goes on to state that *the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.*

To determine whether the Neighbourhood Plan required an SEA, Rutland County Council put in place a process to provide a screening opinion to the qualifying body. In addition, to identify whether it is likely that the implementation of the Neighbourhood Plan will have significant effects on any European Sites (ie, Rutland Water), Rutland County Council also put in place a process to provide a screening opinion to the qualifying body as to the need for an HRA.

A Sustainability Appraisal/Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report was submitted as a supplementary document to the Neighbourhood Plan.

The Screening Report considers that it is unlikely that the implementation of the Neighbourhood Plan would result in any significant environmental effects. Each of the Neighbourhood Plan's policies have been considered against the Core Strategy<sup>4</sup>, which has had a full Sustainability Appraisal incorporating an SEA and has been subject to a HRA. The Screening Report found that there would be no significant effects. The Screening Report concludes that an SEA or a HRA does not need to be undertaken for the Neighbourhood Plan.

In this regard, I also note from the representations that English Nature has submitted the following statement:

“We agree with the conclusion of the accompanying Strategic Environmental Assessment (SEA) and Habitats Regulations (HRA) Screening Report that the Neighbourhood Plan will not result in any significant effects on the environment and therefore no further assessment is necessary. The reasoning for this is that the Neighbourhood Plan has to be in conformity with the Adopted Rutland Core Strategy (2011) which has already been subject to both a full SA/SEA and HRA.”

It is clear to me, from the evidence provided, that Rutland County Council has undertaken its responsibilities in line with guidance and that its conclusion that

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<sup>4</sup> Rutland Local Development Framework Core Strategy Development Plan Document (2011).

neither an SEA nor a HRA are required is based on a detailed and appropriate assessment of relevant matters. Taking this into account, with regards compatibility with European legislation, I am satisfied that Uppingham Town Council has made every effort to ensure that the Neighbourhood Plan has been prepared in accordance with the correct process.

I note that objections have been received from Larkfleet Homes, whose site has not been allocated in the Neighbourhood Plan. These include a legal opinion, stating that “adoption”<sup>5</sup> of the Neighbourhood Plan would be “unlawful and liable to be quashed by the High Court” in part due to its approach to European legislation.

Larkfleet Home’s agents consider that the Neighbourhood Plan fails to comply with the SEA Directive. One of the points focuses around the use (or not) of the word “adverse” when considering environmental effects. However, as set out above, I have found that, in considering whether the Neighbourhood Plan would result in likely significant environmental effects, Rutland County Council’s approach to the Screening Opinions was appropriate and in line with the relevant guidance.

The other point effectively boils down to whether the plan relates to a “small area” or not. However, the guidance relating to the consideration of European legislation is clear and I have found above that Rutland County Council reached its conclusions further to undertaking its responsibilities in line with guidance.

In considering all of the above, I would like to commend Uppingham Town Council and Rutland County Council in respect of their approach. It is clear to me, from the evidence provided, that there was close-working and effective collaboration between the two bodies. Joint working has enabled the Neighbourhood Plan to benefit from the professional expertise of officers.

European legislation, particularly with regards to environmental matters, can often appear daunting. Its associated jargon can be off-putting, not least to neighbourhood plan-makers who, by their very nature, may be volunteers, rather than planning, or environmental law experts. I note that the Uppingham Neighbourhood Plan provides a good, clear example of how plan-makers can seek to address a Basic Condition which, I am aware, raises concerns for neighbourhood planning groups across the country.

Taking all of the above into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with the ECHR.

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<sup>5</sup> NB, Neighbourhood Plans are not “adopted.” Subject to passing examination and receiving a yes vote at Referendum, the policies of a Neighbourhood Plan are *made*.



## Rutland County Council

Rutland County Council has confirmed that it is satisfied that the Neighbourhood Plan meets the Basic Conditions.

### **3. Background Documents and Uppingham Neighbourhood Area**

#### Background Documents

In undertaking this examination, I have considered each of the following documents in addition to the Examination Version of the Uppingham Neighbourhood Plan:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- Rutland Core Strategy (Adopted 2011)
- Rutland Local Plan (Adopted 2001)
- Basic Conditions Statement
- Statement of Public Consultation
- Sustainability Appraisal/Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report
- Uppingham Neighbourhood Plan Databook

Also:

- Representations received during the publicity period

Further to the above, I spent an unaccompanied day visiting the Uppingham area.

#### Uppingham Neighbourhood Plan Databook

I note above that a Databook has been provided. This document provides a chronology of continuous public consultation with the Uppingham community and its local businesses over a period of more than two years. It also sets out “the decision making trail pursued by Uppingham Town Council and its working partners” in progressing the Neighbourhood Plan. Comprising nearly 300 pages, it is a comprehensive document. I commend its inclusion as a supporting document.

## Uppingham Neighbourhood Area

The Uppingham Neighbourhood Area coincides with that of the parish boundary plus a small part of Ayston. There is a plan showing the Neighbourhood Area (Plan Boundary) on page 31 of the Neighbourhood Plan.

Further to an application made by the Town Council, Rutland County Council approved the designation of Uppingham as a Neighbourhood Area on 26 November 2012.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

## 4. Public Consultation

### Introduction

Effective public consultation provides the foundations for a successful neighbourhood plan. A comprehensive and robust approach to public consultation is the best way to ensure that a neighbourhood plan reflects the needs, views and priorities of the local community. It is especially important to neighbourhood planning, as successful consultation creates a sense of public ownership, helps achieve consensus and provides the foundations for a successful 'Yes' vote at Referendum.

As land use plans, the policies of neighbourhood plans will become the basis for planning and development control decisions. Consequently, legislation requires the production of neighbourhood plans to be supported by public consultation. Building effective community engagement into the neighbourhood plan-making process encourages public participation and raises awareness and understanding of the plan's scope and limitations.

### Uppingham Neighbourhood Plan Consultation

Uppingham Town Council has submitted a Statement of Public Consultation, in keeping with neighbourhood planning *regulations*<sup>6</sup>, to Rutland County Council. This sets out who was consulted and how, together with the outcome of the consultation.

Further to consideration of the Statement of Public Consultation Report, together with the further information provided in the Databook, it is clear that significant community consultation took place during the production of the Neighbourhood Plan.

Front Runner status was secured in Autumn 2011. Following consultation, the Neighbourhood Plan Task Group, set up by Uppingham First, was incorporated as an official working group of Uppingham Town Council.

The Task Group reviewed previous community and business consultations and in January 2012, wrote to schools and other bodies inviting participation. The first Public Participation Workshop was held in February 2012. Theme groups were formed and surveys were undertaken (including a Business Opinion survey and Tod's Piece user survey).

To engage with younger people, classroom visits took place. In June 2012, a Developer Workshop took place and was attended by more than 30 people.

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<sup>6</sup>Neighbourhood Planning (General) Regulations 2012.

Public consultation, including a housing site preference vote, was conducted via a Neighbourhood Forum Newsletter, delivered to every household in July 2012. The first working draft of the Neighbourhood Plan was prepared in August 2012 and over the ensuing months there was ongoing consultation via newsletters, public meetings, business forums, community group meetings, Neighbourhood Forum and Town Council meetings. I note that the Task Group itself met on over 30 occasions.

In addition to the above, consultation was carried out via letters, presentations, public meetings, questionnaires, surveys, telephone conversations (with the house bound), newsletters, newspaper articles, school visits, Residents Association meetings, Business Forums and peer group visits. The Neighbourhood Plan also comprised a standing monthly item on the agenda of Uppingham Town Council.

The first public consultation draft of the Neighbourhood Plan underwent a six week consultation period during June/July 2013. It was delivered to every household and business in Uppingham.

Further to consideration of the feedback to consultation, a revised draft was published for a further six week public consultation period during November/December 2013. The Examination version of the Neighbourhood Plan was approved by Uppingham Town Council on 23 December 2013.

Statutory bodies, local businesses and potential developers were formally consulted, in addition to the local people, during the two consultation stages referred to above. A summary of consultation responses is appended to the Statement of Public Consultation and all of the above is evidenced, in detail, in the Databook.

Taking everything into account, it is clear to me that public consultation has been fundamental to the development of the Uppingham Neighbourhood Plan. Public consultation, it has been demonstrated, was ongoing, extensive and comprehensive. There is an audit trail to demonstrate that the process was transparent and widely promoted, with plentiful opportunities for comment, and with comments being duly considered.

There is plenty of evidence to demonstrate that the policies of the Neighbourhood Plan emerged as a result of seeking and taking into account the views of local people and other consultees.

In summary, I find that the consultation undertaken reflects the significant efforts made by all involved to go well beyond any requirements. It has been demonstrated that public consultation was central to the production of the Neighbourhood Plan.

In considering representations made at the Submission stage, just one objector was critical of public consultation. The objector considered that the Statement of Public Consultation failed to provide an adequate summary of consultation responses received and that “retrospective publication of supporting information has

significantly prejudiced the (*sic*) Larkfleet Homes' ability to address the pertinent issues in the making of the Neighbourhood Plan."

In this regard, I note that a Neighbourhood Plan is not a Local Plan and that it is not subject to the same requirements. Subject to meeting any legislative requirements, how a neighbourhood planning group goes about public consultation is to some degree, discretionary, and will be affected by any number of factors, including the resources available. In the case of Uppingham, I note above that there is evidence to demonstrate that significant public consultation took place and that consideration was given to comments received. I note that the consultation itself was carried out in an open and transparent manner over a period of time extending beyond two years.

Whilst the Task Group and Town Council were under no legislative requirement to provide a formal written response to every comment received, I note that summary responses have been included as part of the Statement of Public Consultation. This appears to me to represent an appropriate and proportionate approach. A summary, by its very nature, is not a detailed response. There is no substantive evidence before me to demonstrate that Larkfleet Homes were prejudiced by what has been demonstrated to have been a long, open and transparent process.

Taking all of the above into account, it has been demonstrated that consultation was carried out in an open and comprehensive manner from start to finish, with ongoing opportunities for engagement, involvement and feedback.

I am satisfied that the consultation process was significant and robust.

## 5. The Neighbourhood Plan – Introductory Sections

**Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics.**

The policies of the Neighbourhood Plan are considered against the Basic Conditions in Chapter 6 of this Examiner’s Report. However, I have also considered the introductory sections of the Neighbourhood Plan and make recommendations below which are aimed at making it a clearer and more user-friendly document.

### Background to the Neighbourhood Plan

Following the index, each of the first four pages of the Neighbourhood Plan are headed under specific questions. I note that the content of each page is presented in plain English, avoiding jargon and as such, is clear and easy to read.

The first page “What is the Plan Trying to Achieve?” sets out the Neighbourhood Plan’s Vision, Key Objectives and the Legal Position. The Objectives provide a strong link between the Vision and the subsequent policies of the Neighbourhood Plan. I note that an Objective refers to increasing the number of houses “by around 170” houses, rather than the policy reference to “at least 170 houses.” I consider that this provides scope for confusion and recommend the following modification, for clarity:

- **Delete “*by around*” and replace with “*by at least*”**

I consider that the suggestions by English Heritage regarding the wording of the heritage objective would strengthen the content of the Neighbourhood Plan. I recommend the following:

- **Delete “*heritage appearance*” and replace with “*heritage assets*”**
- **Delete “*and modernise*” and replace with “*while modernising*”**

The Legal Position provides a plain-speaking summary of what will happen if the Neighbourhood Plan is made. This is a helpful section that I recommend is improved by the following tweaks to ensure accuracy:

- **Delete “*acquire a dominant*” and replace with “*will have*”**
- **Delete “*take precedence*” and replace with “*are material planning considerations*”**

The next page, headed “What Area Does the Plan Cover” refers to the plan showing the Neighbourhood Area on page 31. I recommend that the Legend to the plan on page 31 changes to provide a clearer cross reference:

- **Delete “*Plan Boundary*” and replace with “*Neighbourhood Plan Area*”**

Under “Action Themes” the Neighbourhood Plan identifies and lists areas for action. These correspond directly to the policies that follow and I think that it would be beneficial to clarify this, making this link explicit. Consequently, I recommend:

- **Delete “Reviewing” and replace with “Further to reviewing”**
- **At the end of the list, after Tod’s Piece, add “Each of these identified areas for action are addressed by the policies and proposals of this Plan.”**

The page goes on to briefly summarise the Neighbourhood Plan’s approach to sustainability and legislation. The first paragraph provides a broad, rather than strict interpretation of the Basic Conditions and as such, I find that it introduces some unnecessary confusion. It also retains a reference to information relating to the first Draft of the Neighbourhood Plan. I recommend the following:

- **Delete first paragraph. Replace with “In line with requirements, the policies of this Plan have been produced to be in general conformity with the strategic policies of Rutland’s development plan and to have regard to national policy. Also in line with requirements, the Plan’s policies are sustainable and compliant with European Union legislation.”**

The next paragraph provides some background on sustainability and the final paragraph establishes that the Neighbourhood Plan will be reviewed on an ongoing basis. These are both helpful and useful inclusions.

- **Paragraph 2 line 2, delete “has regard for” and replace with “has regard to”**

The next page “How Has the Plan Been Created?” provides a brief, interesting and useful summary of the history of the production of the Neighbourhood Plan, followed by a list of Key Steps. This is all clearly presented and no modifications are proposed.

The final page in this section, “Who Has Been Consulted?” succinctly summarises the public consultation process. This provides an excellent presentation of a lot of information and other than a minor alteration for clarity, no other changes are proposed.

- **Paragraph 2 line 3, delete “Local Plan” and replace with “Rutland’s development plan”**

### History of Uppingham

This two page section provides a fascinating potted 1,500 year history and successfully links Uppingham’s significant historical legacy to the Neighbourhood Plan. It sets the scene for the ensuing policies and is commended as a distinctive and welcome inclusion in the Neighbourhood Plan

## 6. The Plan – Neighbourhood Plan Policies

The policy section of the Neighbourhood Plan sets out the rationale for the policies and/or proposals that follow. There is a clear distinction between the Neighbourhood Plan's land use planning policies and the supporting text. I consider that the approach to proposals represents a successful way in which to ensure that the Neighbourhood Plan recognises important non-land use planning matters identified by the local community.

The introductory rationale emphasises the explicit link between the views of the local community and the subsequent policies and/or proposals. It provides an excellent way to demonstrate that the policies of the Neighbourhood Plan are based upon the views of the local community.

I draw attention to the fact that, generally, the rationale headings provide a succinct explanation and are written in an interesting way. They avoid planning-speak or jargon and are not long-winded.

Taking the above into account, I commend the overall approach to the policy section of the Neighbourhood Plan. It is distinctive and has regard to national policy's aim of *allowing people and communities back into planning*.

As a minor point, I also note that numbering of the policies (Policy 1, Policy 2 etc) could not possibly be clearer and I commend this approach.



## Protection of the Town's Character and Heritage

The rationale for this theme follows on from the preceding History of Uppingham. As such, I acknowledge that it is well-located within the Neighbourhood Plan. The rationale identifies the strong expectation that the Neighbourhood Plan will have Uppingham's character and heritage at its heart.

I note that English Heritage have written to state:

*"We are pleased that the document recognises and builds on the high quality historic environment of the town."*

### **Policy 1 – Protect Central Conservation Area**

This policy clearly requires development to be appropriate to, and complement, its historical context. In so doing, it has regard to national policy which recognises the importance of conserving heritage assets so that they can be enjoyed for their contribution to the quality of life of this and future generations. It is also in general conformity with Core Strategy policy CS22, which protects the historic environment. In conserving heritage assets it contributes to the achievement of sustainable development. Policy 1 meets the Basic Conditions.

I note that Proposal 1 recognises that the Community Right to Bid gives community groups the opportunity to bid for and buy community buildings and facilities and considers that the Town Council should explore any such opportunities as they arise.

## Development of Community Facilities and Services

This theme promotes the objective of developing community facilities and services for Uppingham. Proposal 2 recognises the opportunity for the Town Council and Voluntary Sector to work together to achieve additional community service facilities.

## Public Information Signage

The rationale recognises that, whilst important to the town, public information signs are in short supply.

### **Policy 2 – Public Information Signage**

Policy 2 supports the provision of public information signage and provides clarity on the appearance and location of such signs. I note that English Heritage supports this policy. I consider that Policy 2 could be strengthened by the inclusion of English Heritage's suggestion with regards street clutter:

- **Add “Opportunities should be taken to reduce street clutter when new signage and public realm schemes are undertaken.”**

Policy 2 has regard to national policy, which supports economic development and recognises the desirability of enhancing the significance of heritage assets; and is in general conformity with Core Strategy policies CS22 and CS19, which protect the historical environment and promote good design. It promotes improvements in the built and historic environment and thus comprises sustainable development.

Policy 2 meets the Basic Conditions.

### Technology and Infrastructure

The rationale for this theme recognises that new technology is a vital part of Uppingham’s future and Proposal 4 supports the location of a new broadband mast at a specified location and the installation of community wi-fi across the town. It also states that essential infrastructure development should not detract from the town’s charms. Proposal 3 supports the creation of roundabouts and the introduction of speed controls at specified locations, as funds become available.

The rationale goes on to state that developers should be asked to contribute to items listed in the Plan’s Community Infrastructure Levy Schedule. I consider this below.

### **Policy 3 – Technology and Infrastructure – CIL Contributions.**

Policy 3 states that the Town Council will prioritise the delivery of CIL funding it receives to items listed in the Plan’s CIL schedule. Whilst not referenced in the policy, I note that a CIL schedule is set out on page 29 of the Neighbourhood Plan.

Rutland County Council does not have an adopted Community Infrastructure Levy (CIL) policy. Consequently, developers are not obliged to make CIL payments. Taking this into account, I find that Policy 3 is not implementable.

As there is no adopted CIL policy in existence, it is not possible for the Neighbourhood Plan to introduce a CIL policy that would be in general conformity with adopted strategic policies. Whilst I understand and acknowledge that the Neighbourhood Plan seeks to provide clarity by prioritising those items specified in its schedule, Policy 3 does not meet the Basic Conditions. However, rather than simply delete Policy 3 and fail to capture the clear aim of the Neighbourhood Plan, I recommend the following:

- **Delete Policy 3 and change the former Policy 3 into *Proposal 5***
- **Retain the title but change the wording to read “Further to the adoption of a CIL policy, the Town Council will prioritise CIL funding it receives to those items listed in the Plan’s CIL Schedule on page 29.”**

- **NB – the numbering of subsequent Proposals and Policies in the Neighbourhood Plan needs to be altered, as appropriate, to reflect the above modification**

### Tourism

The rationale recognises that tourism presents a significant opportunity for Uppingham and Proposal 5 considers that the Town Council should take a lead on related matters.

### Housing

The rationale notes that Rutland County Council’s Core Strategy sets out the overall housing target for Uppingham to 2026. I note above that this is an adopted planning document. The rationale then states that “the delivery of that strategy is supported by the “Proposed Submission Site Allocations and Policies Development Plan.” Whilst I acknowledge this point, it is my view that this is an unnecessary and potentially confusing reference.

The adopted Core Strategy clearly sets out the housing requirement for Uppingham and it is this document which provides the strategic policies with which the Neighbourhood Plan should be in general conformity. I recognise that consideration has been given to emerging evidence related to the Site Allocations document, but equally, consideration has also been given to a plethora of other factors. Given the fundamental importance of the Basic Conditions it is, in my view, confusing to provide specific reference to a document which has not been adopted.

- **Delete second sentence. Begin next sentence “*The Plan has taken into account evidence supporting emerging policy...*”**

The rationale refers to “around 170 homes.” This is different to Policy 4, which refers to “at least 170 homes”

- **Delete rationale’s reference to “*around*” and replace with “*at least*”**

With reference to the housing sites, the rationale states that “The case for each is outlined overleaf and the planned limit of development has been adjusted to accommodate them.” I consider that a modification is required to avoid confusion and provide more clarity. Rather than set out the “case” for housing sites, I find that the Neighbourhood Plan provides informative background information, as appropriate. In addition, the second part of the sentence is superfluous.

- **Delete sentence commencing “The case...”**

The rationale states that “it is required that approximately 35% of the homes to be built in Uppingham by 2026 will be affordable homes” but does not state where this requirement comes from. It is not a policy in the Neighbourhood Plan and clarity is therefore required:

- **Delete “...it is required” and replace with “...it is a requirement of the Core Strategy that...”**

With regards to density, the rationale goes on to state that “... a figure of 25-30 dwellings per hectare has been agreed as more appropriate.” I consider that it would be helpful and informative if this was changed to read as follows:

- **“...dwellings per hectare is considered to be appropriate for Uppingham.”**

The rationale states that it “seeks the community’s approval to allow” custom built, self-build dwellings. It is not the role of policies in the Neighbourhood Plan to seek the community’s approval, but to determine applications in line with policies which themselves reflect the views of the local community. I also note that there are references in the rationale and in Policy 5 to CIL and for the reasons set out above, these should be deleted.

- **Delete final sentence and replace with “The Plan therefore sets out a policy allowing up to six such homes to be built during the period up to 2026.”**

#### **Policy 4 – Housing Numbers**

This policy sets out the housing requirement for the Neighbourhood Area over the plan period. It is in general conformity with Core Strategy policy CS9, which requires about 250 dwellings, or 16 dwellings per annum, to be provided between 2006 and 2026.

National policy, in establishing a presumption in favour of sustainable development, states that plans should meet objectively identified needs, with sufficient flexibility to adapt to rapid change. It recognises that sustainable development is about *positive growth*. Policy 4 identifies a housing target and by preceding it with the words “at least,” does not seek to impose a limit or a maximum figure. In this way, it provides a flexible approach which has regard to national policy’s requirement for positive growth and contributes to the achievement of sustainable development.

The policy allocates three sites. Detailed information pertaining to these sites follows on pages 15-18 of the Neighbourhood Plan.

Site A is relatively small. It is estimated to provide for up to 14 dwellings. Evidence has been provided which demonstrates that it meets sustainability criteria and is supported by the local community. Consequently, I find that it provides for sustainable growth, is in general conformity with the Core Strategy and has regard to the Framework.

Site B is a large site and is adjacent to Site A. It is estimated to provide for 75 dwellings during the Neighbourhood Plan period. It forms part of a larger site, with scope for further development beyond the end of the Neighbourhood Plan period. Again, evidence has been provided to demonstrate that it meets sustainability criteria and has strong local support. I note that the site has the potential to provide for a joint access, together with the other housing allocations in the Neighbourhood Plan; and that this, were it to occur, may lead to related community safety benefits.

The proposed density is lower than that set out in the Core Strategy and this is also the case for other allocations. However, there are no objections from the landowners/developers connected with the allocations, or from Rutland County Council and I have acknowledged strong local support. I consider that the lower densities proposed reflect the aspirations of the local community and whilst not identical to the Core Strategy's approach, I find that, for the reasons set out above, and not least, as the allocations provide for sustainable growth, overall, the approach to housing is in general conformity with the Core Strategy's strategic policies. However, in the light of the above, I consider that it would be helpful to limit average densities to no less than 25 dwellings per hectare:

- **Add “an average density of no less than” before any reference to 25 dwellings per hectare.**

Taking all of the above into account, I find that Site B provides for sustainable growth, is in general conformity with the Core Strategy and has regard to the Framework.

The landowner of Site B has made a representation proposing that “smaller sites on the periphery of Site B should be developed with Site B not independent of it.” I note that these “smaller sites” include a triangle of land adjacent to Leicester Road comprising future housing land (beyond 2026). However, there is no suggestion that the 3 hectares of land identified for release at Site B cannot be provided from within the allocation, or that such release would fail to meet the Basic Conditions. I note that there is no evidence before me to demonstrate that these smaller sites are not capable of being developed independently of Site B beyond the Neighbourhood Plan period.

The landowner of Site B has provided site measurements which do not appear to correspond with those in the supporting text. It is important that this matter is resolved.

- **Ensure that the Neighbourhood Plan contains the correct site measurement for Site B.**

In the supporting text to Site B, the reference to limiting development to 3 hectares is in bold text. In my view, this is important information and should also be included within the policy text itself. Furthermore, I note that a similar reference to Site C

allows for some, small, degree of flexibility, by including the words “around” and “about.” This approach has regard to national policy, which, amongst other things and where appropriate, supports a flexible and responsive approach:

- **At the end of Policy 4, add “Site B – During the Plan period, only around 3 hectares within the allocated site (precise location a matter for the developer/landowner) at an average density of no less than 25 dwellings per hectare, providing about 75 dwellings, to be released for development.**

The supporting text for Site C states that it forms what is described as a “shared purpose” proposal, whereby it provides for large executive homes, other types of homes and designated recreation land. Consequently, Site C allocates development land for a range of housing, as well as land for recreation purposes. Its allocation was supported by a significant proportion of consultation respondents. It provides an opportunity for a shared access with other allocations and there is evidence to demonstrate its sustainability credentials. Furthermore, the designation of recreation land to the rear of the site has regard to national policy, whereby it presents an opportunity to integrate the new development into its surroundings, as well as provide a wider public benefit. I consider the wording of Policy 6 below.

I acknowledge that a representation has been received from one of Site C’s landowners. This states that they do not support the allocation of land for recreation. In this regard, the wording of the supporting text needs to change:

- **Delete first part of sentence “Following discussions...has been agreed in principle with all parties.” Replace with “It will enable the construction of some badly needed...”**

However, taking the above into account, I find that the recreation land forms an important part of the Site C allocation. Taking the policies of the Neighbourhood Plan as a whole into account, it is up to all parties concerned to determine how Site C can be brought forward. I note that the landowner above has expressed “willingness to work with both the Neighbourhood Plan Task Group and Uppingham Town Council” with regards the site. I note that the landowner has also suggested that a masterplan be provided for Site C from the outset and I consider this a sensible way forward.

With regards to the precise location of the recreation land, I note that a previous representation from Bloor Homes, since incorporated into the Neighbourhood Plan, suggested that this should be determined through the masterplanning process. This is a sensible safeguard to ensure that design, not arbitrary lines on maps, determine boundaries. However, to ensure that the boundary does not become overly flexible, I recommend the following change:

- **In the supporting text, delete the two sentences after “...designated recreation land”, add “The position of this boundary is shown on the plan on page 32. Whilst the general position should reflect this plan, especially**

***where there is an existing field boundary, the precise position of the boundary should also take into account the detailed design process.***

In considering the supporting text to Site C, I also note that the reference to the development area and number of houses to be delivered during the Neighbourhood Plan period is in bold. As with Site B, I consider this to be important information to be included in the policy text itself:

- ***At the end of Policy 4, after the modification above, add “Site C – During the Plan period, only around 3 hectares within the allocated site (precise location a matter for the developer/landowner) at an average density of no less than 25 dwellings per hectare, providing about 75 dwellings, to be released for development.***

Taking all of the above into account and subject to the proposed changes, I consider that Policy 4 has regard to the Framework, is in general conformity with Core Strategy policy CS10 and provides for sustainable growth. It meets the Basic Conditions.

With regards the above, I note that Bloor Homes, state that “any change to the residual requirement for Uppingham that might be made in response to the Site Allocations DPD examination process will need to be reflected in the Uppingham Neighbourhood Plan.” I confirm that I have examined the neighbourhood plan against the Basic Conditions, which is the appropriate test.

With regards housing allocations, I note the representation from Larkfleet Homes stating that neighbourhood plans “cannot usurp the statutory function” of the Local Development Document “by making entirely new allocations.” In this regard, there appears to be some conflict with one of the fundamental tenets of neighbourhood planning, as set out in guidance:

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes...”*

(Planning Practice Guidance - What is Neighbourhood Planning?)

and in particular:

*“A neighbourhood plan can allocate sites for development.”*

(Planning Practice Guidance)

I have examined the Neighbourhood Plan in line with the appropriate legislation and have found that, subject to modifications, the housing policies of the Neighbourhood Plan meet the Basic Conditions.

### **Policy 5 – Housing – Single Dwelling Developments**

This policy supports the construction of up to six self-build dwellings during the plan period. Subject to removing the reference to CIL, for the reasons set out above, this is a pro-active policy, providing for choice and as such, it has regard to national policy, which encourages the delivery of a wide choice of homes and the widening of opportunities for home ownership. It meets the Basic Conditions.

- **Delete “exempt from CIL”**

### **Policy 6 Housing – Site C**

This policy refers to the rear of the site (as viewed from Leicester Road) being designated as recreation land. I consider this matter above and find that the allocation, including the recreation land, meets the Basic Conditions.

However, I consider that the wording of Policy 6 is vague and as such, with regard to national policy, does not provide clarity on what will or will not be permitted and where. I therefore recommend the following modification:

- **Re-word Policy 6 as “The Plan allocates the land at the rear of this site (as viewed from Leicester Road and as indicated on the map on page 32), as recreation land. This recreation land will form part of any proposal brought forward on Site C, the whole of which will be subject to a masterplan.**

The supporting text to the Housing section includes a Housing Summary, which provides information pertaining to future residential development, providing developers with a helpful steer.

### **Industry and Employment**

The rationale recognises the importance of manufacturing to Uppingham. Proposal 6 supports a bid to the Local Enterprise Partnership for funding and Proposal 7 supports improvements at the Station Road industrial Estate.

### **Policy 7 – Industrial and Employment – Site D – Uppingham Gate**

Policy 7 provides for a broad mix of employment opportunities at Uppingham Gate and allocates a significant area of land for employment growth. An access point to the town’s new broadband fibre network has been created at the site boundary.

Policy 7 is exciting and innovative. It has regard to the Framework, which supports proactive planning to meet the development needs of business and support an economy fit for the 21<sup>st</sup> Century. The Policy ensures that the Neighbourhood Plan provides a clear economic vision and strategy for the area. It is flexible enough to accommodate needs not anticipated in the Neighbourhood Plan and allows for a



rapid response to changes in economic circumstances. It provides for sustainable growth and has regard to Core Strategy Policy CS13 which safeguards land at Uppingham Gate for development.

Policy 7 meets the Basic Conditions.

I note that the landowner/developer of the Uppingham Gate site broadly supports the uses in Policy 7, but suggests additional ones, including a supermarket, residential care home and school. I confirm that I have considered Policy 7 and find that it meets the Basic Conditions. There is no substantive evidence before me to demonstrate that, without any such additional uses, Policy 7 would fail to meet the Basic Conditions.

### Transport

This section considers traffic management, car parking, movement and public transport matters and includes five related proposals. It is informative and sets out a supportive approach, including Proposals 9-13, to address these matters. No policies are included.

### Retail Development

The rationale recognises the strengths of Uppingham town centre and emphasises the strong community support for the preservation of the town's quality shopping experience. There is an erroneous reference to car parking "policy" at the end of the rationale:

- **Delete last sentence, replace with "Parking is considered in the Transport section of the Plan."**

Proposals 14 and 15 support a study of change of use policy and an exploration of temporary signage, respectively.

### **Policy 8 – Retail Development – Shop Frontages**

Policy 8 states that it supports the extension of the town's primary shopping frontage. This is in general conformity with Core Strategy Policy CS17 and has regard to national policy, which together amongst other things, support the vitality and viability of town centres.

However, the Policy refers explicitly to "RCC Policy SP11." This is not an adopted planning policy and it is therefore not appropriate for it to be referred to within Policy 8:

- **Delete "(RCC Policy SP11)"**

Subject to the above modification, Policy 8 meets the Basic Conditions.

### Design and Access

The rationale sets out that it was the strong view of the community that future development should reflect the heritage and character of Uppingham.

### **Policy 9 – Design and Access**

Policy 9 requires developers to pro-actively demonstrate how their proposals will reinforce the character and heritage of Uppingham. It provides the Town Council with the ability to require an individual design review on any development of 25 houses or more, or of any single building of more than 3,000 square metres.

I consider Policy 9 to represent a groundbreaking policy for neighbourhood planning. It boldly places good design at the heart of the decision-making process in Uppingham and provides a tangible, implementable development control policy, enabling the local community to protect local character.

The policy has regard to national policy and is in general conformity with the Core Strategy – together, national and local policy seek to protect local character. It serves to protect and enhance our built and historic environment and thus contributes towards the achievement of sustainable development.

Policy 9 meets the Basic Conditions.

I recommend the following minor change, to reflect a comprehensive review process:

- **Replace “*architectural review*” with “*design review*”**

### Environment and Preservation of Important Open Space

The rationale recognises the importance of open space to the community and sets out the key principle that no household should be more than a 20 minute walk from open countryside. This is a principle enshrined in **Policy 10 – Environment and Preservation of Important Open Space**. There is no substantive evidence before me to demonstrate that this cannot be achieved and I find that it has regard to national policy, which is explicit about our natural environment being essential to our wellbeing.

**Policy 11 – Environment and Preservation of Open Space** prevents development on green space within the Neighbourhood Plan boundary. This is in general conformity with Core Strategy policy CS23, which safeguards green space.

**Policy 12– Environment and Preservation of Open Space** requires a landscape buffer zone to be provided at Uppingham Gate. This has regard to national policy and is in general conformity with the Core Strategy, which together, seek to protect local character.

Taking the three policies above together, I find that they contribute to the achievement of sustainable development by supporting a strong, healthy community and protecting and enhancing our natural and built environment. They meet the Basic Conditions.

### Tod's Piece

The rationale recognises that Tod's Piece has an important community role to play in Uppingham's future and Proposal 16 provides a supportive context for this.

### Development Orders, CIL, Summary, Structures and Literature

The final sections of the Neighbourhood Plan do not contain any policies, but provide background information about Development Orders; include the CIL schedule referred to above; and set out an informative Summary page. This is followed by the Uppingham Neighbourhood Plan boundary map and a Development Sites Map. A decision-making diagram and sources of reference are also included.

All of the above add to the whole of the Neighbourhood Plan and their inclusion is welcomed.

The final page refers to Core Strategy policies "impacted" by the Neighbourhood Plan. Whilst these may provide a helpful reference point, I find that the inclusion of the draft policies below them is unnecessary and confusing. I recommend:

- **Delete reference to draft policies**

## 8. Summary

The Uppingham Neighbourhood Plan is the successful result of a major, sustained local business and community effort. It contains some exemplary approaches to neighbourhood planning.

To me, the very simple words contained in one of the representations received sum up how the Neighbourhood Plan achieves what good planning is all about. The proposals:

*“meet the needs of the town without spoiling its unique atmosphere.”*

The Neighbourhood Plan is distinctive to Uppingham, whilst providing for its sustainable future.

I have recommended a number of modifications to the Plan intended to ensure that the Neighbourhood Plan meets the Basic Conditions.

Subject to these modifications, the Uppingham Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

In this way, the Uppingham Neighbourhood Plan meets the Basic Conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

## **9. Referendum**

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

### Referendum Area

Neighbourhood Plan Area - I am required to consider whether the Referendum Area should be extended beyond the Uppingham Neighbourhood Area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Uppingham Neighbourhood Area as approved by Rutland County Council on 26 November 2012.

**Nigel McGurk, May 2014**  
**Erimax – Land, Planning and Communities**

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